SANTA BARBARA COUNTY PLANNING COMMISSION
Staff Report for the Gaviota Beach Road and Bridge Replacement
Case Nos. 05DVP-00000-00002 and 05CUP-00000-00005

Hearing Date: January 11, 2006
Staff Report Date:December 21, 2005
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Phone #: 568-2852
Environmental Document:#05EIR-00000-00007, State Clearinghouse No. 2003031022

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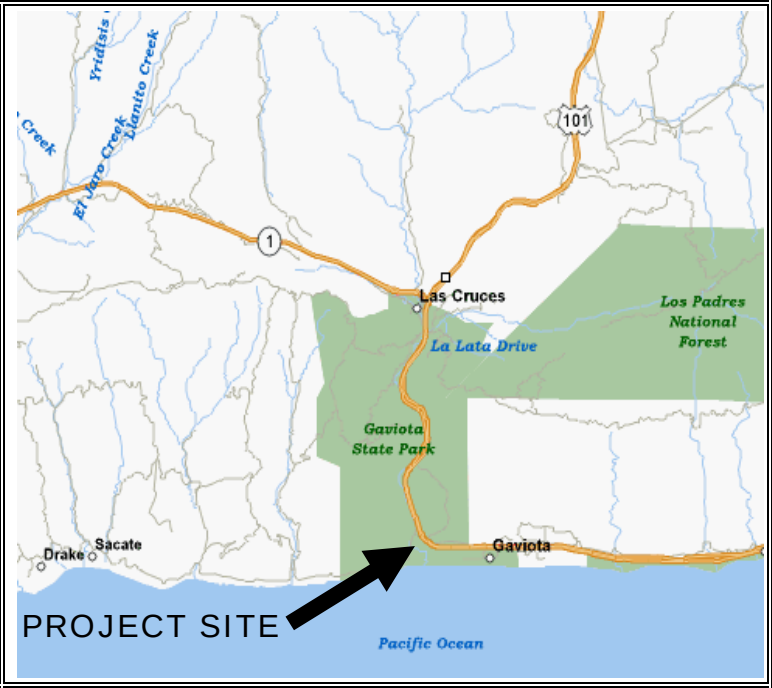

Gaviota Beach Road and Bridge are located in Gaviota State Park along the Gaviota Coast of Santa Barbara County, Third Supervisorial district. The project would begin on Gaviota Beach Road approximately 600' south of its intersection with Highway 101, and would occur on APNs 083-650-011 and 081-270-002.

1.0: REQUEST

Hearing on the request of the Santa Barbara County Public Works Department (Public Works), to consider Case No. 05DVP-00000-00002 for a Final Development Plan under Section 35-174 of Article II in the REC Zone District and Case No. 05CUP-00000-00005 for a Minor Conditional Use Permit under Section 35-172 of Article II in the REC Zone District to allow the replacement of the existing Gaviota Beach Road and bridge with a new road and bridge; and to consider the Environmental Impact Report (EIR) dated September 2005 and the Addenda dated October 2005 – November 2005 pursuant to the State Guidelines for Implementation of the California Environmental Quality Act. As a result of this project, significant effects on the environment are anticipated in the following category: Noise. The EIR and all documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara. The EIR is also available for review at the Central Branch of the City of Santa Barbara Library, 40 East Anapamu Street and the Davidson Library at the University of California, Santa

Barbara. The property is identified as AP Nos. 083-650-011 and 081-270-002, located in Gaviota State Park, south of Highway 101 in the Gaviota Coast area, Third Supervisorial District.

Application Filed:	February 7, 2005
Application Complete:	May 11, 2005
Processing Deadline:	180 days from certification of EIR

2.0 RECOMMENDATION AND PROCEDURES

Follow the procedures outlined below and conditionally approve Case Nos. 05DVP-00000-00002 and 05CUP-00000-00005, marked "Officially Accepted, County of Santa Barbara, December 14, 2005, Planning Commission Exhibits A - I," based upon the project's consistency with the Comprehensive Plan, including the Coastal Land Use Plan, and based on the ability to make the required findings.

Your Commission's action should include the following:

1. Adopt the required findings for the project specified in Attachment A of this staff report, including the CEQA findings.

2. Certify the Environmental Impact Report (05EIR-00000-00007) and adopt the mitigation monitoring program contained in the conditions of approval.

3. Approve the project subject to the conditions of approval included as Attachment B.

4. Direct staff to submit this staff report to the Board of Supervisors as the Government Code 65402 report of project consistency with the Comprehensive Plan including the Coastal Land Use Plan.

Refer back to staff if the Planning Commission takes other than the recommended action for appropriate findings and conditions.

3.0: JURISDICTION

Section 35-89.4 of Article II states that in the REC Zone District “no permits for development including grading shall be issued except in conformance with an approved Final Development Plan, as provided in Sec. 35-174 (Development Plans).” Case 05DVP-00000-00002 is being considered by the Planning Commission based on Section 35-174.2.4 of Article II which states

that "all Development Plans outside the jurisdiction of the Director or the Zoning Administrator shall be within the jurisdiction of the Planning Commission."

With respect to Case 05CUP-00000-00005, Section 35-147.2 of Article II states that "development that is 20,000 square feet or more of total development area including…roads or streets" requires a Minor Conditional Use Permit. The Minor Conditional Use Permit would normally be under the jurisdiction of the Zoning Administrator. However, pursuant to Section 35-144B of Article II, "when two or more applications are submitted that relate to the same development project and the individual applications would be under the separate jurisdiction of more than one decision-maker, all applications for the project shall be under the jurisdiction of the decision-maker with the highest jurisdiction..." Therefore the Planning Commission shall consider the Minor Conditional Use Permit.

The project is located within both the Appeals jurisdiction and the original permit jurisdiction of the California Coastal Commission. Approximately half of the actual bridge structure, de-silting and re-shaping of the creek bed and banks, as well as the entirety of the new road, would be within the County's jurisdiction and subject to appeal to the Coastal Commission (Appeals jurisdiction). Only these project components are subject to review and approval by the Planning Commission. The remaining half of the bridge structure, de-silting and re-shaping of the creek bed and banks as well as all changes within the existing park, would be within the original permit jurisdiction of the Coastal Commission. These project components are not subject to review or approval by the Planning Commission.

4.0 ISSUE SUMMARY

The existing Gaviota Beach Road and bridge provide the primary means of access to Hollister Ranch. The existing road and bridge also provide the only means of access to Gaviota State Beach since there is no public access through Hollister Ranch. The existing bridge was constructed by the County in 1997 to replace the previous creek crossing. This replacement bridge quickly proved to be inadequate as it was damaged by creek flows in 1998. This bridge crossing is now almost entirely plugged with sediment and debris.

According to the Santa Barbara County Public Works Department (Public Works) and the Environmental Impact Report (EIR) prepared for the project, the existing bridge is located within the 10-year flood limit and is therefore overtopped by a 10-year storm event. By definition, any area within the 10-year flood limit would receive water (i.e. would be flooded) as a result of a 10-year storm event. This flooding results in the periodic, temporary closure of the bridge and road for varying lengths of time. During these closures, access across Gaviota Creek is reduced or eliminated. According to the EIR, this closure represents a safety hazard when, regardless of the road condition, residents of Hollister Ranch attempt to traverse the flooded roadway.

Similarly, the existing Gaviota Beach road is within the 10-year flood limit and is overtopped by a 10-year storm event. This flooding of Gaviota Beach road results in the periodic, temporary closure of the road for varying lengths of time. As with closure of the bridge, access across Gaviota Creek is reduced or eliminated during closures of the road.

The State beach facilities downstream of the bridge site lie within the 10-year flood limit. As noted above, by definition, areas within the 10-year flood limit would be flooded by a 10-year storm event. Therefore, the probability and frequency of flooding of the State beach is the same as the probability and frequency of flooding of the existing bridge and road. According to the EIR, the proposed project would not decrease the frequency and severity of flooding in the State beach.

To prevent closure of the Gaviota Beach road and bridge due to flooding, Public Works proposed replacing the existing road and bridge with structures that would be capable of allowing passage of a 100-year storm event. The proposed road and bridge would improve access to Hollister Ranch as, with the exception of a 100-year storm event, road and bridge closures due to flooding would be prevented. The proposed road and bridge would not improve access to the State beach facilities as they would still be subject to flooding by a 10-year storm event and, if flooded, would be closed to public use.

The proposed road and bridge, in their current design and location, were developed by Public Works in conjunction with a Project Development Team which consisted of the following parties: Public Works; the Federal Emergency Management Agency (FEMA); the State Office of Emergency Services (OES); the California Department of Parks and Recreation – Channel Coast District (State Parks); the Hollister Ranch Owner's Association; Quincy Engineering (design consultant) and URS Corporation (environmental consultant). The preferred project developed by the Project Development Team was submitted by Public Works to FEMA and OES on January 28, 2003. The Public Works Department received notification from FEMA and OES on June 25, 2003 that funding for the project was approved. Based on information provided by Public Works (see Attachment F), any difference in cost between an alternative project design and/or location could not be funded by FEMA – the difference in cost, estimated at $1,000,000 (see Attachment F) would have to be borne by the County. The approved FEMA funding could only be used to fund construction of the road and bridge in the design and location submitted to and approved by FEMA. Approximately two years after receiving approval from FEMA for the proposed bridge and road, Public Works submitted this FEMA-approved project on February 7, 2005 as part of their application to Planning and Development (P&D) for a Development Plan (DVP) and Conditional Use Permit (CUP). For purposes of the California Environmental Quality Act (CEQA), the County of Santa Barbara is the Lead Agency for the project. The Public Works Department was responsible for preparation of the EIR and the Revisions to the EIR (see Attachment G). In September of 2005, Public Works provided P&D with the Final Environmental Impact Report (EIR). Revisions to the EIR were requested by Planning and Development to clarify project components and activities (see Attachment G). The EIR was not recirculated as a result of these revisions pursuant to Section 15088.5 of the State CEQA

Guidelines which states that "recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

As described above, the design and location of the road and bridge proposed under this project were those developed by the Public Works Department, and subsequently presented to, and approved for funding by, FEMA. However, the California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) identify and evaluate alternatives to the proposed project. In addition, the EIR must analyze the environmental impacts that would result from the proposed project not being approved ("no project" alternative). The project alternatives analyzed should be those that avoid or lessen any significant impacts associated with the proposed project, "even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly". It should be noted that although CEQA does not allow cost to be considered in the selection and/or discussion of project alternatives, the "economic viability" of a project "may be taken into account when addressing the feasibility of alternatives". A number of project alternatives were presented and analyzed in the EIR: Alternative Alignments, Causeway Alternative, Alternative Bridge Site, Alternative Construction Methods to Avoid Significant Noise Impacts, and the "No Project" Alternative. These project alternatives are discussed below.

Alternative Road and Bridge Alignments

The proposed alternative alignments would locate the new road and bridge immediately upstream or downstream of, and parallel to, the existing road and bridge. No temporary detour road would be required since the existing road would serve this function. Based on the EIR, the alternative alignment would result in a permanent loss of more riparian habitat and would generate more construction traffic and construction-related emissions than the proposed project. Conversely, this alternative would lessen temporary impacts to the surrounding habitat since the proposed temporary detour road would not be required. This alternative was deemed infeasible in that it would not significantly lessen any environmental impacts and would increase others.

Alternative Bridge Site

The proposed alternative bridge site would locate the new bridge approximately 2,500 feet north of the existing bridge. A shorter bridge (100 feet) would be required since the creek and associated floodplain is narrower at this location. The bridge would connect to an existing narrow dirt road (Road 28) that currently provides access for maintenance of the All-American Pipeline and doubles as a hiking trail. A new paved road of 34 foot width would be constructed in its place. The construction of the bridge in the proposed alternative site would, according to the EIR, result in a greater permanent loss of upland habitat, greater amounts of grading and associated potential impacts, and greater construction traffic and construction-related emissions. The EIR also concludes that construction of the new road required under this alternative would result in three new significant impacts in comparison to the proposed project: geologic hazards, visual resources and visitor experience (recreation). Construction of the new road would require several new cut and fill slopes and retaining walls. The decreased stability of these slopes would constitute a geologic hazard and thus a new significant impact. In contrast to the existing dirt

road, the new road would be of a much greater size and higher visibility, resulting in new significant impacts to visual resources and visitor experience. In addition to these impacts, construction of the bridge in this alternative location would require a new intersection with Highway 101. This intersection would have a left turn pocket lane for northbound traffic, a merging lane northbound traffic and a right turn lane for southbound traffic.

In contrast to the adverse impacts and other constraints described above, construction of the bridge in this alternative site would avoid the only identified significant, unmitigable (Class I) impact of the project as proposed – construction noise. However, the alternative bridge site was deemed infeasible based on its higher cost (see Attachment F); information from Public Works that FEMA would not pay any additional costs associated with a project alternative (see Attachment F); and the conclusion that the California Department of Transportation (CalTrans) would likely not approve a new at-grade intersection for the road due to safety issues.

Causeway Alternative

A causeway is basically an extended bridge structure that provides a continuous span across a given area. The causeway alternative proposed for this project is an elevated road and bridge within the same corridor as the existing road and bridge. The causeway span would be constructed entirely on piers/pilings with concrete abutments at either end. A temporary detour road would be required during construction of the causeway. According to the EIR, the causeway would lessen both temporary and permanent impacts to the riparian and upland habitat, would lessen impacts to wildlife movement, and may lessen visual impacts. In addition, the causeway would result in more natural floodplain conditions as the creek would be able to meander freely across the entire floodplain. This alternative would not avoid the only identified significant, unmitigable (Class I) impact of the project as proposed – construction noise.

Overall, this alternative would lessen the magnitude of several environmental impacts of the proposed project, would not create any new significant impacts and would not increase the magnitude of the other impacts associated with the proposed project. For these reasons the causeway alternative was identified in the EIR as the environmentally superior alternative. However, the EIR deemed the causeway alternative to be infeasible based on information provided by Public Works that FEMA would not pay any additional costs associated with a project alternative (see Attachment F) and the inability of Public Works to bear the additional costs associated with the Causeway Alternative. These additional costs have been estimated at approximately $1,000,000 (see Attachment F).

Alternative Construction Methods to Avoid Noise Impacts

The only significant, unmitigable impact (Class I) identified by the EIR is construction-related noise impacting users of Gaviota State Beach. The EIR addresses whether there are any feasible or reasonable alternative construction methods or mitigation measures that would reduce the

noise impacts. The EIR concludes that given the type of construction equipment (i.e. pile driver) and the size and topography of the project area, there are no feasible or reasonable alternatives that would lessen the noise impact of the project. Accordingly this alternative was dismissed without a detailed analysis.

No Project Alternative

Pursuant to CEQA requirements, the EIR evaluated the impacts of not implementing the proposed project and leaving in place the existing road and bridge. According to the EIR, the existing bridge/road would continue to be overtopped by a 10-year storm event. This would potentially result in road closures of unknown duration. Such closures of Gaviota Beach Road would temporarily reduce or eliminate the ability of the residents of Hollister Ranch to access the private road (Hollister Ranch Road) that provides the primary access route to the ranch. The actual or attempted use of the existing bridge and road by Hollister Ranch residents during flood and closure events would constitute a hazard to public safety.

The EIR also analyzed potential impacts to habitat and/or wildlife resultant from the "no project" alternative. If the existing bridge were to remain in place, it would continue to function as a barrier to fish passage in general and to steelhead in specific. In addition, according to the EIR, impacts to riparian habitat and aquatic wildlife could be greater than under the proposed project because the County Public Works Department might need to conduct de-silting or maintenance activities on an emergency basis during which environmental protective measures might be relaxed.

The EIR concludes that the environmental impacts of the "no project" alternative (reduced access, safety hazard, harm of habitat or wildlife) would be greater than those of the proposed project.

5.0: PROJECT INFORMATION

5.1: Site Information

Site Information	
Comprehensive Plan Designation	Rural, Coastal, Recreation/Open Space, California Coastal Commission Appeals Jurisdiction and Original Permit Jurisdiction
Ordinance, Zone District	Article II, Recreation (REC)
Site Size	Two parcels, 325.4 and 11.75 acres, respectively
Present Use & Development	Park facilities including access road and bridge, campsites, restrooms and entry kiosk
Surrounding Uses/Zoning	*North:* REC (Gaviota State beach) *South:* Transportation Corridor (TC) (Southern Pacific RR);

Site Information	
	Pacific Ocean *East:* TC (Highway 101); REC (Gaviota State beach) *West:* REC (Gaviota State beach)
Access	Project involves Gaviota Beach Road, extending south from its intersection with Highway 101
Public Services	Water Supply: onsite wells Sewage: septic system Fire: County of Santa Barbara (and USFS)

5.2: Setting

The Gaviota Beach Road and bridge, and the area that would be affected by the project, are located in, or directly adjacent to, the riparian corridor of Gaviota Creek within a mile of its outlet into the Pacific Ocean. The entire project is located within Gaviota State Beach property. Gaviota Beach Road serves the community of Hollister Ranch and Gaviota State Beach.

5.2.1: Topography and Geology

The floodplain along Gaviota Creek consists primarily of recent alluvial stream deposits that are eroded and re-deposited during storm events. The active stream channel is flanked by marine terrace deposits that are not cemented and thus are subject to erosion. In general, the larger Gaviota Creek watershed contains extensive geologic formations and soils that are highly susceptible to erosion due to wildfires, overgrazing and development. Topography in the vicinity of the proposed project is basically flat, being in the wider area of the floodplain, with minor variations of a few feet resulting from creek action and road and campground embankments. An exception is the road fork leading off to Hollister Ranch, which begins to rise onto the coastal bluffs. The proposed project includes realignment and improvement of this road fork.

Under present conditions, the creek meanders in a generally north/south direction through the coastal floodplain between Gaviota Pass and the existing bridge. This channel varies in width from 30 to 150 feet, with several large oxbows. The channel is 10 to 15 feet deep near Gaviota Pass, and decreases to approximately six feet in depth near the existing bridge. The original creek alignment on the coastal floodplain consisted of several large meanders. The northern portion of the channel was straightened for the construction of Highway 101 in the 1950s. Historic photographs indicate that the alignment of Gaviota Beach Road and the location of the bridge over the creek have remained constant over the decades. The size and location of the estuary at the mouth of the creek has also remained relatively constant.

5.2.2: Flora and Fauna

The project site includes the following habitat types: riparian woodland, willow woodland, willow scrub, mulefat scrub, emergent wetland, coastal salt marsh, coastal sage scrub, coyote brush scrub, non-native grassland, eucalyptus grove, and ruderal vegetation (upland and riparian). Gaviota Creek terminates in a tidal estuary seasonally blocked by a sand berm, and bordered by steep coastal sage scrub bluffs to the east and a flat coastal salt marsh mesa to the west. Between the creek crossing and the estuary is a mosaic of willow woodland, willow scrub, and mulefat scrub along the creek. A thin strip of coyote brush scrub divides the creek from the campground to the south. A large floodplain with a mosaic of coyote brush, willow woodland, mulefat scrub, and exotic species borders the north side of the creek. Upstream of the crossing is dense riparian woodland outside of the main channel, and mulefat scrub along the stream terraces within the channel. Coyote brush scrub mixed with ruderal vegetation borders the west side of the riparian woodland and the east side is a narrow slope of coastal sage scrub adjacent to Highway 101 and the park entrance road. A list of plant species observed during field surveys for the EIR is presented in Appendix C of the EIR.

Gaviota Creek generally flows year round. The channel bed comprises loose, well-drained sand with deposits of cobble. Depositional stream terraces consist mostly of sand with scattered cobble. Aquatic habitats along the creek channel include riffles, pools, and runs. The existing creek crossing has altered the river hydrology and heavy soil deposition is occurring on the upstream side of the crossing; this has created the largest pool within the project area, up to five feet deep, about 10 feet wide, and 112 feet long upstream of the crossing. It flows under the crossing through a small opening. Other pools, riffles and runs range from a couple of inches to approximately three feet deep. Upstream of the crossing there are two high flow channels along the eastern edge of the floodplain between the stream terrace and riparian woodland. Downstream of the crossing there is a series of high flow channels to the north of the main channel that run through willow woodland and stream terraces.

Gaviota Creek is considered “waters of the United States” by the Army Corps of Engineers due to its connection to the Pacific Ocean. The lateral limits of “waters” along the creek at the project site are defined by both a visible ordinary high water mark on the creek banks, and by vegetated wetlands on lower stream terraces. The limits of wetlands at the project site extend throughout the entire floodplain where riparian vegetation (e.g., willows or mulefat) is present, even outside the bank and bed of Gaviota Creek. Gaviota Creek and riparian habitat areas on the floodplain are considered Coastal Zone environmentally sensitive habitat areas (ESHAs).

Several species officially designated as rare, threatened, or endangered by the United States Fish and Wildlife (Fish and Wildlife) and National Oceanographic and Aerospace Administration Fisheries Service (NOAA Fisheries) occur at Gaviota State Beach and at the project site. These include the federally endangered Southern steelhead trout (*Oncorhynchus mykiss*), federally endangered tidewater goby (*Eucyclobobius newberryi*), federally threatened California red-legged frog (*Rana aurora draytonii*), federal- and state-endangered Gaviota tarplant (*Deinandra increscens ssp. villosa*), federal- and state-endangered Least Bell’s vireo (*Vireo bellii pusillus*),

federal- and state-endangered Southwestern willow flycatcher (*Empidonax traillii extimus*), and state endangered peregrine falcon.

Special status plant species (considered rare, endangered, or with limited distribution by the California Native Plant Society (CNPS), or species of local botanical interest by the local CNPS chapter) potentially within or near the project site include the Sonoran maiden fern (*Thelypteris puberula var. sonorensis/Thelypteris puberula*), black-flowered figwort (*Scrophularia atrata*), Davidson's spearscale (*Atriplex serenana var. davidsonii*), spiny rush (*Juncus acutus ssp. leopoldii*) and Plummer's baccharis (*Baccharis plummerae*).

Special status wildlife species – Species of Special Concern designated by the California Department of Fish and Game (CDFG) or other species of local interest – within or near the project site include the southwestern pond turtle (*Clemmys marmorata pallida*), two striped garter snake (*Thamnophis hammondii*), arroyo chub *(Gila orcutti)*, coast range newt (*Taricha torosa torosa*), monarch butterfly (*Danaus plexippus*), California tree frog (*Pseudacris cadaverina*), San Diego horned lizard (*Phrynosoma coronatum frontale*), coastal western whiptail (*Cneimidophorus tigris multiscutatus*), San Diego woodrat (*Neotoma lepida intermedia*), pallid bat (*Antrozous pallidus*) and silvery legless lizard (*Anniella pulchra pulchra*).

5.2.3: Recreation

The proposed project is located within the boundaries of Gaviota State Beach, which provides immediate access to the coastline and recreational facilities. The park is an important recreational resource given that most of the coastline from Goleta to Santa Maria is not readily accessible to the public. The Gaviota Pier offers the sole fishing pier with boat hoist between Avila Beach and Goleta Beach. Among other amenities, the Park provides a rugged and picturesque mountain backdrop, broad views of the coast and ocean and wilderness-style beaches.

The Park contains 41 developed campsites with full hook-ups for RVs and trailers up to 25 feet long, including fire pit, picnic tables and electricity supply. Drinking water is available from on-site wells. A restroom with showers is available to campers. The park also provides a day use parking area with a capacity for 104 vehicles and 12 car-boat trailer combinations. An overflow parking lot is available for horse trailers or campers with two vehicles. The day use area contains restrooms with showers and a mini-store, and allows fishing or boat launching from the pier and beach access. The park also includes approximately 10 miles of designated hiking trails.

The Park is hypothetically open for day use year round from 7:00 a.m. until sunset. A camp host is present at the park on a year-round basis. A ranger is present on site, or in the vicinity of the park throughout the year. The kiosk at the park entrance is manned during peak summer months. During the winter period, October 1 to April 1, camping is only allowed on Friday, Saturday, and Sunday nights due to decreased demand and staffing limitations. The campground is also closed

in the winter when it appears there may be high flows in the creek that could overtop and flood the campground, or if the campground is actually flooded.

5.2.4: Cultural Resources

Although there are several recorded sites of historic and prehistoric importance in the general vicinity of the project, only one, a historic fenceline, is within the area of disturbance of the proposed project. "Site CA-SBA-2484H" was originally recorded in 1986, in association the Celeron/All-American Pipeline project. This historic site is reported to contain barbed wire (four bales of two types of wire — three-barb double wire and two-barb wire), nine two-inch by six-inch tongue and groove boards with modern nails, and twenty-two six-inch by six-inch posts with modern nails and barbed wire. The original recorder indicated some boards and barbed wire appear to have been salvaged from earlier 19th century structures.

5.3: Description

The proposed project consists of the removal of the existing Gaviota Beach Road and associated bridge over Gaviota Creek, and the construction of a new road and bridge. A temporary road and creek crossing would be constructed to provide access during construction and removed at the end of the project. In addition, portions of the banks of Gaviota Creek would be armored with rock to control erosion, and the new road embankments would be similarly armored. A new spur road would be constructed to connect the existing road from Hollister Ranch to the new bridge. Several modifications to Gaviota State Beach facilities (campsites, entrance kiosk, lighting and signage) would be required as part of the project. An extensive restoration plan would be implemented after completion of the construction phase of the project.

Although this project description includes the whole project, only a portion of the project site is within the County's jurisdiction, with the remainder of the site being within the California Coastal Commission's permit jurisdiction. Consequently, only certain project components and activities are within the County's jurisdiction. The project components and activities within the County's jurisdiction, and to be approved through the requested Conditional Use Permit and Development Plan, and effectuated through a subsequent Coastal Development Permit, are described below.

1. Temporary Access (Detour) Road and Creek Crossing

A temporary paved access (detour) road approximately 1,275 feet in length would be constructed east of, and parallel to, the existing Gaviota Beach Road. Approximately 975 feet of the proposed detour road is within the County's jurisdiction. Construction of the detour road would require clearance of the existing vegetation, leveling of the proposed corridor, and placement of fill to construct a new embankment of 30-35 foot width, varying in height from

one to six feet above grade. The embankment would be compacted and leveled on top, and a new paved road of 24 foot width constructed. In order for the detour road to cross Gaviota Creek, fill would be placed in the creek to create a 65 foot wide embankment, across which the 24 foot wide paved detour road would run. Three, 36-inch diameter steel pipes of 78 foot length would be buried at the bottom of the temporary creek crossing to allow upstream and downstream flow of Gaviota Creek. Construction of the detour road would require approximately 500 cubic yards of cut to prepare the corridor and placement of approximately 10,000 cubic yards of fill to construct the road and creek crossing.

Approximately 0.47 acres of riparian habitat and 0.22 acres of upland habitat would be temporarily removed or disturbed by construction of the temporary detour road. The 0.22 acres of upland habitat would be restored on a 3:1 basis (0.66 acres restored), and the 0.47 acres of riparian habitat would also be restored on a 3:1 basis (1.41 acres restored). Restoration would occur as per the proposed restoration plan included as Attachment E.

2. De-silting of Gaviota Creek

Approximately 7,500 cubic yards of accumulated sediment would be removed from the bed of Gaviota Creek. De-silting would occur in a stretch of the creek from approximately 250 feet downstream to 350 feet upstream of the proposed new bridge, and would require excavation of the creek bed to depths ranging from 0.5 to 4.5 feet. In addition the creek bed and banks would be graded in order to re-shape the channel into a substantially wider trapezoidal shape than what currently exists. The new width of the channel would be approximately 260 feet from top-of-bank to top-of-bank. The approximate area of creek bed proposed for de-silting and re-shaping is 1.5 acres.

Approximately half of the proposed upstream excavation, and a much smaller proportion of the downstream excavation, is within the County's jurisdiction. ***The remainder of the proposed de-silting operation is within the original permit jurisdiction of the California Coastal Commission and can neither be approved nor permitted under the requested Development Plan and Conditional Use Permit***.

The de-silting would facilitate passage of flows after construction of the new bridge and would be a one-time event. Any additional or subsequent de-silting within the County's jurisdiction would require application for, and approval of, a Coastal Development Permit with Hearing or, under an emergency scenario, pursuant to an Emergency Permit with a follow-on Coastal Development Permit.

Approximately 1.20 acres of riparian and wetland habitat would be removed by the de-silting. No active restoration would occur. (According to the EIR, recovery of this habitat would be expected to occur over time with re-establishment of creek flows and therefore active restoration would not be needed.)

3. Gaviota Beach Road

A portion of the existing Gaviota Beach Road stretching from the northern bank of Gaviota Creek approximately 800 feet northward toward Highway 101, would be removed and a new road constructed. To construct the new road, approximately 1,500 cubic yards of cut would be required to prepare the road corridor and approximately 40,000 cubic yards of fill would be placed to create an earth embankment up to 12 feet in height and 70 feet in width. A new paved road of 34 foot width would be constructed on top of the new embankment, and would require the placement of an additional 10,000 cubic yards of fill. The road would be a single 12 foot lane in each direction, with two 5 foot wide paved shoulders which would be striped as bike lanes, and would also function for pedestrian and equestrian transit. Three square concrete box culverts measuring four feet by four feet in dimension would run under the proposed new road to provide passage for wildlife and convey flood flows.

The downstream slope of the proposed road embankment would remain earth, and would be planted with willows and other native vegetation. The upstream slope of the proposed embankment would be covered (i.e. armored) with un-grouted one-quarter ton rock (rock slope protection) to protect the new road from erosion during flood flows. To install the rock, the ground parallel to the toe of the new road embankment would be excavated to construct a roughly trapezoidal trench approximately 33 feet in width and a maximum of 10 feet in depth. A three-foot layer of rock would overlay an 18 inch layer of gravel, and would extend 60 feet up the embankment as measured from the bottom of the trench. The excavated trench and lower portion of the rock would be backfilled with soil to a maximum depth of 10 feet, while the top portion of rock armoring would be left uncovered. Both the lower covered rock layer and the exposed top rock layer would be planted with willows to provide visual screening.

Under current conditions a low-flow channel of Gaviota Creek is located adjacent to a portion of the proposed new road embankment. During construction, it will be necessary to prevent water from this channel from entering the work area. To do this, an earth berm approximately 3 feet high, 6 feet wide and 150 feet long would be constructed using materials from the dry portion of the channel. Prior to construction of the berm, mesh blocking nets (5mm mesh size) would be placed across the flow in the channel approximately 75 feet upstream and downstream of the ends of the proposed berm. Silt fencing would be installed in the non-wetted portions of the channel under direction of the biological monitor. After installation of the blocking nets and silt fencing, all tidewater gobies (*Eucyclogobius newberryi*), California red-legged frogs (CRLF, *Rana aurora draytonii*) and Southern steelhead/rainbow trout (*Oncorhyncus mykiss*) would be removed by trained personnel (biologist) approved by the United States Fish and Wildlife Service (FWS). All gobies would be captured and transported to a location downstream of the work area and blocking nets using FWS-approved protocols. All CRLF would be captured and transported to a location upstream of the work area and blocking nets using FWS-approved protocols. All steelhead and rainbow trout

would be captured and transported to a location upstream of the work area and upstream blocking net using FWS-approved protocols. The blocking nets would remain in place throughout the duration of construction and removal of the temporary berm and construction of the road embankment and rock slope protection.

After removal of all species as described above, approximately 75 cubic yards of material would be moved from the dry portions of the creek bed using an excavator or rubber-tire loader operating within or adjacent to the low-flow channel. A visquine layer would be placed on the upstream portion of the berm to prevent seepage. The berm would remain in place during the construction phase of the project. At the end of the construction phase, the berm would be removed by pushing the materials back into the dry portions of the creek bed.

The rock slope protection on the new road embankment would be replaced or repaired if it was damaged during a flood event. The repair or replacement of rock would require application for, and approval of, a new Coastal Development Permit with Hearing or, under an emergency scenario, pursuant to an Emergency Permit and follow-on Coastal Development Permit.

Construction of the new road (and bridge abutments) would result in the temporary loss of 0.717 acres of riparian habitat and 0.07 acres of upland habitat. The 0.717 acres of riparian habitat would be restored on a 3:1 basis (2.151 acres restored) as per the proposed restoration plan included as Attachment E. Similarly, the 0.07 acres of upland habitat would be restored on a 3:1 basis (0.21 acres restored).

Construction of the new road (and bridge abutments) would result in the permanent loss of 0.503 acres of riparian habitat and 0.209 acres of upland habitat. The 0.503 acres of riparian habitat permanently lost would be restored on a 5:1 basis (2.515 acres restored) as per the proposed restoration plan. The 0.209 acres of upland habitat would be restored on a 5:1 basis (1.05 acres restored). Although the new rock armoring along the road embankment would be planted with willows, this would not be considered in the acreage suitable as mitigation by Santa Barbara County Planning and Development due its low value, and temporary nature, as habitat.

4. Gaviota Creek Bridge

The existing bridge would be removed. The new bridge would consist of a 256 foot long concrete bridge that would be constructed of concrete slabs. Approximately 125 feet of the new bridge (the northern half) would be within the County's jurisdiction. ***The remainder of the proposed bridge is within the original permit jurisdiction of the California Coastal Commission and can neither be approved nor permitted under the requested Development Plan and Conditional Use Permit.*** The bridge would rest on concrete abutments at either end of the bridge and two concrete piers in the middle of the bridge. All concrete portions of the

bridge would be cast in place. The bottom of the bridge deck would be approximately 11-12 feet above the creek bed. The bridge would be approximately 36 feet in width. There would be a single 12 foot wide traffic lane in each direction and two paved shoulders of 5 foot width that would also function as bicycle, pedestrian and equestrian lanes. Each side of the bridge deck would have a 4.7 foot high concrete barrier rail

The concrete abutments at either end of the bridge would be armored with rock in a similar fashion to the new road as described above. The northern abutment is within the County's jurisdiction while the southern abutment is not. ***The southern abutment of the proposed bridge is within the original permit jurisdiction of the California Coastal Commission and can neither be approved nor permitted under the requested Development Plan and Conditional Use Permit.*** The rock layer installed to protect the new road embankment (see #3 above) would be extended for a distance of approximately 175 feet around the north abutment of the new bridge and along the north bank. Similar to what was described for the road embankment, a three foot deep layer of one-quarter ton rock would be placed along the northern bank of Gaviota Creek. The rock layer would be buried 10 feet below the surface of the creek bed and would extend approximately 6.5 feet up the bank. The exposed rock layer would be planted with willows.

The temporary and/or permanent loss of riparian or upland habitat resulting from construction of the bridge itself has been included in the totals for the new road, and is described in the foregoing section (see #3 above).

5. Temporary Dams and Dewatering

Upstream Dams and Work Area Dewatering

In order to construct the new bridge, the downstream flow of Gaviota Creek would need to be diverted around the work site. Although there is upstream tidal flow it does not extend to the project area and therefore would not need to be blocked from reaching the work site. To divert the downstream flow, temporary dams (cofferdams) would be installed within the bed of Gaviota Creek, approximately 375 feet upstream of the existing bridge. Prior to installation of the cofferdams, a mesh blocking net (5mm mesh size) would be placed across the flow in Gaviota Creek at a location approximately 75 feet upstream of the cofferdam site, (450 feet upstream of the existing bridge). Silt fencing would be installed in the non-wetted portions of the creek bed and would extend for 100 feet beyond the top of the creek bank in both directions. After installation of the blocking nets and silt fencing, all tidewater gobies (*Eucyclogobius newberryi*), California red-legged frogs (CRLF, *Rana aurora draytonii*) and Southern steelhead/rainbow trout (*Oncorhyncus mykiss*) would be removed by trained personnel (biologist) approved by the United States Fish and Wildlife Service (FWS). All gobies would be captured and transported to a location downstream of the work area and blocking nets using FWS-approved protocols. All CRLF would be captured and transported

to a location upstream of the work area and blocking nets using FWS-approved protocols. All steelhead and rainbow trout would be captured and transported to a location upstream of the work area and upstream blocking net using FWS-approved protocols. The biologist would work from the upstream blocking net to the downstream limits of the work area, and then erect a second blocking net and silt fence barrier 75 feet downstream of the downstream work area limits.

After erection of the blocking nets and removal of all species as described above, a 36-inch diameter flexible High-Density Polyethylene (HDPE) culvert (temporary pipeline) would be used to by-pass the creek flows through the construction work area. The by-pass would be installed prior to the construction of the cofferdam while the creek is still flowing through the work area. The pipeline would originate below the upstream blocking net/silt fencing, but upstream of the proposed gravel bag cofferdam, and would terminate below the downstream blocking net/silt fencing. The pipeline would be placed on the dry portion of the creek bed, outside the active channel and outside any active work area. One or two vehicle crossings would be created over the pipeline by placing an earthen ramp over the pipe. The pipe segments would be fused or clamped securely to prevent leakage or accidental separation. The pipeline would be placed in a positive gradient to allow flow by gravity. A small excavator or loader would clear a 10-foot wide zone through the work area, and then grade the corridor to a smooth surface with a uniform slope. The pipeline would rest on the ground and be secured with small (i.e., 12-18 inches) earthen berms along the sides. The inlet and outlet to the pipeline would be constructed of in-stream materials to create a smooth transition for flows to pass from the creek into the pipe (inlet side) and from the pipe to the creek (outlet side). The transition would be lined with an impermeable fabric and secured with cobbles to prevent erosion or movement of the pipeline. The intake and outlets of the by-pass pipeline would be screened with a 5 mm mesh to prevent entry by any aquatic species or wildlife.

Subsequent to placement of the temporary pipeline, a gravel bag cofferdam and an earthen berm cofferdam would be constructed. Gravel bags and a visquine layer would be placed by hand across the creek to form a pyramid sufficient to divert the creek flow into the temporary pipeline. The gravel bag cofferdam would be constructed no closer than 25 feet downstream of the blocking net and silt fencing.

After installation of the gravel bag cofferdam, the earthen berm cofferdam would be constructed 375 feet upstream of the existing bridge, and 25 feet upstream of the limits of the channel desilting area. The earthen cofferdam would be constructed of in-stream materials (i.e., sediments, gravels, cobbles). A berm at least five feet high would be constructed across the active channel, which could vary from 10 to 25 feet in width based on conditions at the time of construction. The base of the berm would be at least 15 feet wide with 2:1 (H:V) slopes, and would be compacted with an excavator shovel. The creek bed at the upstream toe of the cofferdam would be excavated at least 3 feet below the invert to install an impermeable fabric to intercept below ground seepage. This fabric would be installed across the upstream face of the earthen cofferdam and then covered with at least one foot of sediment and cobble.

The creek by-pass system would be designed to operate by gravity. However, in the event that water surface elevations above the cofferdam increased during construction such that flows could pass around the cofferdam, a sump pump would be installed in the creek between the earthen and gravel bag cofferdams. Under this condition, an electrical sump pump with a 5 mm screen surrounding the intake would pump water into the by-pass culvert. The pump would be powered by a portable generator at the site. The by-pass system would be inspected throughout the day, and prior to leaving the work site at night. It would be inspected and maintained during non-work days (i.e., Saturdays, Sundays, holidays) by the Contractor on a more frequent basis to prevent outages due to vandalism.

The creek diversion system (by-pass) would be installed in July of 2006, beginning with installation of the blocking nets and silt fencing, and would be removed on December 1, 2006. The blocking nets and silt fencing would remain in place through all work and would be the last component removed on December 1 of each year. To remove the by-pass, a low flow channel would be constructed from the upstream end of the work area to the temporary creek crossing associated with the detour road. The channel would be about 3 feet deep and 15 feet wide, and would be constructed using an excavator. Upon completion of the low flow channel, the earthen cofferdam would be removed using an excavator. The gravel bag cofferdam would then be removed by hand, allowing any flows in the creek to enter the low flow channel. The temporary pipeline would then be removed from the creek channel. The by-pass system would be re-installed in July 2007, and then removed at the end of construction in December 2007 using the same methods described above.

Bridge Site

Groundwater may be encountered during excavation for the bridge piers, abutments and associated rock slope protection. This would require additional dewatering activities as described below.

For the bridge piers and abutments, a pit of approximately eight foot depth would be excavated in the creek bed to expose the top of the pilings. Any groundwater that flowed into the pit would be pumped out using sump pumps. The groundwater would be pumped into a settling pond. The settling pond would be approximately eight feet in diameter and four feet in depth, and would be excavated in the creek bed at the downstream end of the work area but upstream of the blocking net and silt fencing. The pond would be layered with visquine and water would decant by gravity over the lip of the pond and into the creek bed.

If groundwater is encountered, it is necessary to prevent contact of groundwater with the concrete being poured for the bridge components. According to Public Works, this will be achieved by the following construction methods. A cofferdam constructed of gravel bags and plywood backed with waterproof material (visquine) would be constructed within the pit to surround the actual concrete form. This cofferdam would isolate the plywood concrete form,

and the concrete poured within the form, from contact with groundwater within the excavation. In the event that the cofferdam leaked and water contacted the concrete, this water would be removed using a portable gas-powered vacuum and stored in a portable tank for disposal at an offsite municipal sanitary sewer (with approval from the affected city).

Only one pit would be excavated for each pier or abutment. Excavation of any additional pits, dewatering sites or wells would require review and approval by the Santa Barbara County Planning and Development Department (P&D).

6. Habitat Restoration

General Requirements and Mitigation Ratios

The proposed project would occur entirely within an area designated as Environmentally Sensitive Habitat by the County of Santa Barbara. Construction of a new road and bridge through this area would necessarily engender impacts to the surrounding habitat. To be deemed consistent with County policies that call for the protection of such habitat, the project must implement the proposed mitigation measures and conditions of approval which require restoration of the affected area.

According to the EIR and the preliminary restoration plan (Attachment E), the project would result in the temporary removal of 1.19 acres of riparian or wetland habitat and the permanent loss of 0.50 acres. The temporary loss of habitat would be mitigated on a 3:1 ratio (3.57 acres restored) to ensure consistency with the standards of the California Department of Fish and Game (DFG). The permanent loss of habitat would be mitigated on a 5:1 ratio (2.5 acres restored) as per DFG standards. Therefore a total of 6.07 acres of riparian and/or wetland habitat would be restored.

In addition to the project's impacts on riparian and/or wetland habitat, 0.29 acres of upland habitat would be temporarily removed and 0.21 acres would be permanently lost. This upland habitat, as well as the riparian and wetland habitat, is designated as Environmentally Sensitive Habitat. Although neither the EIR nor the preliminary restoration plan specifically calls for mitigation of these impacts, both the temporary and permanent removal of upland habitat would need to be restored in order for the project to be deemed consistent with County policy. The temporary loss of upland habitat would be mitigated for on a 3:1 basis (0.87 acres restored) and permanent loss of upland habitat would be mitigated for on a 5:1 basis (1.05 acres restored). Therefore a total of 1.92 acres of upland habitat would be restored.

The total acreage that would need to be restored as mitigation for the project's impacts would be 8.00 acres – 6.07 acres of riparian/wetland habitat and 1.92 acres of upland habitat. The preliminary restoration plan proposes to restore or enhance a total of 8.81 acres. Of this total proposed acreage (8.81 acres), 0.43 acres is comprised of willow plantings in the rock slope protection along the new road. These 0.43 acres would not be considered suitable as

mitigation by P&D, and the total acceptable acreage proposed for mitigation would therefore be 8.38 acres.

Proposed Restoration Plan

The proposed restoration plan would consist of work to be done outside of the creek channel. Approximately 1,000 cubic yards of grading would be required for the restoration phase of the project.

All areas of temporary impact associated with construction of the new Gaviota Beach Road and temporary detour road would be restored to riparian habitat adjacent to the new road corridor. The riparian and upland areas east of the new road would also be restored through a mixture of clearing, weeding and/or planting as mitigation for the permanent impacts of the project. Four or more slight depressions would be created in this area to function as seasonal ponds or pools.

Native vegetation from locally occurring stock would be planted in the restoration areas and maintained and monitored for five years. The restoration plan would require that the following performance measures be met at the end of the five year period: 90% cover of native plants, less than 5% weed cover, and native plantings that had survived without supplemental watering for two years.

In addition to the components and activities described above, the project also proposes the following: a) installing rock protection on the southern bank of Gaviota Creek upstream and downstream of the new bridge; b) constructing the southern half of the new bridge; c) constructing a new spur road to connect to the existing Hollister Ranch Road; c) constructing a new entrance kiosk, campsites, parking lot, signage and lighting for Gaviota State Beach. These proposed project components/activities are all within the permit jurisdiction of the California Coastal Commission, and are not part of nor permitted under the requested Development Plan (05DVP-00000-00002) or Conditional Use Permit (05CUP-00000-00005). The County's role in permitting these project components would require that the County Planning and Development Department approve and issue a follow-on Land Use Permit, with appropriate conditions, to effectuate the construction activities approved by the California Coastal Commission.

5.4: Background Information

The road and bridge over Gaviota Creek provide access to Gaviota State Beach and Hollister Ranch. The road and bridge are owned and maintained by Santa Barbara County. These facilities are located in a County right-of-way across State (State Parks) property.

In 1997, the County constructed the current bridge over Gaviota Creek because the culverts associated with the previous creek crossing were continually being plugged with sediment, causing flows to overtop the bridge and road. The 1997 replacement bridge consisted of four railroad flat cars placed side by side across the creek on pile foundations. This replacement bridge quickly proved to be inadequate as it was damaged by creek flows in 1998. This bridge crossing is now almost entirely plugged with sediment and debris, and is overtopped by a 10-year storm event. Similarly, the existing Gaviota Beach road upstream of the existing bridge is overtopped by a 10-year storm event. This flooding of Gaviota Beach road results in the periodic, temporary closure of the road for varying lengths of time. The County applied for, and received, funding from the Federal Emergency Management Agency (FEMA) and the California Office of Emergency Services (OES) to replace the bridge with a full span structure that provides protection from the 100-year flood event. The project was eligible for funding because the bridge and roadway were damaged during a declared federal emergency – the 1998 El Nino storms.

The proposed bridge and road, in their current design and location, were developed by the Public Works Department and submitted to FEMA and the State Office of Emergency Services on January 28, 2003. The Public Works Department received notification from FEMA and OES on June 25, 2003 that funding for the project was approved. Based on information provided by Public Works (see Attachment F) any difference in cost between an alternative project design and/or location could not be funded by FEMA – the difference in cost would have to be borne by the County. The approved FEMA funding could only be used to fund construction of the road and bridge in the design and location submitted to and approved by FEMA. Approximately two years after receiving funding approval from FEMA for the proposed bridge and road, Public Works submitted this FEMA-approved project on February 7, 2005 as part of their application to Planning and Development for a Development Plan and Conditional Use Permit.

6.0: PROJECT ANALYSIS

6.1: Environmental Review

An Environmental Impact Report (EIR, County EIR No. 05EIR-00000-00007, State Clearinghouse # 2003031022) was prepared by Santa Barbara County Public Works Department for this project. The EIR discussed impacts to biological resources, water resources, recreation, noise, air quality, cultural resources, traffic and circulation and visual resources. Significant unavoidable impacts to noise were identified. Mitigation measures addressing project-related impacts to the above areas were included in the EIR. A summary table of project-related impacts was included in the EIR (Table ES-1, pages ES-7 through ES-25) and has been included with this staff report as Attachment C.

6.1.1: Impacts

Substantial adverse impacts of the project are primarily related to biological resources, water quality and noise/recreation. The impacts to biological resources and water quality are considered significant but mitigable (Class II) under the California Environmental Quality Act (CEQA). Construction of the temporary detour road and new permanent Gaviota Beach Road would require clearance of vegetation and placement and removal of large amounts of fill. Similarly, construction of the bridge itself would require removal of a substantial amount of sediment from the creek bed, pile-driving and excavation within the creek bed, and diversion of the creek itself. These activities have the potential to significantly affect water quality and existing riparian habitat through temporary and permanent removal of native vegetation, increased erosion and sedimentation, introduction of contaminated run-off, and direct and indirect construction-related harm of wildlife. The noise impact to users of the State beach is considered significant and unavoidable (Class I) under CEQA. Based on the EIR, this impact is primarily related to the need to conduct pile-driving for construction of the bridge, although other construction-related activities would also result in noise levels that exceed the allowable threshold of 65dB. The generation of excessive noise would decrease the recreational experience for users of the State beach. Please see Attachment C for a summary table identifying these and all other project-related impacts identified in the EIR.

6.1.2: Mitigation

The EIR identifies numerous mitigation measures that would minimize or eliminate the environmental impacts of the project. Potential and real impacts to water quality and biological resources would be addressed through restrictions on timing and methods of construction; implementation of specific measures to reduce erosion, sedimentation and run-off (Conditions of Approval, Best Management Practices, Storm Water Pollution Prevention Plan); requirement of an independent, on-site biological monitor approved by the United States Fish and Wildlife Service; and erection of exclusion devices to prevent harm to wildlife.

The proposed project would take place in an area of high public use, with significant biological, recreational and water resources. Although the mitigation measures proposed in the EIR include a biological monitor for relocation of listed species and monitoring of animal exclusion measures, they do not include a requirement for an EQAP monitor. However, the biological monitor would not be responsible for monitoring and enforcement of other conditions imposed on the project. Further, the biological monitor would not have sufficient expertise in construction methods and practices as they relate to grading, erosion/sedimentation, concrete work, equipment maintenance, noise reduction, and other construction-related impacts to ensure compliance with the conditions imposed to mitigate these impacts. The mitigation measures proposed in the EIR also refer vaguely to the County or its designated construction manager as the parties who would ensure compliance with the conditions of approval. However, the Conditions of Approval and Mitigation Measures adopted by the County of Santa Barbara Planning and Development Department (P&D) call for monitoring and enforcement of

conditions by an independent third party, not for self-enforcement by the lead contractor or associated sub-contractors. Due to the public nature of the proposed project, and the potential for significant impacts to environmentally sensitive habitat of an exceptional nature, a qualified, independent party, able to provide quality control and enforcement, and with the power to stop or re-direct work, is need to ensure compliance with the project description and conditions. Accordingly, the project has been conditioned (Attachment B) to require the preparation of an Environmental Quality Assurance Program and the retention of an independent, on-site EQAP monitor.

Application of mitigation measures can't reduce noise-generating construction activities to a less than significant level. However, restrictions on the days and hours of construction activities, and shielding of stationary noise-generating equipment, would be implemented to lessen the noise impact to the maximum extent feasible. Please see the EIR and the attached Conditions of Approval (Attachment B) for the specific mitigation measures and conditions.

6.2 California Coastal Act, Comprehensive Plan and Coastal Land Use Plan Consistency

REQUIREMENT	DISCUSSION
General Development Policies	
Coastal Act Finding 30001.5: The Legislature further finds and declares that the basic goals of the state for the coastal zone are to: (a) protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources; and (b) assure orderly, balanced use and conservation of coastal zone resources, taking into account the social and economic needs of the people of the state.	**Consistent:** The primary aim of the project is to improve access across Gaviota Creek during periods of moderate to high water flow. The man-made coastal resources targeted by the requested permits, the access road and bridge, would be improved to decrease the frequency of road closures due to flood events. Based on the Environmental Impact Report (EIR) prepared for this project, the project would protect and enhance access for the residents and workers on Hollister Ranch. The project would not reduce the frequency or severity of flooding of Gaviota State Beach, and therefore would not improve public access to the beach during flood events. The project would improve the overall safety of access to both

REQUIREMENT	DISCUSSION
	Hollister Ranch and Gaviota State Beach in the absence of flooding due to the greater road width and the presence of shoulders/bike lanes. The natural resources of the region would benefit in that an existing barrier to fish passage would be removed and disturbed riparian and upland habitats would be restored. The project has been designed to balance the needs of private property owners and public beach users with protection of the environmentally sensitive habitats of the area.
Coastal Act Finding 30007.5: Conflicts (among policies) be resolved in a manner which on balance is most protective of significant coastal resources.	**Consistent**: The proposed project achieves a proper balance between protection of access and protection of natural habitats. Due to the nature of the project, temporary impacts to the environment cannot be completely avoided. However, failure to replace the existing bridge would result in the continued degradation of access across Gaviota Creek, as well as the continued blockade of Gaviota Creek to the migration of anadromous fish. Further, with the exception of the causeway alternative which has been deemed infeasible, the alternatives proposed in the EIR would engender similar or greater impacts to the environment than the current proposed project.
Development Policies	
REQUIREMENT	**DISCUSSION**
Coastal Land Use Plan Policy 2-6: Prior to issuance of a development permit, the County shall make the finding, based on information provided by environmental documents, staff analysis, and the applicant, that adequate public or private services and resources (i.e. water, sewer, roads, etc) are available to serve the proposed development.	**Consistent:** The proposed project would require construction on land owned by the California Department of State Parks, for which the County has not been granted an easement or right-of-way. Accordingly, the project has been conditioned such that prior to approval of the follow-on Coastal Development Permit, and therefore prior to the commencement of any and all construction

REQUIREMENT	DISCUSSION
	activities, the applicant shall provide legal documentation that the necessary easement or right-of-way has been granted by State Parks.
Hazards, Hillside & Watershed Protection Policies	
General Policies	
Coastal Land Use Plan Policy 9-43: Other than projects that are currently approved and/or funded, no further concrete channelization or other major alterations of streams in the coastal zone shall be permitted unless consistent with the provisions of Section 30236 of the Coastal Act. **Coastal Act Policy, PRC Section 30236:** Channelizations, dams, or other substantial alteration 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. **Coastal Policy Act, PRC Section 30253**: New development shall: (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site, or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.	**Consistent:** The proposed project seeks to decrease the frequency and severity of flooding of Gaviota Beach road and bridge by constructing a new road and bridge capable of withstanding, and facilitating passage of, a 100-year flood event. The continued episodic flooding of the existing Gaviota Beach Road and bridge that occurs with winter storms presents a safety hazard for users crossing Gaviota Creek. The project would not channelize the creek nor would it alter its present course. Further, the project has been designed such that it will not create or contribute to increased erosion or instability of the site.

REQUIREMENT	DISCUSSION
Biological Productivity and Water Quality	
Coastal Land Use Plan Policy 3-19: Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction. **Coastal Land Use Plan 9-41**: All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution. **Coastal Act Policy, PRC Section 30230**: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. **Coastal Act Policy, PRC Section 30231**: The biological productivity and the quality of	**Consistent**: The proposed project would not directly affect the marine environment. However, construction activities have the potential to indirectly affect downstream coastal waters and the estuary at the mouth of Gaviota Creek through the uncontrolled runoff of wastewater, contaminants and/or sediment. In addition, construction activities have the potential to both directly and indirectly affect the water quality and biological productivity of Gaviota Creek. Accordingly, mitigation measures included as conditions of approval (Attachment B) have been proposed that would do the following: control runoff; prevent/minimize introduction of contaminants into Gaviota Creek and prevent downstream migration of such contaminants; maintain and/or restore riparian vegetation; and restore the upland vegetative buffer degraded by fire and non-native plant species. The applicant would be required to prepare and adhere to a Storm Water Pollution Prevention Plan (SWPPP) that would incorporate all measures (Best Management Practices, BMP's) necessary to accomplish the above goals and which would include a spill prevention/spill response plan for the project site. It would be required that the SWPPP incorporate all measures recommended in the Biological and Conference Opinion issued by the United States Fish and Wildlife Service and

REQUIREMENT	DISCUSSION
coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and to protect 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 wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. **Coastal Act Policy, PRC Section 30232**: Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided. Effective containment, cleanup facilities, and cleanup procedures shall be developed so that accidental spills would not occur.	dated June 9, 2005 (Attachment F). Approval of the SWPPP by the State Regional Water Quality Control Board (RWQCB) would be required prior to the start of any ground disturbance, and the plan and documentation of its approval by the RWQCB provided to Planning and Development prior to approval of the follow-on CDP for the project. In addition, the project was designed so that the three proposed culverts under the new road would function to pass the flood flows from a 5-year storm event under the road and into the floodplain on the downstream side of the road. According to the EIR, under existing conditions this floodplain receives a portion of the flow of a 10-year storm event. The proposed project design would serve to preserve the floodplain and habitat functions of this area and ameliorate the effect of the new road on existing patterns of surface water flow.
Minimization of Grading	
Coastal Land Use Plan Policy 3-13: Plans for development shall minimize cut and fill operations. Plans requiring excessive cutting and filling may be denied if it is determined that the development could be carried out with less alteration of the natural terrain. **Coastal Land Use Plan Policy 3-14**: All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas	**Consistent:** The proposed project would require the placement and/or removal of a large amount of fill. In addition, the project as proposed would require the temporary removal of 2.39 acres of native riparian vegetation and 0.29 acres of native upland vegetation, and the permanent removal of 0.50 acres of native riparian vegetation and 0.21 acres of upland vegetation. The amount of grading proposed is the minimum required for the proposed project design, which includes a temporary detour road and the new Gaviota Beach Road built to current road standards. The project was designed such that construction of the new

REQUIREMENT	DISCUSSION
of the site which are not suited for development because of known soils, geologic, flood, erosion, or other hazards shall remain in open space.	road and bridge would occur within the corridor occupied by the existing road and bridge, and this would a) minimize the effects of the project on the surrounding natural terrain; b) ensure that the development occurred in a site suited for development with no known hazards; and c) ensure that the development occurred in a location which preserved natural features and landforms to the maximum extent feasible. With the exception of the Causeway Alternative, all of the project alternatives listed in the EIR would require the similar or greater amounts of grading and alteration/removal of terrain and vegetation. Although the Causeway Alternative would require less grading and removal of vegetation, the EIR designated this alternative as infeasible. The basis for infeasibility was economic in that the additional cost of this alternative could not and would not be covered by FEMA funding (Attachment F).
Minimization of Erosion and Sedimentation	
Coastal Land Use Plan Policy 3-15: For necessary grading operations on hillsides, the smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. The clearing of land should be avoided during the winter rainy season and all measures for removing sediments and stabilizing slopes should be in place before the beginning of the rainy season. **Coastal Land Use Plan Policy 3-16**: Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained throughout the development	**Consistent:** Mitigation measures included as conditions of approval (Attachment B) have been proposed that prohibit ground disturbance during the rainy season (November 1 to April 1) and require the application of multiple methods to prevent erosion and sedimentation. In addition, the State-required SWPPP must include measures to prevent erosion and sedimentation. Sediment basins and temporary vegetation, as well as prohibitions on ground disturbance during the rainy season, are also required by the Biological and Conference Opinions issued by the United States Fish and Wildlife Service (dated June 9, 2005).

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process to remove sediment from runoff waters. All sediment shall be retained onsite unless removed to an appropriate dumping location. **Coastal Land Use Plan Policy 3-17**: Temporary vegetation, seeding, mulching, or other suitable stabilization method shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting of native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.	
Environmentally Sensitive Habitat Policies	
General	
Coastal Land Use Plan Policy 2-11: All development, including agriculture, adjacent to areas designated on the land use plan or resource maps as environmentally sensitive habitat area shall be regulated to avoid adverse impacts on habitat resources. Regulatory measures include, but are not limited to, setbacks, buffer zones, grading controls, noise restrictions, maintenance of natural vegetation, and control of runoff. **Coastal Land Use Plan Policy 9-1**: Prior to the issuance of a development permit, all projects on parcels shown on the land use plan and/or resource maps with a Habitat Area overlay designation or within 250 feet of such a designation, or projects affecting an environmentally sensitive habitat area, shall be found to be in conformity with the applicable habitat protection policies of the land use plan. All development plans, grading plans, etc., shall show the precise location of the habitat(s) potentially affected by the proposed project. Projects which could adversely impact an	**Consistent:** The project has been sited and designed to ameliorate or prevent adverse impacts to the surrounding environmentally sensitive habitat and to the use of Gaviota State Beach. A host of mitigation measures included as conditions of approval (Attachment B) have been proposed that would control the extent and timing of grading; prevent runoff of sediment and contaminants; and protect and restore habitat. Implementation of the proposed mitigation measures as conditions of approval, including the restoration plan, would ensure that the project would not significantly degrade the surrounding habitat and would be compatible with the continued use of Gaviota State Beach for recreational purposes. As discussed in the following sections, the proposed project can be found consistent with the applicable habitat protection policies subject to implementation of the proposed

REQUIREMENT	DISCUSSION
environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the County and the applicant. **Coastal Act Policy, PRC Section 30240**: (a) ESH areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to ESH 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.	mitigation measures included as conditions of approval (Attachment B). Habitat areas have been mapped through preparation of the EIR.
Buffers	
Coastal Land Use Plan Policy 9-9: A buffer strip, a minimum of 100 feet wide, shall be maintained in natural condition along the periphery of all wetlands. No permanent structures shall be permitted within a wetland or buffer area except structures of a minor nature, i.e., fences, or structures necessary to support the uses in Policy 9-10 (e.g. birdwatching, nature study). **Coastal Land Use Plan Policy 9-37**: The minimum buffer for major streams in rural areas, as defined by the land use plan, shall be presumptively 100 feet, and for streams in urban areas, 50 feet. These minimum buffers may be adjusted upward or downward on a case-by-case basis. The buffer shall be established based on an investigation of the following factors and after consultation with the Department of Fish and Game and Regional Water Quality Control	**Consistent:** Policy 9-9 is typically applied to estuaries and closed bodies of fresh water (such as vernal pools) and has not historically been applied to stream corridors since there are more specific policies in the Coastal Plan regarding development in or near streams. Therefore Policy 9-9 does not apply to the Gaviota Bridge project. Stream buffers are typically applied to all development on parcels including or adjacent to a stream. The intent of such buffers is to protect and preserve the quality and integrity of the stream corridor habitat. However, in general, the focus of such development is not the stream itself, but development within the vicinity of the stream corridor. Conversely, by its very nature the focus of the proposed project, a new bridge spanning a creek, is the watercourse itself. As such, it is not possible to physically separate the proposed

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Board in order to protect the biological productivity and water quality of streams: a) soil type and stability of stream corridors; b) how surface water filters into the ground: c) slope of the land on either side of the stream: and e) location of the 100-year flood plain boundary. Riparian vegetation shall be protected and shall be included in the buffer. Where riparian vegetation has previously been removed, except for channelization, the buffer shall allow for the reestablishment of riparian vegetation to its prior extent to the greatest degree possible.	development, the bridge, from the stream/creek through the use of a setback buffer. Instead, consistency with the intent of this policy – the protection and preservation of stream corridor habitat – is achieved through the implementation of the proposed mitigation measures included as conditions of approval (Attachment B).
Stream Corridors	
Coastal Land Use Plan Policy 9-38: No structures shall be located within the stream corridor except public trails, dams for necessary water supply projects, 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 and other development where the primary function is for the improvement of fish and wildlife habitat. Culverts, fences, pipelines and bridges (when support structures are located outside the critical habitat) may be permitted when no alternative route/location is feasible. All development shall incorporate the best mitigation measures feasible. **Coastal Land Use Plan 9-40**: All development, including dredging, filling and grading within stream corridors, shall be limited to activities necessary for the construction of uses specified in Policy 9-38. When such activities require removal of riparian plant species, re-vegetation with local native plants shall be required except where undesirable for flood control purposes. Minor clearing of vegetation for hiking, biking and	**Consistent:** According to Public Works and the EIR prepared for the project, there is no feasible alternative to the proposed project. Access to existing development within Hollister Ranch and Gaviota State Beach requires a bridge across Gaviota Creek. The existing bridge is inadequate to provide safe access to Hollister Ranch during flood events and a new bridge is required for such purposes. The support structures (abutments and piers) for the proposed bridge cannot be located outside the environmentally sensitive habitat of Gaviota Creek. All the alternative bridge sites and designs reviewed by the EIR would generate similar or greater impacts to the creek and surrounding habitat, or were considered infeasible due to cost (Causeway Alternative). Consistency with the intent of Policy 9-38 – the protection and preservation of stream corridor habitat – and with Policy 9-40, is achieved through the implementation of the proposed mitigation measures included as conditions of approval (Attachment B), and through implementation of the proposed restoration plan. The restoration plan would require re-vegetation of riparian areas temporarily destroyed or disturbed due to project activities, and re-vegetation/restoration

REQUIREMENT	DISCUSSION
equestrian trails shall be permitted.	of surrounding areas to compensate for riparian habitat permanently lost due to the project.
Wetlands	
Coastal Land Use Plan Policy 9-11: Wastewater shall not be discharged into any wetland without a permit from the Regional Water Quality Control Board finding that such discharge improves the quality of the receiving water. **Coastal Land Use Plan Policy 9-13:** No unauthorized vehicle traffic shall be permitted in wetlands and pedestrian traffic shall be regulated and incidental to the permitted uses. **Coastal Land Use Plan Policy 9-14:** New development adjacent to or in close proximity to wetlands shall be compatible with the continuance of the habitat area and shall not result in a reduction in the biological productivity or water quality of the wetland due to runoff (carrying additional sediment or contaminants), noise, thermal pollution, or other disturbances.	**Consistent:** The proposed mitigation measures included as conditions of approval would prevent degradation of the biological productivity and water quality of Gaviota Creek and associated emergent wetland. These measures and the State-required SWPPP would also ensure that no wastewater is discharged into the creek/wetlands.
Native Vegetation	
Coastal Land Use Plan Policy 9-36: When sites are graded or developed, areas with significant amounts of native vegetation shall be preserved. All development shall be sited, designed, and constructed to minimize impacts of grading, paving, construction of roads or structures, runoff, and erosion on native vegetation.	**Consistent:** The project has been sited and designed to minimize impacts to native vegetation. However, construction of the temporary detour road and new Gaviota Beach Road would necessarily engender both temporary and permanent loss of native vegetation. Temporary loss of riparian and upland vegetation would be mitigated for on a 3:1 basis through restoration of the affected site and adjacent sites. Riparian and upland habitat permanently lost due to the project would be mitigated for on a 5:1 basis through restoration of habitat in the adjacent area.
Access and Recreation	

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Coastal Land Use Plan Policy 7-13: In order to protect natural and visual resources of the coastal zone between Ellwood and Gaviota, development of recreational facilities shall not impede views between U.S. 101 and the ocean, shall minimize grading, removal of vegetation, and paving, and be compatible with the rural character of the area. Existing natural features shall remain undisturbed to the maximum extent possible, and landscaping shall consist of drought-tolerant species. **Coastal Land Use Plan Policy 7-18:** Expanded opportunities for access and recreation shall be provided in the Gaviota coast planning area.	**Consistent:** The project is consistent with the expansion of opportunities for access and recreation called for in CLUP Policy 7-18. As stated previously Gaviota State Beach is within the 10-year flood limit and this situation would remain unchanged by the proposed project. As such, the proposed project would not reduce the frequency or severity of flooding within the park and would not improve public access during winter storms. However, the project would create a wider road meeting current rural road standards, thus increasing the safety for beach users with large vehicles and trailers. The project would also create two new bicycle lanes, thus affording official bicycle access to the State beach. The bicycle lanes would also be used for pedestrian and equestrian access to the beach and existing and proposed coastal trails. The project does include development of any new recreational facilities, but rather will result in the removal and replacement of existing facilities within the State beach. However, this work is within the permit jurisdiction of the California Coastal Commission and is not within the purview of the County. Therefore this policy (Policy 7-13) does not apply to the County's portion of the project.
Archaeological & Historical Resource Policies	
Coastal Land Use Plan Policy 10-2: When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.	**Consistent:** Although multiple historic/archaeological sites have been mapped in the general region of the proposed project, only one, CA-SBA-2484H, a historic fenceline, is located within the area that would be affected by the project. A portion of this site is located within the proposed route of the temporary detour road. Based on the EIR, this

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Coastal Land Use Plan Policy 10-3: When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. **Coastal Act, PRC Section 30244.** Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.	site does not exhibit any qualities that would make it eligible for listing on the National Register of Historic Places or the California Register of Historic Resources. The California State Historic Preservation Officer concurred with this assessment in letters dated May , 2003 and June , 2005. In addition, mitigation measure CR-1 calls for minimization of disturbance to this site through limits on grading for the detour road. Further, mitigation measure CR-2 requires that work shall be stopped or redirected if archaeological remains are encountered during construction activities. A qualified archaeologist and/or Native American representative would then be required to evaluate the significance of the find, and a Phase 2 investigation conducted. If the find is significant, a Phase 3 mitigation program would be developed and implemented.
Visual Resource Policies	
Coastal Land Use Plan Policy 4-3: In areas designated as rural on the land use plan maps, the height, scale, and design of structures shall be compatible with the character of the surrounding natural environment, except where technical requirements dictate otherwise. Structures shall be subordinate in appearance to natural landforms; shall be designed to follow the natural contours of the landscape; and shall be sited so as not to intrude into the skyline as seen from public viewing places. **Coastal Land Use Plan Policy 4-9:** Structures shall be sited and designed to preserve unobstructed broad views of the ocean from	**Consistent:** The proposed new road and bridge would be constructed in the same alignment and same general footprint as the existing road and bridge, which would limit the introduction of new visual elements into the landscape. However, in order to provide passage of a 100-year flood event, the new bridge would be of a greater height than the existing bridge and, consequently, the new road would be elevated in order to meet the new bridge. In addition, current road standards require construction of a wider road than currently exists (minimum 24 foot width road with minimum 5 foot shoulders). Despite the greater bulk and scale of the

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Highway #101, and shall be clustered to the maximum extent feasible. **Coastal Land Use Plan Policy 4-6:** Signs shall be of size, location, and appearance so as not to detract from scenic areas or views from public roads and other viewing points. **Coastal Land Use Plan Policy 7-13:** In order to protect natural and visual resources of the coastal zone between Ellwood and Gaviota, development of recreational facilities shall not impede views between U.S. 101 and the ocean, shall minimize grading, removal of vegetation, and paving, and be compatible with the rural character of the area. Existing natural features shall remain undisturbed to the maximum extent possible, and landscaping shall consist of drought-tolerant species. **Coastal Act, PRC Section 30251:** The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.	proposed new bridge, it would not obstruct or impede views to or along the ocean from Highway 101 as the bridge would remain substantially below the sight line of the ocean as seen from the highway. In addition, the road embankments would be planted with willows that upon maturity would hide the new road from public views as seen from Highway 101. The views of the bridge from the nearby hiking trail would also be limited, both by the natural topography of the region and by the vegetative screening proposed for the road embankment. Views of the new bridge and road from the day use area and campground would similarly be limited by the existing vegetation and the new willow plantings. The bridge facade has been designed to be compatible with the character of the surrounding natural environment. The color and texturing of the bridge surfaces and guard rails would be of dark, non-reflective colors and the concrete guard rails would be designed to resemble wood railings. If the project is approved by the Planning Commission, the bridge design would be required to receive Preliminary and Final review and approval by the County Board of Architectural Review prior to issuance of permits by Planning and Development. No signs would be erected along the new road or on the new bridge.
Noise	

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Comprehensive Plan, Noise Element Policy 1: In the planning of land use, 65 dB Day-Night Average Sound Level should be regarded as the maximum exterior noise exposure compatible with noise-sensitive uses unless noise mitigation features are included in project designs.	**Consistent:** The relevant policy does not place an absolute limit on the noise level consistent with noise-sensitive uses, but only states that 65dB "should" be considered as the maximum allowable. In general, most of the proposed construction activities will generate noise levels only slightly in excess of the recommended 65 dB target (68 – 70 dB), and so can generally be considered consistent with the policy. However, based on the EIR, the project will result in significant and unmitigable noise impacts (Class I) to users of Gaviota Beach during that phase of construction requiring pile-driving. In order to ameliorate the extreme disturbance of pile-driving activities on camping and day-use activities at the State beach, the project has been conditioned (Attachment B) to limit the hours of pile-driving to 8:00 am – 4 pm weekdays only. In addition, the project has been conditioned (Attachment B) to require shielding of all stationary noise-generating equipment (e.g. compressors, generators, mixers, etc) to limit the amount of noise produced by these sources.
Air Quality	
Coastal Land Use Plan Policy 11-1: The provisions of the Air Quality Attainment Plan shall apply to the Coastal Zone.	**Consistent:** No additional traffic or other emissions-generating uses are proposed. The design speed of the road would not result in measurable changes in overall air quality. The proposed mitigation measures included as conditions of approval (Attachment B) would reduce/control construction emissions and generation of fugitive dust.

6.3: Ordinance Compliance

The proposed project, subject to the proposed mitigation measures included as conditions of approval, would be consistent with the requirements of the Coastal Zoning Ordinance (Article II), including all provisions of the REC zone district.

6.4: Subdivision/Development Review Committee

The Subdivision/Development Review Committee reviewed the project on May 12, 2005. No comments or conditions were provided, except that the Parks Department requested that Public Works coordinate with their staff regarding the project's relationship with the proposed Gaviota Coastal trail.

6.5: Board of Architectural Review (BAR)

The project received conceptual review by the BAR on June 10, 2005 (BAR Case No 05BAR-00000-00116). The following comments were made by the BAR members present for the hearing:

- Kris Miller-Fisher disclosure: Has been in meetings on this project.
- Colors: lighter color detracts from rural concept. All dark color would be more effective, with all vertical elements the same color as horizontal bars.
- San Ysidro examples discussed.
- Deck of bridge should be dark. Dark color will be quieter. Uniform stained color.
- Road guard rails: use a weathering steel, rather than galvanized.

If the Planning Commission approves the project, it would be required to receive Preliminary and Final Approval from the BAR prior to issuance of permits by Planning and Development. The bridge design would be reviewed by P&D staff prior to scheduling for Preliminary/Final BAR review to ensure that the conceptual review comments from June 10, 2005 had been incorporated into the final design.

7.0 APPEALS PROCEDURE

· The action of the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days of said action.

· The action of the Board of Supervisors may be appealed to the Coastal Commission within ten (10) working days of receipt by the Coastal Commission of the County's notice of final action.

ATTACHMENTS

A. Findings
B. Development Plan and Conditional Use Permit Conditions of Approval
C. EIR Summary Table and Alternatives Comparison Table
D. Site Plans
E. Restoration Plan
F. Correspondence – Infeasibility of Alternatives
G. Revisions to EIR
H. Correspondence – California Coastal Commission
I. Proposed Final EIR (Planning Commission only)

ATTACHMENT A: FINDINGS

1.0 CEQA FINDINGS

Findings pursuant to Public Resources Code section 21081 and the California Environmental Quality Act Guidelines sections 15090 and 15091:

1.1 CONSIDERATION OF THE EIR

The Planning Commission has considered the Final Environmental Impact Report (EIR), prepared by the Santa Barbara County Public Works Department (SCH # 2003031022), dated September 2005, and pursuant to CEQA Guidelines Section 15096, the Planning Commission has determined that the document prepared by the District is adequate for this proposal. The Planning Commission and all voting members of the Commission have reviewed and considered the EIR and its appendices prior to approving this proposal. In addition, all voting Commissioners have reviewed and considered testimony and additional information presented at or prior to public hearing on December 14, 2005. The EIR reflects the independent judgment of the Planning Commission and is adequate for this proposal.

1.2 FULL DISCLOSURE

The Planning Commission finds and certifies that the Final EIR and supplemental documents constitute a complete, accurate, adequate and good faith effort at full disclosure under CEQA. The Commission further finds and certifies the Final EIR has been completed in compliance with CEQA.

1.3 LOCATION OF RECORD OF PROCEEDINGS

The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Secretary of the Planning Commission, Mr. Steven Chase of Planning and Development located at 123 E. Anapamu St., Santa Barbara, CA 93101.

1.4 FINDINGS THAT CERTAIN UNAVOIDABLE IMPACTS ARE MITIGATED TO THE MAXIMUM EXTENT FEASIBLE (Class I impacts)

The Final Environmental Impact Report for the Gaviota Beach Road and Bridge Replacement project identified one significant environmental impact which cannot be fully mitigated and is therefore considered unavoidable. This impact is to noise. To the extent the impact remains significant and unavoidable, the Planning Commission has found that such impact is acceptable

when weighed against the overriding social, economic, legal, technical, and other considerations set forth in the Statement of Overriding Considerations included herein. This "Class I" impact identified by the Final EIR is discussed below, along with the appropriate findings as per CEQA Section 15091:

1.4.1 Noise

Construction of the bridge abutments and piers for the new bridge will require pile-driving of steel support members. The noise resulting from pile-driving activities will exceed the County noise threshold of 65dB in the nearby areas of Gaviota State Beach. The noise level resulting from these activities – estimated to be 82-84 dB – will degrade the recreational experience of visitors to the State beach. Pursuant to the conditions of approval and as per mitigations identified in the EIR, the noise impact will be reduced through restrictions on the days and times during which pile-driving activities could occur. These activities would be restricted to the hours of 8:00 a.m. – 4 p.m., weekdays only. In addition, pile-driving and all other construction activities would not occur on weekends and the following State holidays, and the afternoons preceding these holidays: Memorial Day, Independence Day, and Labor Day. Further, pile-driving and all other construction activities would not occur on the following holidays if observed on a Friday or Monday: Cesar Chavez Day, Columbus Day, Martin Luther King Jr. Day, Presidents Day and Veterans Day. While these measures will reduce the noise impact, the residual effect on the recreational experience would remain significant and unavoidable. No other feasible measures are available to further reduce the impact, and a Statement of Overriding Considerations has been adopted for this impact.

1.5 FINDINGS THAT CERTAIN IMPACTS ARE MITIGATED TO INSIGNIFICANCE BY CONDITIONS OF APPROVAL (Class II impacts)

The Final EIR identified several subject areas for which the project is considered to cause or contribute to significant but mitigable environmental impacts. Each of these impacts is discussed below along with the appropriate findings as per CEQA Section 15091:

1.5.1 Water Resources

The proposed project has the potential to significantly degrade the water quality of Gaviota Creek through the uncontrolled runoff of wastewater, contaminants and/or sediment. To reduce construction-related water quality impacts, the applicant (Public Works) and its construction contractor will be required to prepare and implement an erosion control and Storm Water Pollution Prevention Plan (SWPPP). The plan shall include but not be limited to the following: a) restrictions on work during the rainy season; b) restrictions on equipment fueling, maintenance, staging, wash-off; c) restrictions on concrete wash-off and concrete work in the creek; d) implementation of erosion control measures including, but not limited to, silt fencing, erosion control mats/materials, surface stabilization, temporary catchments/retention basins, temporary vegetative cover. The SWPPP shall be approved by the Regional Water Quality Control Board (RWQCB). The Environmental Quality Assurance Program monitor shall ensure

that all measures are implemented and maintained. These mitigation measures are found to mitigate this impact to an insignificant level.

1.5.2 Biological Resources

The project will result in the temporary and permanent loss of riparian and upland habitat. In addition, construction activities within, and adjacent to, the creek have the potential to directly and indirectly affect California red-legged frog (*Rana aurora draytonii*), southern steelhead (*Oncorhyncus mykiss*), and tidewater gobies (*Eucyclogobius newberryi*). These species could be impacted directly by the temporary loss of habitat due to de-watering of the creek, de-silting of the creek, and construction of the temporary and permanent components of the project (e.g. detour and permanent roads, temporary berms, new bridge). In addition these species could be impacted indirectly through sedimentation and contaminated runoff.

Mitigation measures to reduce these impacts include the relocation of the listed species from the project area by qualified biologists approved by the Fish and Wildlife Service. Work within the creek, and within 15 feet of the top of the creek bank, is prohibited from December 1 – July 1 of each year of the project to prevent impacts to migrating steelhead and riparian breeding birds. The creek flow through the de-watered reach would be reinstated on December 1 of each year of the project. Implementation of the mitigation measures to protect water quality, as stated in Section 1.5.1 of these Findings and incorporated herein by reference, would also serve to prevent indirect impacts to the listed species due to erosion, sedimentation and/or contaminated runoff. In addition, the temporary loss of habitat will be mitigated on a 3:1 basis (3 acres restored for each acre lost) through the restoration of the disturbed areas and other adjacent habitat. The permanent loss of habitat will be mitigated on a 5:1 basis (5 acres restored for each acre lost) through the restoration of adjacent habitat. These mitigation measures are found to mitigate this impact to insignificant levels.

1.5.3 Visual Resources

Construction of the new road and bridge would introduce a new visual element into the existing rural landscape. The road and bridge would be higher in elevation and greater in size, bulk and scale than the existing facilities. The new road and bridge could degrade the enjoyment of the site's natural setting for close viewers (drivers, cyclists) and distract from the visual resources of the area for middle and distant viewers (users of the State beach day-use and campground areas, hikers).

Mitigation measures to reduce the visual impacts of the road and bridge on close viewers include acquiring final approval from the Santa Barbara County Board of Architectural Review (BAR) for the color of the bridge deck and the design and color of the bridge and guard rails. The color and texturing of the bridge surfaces and guard rails will be of dark, non-reflective colors and the concrete guard rails will be designed to resemble wood railings. In addition, the embankments of the new road will be planted with willows, which when mature, will result in a more natural roadside setting consistent with the surrounding environs. In addition, the impact of the new road and bridge on middle and distant viewers will be reduced by its location and proposed

vegetative screening. Despite the greater bulk and scale of the proposed new bridge, it will not obstruct or impede views to or along the ocean from Highway 101 as the bridge is substantially below the sight line of the ocean as seen from the highway. The views of the bridge from the nearby hiking trail will also be limited, both by the natural topography of the region and by the vegetative screening proposed for the road embankment. Views of the new bridge and road from the day use area and campground will similarly be limited by the existing vegetation and the new willow plantings.

With implementation of the proposed mitigation measures, the visual impacts associated with the new road and bridge will be mitigated to an insignificant level.

1.5.4 Recreation

Construction of the new road and bridge would introduce a new visual element into the existing rural landscape. The road and bridge would be higher in elevation and greater in size, bulk and scale than the existing facilities. The new road and bridge could degrade the enjoyment of the site's natural setting for users of the State beach.

Mitigation measures to reduce the visual impacts of the road and bridge on users of the State beach include acquiring Final approval from the Santa Barbara County Board of Architectural Review (BAR) for the color of the bridge deck and the design and color of the bridge rail and guard rail. The color and texturing of the bridge surfaces and guard rails will be of dark, non-reflective colors and the concrete guard rails will be designed to resemble wood railings. In addition, the embankments of the new road will be planted with willows, which when mature, will result in a more natural roadside setting consistent with the surrounding environs. In addition, views of the bridge from the nearby hiking trail will also be limited, both by the natural topography of the region and by the vegetative screening proposed for the road embankment. Views of the new bridge and road from the day use area and campground will similarly be limited by the existing vegetation and the new willow plantings.

With implementation of the proposed mitigation measures, the impacts of the new road and bridge on the recreational experience will be mitigated to an insignificant level.

1.5.5 Cultural Resources

Construction of the temporary detour road has the potential to adversely impact a portion of the historic site CA-SBA-2484 H. This site potentially contains remnants of a fence line associated with a house that previously occupied the site. Testing conducted by the State Parks Department indicates that the top 36 inches of soil at the site are devoid of cultural materials. In addition, grading and other construction activities have the potential to disturb previously unknown archaeological remains.

Mitigation measures to reduce the potential impact of construction on this site include limiting excavation or surface grading for the temporary detour road to 12 inches below grade. In addition, removal of vegetation within the road corridor will be done by hand, a fabric filter will be placed on the cleared corridor, and fill will be placed on top of the fabric filter. An archaeological monitor shall be present during the construction and removal of the detour road. In the event that previously unknown archaeological remains are encountered within this site or elsewhere within the project area, work shall be stopped immediately or redirected until a County-approved archaeologist and Native American representative evaluate the significance of the find, pursuant to County guidelines. If the resource/remains are determined to be significant and can't be avoided through design modification, a Phase 2 investigation shall be conducted to further assess the nature, extent and disposition of the resource/remains, and if found to be significant, shall be subject to a Phase 3 mitigation program.

With implementation of the proposed mitigation measures, the impacts of the new detour road on cultural resources will be mitigated to an insignificant level.

1.6. FINDING THAT MITIGATION OF CERTAIN IMPACTS IS WITHIN THE RESPONSIBILITY AND JURISDICTION OF ANOTHER PUBLIC AGENCY

Approximately half of the bridge structure, de-silting and re-shaping of the creek bed and banks as well as all changes within the existing park, would be within the original permit jurisdiction of the California Coastal Commission. The mitigation of the impacts of these project components is within the responsibility and jurisdiction of the Coastal Commission.

1.7 FINDINGS THAT IDENTIFIED PROJECT ALTERNATIVES ARE NOT FEASIBLE

The Final EIR evaluated a No Project Alternative, Causeway Alternative, Alternative Alignments Alternative, Alternative Bridge Sites and Alternative Construction Methods to Avoid Significant Noise Impact as methods of reducing or eliminating potentially significant environmental impacts. These alternatives are infeasible for the following reasons:

1.7.1 No Project Alternative

The No Project Alternative would result in the continued flooding of the existing bridge and road by 10-year storm events. This would result in continued road closures of unknown frequency and duration. Such closures of Gaviota Beach Road would temporarily reduce or eliminate the ability of the residents of Hollister Ranch to access their property, and would constitute a hazard to public safety. This alternative would also require that Public Works continue to conduct maintenance work at the bridge site, within the creek channel, under normal and emergency situations. In contrast, according to the EIR, the proposed bridge would require little or no maintenance under normal or emergency conditions. Therefore, the maintenance required under the No Project Alternative could engender greater environmental impacts than those of the proposed project.

The No Project Alternative would not meet the project's primary underlying objective, as set forth in the Final EIR, of providing safe, year-round access across Gaviota Creek.

1.7.2 Causeway Alternative

The causeway would lessen both temporary and permanent impacts to the riparian and upland habitat, would lessen impacts to wildlife movement, and may lessen visual impacts. In addition, the causeway would result in more natural floodplain conditions as the creek would be able to meander freely across the entire floodplain. This alternative would not avoid the only identified significant, unmitigable (Class I) impact of the project as proposed – construction noise.

Overall, this alternative would lessen the magnitude of several environmental impacts of the proposed project, would not create any new significant impacts and would not increase the magnitude of the other impacts associated with the proposed project. For these reasons the causeway alternative was identified in the EIR as the environmentally superior alternative. However, based on information provided by the applicant (Public Works) the causeway alternative is infeasible due to cost. Specifically, FEMA would not, and could not, fund the extra costs associated with the causeway alternative and the County does not have the ability to fund these costs on its own.

1.7.3 Alternative Alignments

The proposed alternative alignments would locate the new road and bridge immediately upstream or downstream of, and parallel to, the existing road and bridge. This alternative alignment would result in a permanent loss of more riparian habitat, as it would be entirely located within undisturbed areas. According to the EIR, this alternative would also require more fill for the new road and would generate more construction traffic and construction-related emissions than the proposed project. This alternative is not desirable as it would not significantly lessen any environmental impacts associated with the proposed project and would increase others.

1.7.4 Alternative Bridge Site

The proposed alternative bridge site would locate the new bridge approximately 2,500 feet north of the existing bridge and would require the improvement of an existing dirt road and a new intersection with Highway 101. This alternative would result in a greater permanent loss of upland habitat, greater amounts of grading and associated potential impacts, and greater construction traffic and construction-related emissions. This alternative would also result in three new significant impacts in comparison to the proposed project: geologic hazards, visual resources and visitor experience (recreation). This alternative is infeasible based on cost (no FEMA funding for extra costs), the greater environmental impacts, and the conclusion that the California Department of Transportation (CalTrans) would likely not approve a new at-grade intersection for the road due to safety issues.

1.7.5 Alternative Construction Methods to Avoid a Significant Noise Impacts

There are no alternative construction methods that would reduce the noise generated by pile-driving, and no means of shielding the entire campground and day-use areas from the noise. Therefore this alternative is not feasible.

1.8 STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR for the Gaviota Beach Road and Bridge Replacement Project identifies project impacts to noise as a significant environmental impact that is considered unavoidable. The Planning Commission therefore makes the following Statement of Overriding Considerations that warrants approval of the project notwithstanding that all identified impacts are not fully mitigated. Pursuant to CEQA Sections 15043, 15092 and 15093, any remaining significant effects on the environment are acceptable due to these overriding considerations:

1.8.1 The Gaviota Beach Road and bridge provide the only access across Gaviota Creek for the residents of Hollister Ranch and the users of Gaviota State Beach.

1.8.2 The project will provide safe, reliable year-round access across Gaviota Creek. The project will provide a road and bridge that would not be flooded except by a 100-year storm event.

1.8.3 The project will result in the removal of a barrier to passage of Southern steelhead (*Oncorhynchus mykiss*), a federally listed species.

1.8.4 The project, as proposed, will minimize the financial impacts on the County as the project will be funded using state (Office of Emergency Services) and federal (FEMA) monies.

1.9 ENVIRONMENTAL REPORTING AND MONITORING PROGRAM

Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation. The Public Works Department will be responsible for monitoring compliance with the approved project description and EIR mitigation measures.

B: CONDITIONAL USE PERMIT FINDINGS

Pursuant to Section 35-172.8, a Conditional Use Permit application shall only be approved if all of the following findings are made:

1. *That the site for the project is adequate in size, shape, location and physical characteristics to accommodate the type of use and level of development proposed.*

   The proposed project is for the replacement of the existing Gaviota Beach Road and bridge with a new road and bridge within the same corridor. Replacement of the road and bridge could be accommodated on this site and this finding can be made.

2. *That adverse environmental impacts are mitigated to the maximum extent feasible.*

   Measures which mitigate impacts to biological resources, water quality and water resources, visual resources, air quality and noise have been incorporated as part of the project and as conditions of approval of this Conditional Use Permit. These measures would, among other things, control the extent and timing of grading; prevent runoff of sediment and contaminants; and protect and restore adjacent habitat. In addition, the project has been conditioned to require preparation of an Environmental Quality Assurance Program (EQAP) and the retention by the applicant of an independent, on-site EQAP monitor to ensure compliance with the project description, mitigation measures and all conditions of approval. All temporary construction-related impacts to habitat would be mitigated on a 3:1 basis through restoration of the disturbed soil and vegetation, and all permanent impacts to habitat would be mitigated on a 5:1 basis. No feasible measures to further reduce the impacts of the project on noise are available. To the extent that these impacts remain significant, the Planning Commission would adopt a Statement of Overriding Considerations. Therefore this finding can be made.

3. *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

   The new bridge and road have been designed to meet County rural road standards and would replace an existing sub-standard road and bridge. The new road and bridge have been designed to safely carry emergency vehicles as well as the quantity of traffic that uses these facilities to access Hollister Ranch and Gaviota State Beach.

4. *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

   The project would not require new public services nor would it increase the demand for existing public services. Therefore this finding can be made.

5. *That the project will not be detrimental to the health, safety, comfort, convenience, and*

general welfare of the neighborhood and will not be incompatible with the surrounding area.

The project would improve year-round access across Gaviota Creek by constructing a new road and bridge capable of passing a 100-year flood event. As such, the new road and bridge would improve safety and convenience for the residents of Hollister Ranch in that year-round access across Gaviota Creek would be provided. The project design, conditions of approval and a host of mitigation measures would reduce the impacts of construction-related dust, noise and traffic on Hollister Ranch residents and the recreational users of the State beach. Therefore the project would not be detrimental to the comfort and convenience of these populations. Further, the new road and bridge would be constructed in essentially the same corridor as the existing road and bridge, and native vegetation would be planted to help screen the new roadway and lessen its visual impact. Given this, the project would not be incompatible with the surrounding area. Therefore this finding can be made.

6. *That the project is in conformance with the applicable provisions and policies of this Article and the Coastal Land Use Plan.*
   The project is consistent with the provisions of the Coastal Land Use Plan and Article II as discussed in Sections 6.2 and 6.3 of this staff report and incorporated herein by reference.

7. *That in designated rural areas the use is compatible with and subordinate to the scenic and rural character of the area.*

   The proposed new road and bridge would be constructed in the same alignment and same general footprint as the existing road and bridge, which would limit the introduction of new visual elements into the landscape. In addition, the road embankments would be planted with willows that, upon maturity, would hide the new road from public views and would be compatible with the surrounding native vegetation. The bridge facade has been designed to be compatible with the character of the surrounding natural environment. The color and texturing of the bridge surfaces and guard rails would be of a dark, non-reflective color and the concrete guard rails would be designed to resemble wood railings to help the bridge blend with the natural vegetation and the rural character of the area. If the project is approved by the Planning Commission, the bridge design would be required to receive Preliminary and Final review and approval by the County Board of Architectural Review prior to issuance of permits by Planning and Development.

8. *That the project will not conflict with any easements required for public access through, or public use of the property.*

   The existing road and bridge are owned and maintained by the County within an existing County easement across State park property. The project would not conflict with this easement, but would maintain and improve public access across Gaviota Creek for the

residents of Hollister Ranch. The project would not conflict with public access across Gaviota Creek by recreational users of Gaviota State Beach.

9. *That the proposed use is not inconsistent with the intent of the zone district.*

The proposed use is consistent with the intent of the zone district as discussed in Section 6.3 of this staff report and incorporated herein by reference.

C: DEVELOPMENT PLAN FINDINGS

Pursuant to Section 35-174.7.1, a Development Plan shall only be approved if all of the following findings are made:

1. *That the site for the project is adequate in size, shape, location, and physical characteristics to accommodate the density and level of development proposed.*

The proposed project is for the replacement of the existing Gaviota Beach Road and bridge with a new, larger road and bridge within the same corridor. Replacement of the road and bridge could be accommodated on this site and this finding can be made.

2. *That adverse impacts are mitigated to the maximum extent feasible.*

Measures which mitigate impacts to biological resources, water quality and water resources, visual resources, air quality and noise have been incorporated as part of the project and as conditions of approval of this Conditional Use Permit. These measures would, among other things, control the extent and timing of grading; prevent runoff of sediment and contaminants; and protect and restore adjacent habitat. In addition, the project has been conditioned to require preparation of an Environmental Quality Assurance Program (EQAP) and the retention by the applicant of an independent, on-site EQAP monitor to ensure compliance with the project description, mitigation measures and all conditions of approval. All temporary construction-related impacts to habitat would be mitigated on a 3:1 basis through restoration of the disturbed soil and vegetation, and all permanent impacts to habitat would be mitigated on a 5:1 basis. No feasible measures to further reduce the impacts of the project on noise are available. To the extent that these impacts remain significant, the Planning Commission would adopt a Statement of Overriding Considerations. Therefore this finding can be made.

3. *That streets and highways are adequate and properly designed to carry the type and quantity of traffic generated by the proposed use.*

The new bridge and road have been designed to meet County rural road standards and would replace an existing sub-standard road and bridge. The new road and bridge have been designed to safely carry the quantity of traffic that uses these facilities to access Hollister Ranch and Gaviota State Beach.

4. *That there are adequate public services, including but not limited to fire protection, water supply, sewage disposal, and police protection to serve the project.*

   The project would not require new public services nor would it increase the demand for existing public services. Therefore this finding can be made.

5. *That the project will not be detrimental to the health, safety, comfort, convenience, and general welfare of the neighborhood and will not be incompatible with the surrounding area.*

   The project would improve access across Gaviota Creek by constructing a new road and bridge capable of passing a 100-year flood event. As such, the new road and bridge would improve safety and convenience for the nearby residents of Hollister Ranch. The project would also improve safety for recreational users of Gaviota State Beach in that a wider road and bridge with shoulders and bike lanes would result in safer vehicular and pedestrian/bicycle transit. The project design, conditions of approval and a host of mitigation measures would reduce the impacts of construction-related dust, noise and traffic on Hollister Ranch residents and the recreational users of the State beach. Therefore the project would not be detrimental to the comfort and convenience of these populations. Further, the new road and bridge would be constructed in essentially the same corridor as the existing road and bridge, and native vegetation would be planted to help screen the new roadway and lessen its visual impact. Given this, the project would not be incompatible with the surrounding area. Therefore this finding can be made.

6. *That the project is in conformance with the applicable provisions of Article II and the Coastal Land Use Plan.*

   The project is consistent with the provisions of the Coastal Land Use Plan and Article II as discussed in Sections 6.2 and 6.3 of this staff report and incorporated herein by reference.

7. *That in designated rural areas the use is compatible with and subordinate to the scenic, agricultural and rural character of the area.*

   The proposed new road and bridge would be constructed in the same alignment and same general footprint as the existing road and bridge, which would limit the introduction of new visual elements into the landscape. In addition, the road embankments would be planted with willows that upon maturity would hide the new road from public views and would be compatible with the surrounding native vegetation. The bridge facade has been designed to be compatible with the character of the surrounding natural environment. The color and texturing of the bridge surfaces and guard rails would be of a dark, non-reflective color and

the concrete guard rails would be designed to resemble wood railings to help the bridge blend with the natural vegetation and the rural character of the area. If the project is approved by the Planning Commission, the bridge design would be required to receive Preliminary and Final review and approval by the County Board of Architectural Review prior to issuance of permits by Planning and Development.

8. That the project will not conflict with any easements required for public access through, or public use of a portion of the property.

The existing road and bridge are owned and maintained by the County within an existing County easement across State park property. The project would not conflict with this easement, but would maintain and improve public access across Gaviota Creek for the residents of Hollister Ranch. The project would not conflict with public access across Gaviota Creek by recreational users of Gaviota State Beach.

ATTACHMENT B: CONDITIONS OF APPROVAL

1. **Project Description**. This Final Development Plan is based upon and limited to compliance with the project description, the hearing exhibits marked A-I, dated January 11, 2006 and attached hereto, and conditions of approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by Santa Barbara County Planning and Development Department for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

The proposed project consists of the removal of the existing Gaviota Beach Road and associated bridge over Gaviota Creek, and the construction of a new road and bridge. A temporary road and creek crossing would be constructed to provide access during construction and removed at the end of the project. In addition, portions of the banks of Gaviota Creek would be armored with rock to control erosion, and the new road embankments would be similarly armored. A new spur road would be constructed to connect the existing road from Hollister Ranch to the new bridge. Several modifications to Gaviota State Beach facilities (campsites, entrance kiosk, lighting and signage) would be required as part of the project. An extensive restoration plan would be implemented after completion of the construction phase of the project.

Although this project description includes the whole project, only a portion of the project site is within the County's jurisdiction, with the remainder of the site being within the California Coastal Commission's permit jurisdiction. Consequently, only certain project components and activities are within the County's jurisdiction. The project components and activities within the County's jurisdiction, and to be approved through the requested Development Plan, and companion Conditional Use Permit (05CUP-00000-00005) and effectuated through a subsequent Coastal Development Permit, are described below.

1. Temporary Access (Detour) Road and Creek Crossing

A temporary paved access (detour) road approximately 1,275 feet in length would be constructed east of, and parallel to, the existing Gaviota Beach Road. Approximately 975 feet of the proposed detour road is within the County's jurisdiction. Construction of the detour road would require clearance of the existing vegetation, leveling of the proposed corridor, and placement of fill to construct a new embankment of 30-35 foot width, varying in height from one to six feet above grade. The embankment would be compacted and leveled on top, and a new paved road of 24 foot width constructed. In order for the detour road to cross Gaviota Creek, fill would be placed in the creek to create a 65 foot wide embankment, across which the 24 foot wide paved detour road would run. Three, 36-inch diameter steel pipes of 78 foot

length would be buried at the bottom of the temporary creek crossing to allow upstream and downstream flow of Gaviota Creek. Construction of the detour road would require approximately 500 cubic yards of cut to prepare the corridor and placement of approximately 10,000 cubic yards of fill to construct the road and creek crossing.

Approximately 0.47 acres of riparian habitat and 0.22 acres of upland habitat would be temporarily removed or disturbed by construction of the temporary detour road. The 0.22 acres of upland habitat would be restored on a 3:1 basis (0.66 acres restored), and the 0.47 acres of riparian habitat would also be restored on a 3:1 basis (1.41 acres restored). Restoration would occur as per the proposed restoration plan included as Attachment E.

2. De-silting of Gaviota Creek

Approximately 7,500 cubic yards of accumulated sediment would be removed from the bed of Gaviota Creek. De-silting would occur in a stretch of the creek from approximately 250 feet downstream to 350 feet upstream of the proposed new bridge, and would require excavation of the creek bed to depths ranging from 0.5 to 4.5 feet. In addition the creek bed and banks would be graded in order to re-shape the channel into a substantially wider trapezoidal shape than what currently exists. The new width of the channel would be approximately 260 feet from top-of-bank to top-of-bank. The approximate area of creek bed proposed for de-silting and re-shaping is 1.5 acres.

Approximately half of the proposed upstream excavation, and a much smaller proportion of the downstream excavation, is within the County's jurisdiction. ***The remainder of the proposed de-silting operation is within the original permit jurisdiction of the California Coastal Commission and can neither be approved nor permitted under the requested Development Plan and Conditional Use Permit***.

The de-silting would facilitate passage of flows after construction of the new bridge and would be a one-time event. Any additional or subsequent de-silting within the County's jurisdiction would require application for, and approval of, a Coastal Development Permit with Hearing or, under an emergency scenario, pursuant to an Emergency Permit with a follow-on Coastal Development Permit.

Approximately 1.20 acres of riparian and wetland habitat would be removed by the de-silting. No active restoration would occur. (According to the EIR, recovery of this habitat would be expected to occur over time with re-establishment of creek flows and therefore active restoration would not be needed.)

3. Gaviota Beach Road

A portion of the existing Gaviota Beach Road stretching from the northern bank of Gaviota Creek approximately 800 feet northward toward Highway 101, would be removed and a new

road constructed. To construct the new road, approximately 1,500 cubic yards of cut would be required to prepare the road corridor and approximately 40,000 cubic yards of fill would be placed to create an earth embankment up to 12 feet in height and 70 feet in width. A new paved road of 34 foot width would be constructed on top of the new embankment, and would require the placement of an additional 10,000 cubic yards of fill. The road would be a single 12 foot lane in each direction, with two 5 foot wide paved shoulders which would be striped as bike lanes, and would also function for pedestrian and equestrian transit. Three square concrete box culverts measuring four feet by four feet in dimension would run under the proposed new road to provide passage for wildlife and convey flood flows.

The downstream slope of the proposed road embankment would remain earth, and would be planted with willows and other native vegetation. The upstream slope of the proposed embankment would be covered (i.e. armored) with un-grouted one-quarter ton rock (rock slope protection) to protect the new road from erosion during flood flows. To install the rock, the ground parallel to the toe of the new road embankment would be excavated to construct a roughly trapezoidal trench approximately 33 feet in width and a maximum of 10 feet in depth. A three-foot layer of rock would overlay an 18 inch layer of gravel, and would extend 60 feet up the embankment as measured from the bottom of the trench. The excavated trench and lower portion of the rock would be backfilled with soil to a maximum depth of 10 feet, while the top portion of rock armoring would be left uncovered. Both the lower covered rock layer and the exposed top rock layer would be planted with willows to provide visual screening.

Under current conditions a low-flow channel of Gaviota Creek is located adjacent to a portion of the proposed new road embankment. During construction, it will be necessary to prevent water from this channel from entering the work area. To do this, an earth berm approximately 3 feet high, 6 feet wide and 150 feet long would be constructed using materials from the dry portion of the channel. Prior to construction of the berm, mesh blocking nets (5mm mesh size) would be placed across the flow in the channel approximately 75 feet upstream and downstream of the ends of the proposed berm. Silt fencing would be installed in the non-wetted portions of the channel under direction of the biological monitor. After installation of the blocking nets and silt fencing, all tidewater gobies (*Eucyclogobius newberryi*), California red-legged frogs (CRLF, *Rana aurora draytonii*) and Southern steelhead/rainbow trout (*Oncorhyncus mykiss*) would be removed by trained personnel (biologist) approved by the United States Fish and Wildlife Service (FWS). All gobies would be captured and transported to a location downstream of the work area and blocking nets using FWS-approved protocols. All CRLF would be captured and transported to a location upstream of the work area and blocking nets using FWS-approved protocols. All steelhead and rainbow trout would be captured and transported to a location upstream of the work area and upstream blocking net using FWS-approved protocols. The blocking nets would remain in place throughout the duration of construction and removal of the temporary berm and construction of the road embankment and rock slope protection.

After removal of all species as described above, approximately 75 cubic yards of material would be moved from the dry portions of the creek bed using an excavator or rubber-tire loader operating within or adjacent to the low-flow channel. A visquine layer would be

placed on the upstream portion of the berm to prevent seepage. The berm would remain in place during the construction phase of the project. At the end of the construction phase, the berm would be removed by pushing the materials back into the dry portions of the creek bed.

The rock slope protection on the new road embankment would be replaced or repaired if it was damaged during a flood event. The repair or replacement of rock would require application for, and approval of, a new Coastal Development Permit with Hearing or, under an emergency scenario, pursuant to an Emergency Permit and follow-on Coastal Development Permit.

Construction of the new road (and bridge abutments) would result in the temporary loss of 0.717 acres of riparian habitat and 0.07 acres of upland habitat. The 0.717 acres of riparian habitat would be restored on a 3:1 basis (2.151 acres restored) as per the proposed restoration plan included as Attachment E. Similarly, the 0.07 acres of upland habitat would be restored on a 3:1 basis (0.21 acres restored).

Construction of the new road (and bridge abutments) would result in the permanent loss of 0.503 acres of riparian habitat and 0.209 acres of upland habitat. The 0.503 acres of riparian habitat permanently lost would be restored on a 5:1 basis (2.515 acres restored) as per the proposed restoration plan. The 0.209 acres of upland habitat would be restored on a 5:1 basis (1.05 acres restored). Although the new rock armoring along the road embankment would be planted with willows, this would not be considered in the acreage suitable as mitigation by Santa Barbara County Planning and Development due its low value, and temporary nature, as habitat.

4. Gaviota Creek Bridge

The existing bridge would be removed. The new bridge would consist of a 256 foot long concrete bridge that would be constructed of concrete slabs. Approximately 125 feet of the new bridge (the northern half) would be within the County's jurisdiction. ***The remainder of the proposed bridge is within the original permit jurisdiction of the California Coastal Commission and can neither be approved nor permitted under the requested Development Plan and Conditional Use Permit.*** The bridge would rest on concrete abutments at either end of the bridge and two concrete piers in the middle of the bridge. All concrete portions of the bridge would be cast in place. The bottom of the bridge deck would be approximately 11-12 feet above the creek bed. The bridge would be approximately 36 feet in width. There would be a single 12 foot wide traffic lane in each direction and two paved shoulders of 5 foot width that would also function as bicycle, pedestrian and equestrian lanes. Each side of the bridge deck would have a 4.7 foot high concrete barrier rail

The concrete abutments at either end of the bridge would be armored with rock in a similar fashion to the new road as described above. The northern abutment is within the County's jurisdiction while the southern abutment is not. ***The southern abutment of the proposed bridge is within the original permit jurisdiction of the California Coastal Commission and***

can neither be approved nor permitted under the requested Development Plan and Conditional Use Permit. The rock layer installed to protect the new road embankment (see #3 above) would be extended for a distance of approximately 175 feet around the north abutment of the new bridge and along the north bank. Similar to what was described for the road embankment, a three foot deep layer of one-quarter ton rock would be placed along the northern bank of Gaviota Creek. The rock layer would be buried 10 feet below the surface of the creek bed and would extend approximately 6.5 feet up the bank. The exposed rock layer would be planted with willows.

The temporary and/or permanent loss of riparian or upland habitat resulting from construction of the bridge itself has been included in the totals for the new road, and is described in the foregoing section (see #3 above).

5. Temporary Dams and Dewatering

Upstream Dams and Work Area Dewatering

In order to construct the new bridge, the downstream flow of Gaviota Creek would need to be diverted around the work site. Although there is upstream tidal flow it does not extend to the project area and therefore would not need to be blocked from reaching the work site. To divert the downstream flow, temporary dams (cofferdams) would be installed within the bed of Gaviota Creek, approximately 375 feet upstream of the existing bridge. Prior to installation of the cofferdams, a mesh blocking net (5mm mesh size) would be placed across the flow in Gaviota Creek at a location approximately 75 feet upstream of the cofferdam site, (450 feet upstream of the existing bridge). Silt fencing would be installed in the non-wetted portions of the creek bed and would extend for 100 feet beyond the top of the creek bank in both directions. After installation of the blocking nets and silt fencing, all tidewater gobies (*Eucyclogobius newberryi*), California red-legged frogs (CRLF, *Rana aurora draytonii*) and Southern steelhead/rainbow trout (*Oncorhyncus mykiss*) would be removed by trained personnel (biologist) approved by the United States Fish and Wildlife Service (FWS). All gobies would be captured and transported to a location downstream of the work area and blocking nets using FWS-approved protocols. All CRLF would be captured and transported to a location upstream of the work area and blocking nets using FWS-approved protocols. All steelhead and rainbow trout would be captured and transported to a location upstream of the work area and upstream blocking net using FWS-approved protocols. The biologist would work from the upstream blocking net to the downstream limits of the work area, and then erect a second blocking net and silt fence barrier 75 feet downstream of the downstream work area limits.

After erection of the blocking nets and removal of all species as described above, a 36-inch diameter flexible High-Density Polyethylene (HDPE) culvert (temporary pipeline) would be used to by-pass the creek flows through the construction work area. The by-pass would be installed prior to the construction of the cofferdam while the creek is still flowing through the work area. The pipeline would originate below the upstream blocking net/silt fencing, but

upstream of the proposed gravel bag cofferdam, and would terminate below the downstream blocking net/silt fencing. The pipeline would be placed on the dry portion of the creek bed, outside the active channel and outside any active work area. One or two vehicle crossings would be created over the pipeline by placing an earthen ramp over the pipe. The pipe segments would be fused or clamped securely to prevent leakage or accidental separation. The pipeline would be placed in a positive gradient to allow flow by gravity. A small excavator or loader would clear a 10-foot wide zone through the work area, and then grade the corridor to a smooth surface with a uniform slope. The pipeline would rest on the ground and be secured with small (i.e., 12-18 inches) earthen berms along the sides. The inlet and outlet to the pipeline would be constructed of in-stream materials to create a smooth transition for flows to pass from the creek into the pipe (inlet side) and from the pipe to the creek (outlet side). The transition would be lined with an impermeable fabric and secured with cobbles to prevent erosion or movement of the pipeline. The intake and outlets of the by-pass pipeline would be screened with a 5 mm mesh to prevent entry by any aquatic species or wildlife.

Subsequent to placement of the temporary pipeline, a gravel bag cofferdam and an earthen berm cofferdam would be constructed. Gravel bags and a visquine layer would be placed by hand across the creek to form a pyramid sufficient to divert the creek flow into the temporary pipeline. The gravel bag cofferdam would be constructed no closer than 25 feet downstream of the blocking net and silt fencing.

After installation of the gravel bag cofferdam, the earthen berm cofferdam would be constructed 375 feet upstream of the existing bridge, and 25 feet upstream of the limits of the channel desilting area. The earthen cofferdam would be constructed of in-stream materials (i.e., sediments, gravels, cobbles). A berm at least five feet high would be constructed across the active channel, which could vary from 10 to 25 feet in width based on conditions at the time of construction. The base of the berm would be at least 15 feet wide with 2:1 (H:V) slopes, and would be compacted with an excavator shovel. The creek bed at the upstream toe of the cofferdam would be excavated at least 3 feet below the invert to install an impermeable fabric to intercept below ground seepage. This fabric would be installed across the upstream face of the earthen cofferdam and then covered with at least one foot of sediment and cobble.

The creek by-pass system would be designed to operate by gravity. However, in the event that water surface elevations above the cofferdam increased during construction such that flows could pass around the cofferdam, a sump pump would be installed in the creek between the earthen and gravel bag cofferdams. Under this condition, an electrical sump pump with a 5 mm screen surrounding the intake would pump water into the by-pass culvert. The pump would be powered by a portable generator at the site. The by-pass system would be inspected throughout the day, and prior to leaving the work site at night. It would be inspected and maintained during non-work days (i.e., Saturdays, Sundays, holidays) by the Contractor on a more frequent basis to prevent outages due to vandalism.

The creek diversion system (by-pass) would be installed in July of 2006, beginning with installation of the blocking nets and silt fencing, and would be removed on December 1, 2006. The blocking nets and silt fencing would remain in place through all work and would be the last

component removed on December 1 of each year. To remove the by-pass, a low flow channel would be constructed from the upstream end of the work area to the temporary creek crossing associated with the detour road. The channel would be about 3 feet deep and 15 feet wide, and would be constructed using an excavator. Upon completion of the low flow channel, the earthen cofferdam would be removed using an excavator. The gravel bag cofferdam would then be removed by hand, allowing any flows in the creek to enter the low flow channel. The temporary pipeline would then be removed from the creek channel. The by-pass system would be re-installed in July 2007, and then removed at the end of construction in December 2007 using the same methods described above.

Bridge Site

Groundwater may be encountered during excavation for the bridge piers, abutments and associated rock slope protection. This would require additional dewatering activities as described below.

For the bridge piers and abutments, a pit of approximately eight foot depth would be excavated in the creek bed to expose the top of the pilings. Any groundwater that flowed into the pit would be pumped out using sump pumps. The groundwater would be pumped into a settling pond. The settling pond would be approximately eight feet in diameter and four feet in depth, and would be excavated in the creek bed at the downstream end of the work area but upstream of the blocking net and silt fencing. The pond would be layered with visquine and water would decant by gravity over the lip of the pond and into the creek bed.

If groundwater is encountered, it is necessary to prevent contact of groundwater with the concrete being poured for the bridge components. According to Public Works, this would be achieved by the following construction methods. A cofferdam constructed of gravel bags and plywood backed with waterproof material (visquine) would be constructed within the pit to surround the actual concrete form. This cofferdam would isolate the plywood concrete form, and the concrete poured within the form, from contact with groundwater within the excavation. In the event that the cofferdam leaked and water contacted the concrete, this water would be removed using a portable gas-powered vacuum and stored in a portable tank for disposal at an offsite municipal sanitary sewer (with approval from the affected city).

Only one pit would be excavated for each pier or abutment. Excavation of any additional pits, dewatering sites or wells would require review and approval by the Santa Barbara County Planning and Development Department (P&D).

6. Habitat Restoration

General Requirements and Mitigation Ratios

The proposed project would occur entirely within an area designated as Environmentally Sensitive Habitat by the County of Santa Barbara. Construction of a new road and bridge through this area would necessarily engender impacts to the surrounding habitat. To be

deemed consistent with County policies that call for the protection of such habitat, the project must implement the proposed mitigation measures and conditions of approval which require restoration of the affected area.

According to the EIR and the preliminary restoration plan (Attachment E), the project would result in the temporary removal of 1.19 acres of riparian or wetland habitat and the permanent loss of 0.50 acres. The temporary loss of habitat would be mitigated on a 3:1 ratio (3.57 acres restored) to ensure consistency with the standards of the California Department of Fish and Game (DFG). The permanent loss of habitat would be mitigated on a 5:1 ratio (2.5 acres restored) as per DFG standards. Therefore a total of 6.07 acres of riparian and/or wetland habitat would be restored.

In addition to the project's impacts on riparian and/or wetland habitat, 0.29 acres of upland habitat would be temporarily removed and 0.21 acres would be permanently lost. This upland habitat, as well as the riparian and wetland habitat, is designated as Environmentally Sensitive Habitat. Although neither the EIR nor the preliminary restoration plan specifically calls for mitigation of these impacts, both the temporary and permanent removal of upland habitat would need to be restored in order for the project to be deemed consistent with County policy. The temporary loss of upland habitat would be mitigated for on a 3:1 basis (0.87 acres restored) and permanent loss of upland habitat would be mitigated for on a 5:1 basis (1.05 acres restored). Therefore a total of 1.92 acres of upland habitat would be restored.

The total acreage that would need to be restored as mitigation for the project's impacts would be 8.00 acres – 6.07 acres of riparian/wetland habitat and 1.92 acres of upland habitat. The preliminary restoration plan proposes to restore or enhance a total of 8.81 acres. Of this total proposed acreage (8.81 acres), 0.43 acres is comprised of willow plantings in the rock slope protection along the new road. These 0.43 acres would not be considered acceptable as mitigation by P&D, and the total acceptable acreage proposed for mitigation would therefore be 8.38 acres.

Proposed Restoration Plan

The proposed restoration plan would consist of work to be done outside of the creek channel. Approximately 1,000 cubic yards of grading would be required for the restoration phase of the project.

All areas of temporary impact associated with construction of the new Gaviota Beach Road and temporary detour road would be restored to riparian habitat adjacent to the new road corridor. The riparian and upland areas east of the new road would also be restored through a mixture of clearing, weeding and/or planting as mitigation for the permanent impacts of the project. Four or more slight depressions would be created in this area to function as seasonal ponds or pools.

Native vegetation from locally occurring stock would be planted in the restoration areas and maintained and monitored for five years. The restoration plan would require that the

following performance measures be met at the end of the five year period: 90% cover of native plants, less than 5% weed cover, and native plantings that had survived without supplemental watering for two years.

In addition to the components and activities described in Sections 1 – 6 above, the project also proposes the following: a) installing rock protection on the southern bank of Gaviota Creek upstream and downstream of the new bridge; b) constructing the southern half of the new bridge; c) constructing a new spur road to connect to the existing Hollister Ranch Road; c) constructing a new entrance kiosk, campsites, parking lot, signage and lighting for Gaviota State Beach. These proposed project components/activities are all within the permit jurisdiction of the California Coastal Commission, and are not part of nor permitted under the requested Development Plan (05DVP-00000-00002) or Conditional Use Permit (05CUP-00000-00005). The County's role in permitting these project components would require that the County Planning and Development Department approve and issue a follow-on Land Use Permit, with appropriate conditions, to effectuate the construction activities approved by the California Coastal Commission.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans (such as the Restoration Plan) must be submitted for review and approval and shall be implemented as approved by Planning and Development.

II. Mitigation Measures from Environmental Document

A. General & Noise

1. REC-2. No Work on Holidays All construction activity, including truck deliveries or hauling, are prohibited on weekends, and the following state holidays, and on the afternoons preceding these holidays, Memorial Day, Independence Day, and Labor Day. In addition, construction would be prohibited on the following state holidays if observed on Friday or Monday: Martin Luther King Jr. Day, Presidents' Day, Cesar Chavez Day, Columbus Day, and Veterans Day. **Plan Requirements and Timing.** The County shall include the holiday restrictions in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with these restrictions through personal communications at the work site.

2. REC-4. Notification of Construction Work to State Parks. The County will provide information to State Parks on a weekly basis concerning the nature, location, and progress of construction. This information will also include a 60-day projection of construction work. In addition, it will include information on the dates and times of any major construction activities, such as pile-driving, that could cause noise impacts to park users. It is anticipated that State Parks would include information on web site so that visitors considering use of Gaviota State Park are aware of the presence of construction activities. The County will also provide bi-weekly notices in the Santa Barbara News Press, Santa Maria Times, and Lompoc Record concerning the nature and progress of construction. It is anticipated that State Parks would also provide a handout to drive-in visitors about the construction work to allow visitors to decide whether they want to stay at the Park during the construction work. **Plan Requirements and Timing**. The County shall prepare an internal public information plan that includes the above notifications, and assigns specific staff to implement the program throughout the construction period. **Monitoring**. The County project manager shall document compliance with the above notifications in the weekly construction reports.

3. REC-5. Restrictions on Pile Driving. Pile driving shall not occur prior to 8 AM or later than 4 PM. **Plan Requirements and Timing**. The County shall include this restriction in the project plans and specifications. **Monitoring**. The County, or its designated construction manager, shall ensure that the Contractor complies with this restriction through personal communications at the work site.

4. NS-4. Possible use of Vibratory Hammer.. If soil conditions allow, if sheet piles are not being driven and if otherwise feasible, a vibratory hammer shall be used rather than an impact-type hammer. Pile holes shall be pre-drilled where practicable. To the extent practicable, contractor shall comply with federal GSA contract noise specifications to limit pile driving noise to a maximum sound level of 95 dBA at a distance of 50 feet. **Plan Requirements and Timing:** The County shall include the above restriction in the project plans and specifications. The Contractor must provide a plan for the use of a vibratory hammer for County review and approval, prior to the work. **Monitoring:** The County, or its designated construction manager, shall record the use of the vibratory hammer in the weekly construction report.

5. NS-1. Engine Conditions. All noise-producing project equipment and vehicles using internal combustion engines (including haul trucks) shall be professionally fitted with mufflers, air-inlet silencers where appropriate, and any other shrouds, shields, or other noise-reducing features. These devices shall be maintained in good operating condition so as to meet or exceed original factory specification. Mobile or fixed "package" equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment. **Plan Requirements and Timing.** The County shall include the above restrictions in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with these restrictions through observations and personal communications at the work site.

6. NS-2. Location of Staging. Material stockpiles and equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors so as to minimize construction noise impacts to nearby noise-sensitive receptors. **Plan Requirements and Timing.** The County shall include the above restriction in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with this restriction through observations and personal communications at the work site.

7. NS-5. Combining Construction Activities.. To the extent practicable, the noisiest operations shall be scheduled to occur simultaneously in the construction program to avoid prolonged periods of annoyance. **Plan Requirements and Tim*ing.*** The County shall include the above restriction in the project plans and specifications. The County shall require the Contractor to provide a construction staging plan for review and approval that includes the above measure. The plan must show how the Contractor will comply, or why compliance is not practicable. **Monitoring.** The County, or its designated construction manager, shall record the approve construction staging in the weekly construction report.

8. NS-6. Construction Music Devices. No project-related public address or music system shall be audible at any adjacent receptor. **Plan Requirements and Timing.** The County shall include the above restriction in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with this restriction through observations and personal communications at the work site.

9. NS-3. Speed Limits. Construction site and access road speed limits (15 MPH) shall be established and enforced during the construction period. **Plan Requirements and Timing.** The County shall include the above restriction in the project plans and specifications. **Monitoring.** The County, or its designated construction manager, shall ensure that the Contractor complies with this restriction through observations and personal communications at the work site.

B. Air Quality

10. AQ-1. Emission Reductions – Fugitive Dust The following measures would reduce fugitive dust emissions related to construction activities and haul trucks. They are based on the standard dust mitigation measures of the APCD.

a) Areas subject to clearing, grading, earth moving or excavation shall be kept sufficiently moist, through use of either water trucks or sprinkler systems, to prevent dust from leaving the site. Water trucks or sprinkler systems shall also be used to keep on-site roads (paved and unpaved) damp enough to prevent dust raised from leaving the site. At a minimum, this shall include wetting down these areas in the late morning and after work is completed for the day. At the end of the day, areas with disturbed soil shall be sufficiently moistened to create a crust. Increased watering

frequency shall be required whenever the wind speed exceeds 15 mph. These areas must also be kept moist during weekends and days when no construction activities are occurring.

b) Reclaimed water shall be used for dust control if the Public Works Director determines that it is reasonably available.

c) Stockpiles and barren areas at the project site that would be disturbed on a periodic basis (at least once every 5 days) shall be kept sufficiently moist by the use of water trucks or sprinklers to prevent dust from leaving the site.

d) Stockpiles and barren areas at the project site that would remain undisturbed for more than 5 days shall be stabilized by the use of tackifiers, soil binders, or other measures. These stabilization agents shall be replenished throughout the dry season on an as-needed basis to prevent dust emissions.

e) On-site vehicle speeds shall be limited to 15 miles per hour or less.

f) Gravel pads or similar devices shall be installed at all access points to prevent tracking of mud on to public roads.

g) Gaviota Beach Road and Hollister Ranch Road shall be inspected daily (midday and at the end of the day) during periods of truck hauling to determine if there is an accumulation of silt on the road that could cause fugitive dust. These road segments shall be kept clean of such silt by the use of a street sweeper or watering truck.

h) Trucks transporting fill material to and from the site shall be tarped from the point of origin.

i) Upon the completion of construction, all disturbed areas shall be stabilized by the use of rock protection or perennial vegetation.

j) The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holiday and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to initiation of construction. All dust control requirements shall be shown on grading and building plans.

11. AQ-2. Emission Reductions – Equipment Emissions. The following measures would reduce NO_X emissions from construction equipment and haul trucks. They are based on the standard mitigation measures of the APCD.

a) Heavy-duty diesel-powered construction equipment manufactured after 1996 (with federally mandated "clean" diesel engines) should be utilized wherever feasible.

b) The engine size of construction equipment shall be the minimum practical size.

c) The number of construction equipment operating simultaneously shall be minimized through efficient management practices to ensure that the smallest practical number is operating at any one time.

d) Construction equipment shall be maintained in tune per the manufacturer's specifications.

e) Construction equipment operating onsite shall be equipped with two to four degree engine timing retard or pre-combustion chamber engines.

f) Catalytic converters shall be installed on gasoline-powered equipment, if feasible.

g) Diesel particulate filters as certified and/or verified by EPA or California shall be installed, if available and if determine to be reasonable and feasible by the County Public Works Department.

h) Construction worker trips should be minimized by encouraging carpooling and by providing for lunch onsite.

Plan Requirements and Timing. The County shall include the above emission control measures in the project plans and specifications. **Monitoring*.*** The County, or its designated construction manager, shall ensure that the Contractor complies with these measures, as practicable, through observations and personal communications at the work site.

12. AQ-3 – Asbestos Abatement. Prior to construction, the County shall conduct a survey of the existing bridge crossings to determine if asbestos is present as part of the bridge structure. The County shall then file an Asbestos Notification for Renovation and Demolition Form with the Santa Barbara County Air Pollution Control District.

B. Biological Resources

13. BIO-1. Restoration of Temporarily Disturbed Areas All temporarily disturbed areas associated with construction access to the bridge, the roadway approach, and bank protection near the bridge shall be restored to native riparian habitats. In addition, the corridor disturbed for the temporary detour road shall also be restored to native riparian habitat. Santa Barbara County shall prepare a detailed restoration plan, to be approved by the California Department of Parks and Recreation, which specifies the areas to be restored, site preparation methods (including weeding and soil treatment), plant sources, planting methods, supplemental watering, and a 5-year maintenance and monitoring program. The goal of the restoration is to establish a diverse mixture of riparian scrub and woodland in the disturbance zones that would have a higher species diversity and lower weed cover than under current conditions. Restoration would commence in November 2007 at the end of construction. The minimum performance goals at the end of five years would be 90 percent native plant cover, less than 5 percent noxious weed cover, and plants relying on natural rainfall and soil moisture conditions for at least two years. The channel desilting area shall be allowed to revegetate naturally. Active revegetation is not

proposed because this area would be subject to flooding. However, the County will actively weed this area for five years to prevent the invasion of exotic weeds. Invasive weed cover shall not exceed 10 percent at the end of 10 years.

In addition to revegetating the temporary disturbance zones (a total of 1.19 acres, but not including the desilted channel), the County shall restore or enhance other riparian habitat along Gaviota Creek to provide a 3:1 restoration ratio for temporary impacts (exclusive of the desilted channel), in accordance with the anticipated requirements of the California Department of Fish and Game's Streambed Alteration Agreement for the project. Additional restoration areas would consist of barren, highly disturbed, or weed-dominated areas in the floodplain. Restoration of these areas shall follow the above maintenance, monitoring, and performance requirements. Hence, the total restoration requirements for temporary impacts shall be 3.57 acres (1.19 acres x 3), of which 1.19 acres shall occur in the disturbance zones, and 2.38 acres shall occur in suitable locations elsewhere in the Park. **Plan Requirements and Timing.** Santa Barbara County Public Works Department shall prepare the habitat restoration plan during final design. The plan shall include monitoring and reporting requirements. **Monitoring.** The County will implement a 5-year monitoring and maintenance plan to ensure that the restoration will meet the specified performance criteria. Annual reports will be prepared to document progress.

14. BIO-2. Planting Rock Rip-rap. The voids in the ungrouted rock rip-rap along the north side of the roadway approach and at the bridge site shall be backfilled with native soils and planted with willow and mulefat cuttings at the end of 2007, when construction is expected to end and conditions for planting are ideal. The minimum stem spacing shall be 8 feet. Santa Barbara County shall prepare 5-year maintenance and monitoring plan that describes how the plants will be maintained (i.e., watering) and weeds will be managed. The County shall consult with the California Department of Parks and Recreation prior to planting to determine if breaks in the planting are desirable to provide visual opening for travelers. The minimum performance goals at the end of five years would be 75 percent native plant cover, less than 5 percent noxious weed cover, and plants relying on natural rainfall and soil moisture conditions for at least two years. The County shall coordinate with the California Department of Fish and Game to acquire credit from the willow plantings for the compensatory habitat requirements under BIO-3.
Plan Requirements and Timing. Santa Barbara County Public Works Department shall prepare the willow planting plan during final design of the project. The plan shall include monitoring and reporting requirements. **Monitoring.** The County will implement a 5-year monitoring and maintenance plan to ensure that the willow plantings will meet the specified performance criteria. Annual reports will be prepared to document progress.

15. BIO-3. Habitat Restoration for Permanent Habitat Loss . The County shall restore riparian habitat at the Park in the winter following construction to offset the loss of wetland and riparian habitats due to the proposed project. The total permanent riparian and wetland habitat loss to be mitigated is 0.503 acres. The total mitigation acreage would be based on a 5:1 replacement ratio, resulting in the restoration of 2.5 acres. The County shall prepare a detailed restoration plan, to be approved by Parks, CDFG, CCC, and USFWS. , which specifies the areas to be restored in the

Park, site preparation methods (including weeding and soil treatment), plant sources, planting methods, supplemental watering, and a 5-year maintenance and monitoring program. The goal of the restoration is to establish a diverse mixture of riparian scrub and woodland in the disturbance zone that would have a higher species diversity and lower weed cover than under current conditions. Restoration would commence at the end of 2007, when construction is expected to end and conditions for planting are ideal. The minimum performance goals at the end of five years would be 90 percent native plant cover, less than 5 percent noxious weed cover, and plants relying on natural rainfall and soil moisture conditions for at least two years. The restoration plan shall include a 5-year feral pig management element to prevent damage to the new plants. Upon mutual agreement by the County and Parks, the County may provide one-time funds for Parks to implement the restoration and maintenance and monitoring program, with full responsibility for achieving the restoration goals. **Plan Requirements and Timing.** Santa Barbara County Public Works Department shall prepare the habitat restoration plan during final design. The plan shall include monitoring and reporting requirements. **Monitoring.** The County will implement a 5-year monitoring and maintenance plan to ensure that the restoration will meet the specified performance criteria. Annual reports will be prepared to document progress.

16. BIO-4. Seasonal Restriction for Work in the Creek. No construction work involving clearing, grubbing, dewatering, excavation, or filling shall occur within the bed and bank of Gaviota Creek, or within 15 feet of the top of bank during the period December 1 to July 1 to prevent impacts to migrating steelhead and to avoid impacts to riparian breeding birds. The County shall conduct breeding bird surveys of the work site and within 500 feet of the work area prior to July 1st, and after July 1st if breeding birds are present, to determine if breeding activity is occurring. The survey shall identify nest locations, species, and breeding status. The County shall consult with CDFG to determine if certain construction activities can proceed if the work occurs a suitable distance from active nests, and a biological monitor is present. It construction could result in take of a nest being used for breeding, the work shall be postponed until no take would occur. Work may occur in the creek in the month of December or in the month of June if specifically approved in writing by the US Fish and Wildlife Service, California Department of Fish and Game, and NOAA Fisheries because impacts to steelhead migration are not expected due to hydrologic conditions at the time, and because breeding birds would not be adversely affected by work in June. These agencies shall also determine that no significant impacts would occur to any other biological resources by extending the work period for these months. **Plan Requirements and Timing.** The County shall include seasonal restrictions in the plans and specifications for the project. **Monitoring.** The County, or its designated construction manager, shall observe and document the Contractor's compliance with this measure.

17. BIO-5. Relocation of Species From Creek Prior to Construction. A biologist approved by USFWS and NOAA Fisheries shall survey suitable habitat for the red-legged frog, the tidewater goby, and the southern steelhead trout in the Gaviota Creek work site, which encompasses the temporary creek crossing, the new bridge, and the channel desilting area two weeks before the initiation of construction activities in the creek that involve clearing, grubbing, or grading. At that time, the biologist shall place a barrier at the upstream and downstream ends of the creek

work area to prevent movement of red-legged frogs, gobies, and steelhead trout into the work area. The barriers shall be constructed of blocking nets and silt fencing, as necessary, but shall allow the free passage of flows in the creek. The biologist shall remove red-legged frogs and gobies using USFWS-approved methods under the terms and conditions of handling permits for these species. Red-legged frogs shall be relocated to suitable pool habitat upstream of the work area, and gobies shall be relocated to the creek downstream of the work area. It is not anticipated that steelhead trout will be found within the action area; however, if they are found during surveys, the biologist shall remove all steelhead using NOAA Fisheries-approved methods and under the terms and conditions of handling permits for this species. If steelhead trout are found within the work area, they shall be relocated to suitable pool habitat upstream of the work area. Once all individuals of these species have been removed from the work area, the work area can be dewatered. **Plan Requirements and Timing.** The County shall prepare a post-relocation report documenting the actions taken to relocate species from the work area, and provide the report to permitting agencies within 30 days. **Monitoring.** The County, or its designated construction manager, shall observe the relocation efforts and document compliance in the weekly construction report.

18. BIO-6. Dewatering and Creek By-pass Operation.

a) The dewatering operation for the creek work area shall be constructed and operated in such a manner as to ensure reliable 24-hour by-pass of all flows around the creek work area using electrical pumps (if feasible) with a back-up system in the event of a power outage. The intake and outlets of the by-pass system shall be screened with a 5 mm mesh to prevent the entrainment of aquatic species. The dewatering and by-pass system shall be inspected throughout the day, and prior to leaving the work site at night. It shall be inspected and maintained during non-work days (i.e., Saturdays, Sundays, holidays) by the Contractor on a more frequent basis to prevent outages due to vandalism.

b) A USFWS-approved biologist shall monitor the construction of the temporary creek crossing and channel desilting operation to ensure that no aquatic habitat with gobies or red-legged frogs remains in the dewatered creek work area. The biologist shall have the authority to require the Contractor to stop work if an endangered species is located in the work area, until such time that the species is relocated and the origin of the problem has been identified and corrected.

c) On or before December 1, 2006, the Contractor shall remove the dewatering and creek by-pass system and the upstream and downstream barriers in the creek work area. The removal of these facilities and re-instatement of flows to the creek work area shall be completed in less than an hour to ensure that any endangered species in the creek flows are not stranded in the work area. Prior to re-instating the flows, the Contractor shall grade a pilot channel through the work area with the approximate dimensions of 6 feet wide and two feet deep, subject to modification by the USFWS-approved biologist who will monitor this operation.

Plan Requirements and Timing. Santa Barbara County Public Works Department shall require the Contractor to submit a dewatering and creek by-pass plan that incorporates all of the above items prior to initiating construction work. The County shall review and approve the plan. **Monitoring.** The County, or its designated construction manager, shall observe and record the installation and removal of the dewatering and creek by-pass system, and document these actions in the weekly construction report.

19. BIO-7. Pilot Channel. Upon completion of the project, a pilot channel shall be excavated in the area of the channel that was desilted to contain low flows at the time of construction, and to create a path for early winter flows. The pilot channel shall be approximately six feet wide and two feet deep, and constructed of in-channel materials. Cobbles shall be used to form the channel as feasible. **Plan Requirements and Timing.** Santa Barbara County Public Works Department shall require the Contractor to submit a plan to create the pilot channel prior to initiating the work. The County shall review and approve the plan. **Monitoring.** The County, or its designated construction manager, shall observe and record the construction of the pilot channel, and document it in the weekly construction report.

20. BIO-8. Temporary Exclusion Fence Along Work Limit. Prior to any clearing and grubbing activities at the site or surveying that requires vegetation removal or trampling, a qualified biologist shall direct the placement of temporary exclusion fencing along the work limits to prevent entry by workers or equipment into adjacent habitat areas and prevent any frogs from entering the construction area. The biologist shall relocate any frogs present in the work area prior to placing the fence. The exclusion fence shall be constructed of geo-textile silt fencing material attached to steel fence posts and shall be buried at the base to close all gaps. A fine (less than 1 centimeter [cm]) mesh shall be used to avoid entrapment of amphibians or fish in the silt fence. The silt fence shall be monitored by a qualified biologist periodically during construction to evaluate its effectiveness. The fencing shall be maintained throughout the construction period and removed on project completion. **Plan Requirements and Timing.** The County shall require that the project plans clearly show work limits and an exclusion fence, and that the specifications require that the Contractor install the fence in accordance with the qualified biologist. **Monitoring.** The County's qualified biologist shall observe and approve the placement and removal of the exclusion fence, and shall periodically inspect the fence throughout the construction period.

21. BIO-9. Construction Monitoring for Special-Status Species. An approved biologist shall monitor construction activities that involve stream diversion; vegetation removal from the floodplain; desilting of the creek; grading or filling of the floodplain; and installation of rock slope protection. The objective of the monitoring is to determine if any special status species, particularly the red-legged frog, have recolonized these work areas, and could be vulnerable to disturbance. The biologist shall determine the frequency and extent of monitoring of these previously cleared areas. If any special-status species are found within the work area during construction, construction activities shall be temporarily suspended until the biologist can relocate the species to suitable habitat outside the work area. The biologist shall also ensure that

all barriers installed to prevent special-status species from entering the work area are in good condition and functioning properly. **Plan Requirements and Timing.** The County shall require that the project specifications include monitoring by a qualified biologist who has the authority to inspect the work areas, and to temporarily suspend work when an endangered species is present. **Monitoring.** The County's qualified biologist shall conduct periodic inspections of the work areas as needed, and shall document all observations and actions taken in the weekly construction report.

22. BIO-10. Worker Education During the pre-construction conference with the Contractor, the County shall have the USFWS-approved biologist conduct a training session for all construction personnel. At a minimum, the training shall include a description of the California red-legged frog, tidewater goby, and southern steelhead and their habitats at the site; the specific measures that are being implemented to protect these species during construction; project limits; and lines of communications concerning any issues with these species. **Plan Requirements and Timing.** The County shall include the worker education conference in the project specifications. **Monitoring.** The County's qualified biologist shall conduct the training, and require that all workers attend and sign a certification of attendance.

23. B-5. Qualified Biological Monitor. At least 90 days prior to the onset of construction activities, Santa Barbara County shall submit to USFWS and NOAA Fisheries, the name(s) and credentials of biologist(s) who would conduct monitoring, surveying, species relocation, and other biological field activities specified in these biological avoidance and minimization measures. No project activities shall begin until proponents have received written approval from the Service that the biologist(s) is qualified to conduct the work.

24. B-12. Trash Management. Throughout the construction period, all trash that may attract predators shall be properly contained, removed from the work site and disposed of regularly. Following construction, all trash and construction debris shall be removed from work areas.

25. B-13. Fueling Restrictions. All fueling and maintenance of vehicles and other equipment and staging areas shall occur at least 200 feet from any riparian habitat or waterbody. This restriction shall be included in the Contractor's SWPPP, which must meet state requirements.

26. B-14. Weed Control. The Contractor shall not stockpile materials on site in a manner that could cause the spread or introduction of invasive exotic plant species to other portions of the project site.

27. B-15. Removal of Invasive Species The USFWS-approved biologist shall permanently remove, from within the project area, any individuals of exotic species, such as bullfrogs, crayfish, and centrarchid fishes, to the maximum extent possible.

C. Water Quality

28. WQ-1. Storm Water Pollution Prevention Plan The following measures shall be incorporated into the project Storm Water Pollution Prevention Plan (SWPPP), which shall meet state NPDES General Construction Permit requirements. The SWPPP shall incorporate all feasible Best Management Practices (BMPs) to reduce erosion from construction activities, to prevent sediment in storm water discharges, and to minimize non-storm water pollutants at the project site to the maximum extent possible.

a) The following construction activities involving minor earthwork and grading may occur in the winter months (designated the following period for this project: November 1 to April 1) provided erosion control BMPs are implemented to prevent discharge of sediments and polluted runoff to the creek during the work: (1) work on the roadway approach; (2) work at the Park entrance and connection to Hollister Ranch Road; (3) construction of new campsites; and (4) habitat restoration efforts. Standard BMPs in the winter shall include silt fencing and vegetative buffers. Additional BMPs are required under Item (f).

b) The SWPPP must include a contingency plan to protect the exposed work site during the winter months in the event of high runoff in the creek that could overtop banks and inundate work areas. The site must be secured from catastrophic erosion by use of erosion control mats, temporary levees, and other measures.

c) Temporary stockpiles at the project site shall be protected from erosion by the combined use of surface stabilization, upslope runoff diversions, temporary berms around the perimeter, perimeter interceptor ditches, and temporary downstream catchments, as necessary and appropriate. Stockpiles that are present during the winter season (designated the following period for this project: November 1 to April 1) shall be protected from erosion due to direct precipitation or runoff during the winter by the use of surface stabilization (such as erosion control blankets or temporary seed cover).

d) BMPs to prevent discharge of construction materials, contaminants, washings, concrete, fuels, and oils will include the following measures:

i. Ensure that all construction vehicles and equipment that enter the construction and grading areas are properly maintained (off-site) to prevent leaks of fuel, oil and other vehicle fluids.
ii. Implement measures and provide materials to contain any accidental spills or leakage during the fueling of construction equipment at the site.
iii. Place all stored fuel, lubricants, paints and other construction liquids in secured and covered containers within a bermed or otherwise contained area at least 200 feet from the creek.
iv. Refuel only in bermed areas with impermeable surfaces at least 200 feet from the creek
v. Prohibit equipment washing and major maintenance at the project site, except for washdown of vehicles to remove dirt.
vi. Remove all refuse and construction debris from the site as soon as possible.

e) In order to reduce tracking of sediment from the construction site into the Park, onto Hollister Ranch Road, and Highway 101, stabilized construction entrance/exits shall be constructed and maintained at entrances to the work areas. Tracking control will be achieved by either gravel or metal plates. Any sediment deposited outside the work area shall be cleared at the end of each work day.

f) Two weeks prior to the beginning of the winter season (designated November 1 for this project) erosion control BMPs shall be installed at the site in anticipation of rain events. Due to the extensive area and volume to be graded at the project site, erosion control measures shall include more than the placement of silt fences. Additional control shall include other BMPs that are equally or more effective, and that provide redundancy, such as temporary grass cover, interceptor ditches, coconut fiber rolls, erosion control mats, and temporary downstream catchment basins.

Plan Requirements and Timing. Santa Barbara County Public Works Department shall require the Contractor to submit a Stormwater Pollution Prevention Plan (SWPPP) that incorporates all of the above items prior to initiating construction work. The County shall review and approve the SWPPP. **Monitoring.** The County, or its designated construction manager, shall conduct weekly inspection of BMPs throughout construction. Observations shall be recorded, as well as evidence of corrective actions for BMPs that are not properly installed or maintained.

D. Visual Resources

29. REC-1. Final Bridge and Roadway Aesthetic Design. The County Public Works Department shall acquire approval of the proposed bridge deck coloring, the bridge rail design and coloring, and guard rail coloring from the Board of Architectural Review (BAR). The aesthetic design of these project elements shall emphasize reducing the contrast between the proposed roadway and bridge with the rural character of the Park. The County shall provide State Parks with an opportunity to provide input on these aesthetic treatments in order to address concerns about the effect of the project on the visitor experience. **Plan Requirements and Timing**. The County shall develop the aesthetic treatment of the bridge and guard rails prior to final design, and then acquire approval by the BAR. The approved design shall be incorporated into the final project plans and specifications. **Monitoring.** The County shall provide a copy of the final plans and specifications to the BAR to demonstrate compliance with their approval.

30. REC-3. Shade Cloth on Construction Fencing . To further reduce the impacts of the staging areas in the Park, the County shall require the contractor to use chain link fencing with green-colored shade cloth. **Plan Requirements and Timing**. The County shall include this requirement in the project plans and specifications. **Monitoring**. The County, or its designated construction manager, shall observe and approve the use of the shade cloth.

E. Traffic

31. TR-1. Restriction on Truck Egress. Trailer trucks egressing the project site shall be prohibited from turning left onto northbound Highway 101. Trucks shall travel southbound on Highway 101 for 1.3 miles to the Gaviota Station Road interchange (oil terminal site) where the trucks can exit the highway and use an overcrossing to join the northbound lanes of Highway 101. **Plan Requirements and Timing.** The County shall include the above restriction in the project plans and specifications. **Monitoring**. The County, or its designated construction manager, shall record compliance on a daily basis through personal observations and communications with the Contractor at the site.

F. Cultural Resources

32. CR-1. Avoid Disturbance to Historic Site. The portion of the detour road within the boundaries of the historic site shall be constructed by placing a fabric filter on the route (after clearing vegetation by hand) and then placing fill for the temporary road. No excavation or surface grading of more than one foot below existing grade shall occur when installing and removing the detour road corridor within the boundary of the site. An archeological monitor shall be present during the road construction and removal within the boundaries of the site. **Plan Requirements and Timing**. The County shall require the Contractor to submit a plan to install the detour road at the archeological site that incorporates the above restrictions. The plan shall be reviewed and approved by a qualified archeologist. **Monitoring**. The County's qualified archeologist shall observe the work in the limits of the archeological site and record compliance in a report.

33. CR-2. Unexpected Finds. In the event that previously unknown archaeological remains are encountered during grading or other project related earth disturbing activities, work shall be stopped immediately or redirected until a qualified archaeologist and Native American representative are retained by the County to evaluate the significance of the find, pursuant to County Archaeological Guidelines and State Parks guidelines and requirements for archeological investigations. If possible, the resource(s) shall be avoided through design modification or protective measures. If it is determined that the resource is significant and the resource cannot be avoided, additional investigations (Phase 2) shall be conducted to further assess the nature, extent, and disposition remains consistent with the County Archaeological Guidelines and State Parks guidelines and requirements for archeological investigations. If the resource is found to be significant, it shall be subject to a Phase 3 mitigation program, consistent with County Archaeological Guidelines and State Parks guidelines and requirements for archeological investigations.

If human remains are discovered during the project the specific protocol, guidelines and channels of communication outlined by the NAHC, and in accordance with Section 7050.5 of the Health and Safety Code, Section 5097.98 of the Public Resources Code (Chapter 1492, Statutes of 1982, Senate Bill 297), and SB 447 (Chapter 44, Statutes of 1987) will be followed. Section 7050.5 (c) will guide the potential Native American involvement, in the event of discovery of human

remains, at the direction of the County Coroner. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she will contact the NAHC by telephone within 24 hours. **Plan Requirements and Timing**. The County shall retain a qualified archeologists as part of the construction management team to respond to as needed

III. Project Specific Conditions

34. Prior to approval of the follow-on Coastal Development Permit, Final review and approval shall be granted by the Santa Barbara County Board of Architectural Review (Case No. 05BAR-00000-00116).

35. Prior to approval of the follow-on Coastal Development Permit, the applicant shall provide copies of permits, or letters of concurrence, from the following agencies: United States Army Corps of Engineers, National Oceanic and Atmospheric Administration Fisheries Service, United States Fish and Wildlife Service, California Department of Fish and Game, Regional Water Quality Control Board and the California Department of Transportation.

36. Prior to approval of the follow-on Coastal Development Permit, the applicant shall develop an Environmental Quality Assurance Program (EQAP) subject to review and approval by the Planning and Development Department and shall retain a qualified EQAP monitor. The applicant shall provide Planning and Development the name and contact information of the EQAP monitor. The EQAP monitor shall be present on-site during the entire project, including, but not limited to all grading and construction activities, and shall be present during installation and removal of all devices and measures for control of runoff, sedimentation, and pollutants, whether or not grading or construction is occurring. The EQAP monitor shall respond to all complaints and shall provide a weekly written report to P&D. The EQAP monitor shall have the authority to stop or re-direct work to ensure compliance with, or in the event of violation of, any condition of approval or mitigation measure. **Timing and Plan Requirements.** Prior to approval of the follow-on Coastal Development Permit the proposed EQAP plan shall be reviewed and approved by Planning and Development and the applicant shall provide the name of, and contact information for, the EQAP monitor.

37. Prior to approval of the follow-on Coastal Development Permit, the applicant shall provide P&D with legal documentation that either a permanent right-of-way or easement, or a Right of Entry Permit, has been granted by the California Department of State Parks, with all the necessary rights that would allow construction of the proposed project. No grading or construction activities of any kind, including, but not limited to ground disturbance; grading; excavation; grubbing; vegetation clearing; stockpiling of materials, equipment or supplies; shall occur outside of the existing County road easement prior to issuance of the follow-on Coastal Development Permit. Initiation of these activities prior to issuance of the follow-on Coastal Development Permit shall constitute a violation of the conditions of approval of the project.

38. Prior to commencement of any and all activities set forth in the approved Restoration Plan, the applicant shall retain a biologist from the County-approved list. Every six (6) months after initiation of the restoration plan, the biologist shall conduct surveys and provide a performance report which assesses the compliance of the restoration effort with the approved plans and performance criteria. The report shall be provided to the applicant and to the Planning and Development Department, and shall be reviewed by Planning and Development staff. The County-approved biologist shall also be on-site during all application of herbicide and shall prepare a report that specifies the type of herbicide and surfactant, the date/s of application, the quantities applied, and the areas and types of vegetation treated. This report shall be provided to both the applicant (Public Works) and to the Planning and Development Department. This report shall be reviewed by Planning and Development staff for consistency with the conditions of approval. **Plan Requirements and Timing:** The biologist shall be retained prior to implementation of the Restoration Plan.

39. Construction activity for site preparation and for future development shall be limited to the hours between 7:00 a.m. and 4:00 p.m., Monday through Friday. Pile-driving activities shall be limited to the hours between 8:00 a.m. and 4:00 p.m. No construction shall occur on weekends or State holidays, including, but not limited to Cesar Chavez Day, Christmas Day, Columbus Day, Independence Day, Labor Day, Martin Luther King Jr. Day, Memorial Day, Presidents Day, Thanksgiving Day and Veterans Day. No work shall occur on the afternoons preceding Memorial Day, Independence Day and Labor Day. Construction equipment maintenance shall be limited to the same hours. These conditions shall take precedence over mitigation measure REC-2 as proposed in the EIR and included above in Section I (Mitigation Measures). **Plan Requirements:** Three easily readable signs stating these restrictions shall be provided by the applicant and posted on site. **Timing:** Signs shall be in place prior to beginning of, and throughout, grading and construction activities. **Monitoring:** The EQAP monitor shall ensure that the Contractor complies with these restrictions and shall respond to complaints.

40. No work shall occur within the bed and bank of Gaviota Creek, or within 15 feet of the top of the bank, during the period from December 1 to July 1 of each year. This seasonal restriction may be modified to allow work in the month of December and/or the month of June only if the US Fish and Wildlife Service, NOAA Fisheries and California Department of Fish and Game specifically approve the work in writing and specifically make the determination that no significant impact would occur to steelhead, red-legged frog, tidewater gobies, breeding birds or other biological resources, and this documentation is provided to P&D. No work in the month of December and/or the month of June shall occur until P&D has received copies of the letters (approvals) from the above agencies and has provided Public Works with a Memorandum on letterhead approving the modification of the work season. This condition incorporates and modifies portions of mitigation measure BIO-4 proposed in the EIR and included above in Section I (Mitigation Measures). This condition, including the monitoring requirement, shall take precedence over those portions of mitigation measure BIO-4. **Plan Requirements**: The County shall include the seasonal restrictions in the plans and specifications for the project. **Timing:** The seasonal restrictions shall take effect immediately upon approval of the Development Plan (05DVP-00000-00002) and Conditional Use Permit (05CUP-00000-00005) by the Planning Commission and shall remain in effect until completion of the construction

phase of the project. **Monitoring:** The EQAP monitor shall ensure compliance and shall respond to complaints. P&D staff shall respond to the request for extension of the work season as provided above.

41. All mobile or fixed noise-producing equipment (e.g., arc-welders, air compressors, generators) shall be equipped with shrouds and noise control features that are readily available for that type of equipment. In addition, such equipment shall be shielded with straw bales or other devices. In the event of conflict between this condition and mitigation measure NS-1 proposed in the EIR, the requirements, including monitoring, of this condition shall take precedence. **Plan Requirements*:*** The County shall include the above restrictions in the project plans and specifications. **Timing*:*** Shielding, shrouds and noise control features shall remain in place throughout construction activities. **Monitoring:** The EQAP monitor shall ensure that the Contractor complies with these restrictions, shall conduct site inspections and shall respond to complaints.

42. Construction wash-off areas shall be located 200 feet from Gaviota Creek in the locations approved by P&D staff and as depicted on the site plans. Migration of materials or run-off from these areas shall be prevented by implementation of Best Management Practices, including, but not limited to, the use of soil berms, visquine, silt fencing, straw bales, coir, and/or straw wattle. During construction, washing of concrete trucks, vehicles, equipment, or similar activities shall occur only in these approved areas. Wash water shall not be discharged to drainage ditches, creeks, or wetlands. The location(s) of the washout area(s) shall be clearly noted at the construction site with signs. **Plan Requirements:** The applicant shall designate washout areas, acceptable to P&D, and these areas shall be shown on the site, construction and/or grading and building plans. **Timing:** The wash off areas shall be designated on all plans prior to approval of the follow-on Coastal Development Permits. The washout area(s) shall be in place and maintained throughout construction. **Monitoring**: P&D staff shall check plans prior to approval of the follow-on Coastal Development Permit. The EQAP monitor shall inspect and ensure proper use and maintenance of the washout area(s).

43. The location of staging areas and stockpile areas shall be as approved by P&D staff and as depicted on the site plans. Migration of materials or run-off from these areas shall be prevented by implementation of Best Management Practices, including, but not limited to, the use of soil berms, visquine, silt fencing, straw bales, coir, and/or straw wattle. **Plan Requirements:** The applicant shall designate staging and stockpile areas, acceptable to P&D, and these areas shall be shown on the site, construction and/or grading and building plans. A full set of these plans shall be provided to the EQAP monitor. **Timing:** The staging and stockpile areas shall be designated on all plans, and plans provided to the EQAP monitor, prior to approval of the follow-on Coastal Development Permit. The staging and stockpile areas shall be in place and maintained throughout construction. **Monitoring**: P&D staff shall check plans prior to approval of Coastal Development Permits. The EQAP monitor shall inspect and ensure proper use and maintenance of the staging and stockpile areas.

44. The applicant (Public Works) shall implement a Restoration Plan as depicted on the plans (dated October 28, 2005) reviewed and approved by P&D, and as described in the project description. A total of eight (8.0) acres shall be restored. The planting of willows or other

vegetation in the rock slope protection (un-grouted rock rip-rap) of the new road embankment and creek banks shall not constitute restoration and shall not count towards the required eight (8.0) acres of restoration. Any changes or modifications of, or deviations from, the approved plans shall require review and approval by P&D. Any changes or modifications of the approved plans requested/required by the California State Parks Department, California Department of Fish and Game or other State or local agency shall require review and approval by P&D for conformity with the approved project. **Plan Requirements**: A final restoration plan shall be submitted to and approved by P&D prior to approval of the follow-on Coastal Development Permit. **Timing**: The approved restoration plan shall be implemented immediately after completion of construction activities. **Monitoring**: A biologist from the County-approved list shall conduct surveys and prepare a performance report every six (6) months to assess compliance of the restoration with the approved plans and performance criteria. The report shall be provided to the applicant (Public Works) and to the Planning and Development Department. The staff Biologist of Planning and Development shall peer-review the performance report.

45. The use of herbicides throughout the project area, including all restoration areas, shall be limited to glyphosate-based herbicides licensed for use in aquatic environments by the United States Environmental Protection Agency (e.g. Aquamaster, Rodeo). No surfactants shall be used in conjunction with such herbicide except for Agri-Dex or LI 700. The use of other surfactants shall require written approval from the United States Fish and Wildlife Service (US Fish and Wildlife) and Santa Barbara County Planning and Development. A copy of the written approval from US Fish and Wildlife shall be provided to P&D as part of a request for modification of the limitation on surfactant use. No herbicide shall be used, whether by spraying or manual application to cut stalks, within 72 hours of forecast precipitation or within 72 hours after rainfall or when the ground surface is moist. A biologist from the County-approved list shall be retained by the applicant and shall be on-site during all application of herbicide and shall prepare a report that specifies the type of herbicide and surfactant, the date/s of application, the quantities applied, and the areas and types of vegetation treated. This report shall be provided to both the applicant (Public Works) and to the Planning and Development Department. This report shall be reviewed by Planning and Development staff for consistency with the conditions of approval. This condition modifies sections 3.2 and 3.3 of Reasonable and Prudent Measure 3 as set forth in the Biological Opinion of the US Fish and Wildlife Service. The requirements of this condition shall take precedence over these sections. **Plan Requirements and Timing.** This information shall be printed on the final Restoration Plan to be reviewed and approved by P&D. **Monitoring:** A biologist from the County-approved list shall be present on-site during all application of herbicide and shall prepare the required report.

46. Prior to initiation of any and all project activities, the applicant shall retain one or more biologists approved by the US Fish and Wildlife Service and NOAA Fisheries to conduct species surveys, species relocations and biological monitoring of the project. The name and contact information of the biologist(s) shall be provided to P&D. The biological monitor(s) shall be present on-site throughout the following phases of the project: a) site preparation for, and construction and removal of, the temporary detour road; b) species surveying and relocation prior to de-watering of the creek; c) erection of exclusion fencing; d) dewatering of the creek; e) de-silting of the creek; f) construction of the temporary berm to allow installation of rock slope

protection; g) installation of rock slope protection; h) vegetation removal within, or grading or filling of, the floodplain. The biologist shall also conduct a minimum of three (3) day-long site visits each week to monitor construction activities throughout construction of the new road (exclusive of installation of rock slope protection) and bridge. The biological monitor shall have the authority to stop or re-direct work if project activities, or failure of protective fencing or other measures, would have the potential to impact biological resources. **Plan Requirements and Timing**: This name(s) of, and contact information for, the biological monitor(s) shall be provided to P&D prior to issuance of the follow-on Coastal Development Permit.

47. The Santa Barbara County Department of Public Works shall ensure that the following occurs:
a) The County (Public Works) shall inspect the road, bridge and culverts annually prior to the rain season.
b) Every three years the County (Public Works) shall inspect the roadway for any necessary repairs.
c) The County (Public Works) shall notify the California State Parks Department in advance of all inspections.
d) The County (Public Works) shall monitor the condition and performance of the rock slope protection and transmit a report to the State Parks Department.
e) The County (Public Works) shall ensure that the California Department of Transportation inspects the bridge every two years.
Plan Requirements and Timing*:* The County shall include the above restrictions in the project plans and specifications.

IV. Development Plan Conditions

48. Approval of the Final Development Plan shall expire five (5) years after approval by the Planning Commission, unless prior to the expiration date, substantial physical construction has been completed on the development or a time extension has been applied for by the applicant. The decision-maker with jurisdiction over the project may, upon good cause shown, grant a time extension for one year.

49. No permits for development, including grading, shall be issued except in conformance with this approved Final Development Plan. The size, shape, arrangement, use, and location of structures, roads, buildings, stockpile, staging and wash-off areas, parking areas, and restoration areas shall be developed in conformity with the approved development plan marked Exhibits dated 12, 2005 Substantial conformity shall be determined by the Director of P&D.

50. On the date a subsequent Preliminary or Final Development Plan is approved for this site, any previously approved but unbuilt plans shall become null and void.

51. If the applicant requests a time extension for this permit/project, the permit/project may be revised to include updated language to standard conditions and/or mitigation measures and additional conditions and/or mitigation measures which reflect changed circumstances or additional identified project impacts.

V. County Rules & Regulations/Legal Requirements

52. Additional Permits Required: Before using any land or structure, or commencing any work pertaining to the erection, demolition, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the applicant shall obtain a Coastal Development Permit from Planning and Development. These Permits are required by ordinance and are necessary to ensure implementation of the conditions required by the Planning Commission. Before any Permit will be issued by Planning and Development, the applicant must obtain written clearance from all departments having conditions. Such clearance shall indicate that the applicant has satisfied all pre-construction conditions. A form for such clearance is available from Planning and Development.

53. Fees Required: Prior to issuance of Coastal Development Permit, the applicant shall pay all applicable P&D permit processing fees in full.

54. Indemnity and Separation Clauses: Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Development Plan. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.

55. Legal Challenge: In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the County and substitute conditions may be imposed.