

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



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Date: November 17, 2005
Permit Application No.4-02-251

COASTAL DEVELOPMENT PERMIT

On January 14, 2005, the California Coastal Commission granted to Santa Barbara County, Parks & Recreation Department, permit 4-02-251, subject to the attached Standard and Special Conditions, for development consisting of: Retain 600 lineal feet of rock riprap placed at Goleta Beach County Park under Emergency Permit No. 4-02-251-G, for a two-year temporary term. This permit is more specifically described in the application on file in the Commission offices.

The development is within the coastal zone in

Issued on behalf of the California Coastal Commission by,

PETER DOUGLAS
Executive Director

By: Melissa Hetrick
Coastal Planner

ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part, that: "A public entity is not liable for injury caused by the issuance. . . of any permit. . ." applies to the issuance of this permit.

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date

Permittee

STANDARD CONDITIONS:

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

SPECIAL CONDITIONS:

1. **Term of Permit; Subsequent Removal of Revetment**

- (A) This permit approval is valid for a total term of thirty (30) months, commencing upon the date of Commission approval of Coastal Development Permit 4-02-251.
- (B) The County shall complete the final study required by Special Condition 2 and submit the results thereof to the Executive Director, within the thirty-month term of the permit. Prior to the expiration of Coastal Development Permit 4-02-251, the County shall submit to the Commission: 1) a complete application to retain the subject revetment permanently, or 2) a complete application for an alternative project to address erosion at Goleta Beach; and/or 3) a complete application to remove the subject revetment.
- (C) If the Commission does not approve the permanent retention of the subject revetment pursuant to a coastal development permit application submitted by the County in accordance with the requirements of subparagraph (B) above, the County shall remove the subject revetment and restore the affected portion of Goleta Beach. Removal of the subject revetment requires a coastal development permit. Within thirty (30) days of Commission denial of an application to retain the revetment, the County shall submit a complete application to remove the revetment and shall remove the revetment in accordance with the applicable timelines established by the Commission in approving a coastal development permit for such removal. If, however, a complete application for a coastal development permit for retention or removal of the revetment is pending, and delay for the purpose of Commission consideration of the application is therefore beyond the applicant's control, the applicable timelines shall be extended until the Commission acts on the relevant pending application.

- (D) Failure by the County to: a) submit draft and final study plans acceptable to the Executive Director and in accordance with other applicable requirements of Special Condition 2, including relevant timelines, or b) failure to timely submit applicable complete coastal development permit applications pursuant to Subparagraphs (B) and (C) (above) in this special condition, may lead to further action by the Commission's Enforcement Unit.

2. Technical Study of Goleta Beach Erosion & Effects of Shoreline Protection Structures

Prior to the issuance of Coastal Development Permit 4-02-251, but not later than April 15, 2004, the County shall submit a draft study plan for the review and approval of the Executive Director that incorporates at a minimum the elements set forth below. The study shall be revised by the County to incorporate the comments of the Executive Director, and submitted to the Executive Director for final approval not later than June 15, 2004. Coastal Development Permit 4-02-251 shall not be issued until the Executive Director approves the final study plan. The approved study shall be undertaken and completed by qualified coastal engineers, geologists, and marine biologists/ecologists, as appropriate, with demonstrated substantial relevant experience in their respective areas of expertise. Asterisks or other symbols included below as placeholders mean data collection/study design parameters to be finalized by the Commission technical services staff in consultation with the applicant's consultants during the preparation and review of the draft study plan. The final approved parameters of the study plan shall incorporate milestones and interim and final reporting requirements. Reporting requirements shall be quarterly, at a minimum, during the first study year. The final comprehensive report of the results of the study required herein shall be prepared and submitted for the review of the Executive Director prior to the expiration of Coastal Development Permit 4-02-251. The scope of the required studies set forth below shall ensure that both the revetment subject to this application, and the previously placed revetment at Goleta Beach that is presently subject to a pending (incomplete) coastal development permit application, are fully evaluated. *Long-term alternatives analyses shall consider and address sand nourishment and managed retreat options in lieu of placement of hard protective structures.*

(A) Kelp Study

(1) Kelp Control Areas: Establish kelp study plots that can be used to study the interactions of kelp with changing sediment inputs. At least one study plot shall be established in the shallowest limits of the kelp, since this is the area most likely to experience seasonal shifts in sediment. Each plot shall be identified by coordinates that will allow a diver to return to each plot and regularly record data on sediment levels, kelp viability, plant density and other variables.

(2) Kelp Study: A qualified biologist shall make at least bi-monthly dive surveys of the kelp plots, measuring sediment levels and plant density and shall continue these surveys for at least two years (additional length of study may be required by Commission technical services staff upon review of applicant's draft study proposal). The viability and health of the kelp in each plot shall be assessed for each survey and each plot shall be photographed as part of each survey.

(3) Kelp Map: Within 6 months, prepare a detailed map of the tunicate casing areas and kelp areas offshore of Goleta Beach in the area bounded by Point A and Point B, and from the

shoreline offshore to Depth X (parameters to be established in consultation with Commission staff). Within 12 months, add onto the map those areas that have the physical attributes to support kelp in the future.

(4) Reporting: Within two months after each complete year of kelp surveys, the biologist shall provide the executive director with a written report on the survey results, on the kelp viability, plant densities, the range of sediment levels and any information that can relate kelp viability and health with changes in sediment levels.

(5) Literature Review: The first Kelp report shall be augmented with a report on the known habitat requirements for this type of kelp – water temperature, clarity, sediment input, water depth, and any other factors identified in the literature. A complete bibliography shall be provided with this literature review.

(B) Intertidal and Sand Beach Ecosystem Study

(1) In consultation with Commission staff, develop study parameters including sampling design, location, protocols, and reference sites, to evaluate the impacts of the subject revetment and of potential alternatives to the revetment, including beach nourishment or “managed retreat” alternatives, on the biota of the sandy beach and intertidal areas at Goleta Beach, including invertebrate populations. The study shall include species that intermittently utilize the habitat, such as grunion, as well as shorebirds that use this area. The study shall identify the extent of sandy beach and intertidal habitats present at Goleta Beach, in relation to the footprint of the revetments in place, and such surveys shall be updated on approximately April 15, and October 15, annually, and after any significant storm event, for the life of this permit. The design of the study should seek to differentiate fluctuations in species diversity and abundance due to natural seasonal changes from those attributable to the revetments that have been constructed at Goleta Beach, and to extrapolate how other potential alternatives might impact the intertidal and sandy beach ecosystem. The design of the study shall incorporate identification of, and sufficient sampling at, sites up and down coast from the Goleta Beach revetment suitable for controls. In addition, the study shall also generate recommendations on potential mitigation measures to address individual and cumulative impacts of each potential alternative on the intertidal and sandy beach ecosystems.

(C) Sediment Transport Study

(1) Beach and Nearshore Profiles: Establish at least 6 profile locations to measure onshore-offshore transport of sediment at Goleta Beach. Work with the kelp biologist and known information on kelp recruitment locations to establish profiles that will both support the kelp study and minimize overall disturbance to the existing kelp. Profiles shall be approximately equally spaced and span the entire length of Goleta Beach. Profiles shall be undertaken in conformance with the protocols established in “Monitoring Plan of Offshore, Nearshore and Intertidal Resources for the Goleta Beach Nourishment Demonstration Project” (pages 3 and 4).

(2) Bathymetric Surveys/Profile Measurements: Profiles shall be surveyed bi-monthly, timed to coincide to the extent possible with the biological kelp surveys and shall be measured from the revetment to –40’ MLLW (closure depth).

(3) Sediment Budget Study: Develop a study to determine a sediment budget for Goleta Beach and the area offshore to the closure depth. This study should include:

- (a) Determination of the closure depth from the beach profile data described above, and an estimate of sand loss to deep water.
- (b) Estimates of the eastward flux of sand into the Goleta Beach area.
- (c) Estimates of the westward flux of sand out of the Goleta Beach area
- (d) Estimate of sand contributions to the Goleta Beach area from Atascadero Creek
- (e) Estimate of current and pre-revetment contributions of sand to the Goleta Beach area resulting from erosion of the bluff at Goleta Beach.
- (f) Any other sources or losses of sand to the Goleta Beach area

(4) This study should be reported on in the final monitoring report.

(5) Reporting: Within two months after each complete year of bathymetric surveys, the engineer or surveyor shall provide the executive director with a written report on the survey results, on the extend of onshore/offshore transport, the seasonal and/or storm influenced changes in sediment volume and depth throughout the profiles.

(6) Literature Review: The first bathymetric survey report shall be augmented with a report on the known sediment transport characteristics of the area, longshore transport, sediment inputs, the sediment budget for the cell and, if possible, the sub-cell area, and any other factors identified in the literature. A complete bibliography shall be provided with this literature review.

(7) Long-term Nourishment Programs: Within 18 months, develop the parameters for a long-term beach restoration program adequate to protect the park and access road. This program shall account for longshore sediment transport, ongoing beach and bluff erosion, sea level rise and other foreseeable factors that will affect the viability of a beach nourishment program. The program shall identify nourished profiles, adjusted profiles, nourishment frequency, and nourishment volumes for a program that could be successful for the next 50 to 75 years. The long-term nourishment program shall estimate changes to sea level, nourished profiles and adjusted profiles for the following time periods: 10, 15, 25, 50, and 75 years from the present.

(8) Analysis of Long-term Shoreline Treatment Options: Within 18 months, estimate long-term changes to the shoreline profile for the options where the revetment is kept in place and for the managed retreat (no protection, but removal of facilities as they are threatened) alternative over the same time periods. Considering sea level rise and other foreseeable factors that will affect the shoreline, estimate shoreline profiles for these options for the following time periods: 10, 15, 25, 50, and 75 years from the present. Prepare these profiles in a manner that profiles for all future projections can be compared against each other.

(9) Long-term Impacts to Kelp: Based on the anticipated long-term profiles for the nourishment option, the revetment option and the managed retreat option, provide an analysis of the long-term impacts and viability of the kelp areas under each option. Provide a report on this analysis within ** years (to be established in consultation with Commission staff).

(D) The final interim and final reports generated through compliance with this Special Condition shall also fully reference, append, and incorporate any and all other applicable studies undertaken by the County and others, such as the beach profile and other studies required by

the special conditions of Coastal Development Permit 4-02-128 (Santa Barbara County Department of Parks and Recreation), attached as Exhibit 11.

3. Interim Beach Management and Nourishment

(A) Prior to the issuance of Coastal Development Permit 4-02-251 but not later than February 1, 2004, the County shall submit a *plan, for the review and approval of the Executive Director*, to nourish any area of the subject revetment that may remain exposed as determined by a survey of the revetment on or before April 1, 2004. *The Executive Director shall determine if an amendment or a new CDP is required.* The *plan* shall incorporate measures developed by a qualified biologist to nourish the affected beach area in a manner protective of grunion spawning activities and of other species that may utilize the affected area. If beach nourishment is deemed necessary by the Executive Director, based on the extent of exposed rock noted in the required survey, then sufficient beach nourishment to adequately cover the exposed area, with appropriate sand (i.e., of suitable grain size, color, and free of contaminants or debris), from a placement location inland of the revetment location and limited to the area of exposed rock, shall be implemented by the County not later than May 15, or as otherwise authorized or required pursuant to an approved coastal development permit. If the Executive Director determines that the revetment is adequately covered by sand at the time of the requisite survey, no nourishment shall be required.

(B) Prior to the issuance of Coastal Development Permit 4-02-251 but not later than March 31, 2004, the County shall submit a plan prepared by a qualified biologist to address the combined effects of beach and erosion management activities at Goleta Beach, for the duration of the term of Coastal Development Permit 4-02-251, for the review and approval of the Executive Director. The plan shall include feasible measures to enhance beach and intertidal habitat values to mitigate cumulative impacts on these habitats that may result from the combined effects of this project and other activities undertaken by the County on Goleta Beach (such as sand berm construction, beach grooming, etc.). Responsive mitigation measures may include, but not be limited to, retaining kelp detritus in some beach areas, limiting beach scraping in sensitive areas, limiting disturbance at the mouth of the Goleta Slough, or other measures the County deems feasible to improve habitat for invertebrate populations and foraging shorebirds dependant upon invertebrate food sources. The affects of any mitigation measures implemented by the County shall be considered in the studies required pursuant to Special Condition 2. The requirements of this condition shall not be interpreted in a manner that conflicts with or invalidates any active coastal development permit previously approved by the Commission. In addition, associated mitigation measures and applicable permit conditions for other active permit approvals secured by the County or others (i.e., BEACON) shall be reviewed and incorporated in the plan required by this special condition to the maximum extent feasible.

4. State Lands Lease

Prior to the issuance of Coastal Development Permit 4-02-251, the County shall provide evidence that a lease for the site of the subject revetment has been obtained from the California State Lands Commission, or provide written evidence from the State Lands Commission that no lease is required for the 30-month term authorized for temporary retention of the revetment pursuant to Coastal Development Permit 4-02-251.

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

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, surges, erosion, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. Prior to issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.