COASTAL CONSERVANCY

Staff Recommendation
January 20, 2011

COAL OIL POINT RESERVE COASTAL ACCESS AND HABITAT RESTORATION

Project No. 10-037-01
Project Manager: Rachel Couch

RECOMMENDED ACTION: Authorization to disburse up to $250,000 to the Regents of the University of California for public access improvements at the Coal Oil Point Reserve adjacent to Devereux Slough, Santa Barbara County.

LOCATION: Devereux Slough, University of California, Santa Barbara, Santa Barbara County (Exhibit 1)

PROGRAM CATEGORY: Public Access

EXHIBITS

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400-31410 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed $250,000 (two hundred fifty thousand dollars) to the Regents of the University of California

("Regents") to construct public coastal accessway improvements at the Coal Oil Point Reserve (the project), as shown on Exhibit 1. This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds, the Regents shall submit for review and approval of the Executive Officer of the Conservancy:
    a. A work program, including final design plans and specifications, schedule and budget for construction.
    b. All contractors to be employed for the project.
    c. Evidence that all necessary permits and approvals have been obtained.
    d. A signing plan for the project acknowledging Conservancy funding.
2. In carrying out the project, the Regents shall comply with all applicable conditions and mitigation and monitoring measures for the project that are identified in the *Final Environmental Impact Report, Faculty and Family Student Housing, Open Space and Habitat Management Plan and Long Range Development Plan Amendment*, certified by the Regents on September 23, 2004, and any conditions, mitigation or other or measures required by any permit or approval for the project including those identified in the California Coastal Commission's approval of the Notice of Impending Development for the project.
3. The Regents shall ensure that the project complies with all applicable federal or state laws governing barrier-free access for persons with disabilities
4. The Regents or its successor in interest shall manage and maintain the project for a period of not less than twenty years."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 9 of Division 21 of the Public Resources Code (Sections 34100-31410), regarding public access to the coast.
3. The Conservancy has independently reviewed the *Final Environmental Impact Report, Faculty and Family Student Housing, Open Space and Habitat Management Plan and Long Range Development Plan Amendment*, certified by the Regents on September 23, 2004, as it pertains to the proposed project, and finds that there is no substantial evidence that the project, as mitigated, may have a significant effect on the environment.

PROJECT SUMMARY:

Staff is recommending that the Conservancy provide up to $250,000 to the Regents of the University of California ('grantee") for coastal access improvements (the "COPR Access Project" or "the project") at the Coal Oil Point Reserve ("the Reserve" or "COPR") adjacent to

Devereux Slough and owned by the Regents of the University of California("Regents"), and managed by the University of California, Santa Barbara ("UCSB"), whose campus is nearby. The proposed COPR Access Project is a Tier One project on the Southern California Wetlands Recovery Project Work Plan and is recommended for priority funding. It is also the first project to implement the vision of the Ellwood-Devereux Open Space Management Plan to create a large coastal open space to serve the community and protect sensitive habitats.

The project will enhance the quality of public access within the Reserve while providing increased protection for its natural resources. The Reserve is located near a large population center and the UCSB campus, is known for its scenic and ecological values, and is heavily used for recreation. The Reserve and surrounding open spaces are among the few natural coastal sites in Santa Barbara County that offer public access for recreation while simultaneously managing for protection of threatened and endangered plants and wildlife. Access improvements are needed to protect fragile habitats and ensure human activity occurs only in appropriate areas within the Reserve.

The project will encourage visitors to stay on authorized trails and to avoid sensitive habitat areas using various approaches such as improving access points, closing and restoring unapproved trails, making improvements to the interpretive Pond Trail, replacing old fences and gates, and installing fencing and no-horse barriers in specified areas to reduce human impacts to sensitive areas. Trespassing has been successfully reduced on the northern and eastern perimeter of the Reserve by creating a "green fence". All of the green fencing planted and planned for this project is on disturbed habitat and will replace exotic vegetation with native vegetation typical of the habitat. Thus the green fence serves as habitat restoration in addition to encouraging appropriate access.

The proposed access improvements will be further enhanced by other improvements being implemented at the Reserve including the installation of 20 interpretive signs and development of a downloadable podcast to provide self-guided tours along Reserve trails. In addition, fundraising has begun to create an interpretive nature center on a nearby site recently acquired by the University and to take over management of the Cliff House. Collectively, these projects will provide unique and important opportunities to enjoy and learn about this special area.

The Reserve proposes to construct access improvements at four sites within the Reserve and at one site outside the Reserve boundary on adjacent land owned by the University. Access improvements will be constructed at the public accessway at Sands beach (see Exhibit 2, Figure 4, Access B). An existing gate and 86 feet of aging chain-link fence will be replaced by a three-rail Woodcrete fence. The fence will be built in exactly the same position as the existing fence and the accessway through the fence will mimic the shape and location of the existing accessway to allow only pedestrian access to the beach. In addition, a six foot gate will be installed but kept locked to be used for emergencies, such as removing injured people and marine mammals from the beach.

The proposed project also includes several improvements along the Pond Trail (Exhibit 1). The Pond Trail follows the western edge of the Devereux Slough mouth (Access C) to the Reserve's northern access point, where it meets the Coastal Trail and the De Anza Trail. The main Pond Trail will remain in its current location, but other exisiting informal branching trails will be

closed to protect sensitive habitat areas. To keep hikers on the designated Pond Trail wood log borders will be laid along each side of the trail. Shrubs and other native plants appropriate for the habitat will be planted outside of the log borders to eventually create a green fence around the trail. If the logs are removed or vandalized by people at any specific location along the trail, a post-and cable fence will be installed.

At the northern boundary of the Pond Trail, an L-shaped trail entrance (similar in design to the entrance for Access B, described above) will be installed where none currently exists to allow pedestrians but prevent horses and bicycles from entering the trail. A 32-foot section of Woodcrete fencing will be installed on each side of the entrance.

The southern end of the Pond Trail bisects the dune swale that connects the dune pond to the slough. During the rainy season this portion of the trail can flood. To allow continued access through this area during the rainy season a roll-out boardwalk will be laid out over the flooded section of the trail. This temporary boardwalk will not prevent people from stepping on water when the area is flooded but it will encourage people to stay on the path rather then walking on wetland vegetation. In addition, approximately six inches of fill on the trail will be removed to restore the hydrological connection of the dune swales on each side of the trail.

The westernmost access point (Access D) is located on UC Santa Barbara's South Parcel on North Campus, just outside the western boundary of the Reserve. At this access point, the trail from the bluff to the beach will be regraded to remove existing erosion ditches and control future erosion. In addition, the iceplant around this access point will be removed. The beach and bluffs will be revegetated with locally sourced native plants. A 760-foot long Woodcrete three-rail fence will be installed on the Reserve side of the western trail access to reduce unauthorized access to the dunes and wetlands from this area.

Coal Oil Point Natural Reserve is owned and managed by the University of California as part of its Natural Reserve System (“The NRS”). The Coal Oil Point Reserve Director lives on the site and coordinates all Reserve activities . The Director will be responsible for supervising this project. The Reserve is unique among the NRS sites because of its proximity to a large urban population, requiring a significantly higher level of management. Active habitat restoration at the Reserve has been carried out for over ten years and all projects have had successful outcomes. A large number of students and community members participate in restoration on the Reserve. In 2009, 900 volunteers participated in restoration workdays. Utilizing volunteers is cost-effective and helps the Reserve achieve its outreach and education goals.

Site Description: Coal Oil Point is located on the North and West Campuses of the University of California, Santa Barbara (Exhibit 1). Open space owned by the University (South Parcel) and the City of Goleta (Ellwood Mesa) surrounds the Reserve to the north and west. The Reserve consists of 166 acres of protected coastal habitats in the lower drainage area of the Devereux Creek Watershed, also known as Devereux Slough (Figure 1).

The diversity of habitats and wildlife at the Reserve is striking and some of these are now rare along the coast. For example, the beach is breeding habitat for the Pacific coastal population of the threatened Western Snowy Plover and the endangered California Least Tern. Rare invertebrates such as the Globose Dune Beetle, the Dune Spider, and the Sand Tiger Beetle share the beach and dunes with the snowy plovers. The salt marsh provides breeding habitat for the

endangered Belding's Savanna Sparrow. The Coastal Dune Scrub is one of the most pristine remnants in Santa Barbara County, and contains a number of rare plant species. Several types of wetlands such as vernal pool, dune swale, salt flat and salt marsh are present at the site. In a short walk, visitors can observe all these habitats and learn why it is important to preserve them. Devereux Slough has been designated as an Important Bird Area (IBA) by the National Audubon Society because of the species richness and abundance of birds.

In addition to the regular operations, the reserve also administers four long-term programs: habitat restoration, Snowy Plover conservation, water quality monitoring, and guided tours. Together, these programs outreach to approximately 8,000 people per year, which does not include informal recreational visitors.

Project History: The Reserve, established in 1970, has historically experienced minimal management, resulting in unauthorized public access, impacts to sensitive habitats, and exotic species invasions. In the past ten years, the Reserve established an onsite manager and made progress restoring native habitats and protecting and encouraging the return of threatened and endangered species, including nesting Western Snowy Plover and California Least Tern. The Reserve completed a management plan in 2004 and received grants from the Wildlife Conservation Board and the Goleta Valley Trust to fund the first phase of habitat restoration in dune areas and around the slough margin.

The proposed project would implement the Access Plan portion of the Coal Oil Point Reserve Management Plan (COPR 2004). Conservancy staff was contacted by the Reserve manager regarding funding opportunities in 2008, but the project was unable to move forward because of the statewide bond freeze in December of that year. The project has all permits and approvals and is now able to move forward. If authorized, the project will commence in the spring of 2011 and will be completed in 2012.

PROJECT FINANCING

Coastal Conservancy	$250,000
University of California, Santa Barbara	$97,621
Total Project Costs	$347,621

The expected source for the Conservancy funds for this authorization is an appropriation to the Conservancy from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Proposition 84 (Section 75060 of the Public Resources Code) authorizes the use of these funds for projects to promote access to and enjoyment of the coastal resources of the state, provided that the project is undertaken pursuant to the Conservancy's enabling legislation, Division 21 of the Public Resources Code. As discussed in detail in the "Consistency with Conservancy's Enabling Legislation" section, below, the project will be undertaken pursuant to and consistent with Chapter 9 of Division 21, regarding coastal access projects.

UCSB will contribute staff time for restoration and project coordination in the amount of $86,621 and will contribute $15,000 for materials to construct the boardwalk. Additionally, in-kind services, specifically 4,500 hours of volunteer time, will be contributed on behalf of the University of California, Santa Barbara to the project, with an estimated value of $81,049.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project would be undertaken pursuant to Chapter 9 of the Conservancy's enabling legislation, Division 21 of the Public Resources Code (Sections 31400-31410), regarding public access and enjoyment of coastal resources. Section 31400 states the Legislature's intent that the Conservancy play a principal role in the implementation of a system of public accessways to and along the coast. Through the proposed authorization the Conservancy would assist in improving and maintaining safe and appropriate public access to the beach and Reserve, and adjacent open space, and connecting two segments of the California Coastal Trail, while protecting sensitive habitat areas.

Section 31400.2 authorizes the Conservancy to provide up to the total cost of the initial development of a public accessway by any public agency or nonprofit organization, and the amount of funding provided by the conservancy shall be determined by the total amount of funding available for coastal public accessway projects, the fiscal resources of the applicant, the urgency of the project relative to other eligible projects, and the application of factors prescribed by the Conservancy. Consistent with this section, the proposed amount of the Conservancy contribution was determined based on the total amount of funding available to the Conservancy for public access projects, the funds provided by the grantee for the project (see Project Financing), and the Conservancy's Project Selection Criteria, including project urgency (See "Consistency with Conservancy's Project Selection Criteria & Guidelines", below). The proposed authorization would leverage other funds and services totaling 41 percent of the project cost.

Section 31409 authorizes the Conservancy to award grants and provide assistance to public agencies and nonprofit organizations to establish and expand those inland trail systems that may be linked to the California Coastal Trail. The Regents of the University of California is a public agency that holds land at the UCSB campus traversed by the California Coastal Trail and is thus eligible for Conservancy assistance under this section.

CONSISTENCY WITH CONSERVANCY'S 2007

STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 1, Objective B** of the Conservancy's 2007 Strategic Plan, the proposed project would incorporate and install California Coastal Trail signs at access points that connect to the California Coastal Trail (Coal Oil Pont Reserve Access B, C (both ends), and D all connect to the Coastal Trail)) in Santa Barbara County.

Consistent with **Goal 2**, **Objective E** of the Conservancy's Strategic Plan, this project would increase coastal recreational opportunities for residents and visitors by providing new facilities

that promote appropriate trail use, protect habitat, and provide an enhanced natural experience for the visitor.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project has the support of State Assemblyman Das Williams, County Supervisor Doreen Farr, Santa Barbara Audubon Society, and the UCSB Associated Students (Exhibit 5).
4. **Location:** The proposed project would be located within the coastal zone of Santa Barbara County.
5. **Need:** UCSB has secured just under half of the funding needed for this project, but a significant funding gap remains. Conservancy funding is needed to enable the project to move forward.
6. **Greater-than-local interest:** The access points and trails of the Reserve connect with the statewide California Coastal Trail system and are part of a broader system of trails managed by the City of Goleta, UCSB, and Santa Barbara County. The project is significant because it links coastal open spaces and beaches on campus with the larger Ellwood-Devereux Open Space, West Campus Bluffs, Campus Lagoon Open Space, Goleta Beach Park and Goleta Slough east of Isla Vista via the beach.
7. **Sea level rise vulnerability:** The trail improvements and associated restoration sites are on the bluff tops 20 to 30 feet above the sea level and will not be vulnerable to expected sea level rise by 2100.

Additional Criteria

8. **Leverage**: See the "Project Financing" section above.
9. **Innovation**: The project will employ innovative techniques of green fencing which accomplishes both access and habitat restoration goals simultaneously.
10. **Readiness**: Designs for the project are complete, and permits were granted in October, 2010.
11. **Realization of prior Conservancy goals**: "See "Project History" above." The proposed project lies adjacent to the West Campus Bluffs Trail, a Conservancy- funded Coastal Trail

project to be constructed in early 2011. The West Campus Bluffs Trail will connect the Sands Beach access point (Access B) and the nearby community of Isla Vista with its large population of students and families.

12. **Cooperation**: Volunteers, students and interns will help grow plants in the nursery and install the restoration plantings providing an educational component to the project.

13. **Vulnerability from climate change impacts other than sea level rise:** The reserve is in the coastal zone, which is naturally a dynamic habitat. Thus, the management plan is adaptive to respond to natural changes in the environment. For example, beach fences that protect the Snowy Plovers and California Least Terns are moved several times a year to adjust to tide and beach erosion levels. The capacity exists to manage the reserve as a dynamic system because permanent staff manages the natural resources and a PhD biologist lives onsite.

    It is not known currently if these bluffs at the Reserve will be vulnerable to erosion in 50 or 100 years. Should bluff erosion occur, the fences will be moved back, away from the bluff edge. The boardwalk on Access C will be moveable and can be adjusted to changes in the flooding regime of the dune swale. Researchers are currently studying the impacts to and predictions of climate change within the Reserve and are in regular contact with staff to use their data to help with management decisions.

14. **Minimization of greenhouse gas emissions:** The restoration areas of this project will convert annual exotic grasslands to perennial shrubland. This should improve carbon sequestration because shrubs have a large biomass and are alive the whole year.

    The only equipment that produces carbon that will be used are those used to install fences and a truck that loads the tools and water tank to the restoration areas. The planting and weeding itself are done with manual labor. Thus, the carbon emissions produced by the use of heavy equipment and power tools will be small compared to the net benefit of carbon reduction resulting from the restoration projects.

CONSISTENCY WITH COASTAL ACT AND WITH LOCAL COASTAL PROGRAM POLICIES:

Under the Coastal Act (Public Resources Code section 30605), state universities are authorized to prepare a long range development plan ("LRDP") identifying its proposed long-term development within the coastal zone for submission to and review and certification by the Coastal Commission as to consistency with Coastal Act. This process is in lieu of obtaining a separate coastal development permit from the Commission for each individual development project. Any subsequent amendments to the LRDP must also be brought to the Commission for approval. In addition, prior to initiating any single project under the LRDP, the university must give the Commission and the public notice (referred to as the "NOID") of any impending development project under the LRDP. As specified by Public Resources Code sections 30606, 30607 and 30607.1, this NOID may be conditioned by the Commission so as to bring the proposed development into conformity with the certified LRDP.

The proposed project is covered by UCSB's LRDP, initially adopted by UCSB and certified by the Commission in 1990. In connection with the COPR Access Project, in 2004 UCSB prepared

an Amendment to the LRDP (as well as undertaking the CEQA process for the amendment – see the "Compliance with CEQA" section, below). The Amendment encompassed the COPR Access Project as well as a number of other proposed development projects on the UCSB campus. The LRDP amendment was certified by the Commission at its meeting of November 17, 2006.

In September 2010, UCSB submitted to the Commission a NOID, indicating its intention to move forward with the COPR Access Project. At its meeting of September 15, 2010, the Commission approved the NOID, subject to three separate conditions (see Exhibit 4, the Commission staff recommendation on the NOID, which was adopted by the Commission). Under the Commission's determination, the inclusion of these three conditions into the project would ensure compliance with the LRDP (as amended) and, thus, the Coastal Act. To the extent that those conditions apply to the project which is being funded by the Conservancy, the proposed Conservancy resolution would require that the Regents comply with those NOID conditions in carrying out work under the proposed grant.

CONSISTENCY WITH THE CONSERVANCY'S STANDARDS AND RECOMMENDATIONS FOR ACCESSWAY LOCATION AND DEVELOPMENT:

The project is consistent with the Coastal Conservancy's Standards and Recommendations for Accessway Location and Development. In particular:

Standard No. 1, Protect the Public and Coastal Resources: The project is designed and located to minimize alteration of the natural landforms, restore native vegetation and natural hydrologic connections and to protect environmentally sensitive habitats by constructing access improvements around habitat areas, and closing unauthorized trails.

Standard No. 5, Environmentally Sensitive Areas: The project has been designed and routed to protect environmentally sensitive habitats as described above.

Standard No. 8, Trails: The access improvements would connect to the California Coastal Trail east and north of the reserve and several miles of interconnected open space trails on Ellwood Mesa.

Standard No. 9, Scenic Overlooks: The access improvements would include new interpretive signs to enhance trail users enjoyment of scenic vistas of the ocean, beaches and surrounding open spaces.

Standard No. 12, Support Facilities: The project would benefit from support facilities on campus and adjacent to the project site including picnic benches, bike racks, trash receptacles, and parking. Resource and cultural interpretation signs are included in the Access Plan portion of the broader Coal Oil Point Reserve Management Plan, and would serve users of a nearby beach and open space.

Standard No. 13, Barrier-Free Access: The access improvements would not be wheelchair-accessible due to the uneven topography and infeasibility of providing wheelchair access while excluding bicycle access, but a paved alternative route around the east side of the Devereux

Slough or via West Campus Bluffs Trail allows wheelchair access to the scenic coastal blufftop and Slough overlooks on the Reserve.

COMPLIANCE WITH CEQA:

UCSB is the lead agency for the Coal Oil Point Reserve (COPR) Access project for purposes of the California Environmental Quality Act (CEQA).

In 2004, UCSB prepared a "*Final Environmental Impact Report, Faculty and Family Student Housing, Open Space and Habitat Management Plan and Long Range Development Plan Amendment*, filed as State Clearinghouse No. 200307118 (the "EIR", Exhibit 3b to this staff recommendation). The EIR analyzed the environmental effects of a broad proposal that encompassed various forms of development and activities on UCSB land. That broad proposal took the form of an amendment to the UCSB Long Range Development Plan ("LRDP") to permit development of 236 units of faculty and 151 units of family student housing on the North Campus and designate permanent open space consistent with concepts articulated in the *Joint Proposal for the Ellwood-Devereux Coast* and the subsequent *Ellwood-Devereux Coast Open Space and Habitat Management Plan* (the "Open Space Plan"). The COPR Access Project proposed for funding by this staff recommendation is included within the Open Space Plan. Although it is only a relatively small portion of the broader LRDP Amendment proposal assessed by the EIR, the EIR does specifically analyze the environmental effects of the COPR Access Project for which Conservancy funding is sought.

The Regents of the University of California certified the EIR (Exhibit 3b), adopted the Mitigation Monitoring and Reporting Program (Exhibit 3c), and made findings under CEQA and approved the LRDP Amendment on September 23, 2004.

Under CEQA, the Conservancy, as a responsible agency proposing to fund only the COPR Access Project portion of the UCSB project, need only be concerned with the environmental effects of the COPR Access Project. Thus, the discussion that follows below summarizes from the EIR the environmental effects of the proposed access COPR Access Project only – <u>not</u> of the larger LRDP Amendment of which it is a part.

The EIR identified numerous potentially significant environmental impacts for the proposed broad LRDP Amendment project (as well as for the underlying COPR Access Project). The potentially significant effects and mitigation measures are summarized in Table, 1-1 of the EIR (Exhibit 3b), entitled "Summary of Environmental Impacts and Mitigation Measures". Although the EIR identified potentially significant effects associated with the full development project under the LRDP amendment in the areas of hydrology, noise, air quality, traffic/transportation, or public services, no potentially significant environmental effects in these areas were identified specifically in the analysis of the COPR Access Project.

The EIR did identify potentially significant environmental effects of the COPR Access Project in the areas of geology and soils, biological resources, hazards and hazardous materials, visual resources, recreation, and cultural resources. Proposed mitigation measures that will avoid or

reduce the possible effects of these impacts to a level of insignificance are summarized in the Mitigation Monitoring and Reporting Program (Exhibit 3c). These effects and the mitigation measure by which the EIR concludes that each of the effects will be reduced to less than significant levels are described below.

Geology and Soils (Impact 4.2-2)

The access improvements, revegetation activities, and proposed trail closures are expected to rehabilitate degraded and eroded areas and prevent further habitat degradation from occurring. However grading and/or excavation of soils in association with access improvements at the COPR, specifically along the Dune Pond Trail, could result in substantial soil erosion and the loss of topsoil. To avoid this effect, construction will occur during the dry season whenever possible, but if grading occurs during rainy season (November through April) sediment traps, barriers, covers or other methods shall be used to reduce erosion and sedimentation. Specific grading and erosion control practices will be included in the proposed project's erosion control and restoration plans and will be implemented at the project site during construction. These measures include installation of sediment control measures before construction, limiting exposed soil to construction area, and protecting exposed areas during construction, and minimizing removal of existing vegetation whenever possible. These requirements and erosion control measures are to be shown in design plans and contract documents prior to construction; conditions must be adhered to prior to site preparation and demolition; and monitoring will be conducted during the entire length of construction to ensure that best management practices are in place and are effective. These actions would reduce impacts to geology and soils to less than significant with mitigation.

Biological Resources (Impacts 4.4-1 and 4.4-2)

Impact 4.4.1 Although recreational and equestrian activities occur in areas around the COPR, an increase in access and nearby housing could lead to increased disturbance of sensitive species if trail closures are not successful in re-directing recreational users away from sensitive resources. The beaches of the COPR are federally designated critical habitat for the western snowy plover. The COPR Access Project could impact critical habitat and the snowy plover in two ways. First, the Open Space Plan will result in formalization and related construction of beach access points. Unless properly regulated, construction and construction-related noise associated with trail closure and formalization could lead to disturbance of nesting plovers during wintering and breeding seasons that results in loss or disturbance of plovers. Second, the trail improvements within the COPR and improvements at coastal access points could lead to an increase in accessibility and use of the beach by the public and their pets. Unless controlled, off-leash dogs and increased equestrian use of the beach could result in the destruction of nests, disturbance of adults, which exposes nestlings to predation, increased predation of adult plovers, and an overall disturbance of snowy plovers. The California least tern is not known to nest within the project area, but an adult and juvenile were observed foraging within near the mouth of the Devereux Slough. As the habitat requirements for the tern are similar to that of the snowy plover, open space improvements, including the formalization of trails and related improvement of beach access points and expansion of coastal access parking could lead to an increase in accessibility and recreational use of the beach, and potentially predators or nuisance species that could disturb least terns, resulting in a potentially significant impact. A population of the federally and State

Endangered Ventura salt marsh milkvetch has recently been introduced to the COPR. A current population of about 50 plants exists near the northern boundary of the reserve, on the western side of the slough. As this population is within the COPR, they are not located within any undeveloped lands proposed for development or open space improvements. This population would continue to be managed by the COPR under the COPR Management Plan, which implements restoration opportunities and other improvements to protect, enhance, and restore key natural resources and sensitive habitat. With continued implementation of the COPR Management Plan and the mitigation measures discussed below, potential impacts would be less than significant. To minimize for potential impacts to sensitive species or their habitat and to reduce those to less than significant impacts, the EIR required the University to implement the following Mitigation Measures (MM) as appropriate.

MM 4.4-1(a). Development in the Reserve at a will be kept to a minimum. Only structures to be used in conjunction with research or that would enhance the area's usefulness as a natural study area, such as small storage structures, fences, signs, and other gates, will be allowed.

MM 4.4-1(d). In order to protect habitats of the reserve, the total square footage of current and replacement structures shall not exceed the total square footage of current Reserve structures. The replacement accessway and fencing will be constructed in the exact footprint as the old structure and will be set back a minimum of fifty feet from the bluff edge, with the exception of the replacement gate and fence at access B. In this location, part of the fence is less than 50 feet from bluff, because it ends at the bluff. The reason for this design is to direct people to access the beach on the designated entrance that is 50 feet from the bluff, instead of going around the fence at the bluff edge, which would cause bluff erosion. No trees will be removed as part of the access improvements on the Reserve.

MM 4.4-1(j). To ensure that construction and construction-related noise associated with trail and access point closure and formalization and recreational activities associated with the formalization of trails and access points do not detrimentally impact the breeding and wintering activities of western snowy plovers and California least terns, routine monitoring of nesting snowy plovers and California least terns, if applicable, shall be conducted by a qualified wildlife biologist or trained volunteer. Nesting and roosting areas shall be completely surrounded by exclusion fencing, adequate for preventing disturbance by people, pets, and horses and with informational signs, placed under the guidance of a qualified biologist and routinely maintained. Should the plovers relocate their nesting sites, additional fencing shall be installed as required. To offset potential impacts to nesting and roosting plovers associated with increased recreational use of Sands Beach, the University shall provide a financial contribution to the COPR to maintain and expand the Snowy Plover Docent Program.

MM 4.4-1(k) Construction and restoration activities within designated snowy plover critical habitat (Figure 4.4-2) shall only be conducted following approval by the USFWS in coordination with the COPR Director. Daily surveys will be undertaken and if plovers are nesting within a project area, exclusion fencing shall be installed and all work shall halt within a buffer zone until the young have hatched and fledged.

MM 4.4-1(m) Pets shall not be allowed within the COPR or snowy plover habitat, and shall be required to be leashed at Sands Beach.

MM 4.4-1(n) A monitoring program, developed by the University and approved by the California Department of Fish and Game and USFWS will be developed, ensuring the continued viability of individual populations of special status plants (4.4-1(h)) and wildlife currently found in the project area.

MM 4.4-1(o) The design, construction, and operation of residential development and open space improvement shall include Best Management Practices per the Storm Water Management Plan to reduce the discharge of sediment and pollutants in runoff.

Impact 4-4-2 Sensitive vegetation communities and habitat that could be affected by project activities within the COPR include vernal pools, Southern foredune, Southern coastal bluff scrub, and Southern dune scrub ESHA-designated areas. The EIR analysis concludes that the COPR Access Project will generally be beneficial and reduce impacts of these sensitive communities. Any potentially significant adverse impacts to vegetation communities or habitats designated or identified as sensitive can be reduced to less than significant through the implementation of the following mitigation measures:

MM 4.4-2(b) (d) (e) The exclusive use of native plant species in all the open space areas, preparation of Sensitive Habitat Restoration Plans when appropriate, prohibition of exotic invasive species in all open space areas or near ESHA areas and riparian corridors, inclusion of locally occurring native plant stock, and, prior to the start of construction for any site restoration activities, preparation of a restoration plan that identifies construction and post-construction erosion control measures to minimize exposure of soils to wind and water erosion and deposition of sediment in adjacent areas and drainage courses.

Hazards and Hazardous Materials (Impacts 4.5-2, 4.5-4, 4.5-5)

Project construction could expose: construction workers to health and safety risks through earthmoving activities in areas with potentially contaminated soils or groundwater; construction workers and the public to potential health risks associated with abandoned oil wells and their accidental discovery. These potential significant adverse impacts can be reduced to less than significant by stopping work and notifying Environmental Health and Safety personnel, on-site risk assessment, and preparing and carrying out remediation plans and if significant risk is determined, and construction schedule modification or delay to ensure that remediation is not inhibited and workers and the public are not exposed to significant risks associated with hazardous conditions. If abandoned oil wells are uncovered or disturbed during construction the same procedures above apply, and remedial capping operations would be required to re-cap the wells to current Department of Conservation specifications, other appropriate agencies would be notified, soil sampling strategy would be required to characterized potential contamination, and sample sites identified based on historical review of on-site uses, locations of ground disturbance, and consultation with County Fire Department. Remediation would then be completed in conformance with County standards. Grantee will ensure that the mitigation measures are incorporated into contract documents and Emergency Operations Plan (EOP), and that qualified professionals will be hired to re-cap affected wells, and to conduct sampling and prepare soil sampling reports.

Project construction could potentially impair implementation of or physically interfere with, an

adopted emergency response or emergency evacuation plan. The access improvements involve installing fencing which limits horse and bicycle access, but provides a new gate for emergency access to the beach at access B. This potentially significant adverse effect could be reduced through ongoing coordination between the University of California Police Department (UCPD), Santa Barbara County Fire Department, and the University shall ensure site access through roadway or travel lane closure coordination with emergency response personnel. The University shall review and revise the EOP to address potential emergencies and evacuations associated with the proposed developments. The University shall continue to implement the Emergency Operations Plan (EOP) to ensure that multiple emergency access or evacuation routes are provided to ensure that in the event one roadway or travel land is temporarily blocked, another may be utilized.

Visual Resources (Impact 4.9-3)

Implementation of the proposed project could substantially degrade the visual character or quality of the North or West Campus and the immediate surrounding area. In order to reduce this potential impact to less than significant, native trees shall be retained within overall site area of new development, existing topography, vegetation, and scenic features will be retained, trees or shrubs may be selectively trimmed or removed to provide views to and along the ocean and scenic coastal areas along the primary view corridors or for safety reasons, and shall be timed to avoid the nesting season of local birds (January through June). Specimen trees that contribute to the visual attractiveness of West Campus may not be removed, unless necessary for safety reasons or to provide the least cleared area sufficient to locate and construct approved structures on the site. Selective clearing of vegetation may be permitted where panoramic views may be presently obscured by such vegetation. Contours of finished surfaces on West Campus are to be blended to achieve a consistent grade and natural appearance and borders of cut slopes and fills are to be rounded off to a minimum radius of five feet so as to blend with the natural terrain. Natural building materials and colors that are compatible with the surrounding landscape will be used where practical and native plantings to screen development from public access corridors will be used. The mitigation measures will be incorporated into contract documents and grading and building plans.

Recreation (Impacts 4.10-1, 4.10-3)

Project implementation could increase recreational use of the open space under University jurisdiction, however, any such increase is unlikely to result in accelerated deterioration of the open space areas on West Campus. The project could also result in the loss of existing recreational opportunities, since the proposed access improvements will formalize exclusion of bicycle and horse access to the Reserve. To reduce these potential impacts to less than significant, existing fences, signs and information maps around the perimeter of the Reserve would be maintained to restrict unauthorized access by pedestrians, dogs, motor vehicles (except service and emergency vehicles), and off-road bicycles, and unleashed dogs and motor vehicles, except for service and emergency vehicles, would be prohibited on campus beaches. The mitigation measures will be incorporated into contract documents or MOU with the Reserve.

Cultural Resources (Impacts 4.11-2, 4.11-3, 4.11-4)

Construction activities associated with project implementation could result in damage to or the

destruction of archaeological or paleontological resources, or the disturbance of human remains. This impact would be reduced to a less-than-significant level by incorporating the following mitigation measures: completion of Phase 1 archaeological surveys of all project areas where ground disturbance will occur; consultation with the Office of Public Archaeology, Department of Anthropology, and Native Americans when development may adversely impact archaeological resources; design project to minimize impacts on such resources, when development is proposed for areas where archaeological resources are affected; presence of non-University affiliated archaeologist recognized by the State Historic Preservation Office and a Native American representative during any grading and other activities that may result in ground disturbance on archaeological sites; site assessment, suspension of activity, and exploration of measures to avoid and mitigate any adverse impacts of the project on any archaeological resource disclosed during planning, pre-construction, or construction phase of the project. A qualified non-University archaeologist would first determine whether an archaeological resource is a unique resource under PRC Section 21083.2(g), and if determined to be unique, a mitigation plan will be formulated in consultation with the campus that satisfies the requirements of the above PRC section. If the archaeologist determines that the resources is not unique, the site may be recorded and submitted to the California Historic Resources Information System Central Coast Information Center (CHRIS-CCIC). If development is proposed inside or within 150 feet of an archaeological resource, the step-by-step procedures for identifying, evaluating, and mitigating impacts on archaeological resources identified in the revised Appendix F of the 1990 FEIR, which is included in the Faculty and Family Student Housing, Open Space Plan and LRDP Amendment EIR will be followed.

Each beach access point, (stairway, boardwalk, or other accessway) and each trail access point shall have posted signage requesting that users respect the sensitive resources of the Open Space Plan area, including but not limited to biological, cultural, wetlands, and geological resources, as well as the presence of possible hazards resulting from natural hydrocarbon seeps. In order to prevent vandalism, theft, or other desecration or despoliation of the resource, such signage shall not disclose the location of any particular cultural resources and shall convey an educational tone in keeping with the mission of the University's role in the Open Space Plan. Vehicle use, unauthorized collecting of artifacts, or other activities which would destroy or disturb archaeological resources shall continue to be prohibited.

The same measures above apply to discovery of paleontological resources and disturbance of human remains, with the additional requirement that all excavation and grading in the vicinity of a find of a burial, human bone, or suspected human bone, shall halt immediately, the area protected, and the University shall immediately notify the County Coroner and comply with the provisions of PRC Section 5097 with respect to Native American involvement, burial treatment, and re-burial, if necessary.

EIR Conclusion

Based on the extensive, thorough and thoughtful analysis in the EIR, the University concluded that all of these potential environmental effects associated with the COPR Access Project could be reduced to less than significant levels or could be avoided by implementation of the mitigation measures identified. The EIR *did* identify environmental impacts of the broader LRDP Amendment project which could not be avoided or mitigated to less than significance.

The Regents made findings with respect to these that specific economic, legal, social, technological or other benefits of the project outweighed these unavoidable significant effects of the project. However, none of the significant, but unavoidable effects of the broader LRDP amendment project are associated with the COPR Access Project which the Conservancy proposes to fund. Thus, no similar finding need be made by the Conservancy.

Greenhouse Gases and Climate Change

After UCSB approved the EIR in 2004, the Natural Resources Agency issued new CEQA Guidelines (Code of Regulations) to guide the assessment of the environmental impacts of greenhouse gas emissions. In particular, 14 California Code of Regulations Section 15064.4 instructs agencies about their options for determining the significance of greenhouse gas emissions. In accordance with this guidance, Conservancy staff have qualitatively analyzed the project to assess the significance of its greenhouse gas emissions, and conclude that this impact is less-than-significant. This new analysis does not require the preparation of a subsequent EIR because it does not reveal the presence of new significant effects, nor does this new analysis trigger any of the other standards established in 14 California Code of Regulations Section 15162.

The Conservancy staff's assessment of this project's greenhouse gas emissions impact is based on the following facts. The project will emit some quantity of greenhouse gases during the construction phase, but will not require the use of electricity or otherwise cause impacts during the operational stage. Thus, the project's greenhouse gas emissions will derive only from construction equipment, the lifecycle emissions of construction materials, and vehicle miles traveled for construction purposes. The project incorporates best management practices to reduce this impact. First, the use of local contractors and materials will reduce vehicle miles traveled. The boardwalk is made of recycled non-toxic lumber, which will be purchased from local hardware stores and assembled at the Reserve. The Woodcrete fencing is a pre-manufactured in Los Angeles and will be transported to the site and installed by a contractor. Use of pre-cast materials will reduce vehicle miles traveled and the use of heavy machinery at the Reserve. The only machinery to be used on site will be a backhoe for removing the sand berm and leveling trail sections, and for drilling the fence post holes. The remaining work will be manual labor performed on site by local contractors and volunteers. In summary, the project does not have the potential to contribute to a significant project-specific or cumulative impact of green house emissions.

Conservancy staff has carefully reviewed the EIR and the additional information concerning potential effects of greenhouse gas emissions. Two conclusions seem apparent. First, the COPR Access Project will, in many respects, provide long-term environmental benefit: by eliminating social trails, by protecting the bulk of the Reserve from intrusion by trail users and their animals, and by restoring native habitat. Second, any temporary or potentially significant impacts will be reduced or avoided by the implementation of the mitigation measures required by the EIR and by the conditions of the proposed Conservancy grant. Thus, based upon an independent review of the EIR, Conservancy staff concurs with UCSB that the proposed project, as mitigated, will not have a significant adverse effect on the environment and staff recommends that the Conservancy make findings to that effect.

Upon Conservancy approval, staff will file a Notice of Determination for this project.