

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
(805) 585-1800



F12a

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STAFF REPORT: REGULAR CALENDAR

Application No.: 4-23-0905

Applicant: City of Goleta

Project Location: Ellwood Mesa/Sperling Preserve Open Space, City of Goleta, Santa Barbara County

Project Description: Implementation of a monarch butterfly habitat-reestablishment and public access improvement program across approximately 60 acres. The proposed work would include habitat restoration and enhancement, replacement of an existing footbridge, installation of drainage improvements, trail repairs and rerouting, replacement of existing signage, improvements to existing viewing areas, emergency and maintenance access road repairs, and implementation of a ten-year maintenance program.

Staff Recommendation: Approval with conditions.

Summary of Staff Recommendation

Staff recommends **approval** of the proposed development with eight (8) special conditions: (1) Maintenance Program, (2) Public Access Plan, (3) Final Signage Plan, (4) Integrated Pest Management Plan, (5) Implementation Responsibilities – Best Management Practices, (6) Project Implementation, (7) Assumption of Risk, Waiver of Liability, and Indemnity Agreement, and (8) Required Approvals. The Commission has not yet certified a Local Coastal Program (LCP) for the City of Goleta. Thus, the proposed project is subject to the Commission's coastal development permit jurisdiction,

and the standard of review for this project is the Chapter Three policies of the Coastal Act.

The City of Goleta is proposing the implementation of a monarch butterfly habitat-reestablishment and public access improvement program across approximately 60 acres of the existing 90-acre blue gum eucalyptus forest located along the center and northern portions of the Ellwood Mesa/Sperling Preserve Open Space (Ellwood Mesa), in the City of Goleta. The proposed work would include activities for habitat restoration and enhancement, activities for the improvement of safe public access, and the implementation of a ten-year maintenance program.

Access route improvements, drainage improvements, planting activities, removal of non-native vegetation, and forest management activities are proposed within the eucalyptus groves found at Ellwood Mesa and will require work crews to enter sensitive monarch butterfly habitats. Safety measures, public access detours, biological monitoring, and annual reporting have been proposed to ensure continued access to the coast and throughout the Mesa during project activities and to ensure long-term success of proposed habitat restoration and enhancement activities. The City will conduct pre-work surveys to avoid sensitive species before entering any work activity zones, and the City has submitted Nesting Bird Management Plan and Wildlife Species Protection Plan.

Ellwood Mesa provides one of the largest contiguous open space areas along the South Coast of Santa Barbara County and is characterized by coastal mesas and steep coastal bluffs bisected by Devereux Creek. Within Ellwood Mesa, the aggregation sites that are utilized by the monarch butterfly are dominated by eucalyptus. There are five monarch butterfly aggregation sites in the project area and these groves can support thousands of monarch butterflies during their overwintering aggregation behavior every year. However, due to disease, pests, and the recent drought, many of the eucalyptus trees at Ellwood Mesa have died, thus endangering the continued survival of the sensitive species that utilize the site. In order to preserve these important biological resources and promote continued and safe public access at Ellwood, the City of Goleta is proposing to enhance and maintain several of the woodland portions at Ellwood Mesa.

Habitats on Ellwood Mesa, including the subject aggregation sites, meet the definition of ESHA. As such, the proposed project would occur within and adjacent to ESHA. The subject access improvements and restoration and enhancement activities have been designed to avoid adverse impacts to ESHA and completion of project activities will enhance habitat within the project area.

Additionally, the City has proposed sensitive species and biological monitoring both before and during project activities to ensure that adverse impacts to ESHA and sensitive species are avoided, and has proposed success criteria, monitoring, and adaptive management for proposed restoration and enhancement activities. However, in order to ensure that biological productivity is protected throughout the proposed project, Staff recommends **Special Condition Six (6)** to require that all of the proposed

project components, including species monitoring, are implemented and that any proposed changes to the plans shall be reported to the Executive Director. To ensure that proposed maintenance activities within the project area would not negatively impact biological productivity or water quality, Staff recommends **Special Condition One (1)** to require that proposed maintenance activities shall be located within the existing footprint of the subject development and shall not result in any adverse impacts to sensitive species or habitat areas.

Coastal waters could also be temporarily impacted as a result of the implementation of project activities by unintentionally introducing sediment, debris, or chemicals with hazardous properties during implementation activities. To ensure that debris, trash, or other waste associated with project activities does not enter the environment, Staff recommends **Special Condition Six (6)** to define the applicant's responsibility to ensure proper disposal of solid debris and material unsuitable for placement into the environment and **Special Condition Four (4)** to ensure that management of non-native vegetation would follow an Integrated Pest Management Plan that defines and limits any herbicide application determined to be necessary by the project biologist.

Ellwood Mesa is frequently used for coastal access to the nearby Ellwood Beach and for public recreation, including both local residents and visitors. The public parking lot and trails located adjacent to the project site would remain open during implementation of the project activities; however, these areas could be temporarily impacted. Certain areas of the open space and trails would need to be temporarily closed. In order to ensure the safety of recreational users of the site, to ensure that the interruption to public access is minimized, and to implement the applicant's proposed measures, **Special Condition Two (2)** would require the applicant to submit to the Executive Director for review and approval, a final public access plan that includes a description of the methods (including signs, fencing, posting of signs, etc.) by which safe public access to and around the project area shall be maintained during all project operations. Further, **Special Condition Two (2)** would require the applicant to post the site with a notice indicating the expected dates of construction and/or temporary closures.

As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act. Therefore, Staff recommends that the Commission approve Coastal Development Permit No. 4-23-0905. The motion and resolution to adopt the staff recommendation for approval of the permit can be found on **page 4**.

Table of Contents

I.	MOTION AND RESOLUTION	5
II.	STANDARD CONDITIONS	5
III.	SPECIAL CONDITIONS.....	6
1.	Maintenance Program.....	6
2.	Public Access Plan.....	7
3.	Final Signage Plan	7
4.	Integrated Pest Management Plan.....	7
5.	Implementation Responsibilities – Best Management Practices	8
6.	Project Implementation	9
7.	Assumption of Risk, Waiver of Liability, and Indemnity Agreement.....	9
8.	Required Approvals.....	10
IV.	FINDINGS AND DECLARATIONS.....	10
A.	Project Description and Background	10
Project Description	10	
Background.....	15	
B.	Environmentally Sensitive Habitat Areas and Water Quality	17
Plant Communities and Wildlife.....	18	
Development in ESHA	20	
Drainage and Access Improvements	23	
C.	Public Access and Recreation	24
D.	Hazards and Geological Stability	26
E.	California Environmental Quality Act.....	27
	APPENDIX A – Substantive File Documents.....	29

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Aerial Overview

Exhibit 3 – Proposed Plans – Planting Plan and Planting Palette

Exhibit 4 – Proposed Plans – Trail Realignment

Exhibit 5 – Proposed Plans – Civil Improvements

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit 4-23-0905 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 the 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 and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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 of interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

III. SPECIAL CONDITIONS

1. Maintenance Program

This coastal development permit authorizes implementation of a maintenance program on a temporary basis for a period of ten (10) years from the date that CDP 4-23-0905 is approved by the Commission, after which time all maintenance activities shall cease unless either a new coastal development permit, or an amendment to this permit is approved and issued by the California Coastal Commission. The authorized maintenance activities include the following:

- A. Trail maintenance and repairs, limited to:
 - a. Trail edge and erosion repair utilizing hand tools (wheelbarrows, rakes, shovels, hand tamps) and small equipment (mini-excavator, skid-steer).
 - b. Placement of water bars and plastic-free, coir fiber erosion control materials.
 - c. Application of mulch and/or wood chips at trailheads.
 - d. Trail edge delineation and maintenance through brushing, pruning of encroaching vegetation, and replacement of post-and-rope fencing and replacement/addition of logs along trail edges.
- B. Culvert maintenance and repairs, limited to:
 - a. Debris and vegetation removal.
 - b. Riprap maintenance to permitted dimension and design.
- C. Pedestrian bridge maintenance and repairs, limited to:
 - a. Replacement of hardware, treads, handrails, and structural components.
 - b. Debris removal.
- D. Trash removal.
- E. Access road pothole repair.
- F. Signage maintenance and placement, limited to:
 - a. Replacement and cleaning of permitted signage.
 - b. Placement of temporary signage to notify public of temporary closures.

Maintenance activities shall be located within the existing footprint of the subject development and shall not result in any adverse impacts to sensitive species or habitat areas. Addition of new activities or other changes to the approved program shall be reported to the Executive Director prior to implementation. No change to the program shall occur without a Commission-approved amendment to the coastal development permit unless the Executive Director determines that no such amendment is legally required.

2. Public Access Plan

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a public access plan that describes the methods (including signs, fencing, etc.) by which safe public access around approved work and staging areas shall be maintained during all project operations. Where public paths will be closed during active operations, adequate fencing and signage shall be used and the applicant shall post the site with a notice indicating the expected dates of construction and/or temporary closures. The applicant shall maintain public access pursuant to the approved final plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the coastal development permit unless the Executive Director determines that no such amendment is legally required.

3. Final Signage Plan

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, a Final Signage Plan. Such a signage plan shall specify the type, size, design, text, and location of all signs to be placed. The applicant shall undertake development in accordance with the approved final signage 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 the coastal development permit unless the Executive Director determines that no such amendment is legally required.

4. Integrated Pest Management Plan

Prior to issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, an Integrated Pest Management Plan including the following requirements:

- A. Non-chemical treatment methods such as mowing and hand-removal shall be used wherever feasible. If non-chemical methods are infeasible, chemical treatment methods shall utilize the least toxic and least persistent herbicides appropriate and effective for the respective target non-native species. The use of herbicides shall be minimized and non-targeted species avoided.
- B. The use of non-ionic surfactants shall be prohibited. Surfactants shall be limited to the use of crop oil concentrate at a 1% v/v concentration (one milliliter of surfactant to 100 milliliters of herbicide solution), including Agri-Dex,TM Competitor,TM and Hasten EA.TM
- C. The plan shall outline application methods and frequency. No herbicide application shall occur when on-site wind speeds exceed five miles per hour; within 48 hours before a predicted rain event; or within 72 hours after a rain event.

- D. All vegetation removal, both manual and chemical, shall be monitored by the project biologist to protect native vegetation, wildlife, and water quality from adverse impacts. All herbicide use shall be conducted by a California-licensed Pest Control Advisor and/or Qualified Applicator to ensure the appropriate herbicide is applied per the herbicide label instructions.
- E. Prior to any herbicide use, the project biologist shall conduct a daily survey of the proposed area of work to determine the presence of any native vegetation. If native species are identified within the area of proposed work, the project biologist shall notify herbicide applicators and/or delineate the native vegetation with fencing or survey flags.
- F. If removal of non-native and invasive vegetation is required near creek or wetland habitat, the applicants shall either remove non-native or invasive vegetation by hand or utilize herbicides specifically approved for aquatic use.

Any proposed changes to the approved Integrated Pest Management Plan shall be reported to the Executive Director. No changes to the approved Integrated Pest Management Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Implementation Responsibilities – Best Management Practices

- A. Prior to the commencement of any project activities, the limits of the work areas and staging areas shall be delineated in cooperation with a qualified biologist, limiting the potential area affected by project activities. All vehicles and equipment shall be restricted to pre-established work areas and haul routes and to established or designated staging areas.
- B. During project activities, all trash and debris shall be properly contained, removed from the worksite, and disposed of on a daily basis, and no tools or other materials shall be stored at the work site overnight. No materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wind, rain, or erosion and dispersion. Any debris inadvertently discharged into coastal waters shall be recovered immediately and disposed of consistent with the requirements of this coastal development permit.
- C. Temporarily stockpiles of excavated sediment/vegetation should be protected with geofabric or other appropriate cover. Permanent stockpiling of excavated material on site shall not be allowed. Vegetation and sediment shall be removed from the site on a regular basis during enhancement activities to prevent the accumulation of sediment and debris on the worksite.
- D. Any fueling and maintenance of construction equipment shall occur within upland areas outside of environmentally sensitive habitat areas or within

designated staging areas. Mechanized heavy equipment and other vehicles used during the project activities shall not be refueled or washed within 100 feet of coastal waters. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

- E. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- F. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of sediment, non-native invasive vegetation or weeds, trash or contaminants associated with project activity, shall be implemented prior to the on-set of such activity.
- G. All BMPs shall be maintained in a functional condition throughout the duration of enhancement activities.

6. Project Implementation

By acceptance of the coastal development permit, the permittee agrees to implement the “Ellwood Mesa/Sperling Preserve Open Space Monarch Butterfly Habitat Management Plan Implementation – Phase IP” dated December 2023, the planting plan and palette dated March 2024, the “Ellwood Mesa/Sperling Preserve Monarch Butterfly Habitat Management Plan Implementation – Mitigation and Monitoring Plan” dated April 2024, and the “Success Criteria for Ellwood Mesa MBHMP” supplemental document dated December 2023. Species protection measures shall be implemented pursuant to the “Nesting Bird Management Plan and Wildlife Species Protection Plan” prepared by Storrer Environmental Services, LLC, dated October 4, 2023; the “MBHMP Implementation – Phase 1 Resource Avoidance Program” prepared by Rincon Consultants, Inc, dated December 2023; and the “Wildlife Species Protection Plan” prepared by Storrer Environmental Services, LLC, dated October 3, 2023.

The permittee shall undertake development in accordance with these plans. Any proposed changes to the plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no new amendment or permit is legally required.

7. Assumption of Risk, Waiver of Liability, and Indemnity Agreement

The permittee acknowledges and agrees (i) that the site may be subject to hazards from flooding and fire; (ii) to assume the risks to the permittee 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.

8. Required Approvals

The permittee acknowledges and agrees to obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project (including, but not limited to, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, State Water Quality Board, and Regional Water Quality Control Board). Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a new notice of impending development and/or amendment to the coastal development permit pursuant to the requirements of the Coastal Act and the California Code of Regulations.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

Project Description

The City of Goleta is proposing the implementation of a monarch butterfly habitat-reestablishment and public access improvement program across approximately 60 acres of the existing blue gum eucalyptus forest located along the center and northern portions of the Ellwood Mesa/Sperling Preserve Open Space (Ellwood Mesa) (**Exhibits 1, 2**). The proposed work would occur at five primary aggregation sites at Ellwood Mesa including Ellwood Main, Elwood East, Ellwood West, Ellwood North, and Ellwood Ironbark. As described in further detail below, the proposed project includes habitat restoration and enhancement, public access, road, and drainage improvements, as well as the implementation of a ten-year maintenance program.

Habitat Restoration and Enhancement

The proposed project includes monarch butterfly habitat restoration and enhancement across five of the eight aggregation areas located at Ellwood Mesa. The habitat restoration and enhancement activities proposed include the strategic planting of native vegetation and approximately 1,900 trees within and surrounding existing aggregation sites in an effort to: replace dead and fallen butterfly aggregation trees, provide increased wind protection of butterfly aggregation sites, restore the natural habitat and characteristics of Ellwood Mesa, and provide additional nectaring plants as resources for overwintering monarchs (**Exhibit 3**). In addition to the planting of native trees, which includes approximately 1000 coast live oak and approximately 200 sycamore, bay laurel, and cottonwood, approximately 700 eucalyptus trees (red ironbark, karri, blue gum) are proposed. Specific tree species and planting configurations proposed at and around aggregation sites were carefully chosen in consultation with monarch butterfly

experts. Criteria for tree selection considered several factors including canopy structure for wind protection, canopy height at maturity, growth rate, increased likelihood for survival during drought conditions compared to existing eucalyptus trees (blue gum), reduced propensity to spread (invasiveness) compared to other eucalyptus species, and distribution in Mediterranean climates similar to that in Goleta. Trees would be installed as 5-gallon to 20-gallon containers, and most non-tree species would be installed in up to 1-gallon containers, with size depending on species. All plant installations would be performed by hand, holes backfilled, and mulch placed on exposed soil surfaces as applicable. With the exception of strategic eucalyptus plantings, the planting plan consists entirely of native species, and includes the planting of additional shrubs and vegetation throughout the project area in an effort to further enhance existing habitat.

To complement the proposed re-establishment of native vegetation and understory plantings, non-native invasive species that negatively impact monarch butterfly habitat and native ecosystems are proposed to be removed by hand to limit spread and increase the chances of native vegetation establishment. Additional vegetation management activities proposed include tree trimming and/or removals as necessary to reduce competition amongst trees and reduce the risk of tree falls on important monarch butterfly roost trees. No pesticides are proposed for use, and all proposed herbicide application would follow an integrated pest management plan.

Watering to promote initial plant establishment would utilize temporary above-ground water storage tanks located within staging areas. As more plants are installed and additional irrigation is needed, the project would include installation of an irrigation system to aid in establishment of newly planted vegetation throughout the project area, with permanent irrigation piping and connections to be co-located within existing earthen trail footprints, and temporary lateral irrigation lines to be located within the groves themselves. Earthwork associated with trenching for main line installation is estimated at 225 cubic yards. Soil displaced during installation of permanent lines would be placed back in the trench and recompact following installation. Temporary lateral lines would be phased and coordinated with vegetation planting, and would be removed from established areas for reassembly to irrigate new planting areas. All temporary irrigation systems, including all aboveground infrastructure downstream from mainline isolation valves, would be removed from the site following plant establishment.

Restoration and enhancement areas would be primarily accessed from the emergency access road, existing parking lot, and the existing dirt trails currently used by maintenance vehicles. Vehicles expected to be used during habitat restoration and enhancement activities include rubber-tired flatbed trucks, pickup trucks, and water trucks. Environmental protection measures would be implemented throughout the proposed project, with biological surveys conducted prior to and monitoring during project activities. At the beginning of each workday, sensitive, rare, and native vegetation located within or near work activities would be protected through installation of temporary flagging or fencing as directed by a qualified biologist. All fencing/flagging would be removed immediately following completion of associated restoration and enhancement activities. Trees located in close proximity to proposed public access improvements would be protected in place.

Public Trail and Viewing Area Improvements

Public trails within the project area include several sections that have been eroded, are in need of repair, or are configured in a way that promotes wind exposure to the sensitive butterfly habitat at the grove interior. The proposed project would re-route steep trails to promote positive drainage over trail surfaces, and would improve retained trails to promote trail drainage and longevity. On the west side of the primary aggregation site (“Ellwood Main”), an approximately 250-foot portion of existing earthen trail would be lightly graded and recompacted to repair past erosion and provide safer access to the coast and the butterfly grove. Approximately 1,150 linear feet of existing trails would be decommissioned and restored with native vegetation, and approximately 975 linear feet of new trail would be created through the project. As a part of the trail realignment and restoration, new seating areas are proposed to be constructed at Ellwood Main, which serves as the primary viewing area for visitors. Existing downed trees that function as seating for visitors would be replaced with milled eucalyptus trees, and fill would be added within the fenced viewing area as needed to level the walking surface.

Trail and viewing area improvements are proposed to occur during the dry season and outside of bird nesting and butterfly overwintering seasons to minimize impacts to water quality and sensitive species. Trail construction is estimated to occur over approximately ten working days. Construction at the viewing area in Ellwood Main – which would be performed in conjunction with drainage improvements in the gully below – is estimated to require approximately 30 working days. Earthwork for the trails is anticipated to be fairly minor and would net approximately 50 cubic yards of fill. A skidsteer, mini excavator, and hand tools are anticipated to be used for trail restoration. Trash receptacles, dog pick-up stations, and bike racks are proposed to be installed along key trail locations within the project area.

Access Road Improvements

Ellwood Mesa is accessible to authorized vehicles only, utilizing an existing access road which extends from the southern terminus of Santa Barbara Shores Drive. The proposed project would include replacement of the existing road with a new road designed to comply with current Santa Barbara County Fire Department Standards. The existing deteriorated asphalt road would be replaced with a new road surface consisting of compacted road base, and would include a short section of concrete or asphaltic concrete surfacing where the road exceeds a 10% slope gradient. Where the access road meets Santa Barbara Shores Drive, a new entry would be constructed that provides continuous pedestrian access into the open space without requiring access in the vehicular travel lane.

Work on the emergency access road and updated entry would occur in conjunction with proposed culvert improvements (detailed below) during the dry season and outside of bird nesting and butterfly overwintering seasons to minimize impacts to water quality and sensitive species. Work would be performed as funding allows and construction is

estimated to require approximately 60 working days. Earthwork for the access road is anticipated to net roughly 400 CY of fill.

Drainage Improvements

Devereux Creek, which runs through Ellwood Mesa, has historically been impacted by sedimentation from the erosion of use trails and gullies. The drainage below the viewing area at the Ellwood Main site, which connects the mesa above to the creek below, has been subject to significant sedimentation over the past decade, rising as much as five feet in elevation compared to historic baselines and resulting in a habitat shift from riparian species to drier upland species. To reduce sedimentation and enhance the riparian habitat along Devereux Creek, enhancement of the Ellwood Main drainage gully is proposed in addition to nearby trail repair and rerouting (**Exhibit 5**). Within the Ellwood Main drainage gully, built up sediment would be removed, earthen and/or rock weirs would be placed, and native wetland vegetation would be planted. Enhancement at this site is anticipated to benefit monarchs by increasing area humidity, reducing erosion and sedimentation to Devereux Creek, and increasing native plant diversity. The weirs are proposed to be constructed of native rock and soil, and would utilize non-plastic erosion control matting. With the weirs in place, stormwater flows through Ellwood Main would be reduced, which in turn would reduce erosion and help enhance habitat function. Proposed work within the drainage gully would occur during the dry season and outside of bird nesting and butterfly overwintering seasons, between June and October, to minimize impacts to water quality and sensitive species. Drainage improvements in the gully – which would be performed in conjunction with construction at the viewing area in Ellwood Main – is estimated to require approximately 30 working days.

In addition to desedimentation and rock weir placement for habitat enhancement within the gully at Ellwood Main, the proposed project would include several minor drainage improvements to reduce erosion and improve localized drainage. On the south side of Devereux Creek, a new 24" CMP culvert is proposed to convey storm water flows under an existing trail crossing. To the southeast of Ellwood Main, an additional new 24" culvert is proposed where a large erosion scar has formed. Two additional 24" CMP culverts would be installed on the north side of Devereux Creek to convey storm water flows which occur at the terminus of Santa Barbara Shores Drive and run along the sides of the access road to the creek. Each of the proposed culverts would retain existing drainage direction, but would be designed to reduce existing and anticipated erosion impacts. Culvert work would be performed with adjacent road and trail work and as funding allows. Most of the culvert work would result in negligible earthwork, with the exception of the erosion scar culvert in the southeast of Ellwood Main, which would include approximately 45 CY of fill in order to convey storm water flows under the trail crossing to reduce trail erosion.

Pedestrian Bridge Construction

One of the main accessways to the viewing areas located at Ellwood Main requires a low-elevation crossing of Devereux Creek. An existing citizen-constructed wooden plank

creek crossing has served as a ground-level footbridge over Devereux Creek for several years, spanning from the trail on the northern bank to the Ellwood Main aggregation site to the south. The wooden planks and the trail used for access along the northern side of the creek are located in a flood zone and are periodically impassable during the wet season. The proposed work would include removal of the existing plank crossing and installation of an elevated wooden pedestrian bridge that would span Devereux Creek, would meet current California Building Code and ADA requirements, and would provide a safe pedestrian creek crossing during all flow conditions. Grading required for installation of three concrete bridge abutments will occur outside of the creek channel. Bridge construction is proposed to occur June to October, when Devereux Creek is dry. The replacement is anticipated to require approximately 45 working days.

Signage Program

Existing regulatory, directional, and interpretive signage is located throughout the project area, and would be replaced through the proposed project. Interpretive educational signage would be permanently mounted to standard, low-profile, prefabricated metal displays and located in key areas to provide educational content for trail users. Topics for interpretive educational signage would include monarch butterflies, local flora and fauna, habitat restoration, and the history of Ellwood Mesa. Wayfinding signage would include wooden posts with butterfly symbols and arrows to direct trail users to the Ellwood Main monarch butterfly aggregation site, and trail maps at major entrances and intersections mounted in the same fashion as the interpretive educational signage panels. Permanent regulatory signage would be fastened to fencing at existing and proposed open space entrances and pole mounted at aggregation site entrances, informing visitors of restricted access within sensitive habitat areas. All signage would follow a proposed signage program. Installation would occur over approximately 5 working days, and is planned for Spring 2025.

Construction Access, Staging, and Fencing

Authorized vehicle access to project areas would be through the emergency access road, existing parking lot, and the existing dirt trails currently used by maintenance vehicles. Vehicles expected to be used during habitat restoration and enhancement activities include rubber-tired flatbed trucks, pickup trucks, and water trucks. Vehicles expected to be used during trail repairs include a small skidsteer and a mini excavator. Workers would utilize trails to access restoration and enhancement areas on foot as needed, and access routes from staging areas to restoration and enhancement activities would follow the least impactful route and would not require vehicles to traverse native habitats.

Four separate staging areas covering a total of approximately 9,300 square feet and located within currently disturbed or non-native grassland portions of the project area would be temporarily utilized to provide efficient temporary access to container plants, tools, materials, and construction equipment. No other materials would be stored overnight within the staging areas and the minimum number of plants required for each day's activities would be stored on site at any given time. Each staging area would be

temporarily fenced with 6-foot-tall chain-link fence installed on grade, which would be removed immediately following completion of the nearby restoration. Following removal, temporary staging areas would be restored to native vegetation according to the proposed planting plan.

At the beginning of each workday, the work zone and staging areas would be delineated with highly visible flagging/fencing and temporarily closed to public access. A designated safety foreman would be on site daily to ensure public safety and to direct vehicles and equipment into and out of the restoration and enhancement areas. The City would maintain coastal access within Ellwood Mesa at all times. Temporary trail closures required for project activities and temporary detours for public access would be posted and updated daily online and on temporary signage within the open space. Notification of detours within the open space would be posted at main points of entry/exit to Ellwood Mesa. Detour signs would be posted within 50 and 100 feet of project activities on trails, noting temporary trail closure and including a map and description of alternative routes that can be taken to access the beach and other points of entry/exit to Ellwood Mesa. The City would also post a current and anticipated work schedule, with work areas and detours outlined, on the Ellwood Mesa Open Space webpage.

Ten-Year Maintenance Program

To allow for adaptive management and anticipated future maintenance activities, the applicant has also proposed to implement a maintenance program for a period of ten years, which includes: trail repairs, trash removal, culvert maintenance, pedestrian bridge maintenance, access road maintenance, invasive plant management, and signage maintenance. All proposed maintenance activities would be located within the existing footprint of the subject development and would not result in any adverse impacts to sensitive habitat areas. Furthermore, all proposed activities would be implemented pursuant to seasonal timing restrictions, which would ensure that adverse impacts to sensitive species are avoided to the greatest extent feasible.

Background

The project site is located at Ellwood Mesa, which is a 136-acre public open space area on the western edge of the City of Goleta (**Exhibits 1, 2**). Ellwood Mesa features an extensive system of public trails that provide public coastal access throughout the mesa area, as well as to adjacent beach areas. Ellwood Mesa contains several coastal habitats; including coyote bush scrub, eucalyptus woodland, riparian scrub and forest, native and non-native grassland, coastal sage scrub, vernal pools, coastal bluff scrub, oak woodland, coastal freshwater marsh, and dune scrub. The proposed project would be implemented across approximately 60 acres of the existing 90-acres of blue gum eucalyptus forest situated along the center and northern extent of the open space area (**Exhibit 2**). Although the project area consists primarily of large eucalyptus groves, habitat types also present include native and non-native grassland, coyote bush scrub, coastal sage scrub, riparian, and coastal wetland.

Ellwood Mesa has long been a location where monarch butterflies overwinter. The Ellwood Main aggregation site, which is one of eight aggregation sites located at Ellwood Mesa, was identified by the Xerces Society as fourth out of the 50 most important monarch overwintering sites in California. However, both the monarch butterfly and eucalyptus tree populations at Ellwood have declined drastically in recent years. Over the past decade, the 90-acre blue gum eucalyptus tree forest that protects the seasonally migrating monarchs from winter storms has begun to die at a rapid rate, resulting in openings in the tree canopy and exposing aggregation sites to winter winds and rain, thus diminishing the forest's habitat value. On March 19, 2019, the City adopted the Monarch Butterfly Habitat Management Plan (MBHMP). This plan was created by the City to provide an approach to management of monarch butterfly seasonal aggregation habitat, additional species habitats, and public access and recreation on Ellwood Mesa. Within the subject MBHMP, 22 programs are identified to guide the overall management approach, and within each program a goal and several policies and objectives for implementation are outlined. This plan includes directives to restore aggregation sites, enhance biodiversity, maintain public access, and protect against wildfire. The proposed project would integrate recommendations from the MBHMP, with a specific focus on habitat restoration and public access, addressing portions of the management area that have historically hosted the highest number of aggregating monarchs. The proposed project is "Phase One" of the implementation of the City's MBHMP.

Several Coastal Development Permits (CDP) and Emergency Coastal Development Permits have been authorized to address aggregation site enhancement, removal of dead and dying eucalyptus trees, and fuel reduction:

On October 12, 2017, the Commission authorized Emergency CDP No. G-4-17-0048 for the one-time removal of 29 eucalyptus trees that were dead and/or at high risk of failure and located adjacent to four essential public trails, in order to protect life and property from imminent danger.

On October 17, 2019, the Commission authorized CDP No. 4-18-1223 for the enhancement of monarch butterfly habitat in Ellwood North, including removal of fallen debris and dead trees, planting of native species and approximately 63 eucalyptus trees, installing educational and safety signs, and monitoring the monarch population at Ellwood Mesa. This permit included six special conditions to ensure public access, perform species surveys, install informational signage, and submit final implementation plans within two years of issuance. The conditions were never met and the coastal development permit was not issued, as the City decided to instead incorporate the formerly-proposed work into the currently-proposed project.

In 2021, the Commission approved a CDP De Minimis Waiver which allows Southern California Edison to prune trees to maintain a 12 ft. clearance distance from the electrical lines in order to reduce flammable material around the electrical lines and poles.

On May 25, 2023, the Commission authorized emergency CDP No. G-4-23-0050, which allowed the City to temporarily repair an existing asphalt emergency access and maintenance road over an existing culvert at Devereaux Creek. Following additional storm damage to the culvert and road crossing, the Commission approved CDP De Minimis Waiver No. 4-24-0250-W, which authorized the installation of a new culvert and crossing to be installed in the same location.

On December 13, 2023, the Commission authorized CDP No. 4-23-0215 for the implementation of a five-year fuel reduction program across 78 acres of Ellwood Mesa, including: removal of fallen debris, non-native vegetation, dead and dying vegetation and trees; and mowing and trimming to reduce fuel ladders. This permit included four special conditions regarding the term of permit approval, submission of a final implementation plan, submission of a final public access plan, and implementation responsibilities including best management practices.

On December 22, 2023, the City submitted the subject CDP application, and the permit application was deemed complete for filing on April 16, 2024. Consistent with the Commission's Tribal Consultation Policy, during the process of reviewing the subject application and developing this recommendation, Commission staff sent letters to all representatives from Native American Tribes understood to have current and/or historic connections to the project area. As of publication of this staff report, staff has not been contacted for further information or consultation.

B. Environmentally Sensitive Habitat Areas and Water Quality

Section 30107.5 of the Coastal Act, defines an environmentally sensitive area as:

"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

Section 30231 of the Coastal Act states:

The biological productivity and 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 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 flood plain 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 a 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.

Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters be maintained and protected through measures such as controlling runoff, preventing depletion of groundwater supplies, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing the alteration of natural streams. Section 30236 of the Coastal Act sets forth limitations on the types of projects that may be allowed to cause substantial alteration of rivers and streams. Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) must be protected against disruption of habitat values and that only resource dependent uses may be allowed within ESHA. Additionally, development adjacent to ESHA must be sited and designed to prevent impacts that would significantly degrade ESHA.

Through this project, the applicant is proposing “Phase One” of the implementation of the City’s Monarch Butterfly Habitat Management Plan (MBHMP). The proposed restoration and enhancement work would cover forest management, maintenance, and enhancement activities within five primary aggregation sites at Ellwood Mesa including Ellwood Main, Ellwood East, Ellwood West, Ellwood North, and Ellwood Ironbark – approximately 60 acres of the 90-acre management area. Specifically, the proposed activities include the strategic planting of native vegetation and approximately 1,900 trees within and surrounding existing aggregation sites in an effort to: replace dead and fallen butterfly aggregation trees, provide increased wind protection of butterfly aggregation sites, restore the natural habitat and characteristics of Ellwood Mesa, and provide additional nectaring plants as resources for overwintering monarchs.

Plant Communities and Wildlife

Ellwood Mesa provides one of the largest contiguous open space areas along the South Coast of Santa Barbara County. This area contains an abundant mix of non-native and native plant species. Due to historic land uses, Ellwood Mesa is dominated primarily by non-native annual grassland, although native vegetation, including coastal scrub, coyote brush scrub, California sagebrush, and quail bush scrub are also present. Additionally,

there are southern vernal pools, southern riparian scrub, and eucalyptus woodland that support monarch butterflies. Non-native ornamental and invasive plants are also present.

Due to its topographic features and available habitat, Ellwood Mesa provides conditions supportive of the microclimate needs of migratory monarch butterflies and has long been a location where monarch butterflies overwinter. The Ellwood Main aggregation site has been identified by the Xerces Society as fourth out of the 50 most important monarch overwintering sites in California. Monarchs typically arrive in October and depart between late February and April, depending on seasonal conditions. Overwintering monarch butterflies tend to cluster in specific areas where cold air is allowed to sink and drain away from the aggregation trees. There are five primary monarch aggregation sites at Ellwood Mesa, including Ellwood Main, Ellwood East, Ellwood West, Ellwood North, and Ellwood Ironbark. The aggregation sites at Ellwood Mesa are dominated by blue gum and red ironbark eucalyptus, interspersed with some native trees such as toyon and coast live oak. A few native shrub and woody vine species are also present in these groves, including poison oak and toyon. Many of the eucalyptus groves contain a substantial amount of invasive vines, including Algerian ivy, cape ivy, garden nasturtium, and firethorn. In addition to the monarch aggregation sites, numerous raptor roosts and nests also occur within the eucalyptus woodlands.

Historically these aggregation sites hosted tens of thousands of monarch butterflies during some years, making Ellwood Mesa one of the most important sites for monarch butterflies in California. In recent years, however, ongoing drought, pest infestations, and winter storms have resulted in the death of over 1,000 eucalyptus trees, with hundreds more that are highly degraded and dying. The loss of trees and canopy cover throughout the forest has opened the overwintering sites to increased wind exposure from various directions. The monarch population at Ellwood Mesa has also declined drastically in recent years, and the high level of tree mortality has adversely affected the monarch butterflies' localized aggregation behavior.

Every year since 1997, a monarch count has been held over Thanksgiving weekend in California. In 1997, over 1.2 million monarchs were documented; however, that number dropped to under 600,000 in 1998, and then stayed around 200,000 for the next 20 years¹. During the overwintering season of November 2022, biologists observed 12,387 monarch butterflies— the highest number of aggregating monarchs at Ellwood since 2016. Following a month of intermittent storms characterized by heavy rain and high wind, the number of monarchs counted on December 30th had declined by almost 85%, to just 1,911 total observed monarchs. Without the restoration of adequate sheltering habitat, this scenario is expected to recur. In addition to the monarch population decline observed at the Ellwood Mesa, similar declines have been observed throughout California. In response to the observed population decline, in 2014 the Center for Biological Diversity, the Center for Food Safety, and the Xerces Society submitted a

¹ Ibid.

petition to the United States Fish and Wildlife Service (USFWS) to protect the monarch butterfly under the Endangered Species Act. The listing decision was originally slated for June 2019; however, the decision deadline has since been extended.

The monarchs that migrate to overwintering sites live for approximately six to nine months through the winter. While monarch caterpillars feed exclusively on milkweed, the monarch butterflies feed on a wide variety of plant species for nectar. More than the types of trees, it is the physical conditions or micro-climate, created by and within a grove, which determine successful monarch butterfly overwintering sites. Aggregation sites are chosen for their protection from wind and weather extremes. The important characteristics of a grove are protection from wind and storms, absence of freezing temperatures, exposure to dappled sunlight, presence of high humidity, and water and nectar sources². Monarchs adjust their distribution among trees and branches as winds and sunlight shift, and will completely abandon sites if the microclimate exceeds their tolerance, especially in regard to wind intensity. When weather is mild, monarchs will use a wide variety of sites and have an expansive micro-distribution. When storms approach, monarchs concentrate in the most wind-sheltered spots and as the front passes, monarchs may readjust their cluster sites when they can fly again. Successful aggregation sites typically are found in the center of a grove of trees with an interior canopy gap and consist of a mature stand of trees with a well-developed canopy that are surrounded by trees and vegetation of various heights and foliage characteristics that block wind and ameliorate temperature extremes.

Development in ESHA

Within Ellwood Mesa, the aggregation sites that are utilized by the monarch butterfly are dominated by eucalyptus. Eucalyptus trees are not native to California and are not rare or especially valuable, and thus by themselves do not meet the criteria of an ESHA as defined by Coastal Act Section 30107.5. However, as described above, the subject eucalyptus trees support the monarch butterfly aggregation sites, which are rare and/or especially valuable and are easily disturbed and degraded by certain human activities and developments. As such, along with other habitats on the Ellwood Mesa, eucalyptus woodland supporting monarch butterfly habitat areas constitute ESHA as defined by the Coastal Act, and the proposed project would occur within and adjacent to ESHA.

Coastal Act Section 30240 requires that environmentally sensitive habitat areas (ESHA) be protected against any significant disruption of habitat values. No uses other than those dependent on ESHA are allowed within it. The Coastal Act does not define “resource dependent” or provide examples of resource dependent uses. The Commission has interpreted resource dependent uses to be those that depend on the area or resources within ESHA to function. Examples include nature study, habitat restoration, trails, and accessways. Because the objective of habitat restoration is

² The Xerces Society. 2017. Protecting California’s Butterfly Groves: Management Guidelines for Monarch Butterfly Overwintering Habitat. 32+vipp. Portland, OR: The Xerces Society for Invertebrate Conservation.

rehabilitating a degraded habitat, habitat restoration is dependent on a habitat to function. Therefore, habitat restoration is a resource dependent use that is allowed in ESHA. Thus, the proposed restoration may be permitted within ESHA if the ESHA is protected against significant disruption of habitat values.

The subject restoration and enhancement activities and public access improvements have been designed to avoid adverse impacts to ESHA and completion of project activities will enhance both habitat and access within the project area. The proposed project would restore and enhance habitat for monarch butterflies and other native species at Ellwood Mesa and would do so in large part through proposed tree planting. Specific tree species and planting configurations proposed at and around aggregation sites throughout the groves were carefully chosen in consultation with monarch butterfly experts, Althouse & Meade. Criteria for tree selection considered several factors including canopy structure for wind protection, canopy height at maturity, relatively fast growth rate, increased likelihood for survival during drought conditions compared to existing eucalyptus trees (blue gum), reduced propensity to spread (invasiveness) compared to other eucalyptus species, and distribution in Mediterranean climates similar to that in Goleta. Trees proposed for planting include approximately 700 eucalyptus trees (553 red ironbark, 166 karri, and 13 blue gum) to provide interior grove shelter, approximately 1000 coast live oaks to provide exterior grove shelter, and approximately 200 additional native trees (sycamore, bay laurel, cottonwood, toyon) to enhance the existing riparian habitat along Devereux Creek, which runs through most of the eucalyptus forest. Although the number, species, and locations of proposed eucalyptus tree plantings were determined to provide the best solution to existing degraded interior grove habitat, the applicant has also proposed a planting plan that includes many native species for planting within the groves as well.

Native species proposed for planting at aggregation sites, including coast live oak, would provide additional wind shelter along outside clustering areas and would create a “double wind row” effect, further reducing wind speeds and enhancing monarch habitat within the spacious inner clustering areas of the groves. The proposed planting plan and plant palette includes over 50 native species of trees and other vegetation that are either found at Ellwood Mesa or have successfully established at the downstream Devereux Slough (located east of Ellwood Mesa) through restoration efforts led by UC Santa Barbara. Restoration and enhancement areas would be temporarily irrigated and would be regularly weeded by hand to remove non-native and invasive plants until the new plantings are established. Additional vegetation management activities proposed include tree trimming and/or removals as necessary to reduce competition amongst trees and reduce the risk of tree falls on important monarch butterfly roost trees. Commission Ecologist, Dr. Rachel Pausch, has reviewed the applicant’s proposed restoration and enhancement plans, and has determined that the proposed plans would significantly improve habitat value throughout the project area.

As proposed by the applicant and conditioned by the Commission, adverse impacts to ESHA would be avoided. All proposed staging is outside of the ESHA boundary, and enhancement activities would be timed to avoid impacts to sensitive wildlife species utilizing ESHA, including overwintering monarch butterflies and nesting birds.

Additionally, the “Ellwood Mesa/Sperling Preserve Monarch Butterfly Habitat Management Plan Implementation – Phase 1P” and the “Ellwood Mesa/Sperling Preserve Monarch Butterfly Habitat Management Plan Implementation – Phase 1 Biological Resources Assessment” documents provided by the applicant include detailed information regarding proposed restoration and enhancement planting, non-native species removal, irrigation for establishment of new plantings, drainage improvements to support creek function and protect access infrastructure, tree trimming and removal for habitat enhancement and safety, and various improvements to existing pedestrian and vehicle access routes throughout the groves. The “Success Criteria for Ellwood Mesa MBHMP” and “Ellwood Mesa/Sperling Preserve Monarch Butterfly Habitat Management Plan Implementation – Mitigation and Monitoring Plan” documents provided by the applicant include detailed information regarding proposed success criteria, monitoring, reporting, and adaptive management. However, in order to ensure that biological productivity is protected throughout the proposed project, the Commission finds that **Special Condition Six (6)** is necessary to require that all of the proposed project components, including species monitoring, are implemented and that any proposed changes to the plans shall be reported to the Executive Director.

The presence of non-native, invasive vegetation (other than Eucalyptus spp.) threatens the native habitat, biodiversity, and ecological function of Ellwood Mesa. As part of the restoration effort, the proposed project includes removal of a variety of non-native, invasive vegetation across the restoration site. Removal will utilize manual and mechanical methods, as well as chemical (herbicide) treatment of vegetation where physical methods are not feasible. Pesticide use is not proposed as part of the subject project. Any proposed herbicide use will consist of target spraying individual plants; no blanket spraying or “crop dusting” is proposed. Herbicide selection will balance target species life stages, treatment effectiveness, risk to applicators, risk to the environment, and native seed establishment in areas treated. In order to protect water quality and sensitive vegetation, **Special Condition Four (4)**, requires that the applicant shall submit, for the review and approval of the Executive Director, an Integrated Pest Management Plan that specifies the methods by which herbicide will be applied, including a prohibition on the use of non-ionic surfactants, and that herbicide use is prohibited when on-site wind speeds exceed five miles per hour, within 48 hours before a predicted rain event, or within 72 hours after a rain event. Where non-native vegetation removal would occur near creek or wetland habitat, removal shall occur by hand and only herbicides specifically approved for aquatic use shall be utilized.

The proposed planting and vegetation management activities, and proposed trail and drainage improvements are expected to improve water quality and habitat value throughout the project area, including Devereux Creek, by reducing sediment accumulation. However, coastal waters and habitats could be temporarily impacted as a result of the implementation of project activities by unintentionally introducing sediment, debris, or chemicals with hazardous properties during implementation activities. To ensure that debris, trash, or other waste associated with project activities does not enter the environment, the Commission finds **Special Condition Five (5)** is necessary to ensure proper disposal of solid debris and material unsuitable for placement into the environment. As provided under **Special Condition Five (5)**, it is the applicant’s

responsibility to ensure that no material, debris or other waste is placed or stored where it could be subject to dispersion. Furthermore, the condition assigns responsibility to the applicant that any and all debris and trash shall be properly contained and removed from construction areas within 24 hours, and specifies that construction equipment shall not be cleaned within ESHA or wetlands. Required best management practices include the removal and proper disposal of non-native invasive plants and weeds so they are not spread through the project area.

Proposed maintenance activities within the project area would include implementation of a maintenance program on a temporary basis for a period of ten (10) years, and would consist of repair and maintenance of the trails, culverts, and pedestrian bridge; trash removal; access road pothole repairs; and signage maintenance and placement. Proposed trail maintenance would include limited repairs on an as-needed basis for trails existing within the 60-acre project area. Trail repairs would include installation of water bars, mulching, and trail edge delineation and pruning. Work would require the use of hand tools, a small skid steer, or mini excavators as needed to regrade the existing trail tread. Work would be limited to repair of localized trail erosion, and would not expand existing trail footprints. No additional trail system expansions or permanent trail closures are proposed under the maintenance program. Proposed culvert maintenance would include debris removal, resetting of displaced rip-rap, and vegetation maintenance as needed to maintain culvert function. Existing rip-rap displaced by flooding or other forces would be reset within the existing rip-rap footprint. Access road maintenance would be limited to repair of potholes, and maintenance of the pedestrian bridge would include debris removal and replacement of components as needed. To ensure that proposed maintenance activities within the project area would not negatively impact biological productivity or water quality, the Commission finds that **Special Condition One (1)** is necessary to require that proposed maintenance activities shall be located within the existing footprint of the subject development and shall not result in any adverse impacts to sensitive species or habitat areas. Any proposed changes to the program shall be reported to the Executive Director.

Drainage and Access Improvements

In addition to the creation of new, more accessible trails, the proposed project includes construction of drainage improvements and a new pedestrian bridge across Devereux Creek. The subject drainage improvements are proposed in order to reduce sedimentation, improve drainage, and enhance the riparian habitat along the creek. Rock weirs and 24" CMP culverts would be placed in existing drainages and under trails. Each of the proposed culverts would retain existing drainage direction, but would be designed to reduce erosion impacts. The proposed project also includes removal of an existing citizen-constructed wooden plank creek crossing that has served as a ground-level footbridge over Devereux Creek for several years, and installation of an elevated wooden pedestrian bridge. The proposed bridge would be accessible and span the creek in order to provide a safe pedestrian crossing during all flow conditions. Grading required for installation of the concrete bridge abutments will occur outside of

the creek channel and bridge supports would utilize a screw pile technology that does not require an engineered foundation.

Pursuant to Section 30236 of the Coastal Act, certain types of channelization projects and other developments resulting in the alterations of rivers and streams may be allowed where the primary function is the improvement of fish and wildlife habitat, such as the proposed bridge replacement, and only if such development incorporates the best mitigation measures feasible. In this case, due to the environmental sensitivity of the site, no major engineering work is proposed. Given that the subject drainages are located at the upper reaches of their respective drainage basins, there are low stream flows. As such, the applicant found it feasible to bridge the creek in a way that keeps pedestrian traffic out of the creek habitat while avoiding significant impacts through construction. There will nonetheless be minor fill within the creek bed and minor impacts to habitat. The applicant submitted an alternatives analysis for the project which explored a free-span bridge alternative for the Devereux Creek crossing. Although a free-span bridge would eliminate the need for helical piles to be placed within the creek bed (resulting in fill placed within the creek bed), it would require the construction of larger bridge approaches, which in turn would require greater amounts of required grading and landform alteration and a greater environmental footprint. Thus, the Commission finds that the proposed project is the least damaging feasible alternative to provide safe public access over the creek. Furthermore, replacement of the existing plank crossing with the proposed elevated bridge would improve fish and wildlife habitat by removing an existing impediment to normal creek flow. Thus, the proposed project is considered an allowable type of development within a stream consistent with the provisions of Section 30236 of the Coastal Act.

In addition, the proposed project incorporates the best mitigation measures feasible. The proposed habitat enhancement includes restoration of the riparian habitat surrounding the drainages Devereux Creek. Furthermore, the proposed restoration would serve to enhance and restore biological productivity and the quality of coastal waters. Restoration of the riparian habitats will improve habitat and water quality for wildlife species within the project area.

Lastly, in order to ensure that the applicants comply with the requirements of other resource agencies, **Special Condition Eight (8)** requires the permittee to obtain all other necessary State or Federal permits (including, but not limited to, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, State Water Quality Board, and Regional Water Quality Control Board), that may be necessary for all aspects of the proposed project.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30231, 30236, and 30240 of the Coastal Act.

C. Public Access and Recreation

Coastal Act Section 30210 states:

4-23-0905 (Ellwood Monarchs)

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 30213 states:

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

Coastal Act Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act Section 30223 states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Coastal Act Section 30210 mandates that maximum public access and recreational opportunities be provided and that development does not interfere with the public's right to access the coast. Additionally, Coastal Act Section 30213 mandates that lower cost visitor and recreational facilities, such as public hiking and biking trails, shall be protected, encouraged, and provided where feasible. Additionally, the Coastal Act protects oceanfront and upland land for recreational uses.

Ellwood Mesa is frequently used for coastal access and recreation by the public, including both local residents and visitors. Ellwood Mesa features a series of public hiking trails, and functions alongside Santa Barbara Shores County Park to provide access to nearby Ellwood Beach. Members of the public visit Ellwood Mesa specifically to learn about the monarch butterfly and view monarch butterfly aggregations, which are rare biological phenomena.

As described above, the proposed project includes habitat restoration and enhancement as well as improvements and continued maintenance that would promote public access throughout the project area. To complete the proposed work, vehicles such as rubber-tired flatbed trucks, pickup trucks, mini excavators, skidsteers, and water trucks would be utilized. Vehicles would access the project areas using the existing emergency access road, existing parking lot, and the existing dirt trails currently used by maintenance vehicles. Temporary staging areas would be located off of existing trails, in currently disturbed or non-native grassland portions of the project area.

Where proposed activities would require temporary trail or area closures, work zones and staging areas would be delineated with highly visible flagging/fencing and temporarily closed to public access. As proposed, signage which indicates where the daily work will occur would be posted and a safety foreman would also be on site during project activities to reroute pedestrians away from active work sites. Notification of detours within the open space would be posted at main points of entry/exit to Ellwood, as well as within 50 and 100 feet of project activities on trails. Signage would note temporary trail closures and include a map and description of alternative routes that can be taken to access the beach and other points of entry/exit to Ellwood. The City would also post a current and anticipated work schedule, with work areas and detours outlined, on the Ellwood Mesa Open Space webpage. Public access to the beach and throughout Ellwood Mesa where work is not occurring would be maintained at all times.

Additionally, the proposed project would be implemented in phases, which would avoid impacts for recreational users. However, as described above, certain areas of the open space and trails would need to be temporarily closed. In order to ensure the safety of recreational users of the project site, to ensure that temporary interruptions to public access at the project site are minimized, and to implement the applicant's proposed measures, **Special Condition Two (2)**, requires the applicant to submit to the Executive Director for review and approval, a Final Public Access Plan that includes a description of the methods (including signs, fencing, posting of signs, etc.) by which safe public access to and around the project area shall be maintained during all project operations. Further, **Special Condition Two (2)** requires the applicant to post the site with a notice indicating the expected dates of construction and/or temporary closures.

The proposed project also includes a signage program that would replace existing regulatory, directional, and interpretive signage located throughout the project area. While some example signage was provided, the exact language, number, size, and locations of signs has not been submitted. Therefore, **Special Condition Three (3)** requires the applicant to submit to the Executive Director for review and approval, a Final Signage Plan that includes additional detail regarding final proposed signage installations including: type, size, design, text, and location. This condition also requires that the signs are installed in the manner described within the approved signage plan.

For the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30213, 30221 and 30223 of the Coastal Act related to public access and recreation.

D. Hazards and Geological Stability

Coastal Act Section 30253 states:

New development shall do all of the following:

- (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.

Coastal Act Section 30253 mandates that all new development minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The proposed development is located within the Ellwood Mesa Open Space Area, in an area of the Coastal Zone which has been identified as subject to potential hazards from flooding, fire, and erosion. High winds and heavy rains in recent years have caused dozens of eucalyptus trees to fall or be at imminent likelihood of failure. Recent fire events in the immediate region include the Alisal and Hollister fires that have burned approximately 17,500 acres immediately north of the City boundary (in November 2021 and March 2022, respectively). The vegetation at Ellwood Mesa poses a severe fire risk, with the hazardous fuel load growing each year that maintenance and vegetation management does not occur. Coastal Development Permit No. 4-23-0215 authorized the implementation of a five-year fuel reduction program across 78 acres of Ellwood Mesa, including within the proposed project area. The current proposal would further reduce fuel load within the eucalyptus groves through vegetation management and tree trimming/removal activities, further reducing fire risk and tree fall related hazards within the project area. The proposed project activities are designed restore and enhance habitat within the eucalyptus groves, and to avoid impacts to native species and sensitive coastal resources. Additionally, while the existing pedestrian plank creek crossing at Devereux Creek is currently subject to flooding, the proposed pedestrian bridge has been designed to allow water to flow beneath and provide safe crossing even during flooding events. However, due to the possibility of natural hazards, the Commission finds that the permittee shall assume such risks as a condition of project approval. Therefore, **Special Condition Seven (7)** requires the permittee 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. The permittee's assumption of risk shows that the permittee is aware of and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed 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(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned 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 a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect 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 all 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 impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact 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.

4-23-0905 (Ellwood Monarchs)

APPENDIX A – Substantive File Documents

CDP Application File No. 4-23-0905.

Ellwood Mesa/Sperling Preserve Open Space Monarch Butterfly Habitat Management Plan Implementation – Phase IP dated December 2023.

Ellwood Mesa/Sperling Preserve Monarch Butterfly Habitat Management Plan Implementation – Phase 1 Biological Resources Assessment dated April 2024.

Ellwood Mesa/Sperling Preserve Monarch Butterfly Habitat Management Plan Implementation – Mitigation and Monitoring Plan dated April 2024.

Ellwood Mesa/Sperling Preserve Open Space Monarch Butterfly Overwintering Habitat Analysis and Recommendations For Restoration dated April 2023.