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**Via E-Mail and U.S. Mail**

Santa Barbara County Board of Supervisors  
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Re: Goleta Beach Revetment

Dear Members of the Board of Supervisors:

This letter is submitted by Shute, Mihaly & Weinberger on behalf of the Santa Barbara Chapter of the Surfrider Foundation regarding Santa Barbara County's upcoming review of permits related to the Goleta Beach County Park Project. Surfrider's mission is the protection and enjoyment of oceans, waves, and beaches through a powerful activist network. It has been working since 2000 to protect the public resources at Goleta Beach, including the sandy beach and inland park and recreational amenities.

Goleta Beach is in a sensitive position. In response to erosional events over the past 15 years, the County has applied for and received several emergency permits from the Coastal Commission to install rock revetments along much of the beach. Today, the revetment stretches most of the length of the beach, with only a small section on its eastern edge remaining unarmored. And its impacts have been drastic. As a result of the erosion impacts of the revetment combined with increasingly intense coastal storms and sea level rise, the beach has all but disappeared.

As set forth below, the revetment has proven unworkable, ineffective, and destructive to the long-term vitality of the Goleta Beach ecosystem. Pursuant to coastal permits issued in 2015 and 2017, the County is thus obligated to reassess its hard armoring of Goleta Beach and pursue alternatives that more closely align with Coastal Commission sea level rise guidance and better protect the sensitive resources at Goleta Beach.

**I. The County Must Undertake a Complete Review of the Revetment and Project Alternatives.**

Pursuant to the terms of coastal development permits for Goleta Beach, the County must reevaluate the use of the revetments. Specifically, the conditional coastal development permit (“CDP”) issued for the western section of revetment in December 2015 enumerated a number of requirements for its continued validity. *See* Conditional CDP, No. 4-14-0687 (Dec. 28, 2015). And the 2017 emergency permits to revet the central portion of Goleta Beach also compel mandatory reevaluation; the Commission granted the emergency applications on the condition that the County reapply if it sought to make those temporary emergency revetments permanent. This reapplication must “include an evaluation of the performance of the *entire* rock revetment at Goleta Beach” to “determine whether [it] is performing as expected or whether midcourse corrections should be implemented in regard to the ongoing shoreline protection strategy for Goleta Beach.” *See* Emergency Permit, No. G-4-17-0013, at 2 (Feb. 21, 2017) (emphasis added).

The CDP for the western portion of revetment sets forth clear “expectations” against which the “whole revetment” is to be reevaluated in the form of permit conditions. *See* Conditional CDP, No. 4-14-0687, at 2-10 (Dec. 28, 2015). Particularly relevant here, the CDP sets out requirements for maintenance, public access, and sand coverage of the revetment. The Goleta Beach revetment is not, in fact, “performing as expected.” Surfrider has documented critical failures that require careful reconsideration by the County and reapplication to the Coastal Commission.

**A. The Revetment has Failed to Meet Requirements for Sand Cover.**

Perhaps most importantly, the CDP lays out specific parameters for the physical condition of the rock revetment that, if violated, trigger rescission of the permit. “Should . . . 200 linear feet or more of the approved revetment [be] exposed for 24 months in total from the date of permit issuance (despite good faith attempts to maintain it in its approved configuration and maintain sand coverage), the applicant *shall submit a new coastal development permit application* for re-evaluation of the approved shoreline protection plan for Goleta Beach County Park, including a complete evaluation of all feasible alternatives to the retention of the rock revetment in its approved as built location.” CDP Special Condition 2(F) (emphasis added).



*Exposed revetment at Goleta Beach on October 18, 2016, courtesy Surfrider Foundation.*

The revetment has spectacularly failed. Surfrider has documented near-continuous revetment exposure greater than 200 linear feet every month since the CDP was approved by the Commission in December 2015. The County's 2016 Report confirms this exposure. See Santa Barbara Cty. Parks, *Goleta Beach Revetment Annual Monitoring Report 2016*, at D2-D3. Beyond strongly indicating that the revetment is performing remarkably worse than expected and must therefore be reevaluated under the Emergency Permits, such continuous exposure will itself trigger mandatory reapplication to the Coastal Commission for a new permit in December 2017, two years after the date of the CDP's issuance.<sup>1</sup>

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<sup>1</sup> The County proposed in its annual monitoring report that only three months of revetment exposure should be counted for 2016 because it *tried* to cover the revetment, but "matters beyond [its] control prevented" it from doing so. Santa Barbara Cty. Parks, *Goleta Beach Revetment Annual Monitoring Report 2016*, at D1. The terms of the CDP explicitly reject consideration of such "good faith attempts to maintain it in its approved configuration and maintain sand coverage." CDP Special Condition (2)(F). The County acknowledges as much in the report, but then alternatively proposes only 10 of the 12 (footnote continued on next page)



*Exposed revetment at Goleta Beach in February 2017, courtesy Surfrider Foundation.*

**B. The Revetment has Violated Maintenance Requirements.**

The CDP identifies situations in which the County is expected to undertake maintenance activities. Specifically, “[i]f monthly revetment monitoring identifies that 120 linear feet or more of the approved revetment rock is exposed for 6 consecutive months, sand cover may be placed on the exposed area and, where appropriate, planted with native coastal strand/southern foredune vegetation to help stabilize the placed

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(footnote continued from previous page)

months of exposure in 2016 be counted, since “revetment exposure over 200 feet in length was so minimal [] that [it] did not impact beach access.” Santa Barbara Cty. Parks, *Goleta Beach Revetment Annual Monitoring Report 2016*, at D1. Beyond offering little evidence for its contention, the report attempts to escape the clear conditions of the CDP that *any* exposure of 200 feet or more for a cumulative 24 months indicates a critical failure triggering mandatory reapplication to the Coastal Commission.

sand.”<sup>2</sup> CDP Special Condition Special Condition (2)(D)(1). It goes on to lay out specific requirements for any sand imported for beach maintenance—sand must be tested to ensure an appropriate match for grain size, contaminants color, particle shape, debris content, and compactability. *See* CDP Special Condition (2)(D)(4). It also mandates that the County must take care to “avoid adverse impacts to protected sensitive species” in the course of maintenance, in part by setting limits to the frequency with his heavy equipment may be used on the beach. CDP Special Condition (2)(D)(6); *see also* Special Condition (2)(D)(5) (“If the environmental resources specialist determines that any grunion spawning activity is occurring and/or that grunion are present in or adjacent to the project site, then no maintenance activities shall occur . . . .”); Special Condition (3) (setting annual limits to the frequency of beach grooming and wrack maintenance). Finally, the CDP sets clear, mandatory clean-up requirements for any debris found on or in the revetment – when such debris is identified, it “shall be removed and exported to an appropriate offsite disposal area.” *See* Conditional CDP Special Condition (2)(D)(4).

The County’s maintenance of the revetment has violated the CDP’s maintenance conditions in several ways. First, the maintenance trigger envisioned in Special Condition (2)(D)(1)—that when 120 feet or more is exposed for six consecutive months, sand should be placed “on the exposed” revetment and “planted with native coastal strand/southern foredune vegetation”—has apparently been ignored. And it appear that what maintenance has occurred has violated the terms of the permit that restrict the manner and frequency of maintenance. For one, it appears that the County has operated heavy equipment on the beach more frequently than permitted by the CDP. Further, observers report that the County has used subpar sand incompatible with the littoral cell and prone to quick erosion for nourishment, in violation of the CPD’s exhaustive sand compatibility screening requirements. The County has also failed to remove unsafe debris, including sharp pieces of scrap metal and rebar, from the revetment and adjacent beach.

### **C. The Revetment has Violated Public Access Requirements.**

Public access to Goleta Beach is also mandated in the CDP. It requires the County to ensure that the public can access the beach even when the revetment is exposed. Specifically, it requires that “[s]hould continuous portions of the rock revetment that are 200 feet or more in lineal extent become exposed through wave action or erosion, and it

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<sup>2</sup> Although this term was modified from its original language, the sand coverage and vegetation goals nonetheless embody an “expectation” for the purpose of this reevaluation.

is no longer feasible or effective to cover those portions of the rock revetment with sand pursuant to the maintenance actions [discussed immediately above], designated beach access ways over the revetment (such as temporary steps or stairway) that are a minimum of 3 feet wide *shall be constructed* for every 100 feet of continuous revetment exposure.” CDP Special Condition (2)(G) (emphasis added). The County has plainly failed to adhere to the CDP’s public access requirements. Through mid-2017, most of the revetment was fully exposed. But the County failed to install even a single “temporary beach accessway,” rendering beach access difficult or impossible for the public. The revetment has thus failed to perform as expected when it comes to public access.

## **II. The County Must Consider All Feasible Alternatives to the Rock Revetment.**

The revetment has performed drastically worse than predicted and “midcourse corrections should be implemented in regard to the ongoing shoreline protection strategy for Goleta Beach.” *See* Emergency Permit, No. G-4-17-0013, at 2 (Feb. 21, 2017). It must therefore be holistically reevaluated. Pursuant to the Emergency Permit issued by the Coastal Commission in February 2017:

This evaluation should include an analysis of *all feasible alternatives to the continued maintenance of the rock revetment* in its current location, including but not limited to managed retreat, as well as mitigation measures for impacts to shoreline sand supply and public access. *Id.* (emphasis added).

By the terms of the CDP, the County will also be forced to reevaluate and reapply to the Coastal Commission come December when the permit’s near-uninterrupted failure to meet the terms of Special Condition (2)(F) ripen. Similar to the evaluation required by the Emergency Permit:

The evaluation of *all feasible alternatives* shall address, at a minimum, *removal and/or relocation of the approved rock revetment and relocation of threatened park facilities and utilities to more landward locations outside of the expected wave-caused erosion zone (managed retreat)*. The information concerning the alternatives evaluation shall be sufficiently detailed to enable the Coastal Commission to coequally evaluate the feasibility of each alternative for addressing shoreline protection, public access, and other coastal resource issues under the Coastal Act. *See*

Conditional CDP, No. 4-14-0687, Special Condition (2)(F)  
(Dec. 28, 2015).

**A. The County Must Consider Viable Alternatives Including “Soft” Management Strategies.**

Scientific consensus confirms that revetments like the one installed at Goleta Beach cause erosion.<sup>3</sup> “A common perception is that seawalls and revetments protect the coast. Although such armoring structures may temporarily protect property from encroachment by the sea, on beaches undergoing long-term erosion, *armoring structures accelerate erosion of existing beaches and coastal habitats in the areas where they are located.*” *Id.* at 3 (emphasis added). Or, put another way, “when placed on an eroding or retreating beach, armoring structures will cause that beach to narrow and eventually disappear.” *Id.*

At a recent presentation to the Goleta Slough Management Committee, Dan Gira of AMEC asserted that the revetment has not caused erosion, but that it is instead a consequence of severe storm events. This distinction misses the point entirely. It confuses the so-called “passive” and “active” forms of erosion. Passive erosion, a virtually undisputed effect of hard armoring, is erosion caused “by fixing the back of the beach and preventing it from migrating inland as sea levels rise.” *Id.* at 8. The Coastal Commission acknowledged as much in its 2015 *Sea Level Rise Policy Guidance* wherein it wrote that hard armoring “can result in serious negative impacts to coastal resources,” most significantly because they “form barriers that impede the ability of natural beaches and habitats to migrate inland over time.”<sup>4</sup> This is precisely the situation at Goleta Beach. While coastal storms would certainly cause the beach to recede, it is the revetment that makes the beach disappear by preventing the beach from receding as it would naturally do.

Accordingly, the Commission recommends using hard armoring “only if allowable and if no feasible less damaging alternative exists.” *Id.* at 137. The Coastal Act itself even implicitly preferences soft armoring by permitting “construction that alters natural

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<sup>3</sup> See Molly Loughney Melius et. al, *Managing Coastal Erosion and Climate Change Adaption in the 21st Century* 8 (2015), <http://law.stanford.edu/wp-content/uploads/2015/07/CalCoastArmor-FULL-REPORT-6.17.15.pdf>.

<sup>4</sup> Cal. Coastal Comm’n, *Sea Level Rise Policy Guidance* 123 (Aug. 12, 2015), [https://documents.coastal.ca.gov/assets/slr/guidance/August2015/0\\_Full\\_Adopted\\_Sea\\_Level\\_Rise\\_Policy\\_Guidance.pdf](https://documents.coastal.ca.gov/assets/slr/guidance/August2015/0_Full_Adopted_Sea_Level_Rise_Policy_Guidance.pdf).

shoreline processes” only when “designed to eliminate or mitigate adverse impacts on local shoreline sand supply.” Cal. Pub. Res. Code § 30235.

Some of the viable alternatives the County must consider in the course of its mandated reevaluation of Goleta Beach are quite promising. Two that certainly deserve more thorough analysis than they have yet received are 1) using a cobble berm to protect the beach and 2) implementing a thoughtful managed retreat plan.

First, a cobble berm could serve as a “soft armoring option for the beach. It would protect the beach from the harshest wave forces associated with storms, while remaining flexible and able to move with the beach’s natural sand cycle, thus avoiding the critical issue of passive erosion. Further, it would protect critical public access to the beach even in times of increased storm-related erosion. Such cobble berms are found at river mouths (for example, Surfers Point, Ventura) and as a “lag” deposit below beaches near bluffs (for example, in the vicinity of Goleta Beach).<sup>5</sup> A rigorous technical analysis by Environmental Science Associates “indicates that a cobble berm can be employed to limit erosion at Goleta Beach.” *See* Letter from Bob Battalio, Vice Pres., Environmental Science Associates to Everett Lipman, Vice Chair, Surfrider Found. Santa Barbara Chapter, at 3 (Aug. 17, 2017) (available upon request). Because naturally occurring cobblestones have been observed frequently at Goleta and other beaches in the area, this alternative should be given particularly serious consideration.

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<sup>5</sup> The term ‘lag’ refers to the process of the coarser sediments being deposited below the typical beach elevation. The coarse sediment deposits consist of cobble with some larger boulders and smaller gravels delivered by the rivers and creeks or eroded directly from adjacent bluffs by waves.





*Cobblestones at Goleta Beach in January 2016, courtesy Surfrider Foundation.*



*Cobblestones at Goleta Beach in February 2017, courtesy Surfrider Foundation.*

The County should also revisit the possibility of managed retreat. Rather than focusing exclusively on the park facilities adjacent to Goleta Beach, the County should follow the Coastal Commission's admonition to "use science to guide decisions." *See* Cal. Coastal Comm'n, *Sea Level Rise Policy Guidance* 15 (Aug. 12, 2015). It should "[p]rovide for maximum protection of coastal resources in all coastal planning and regulatory decisions" by protecting the beach first and foremost. *Id.* The picnic and other facilities at Goleta Beach Park are not limited to the coastal zone and cannot properly be characterized as "coastal resources", and should thus be relocated elsewhere in the County if necessary. The beach, on the other hand, is unquestionably affixed to the shoreline. The former should not be prioritized over the latter when the County is required to make hard decisions.

**B. The Revetment Causes Significant Environmental Impacts that Must Be Weighed in Reevaluating the Goleta Beach Project.**

In addition and related to its erosional impacts, the revetment has significant adverse effects on ecology of Goleta Beach. Most prominently, vulnerable grunion have been observed spawning at Goleta Beach throughout the entirety of its history. Their history, vulnerability, and importance in part led to Goleta Beach's identification by the California Coastal Commission as an "area of special biological significance within the marine and beach environment." Cal. Coastal Comm'n, Staff Report on CDP No. 4-14-0687, at 41 (identifying "coastal strand vegetation and wrack on the sandy beach . . . that both constitute important habitat for several species of coastal flora and fauna"); *see also* Cal. Pub. Res. Code § 30230. Such areas are afforded "special protection." Cal. Pub. Res. Code § 30230. The law requires that their uses must "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." *Id.*

Further, significant evidence suggests that Goleta Beach is likely an Environmentally Sensitive Habitat Area ("ESHA") under the Coastal Act. *See* Cal. Pub. Res. Code § 30240. The Coastal Act requires that "Development in areas adjacent to [ESHAs] . . . shall be sited and designed to prevent impacts which would significantly degrade those areas." *Id.* (emphasis added). There is no need for an ESHA to be declared by a public agency for these protections to attach. The California Supreme Court recently held that agencies in the position of the County "must" account for "potential ESHA[s] and their ramifications for mitigation measures and alternatives when there is credible evidence that ESHA might be present on a project site." *Banning Ranch Conservancy v. City of Newport Beach*, 2 Cal.5th 918, 938 (2017) (emphasis added).

As revetment-related erosion has impaired beach width and sand supply, grunion spawning “runs” have become increasingly threatened. In some instances, grunion attempting to spawn at the beach had little or no sand to spawn in and were instead washed into the revetments (and to their deaths) by the tide. The County acknowledged in its 2016 status report that “the location of the revetment behind the beach [] limit[ed] grunion spawning habitat” during the 2016 season. *See Santa Barbara Cty. Parks, Goleta Beach Revetment Annual Monitoring Report 2016*, at A6.



*Grunion trapped in the revetment in May 2016, courtesy Surfrider Foundation.*

According to the California Department of Fish and Wildlife, grunion do not migrate and typically live less than three years.<sup>6</sup> Nearly 85 percent of protected spawning habitat at Goleta Beach has been destroyed over the last two years. It is thus unacceptable for the County to leave the revetment in place to see what happens next.

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<sup>6</sup> *See* Cal. Dep’t of Fish & Wildlife, California Grunion Facts and Expected Runs (visited Aug. 15, 2017), <https://www.wildlife.ca.gov/Fishing/Ocean/Grunion>.

The revetment is decimating the legally protected grunion habitat at Goleta Beach, the County must act to protect the species before that loss becomes irreversible.

### **III. Conclusion**

The Coastal Commission and the County gave the revetment approach a chance. It has failed. By the language of the CDP and Emergency Permits, the County must now thoroughly and carefully reevaluate its approach to Goleta Beach. The status quo is not working, and the County must be give viable alternatives their due. Goleta Beach is an invaluable resource for Santa Barbara County, and if the County does not act expeditiously and with the science in mind, it may be lost for good.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk