

**CALENDAR ITEM
C81**

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S 19

12/02/13
PRC 7763.9
K. Foster

GENERAL LEASE - PUBLIC AGENCY USE

APPLICANT:

Santa Barbara County Flood Control District
123 East Anapamu Street
Santa Barbara, CA 93101

LAND TYPE AND LOCATION:

Sovereign land in the Goleta Slough watershed and the Pacific Ocean, adjacent to Goleta Beach County Park, Santa Barbara County.

AUTHORIZED USE:

The continued periodic dredging for flood control purposes of a combined maximum of up to 200,000 cubic yards (cy) of sediment annually from San Pedro Creek, San Jose Creek, Atascadero Creek, and Goleta Slough; and the placement of up to 200,000 cy of sediment annually in the surf zone at the west end of Goleta Beach County Park.

LEASE TERM:

Eight (8) years, beginning December 8, 2010.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest. No royalty will be charged as the dredged material will not be sold.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On December 8, 2005, the Commission authorized the issuance of Lease No. PRC 7763.9, a Dredging Lease to the Santa Barbara County Flood Control District for the dredging of up to 200,000 cy of sediment annually from the Goleta Slough watershed (which includes San Pedro Creek, San Jose Creek, Atascadero Creek, and Goleta Slough), the placement of up to 200,000 cy of dredged sediment annually in the surf zone at the west

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end of Goleta Beach County Park and east of the mouth of Goleta Slough, and the periodic breaching of the mouth of Goleta Slough, for flood control purposes. That Lease expired on December 7, 2010. The Applicant is now applying for a new General Lease – Public Agency Use.

3. The Applicant no longer breaches the mouth of Goleta Slough, and only places sediment at the west end of Goleta Beach County Park.
4. The placement of sediment into the surf zone at Goleta Beach County Park is subject to California Coastal Commission approval of a Sampling and Analysis Plan (SAP) for each placement that provides details regarding sediment core samples, grain size, contaminants, and debris content. The SAP must also include confirmation that the sediment meets the minimum U.S. Army Corps of Engineers and California Regional Water Quality Control Board criteria for surf zone placement.
5. A Subsequent EIR, State Clearinghouse No. 2000031092, was prepared for this project by the Santa Barbara County Flood Control District and certified on November 9, 2010. The California State Lands Commission staff has reviewed such document and the Mitigation Monitoring Program prepared in conformance with the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.
6. Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) and a Statement of Overriding Considerations made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15093) are contained in Exhibit D, attached hereto.
7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

California Coastal Commission
California Regional Water Quality Control Board
U.S. Army Corps of Engineers

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FURTHER APPROVALS REQUIRED:

Santa Barbara County Planning & Development Department
California Department of Fish and Wildlife

EXHIBITS:

- A. Site and Location Map
- B. Land Description
- C. Mitigation Monitoring Program
- D. Findings and Statement of Overriding Considerations

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that a Subsequent EIR, State Clearinghouse No. 2000031092, was prepared for this Project by the Santa Barbara County Flood Control District and certified on November 9, 2010, and that the Commission has reviewed and considered the information contained therein.

Adopt the Mitigation Monitoring Program, as contained in Exhibit C, attached hereto.

Adopt the Findings, made in conformance with California Code of Regulations, Title 14, sections 15091 and 15096, subdivision (h), and the Statement of Overriding Considerations made in conformance with California Code of Regulations, Title 14, section 15093 as contained in Exhibit D, attached hereto.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to the Santa Barbara County Flood Control District beginning December 8, 2010, for a term of eight (8) years, for the periodic dredging of up to a maximum of 200,000 cy of sediment annually from San Pedro Creek, San Jose Creek, Atascadero Creek, and Goleta Slough for flood control purposes, and the placement of up to 200,000 cy of sediment annually in the surf zone at Goleta Beach County Park as described in Exhibit A attached and by this reference made a part hereof, and as shown on Exhibit B (for reference purposes only)); consideration being the public use and benefit, with the

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State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

**EXHIBIT A
LAND DESCRIPTION**

PRC 7763.9

Those parcels of tide and submerged land situate in the beds of San Pedro Creek, San Jose Creek, and Atascadero Creek, and along the Pacific Ocean in the County of Santa Barbara, State of California and more particularly described as follows:

Parcel 1 (San Pedro Creek)

A variable width strip of tide and submerged land in the bed of San Pedro Creek BEGINNING at centerline station 0+00 as shown on Santa Barbara County Flood Control and Water Conservation District and Water Agency, Goleta Slough Dredging Project 2005, sheet 2 of 5, dated 07-18-05, on file at CSLC in PRC 7763.9 having CCS 83, Zone 5 coordinates of $x = 6009864.38$ and $y = 1980635.67$; thence northerly along said centerline 1980 feet to station 19+80; said sidelines of said strip being the OHWM of said creek.

Parcel 2 (San Jose Creek)

A variable width strip of tide and submerged land in the bed of San Jose Creek BEGINNING at centerline station 0+00 as shown on Santa Barbara County Flood Control and Water Conservation District and Water Agency, Goleta Slough Dredging Project 2005, sheet 2 of 5, dated 07-18-05, on file at CSLC in PRC 7763.9 having CCS 83, Zone 5 coordinates of $x = 6009991.32$ and $y = 1980273.72$; thence northerly and easterly along said centerline 2480 feet to station 24+80; said sidelines of said strip being the OHWM of said Creek.

Parcel 3 (Atascadero/Goleta Slough)

A variable width strip of tide and submerged land in the bed of Atascadero Creek/Goleta Slough BEGINNING at centerline station 0+00 as shown on Santa Barbara County Flood Control and Water Conservation District and Water Agency, Goleta Slough Dredging Project 2005, sheet 2 of 5, dated 07-18-05, on file at CSLC in PRC 7763.9 having CCS 83, Zone 5 coordinates of $x = 6010867.29$ and $y = 1979297.36$; thence northerly, westerly and easterly along said centerline 4735 feet to station 47+35; said sidelines of said strip being the OHWM of said Creek.

Together with that portion of said slough as it extends waterward to the Pacific Ocean.

Parcel 4 (West Sediment Discharge Location)

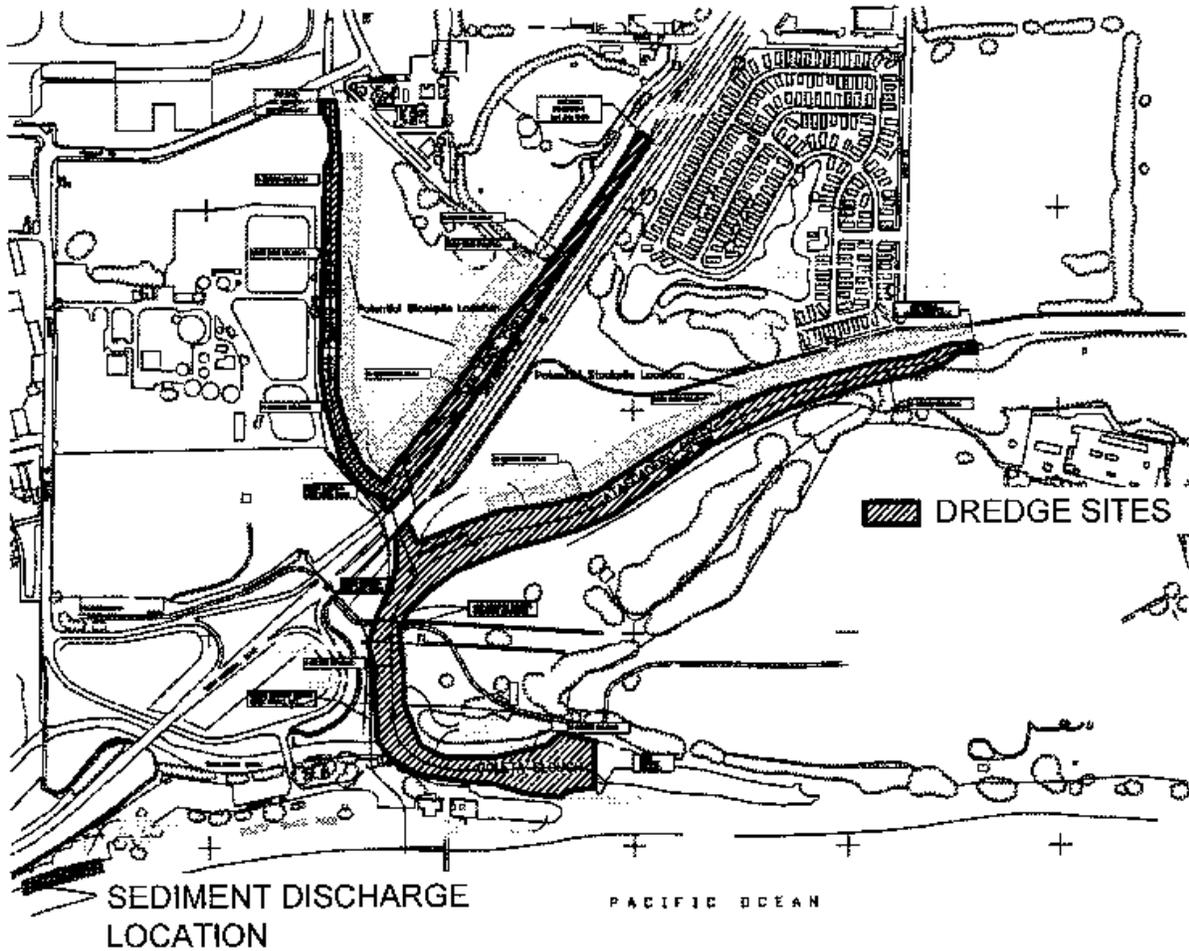
A strip of tide and submerged land lying 37.50 feet on each side of the centerline BEGINNING at a point having CCS 83, Zone 5 coordinates of $x = 6008159.50$ and $y = 1078813.86$; thence N 73°19'31" E 381 feet to the end of said centerline.

END OF DESCRIPTION

The above description is based on that original description (prepared by Kelly Olin on 11/17/2005) as found in PRC file 7763.

NO SCALE

SITE



GOLETA / ATASCADERO SLOUGH, SAN PEDRO CREEK, SAN JOSE CREEK AND GOLETA BEACH COUNTY PARK

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 7763.9
SANTA BARBARA COUNTY
FLOOD CONTROL DISTRICT
GENERAL LEASE -
PUBLIC AGENCY USE
SANTA BARBARA COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
Water Resources				
<p>WR-1 Dredging activities have the potential to adversely impact inland surface water quality on a periodic basis.</p>	<p>MM Project-1: Sampling and Analysis Plan: Implementation of Project-incorporated Sampling and Analysis Plan in accordance with American Society for Testing and Materials and United States Environmental Protection Agency guidelines.</p>	<p>Prepare and implement Plan</p>	<p>Santa Barbara County Flood Control and Water Conservation District (District)</p>	<p>During Project activities</p>
	<p>MM WR-1: Defined Best Management Practices (BMPs). The District shall define and implement all of its existing and proposed BMPs designed to prevent The introduction of pollutants to surface waters including but not limited to: sediment, trash, fuels, and chemicals. These should include, but are not limited to the following, some of which may be added to the spill prevention plan identified in MM PBIO-12.</p> <ul style="list-style-type: none"> • All fueling of vehicles and heavy equipment shall occur in designated areas. Designated areas shall include spill containment devices (e.g., drain pans) and absorbent materials to clean up spills. • Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and other fluids, and shall be examined for leaks on a daily basis. All maintenance shall occur in designated areas, which shall include spill containment devices and absorbent materials to clean up spills. • Any accidental spill of hydrocarbons or other fluids that may occur at the work site shall be cleaned immediately. Spill containment devices and absorbent materials shall be maintained on the work site for this purpose. The Governor's Office of Emergency Services shall be notified immediately in the event of a reportable quantity 	<p>Define and Implement BMPs</p>	<p>District</p>	<p>Prior to and During Project activities</p>

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	<p>accidental spill to ensure proper notification, clean up and disposal of waste.</p> <ul style="list-style-type: none"> • Waste and debris generated during construction shall be stored in designated waste collection areas and containers away from drainage features, and shall be disposed of regularly. • Convenient, portable sanitary/septic facilities shall be provided during construction activities. These facilities shall be well maintained and serviced, and wastes shall be treated and disposed of in accordance with state and local requirements. • Storm water BMP material will be used around the construction area perimeters during construction and around any construction operations that could potentially generate waste. • Minimize the use of pesticides for creek bank restoration and enhancement activities. • Pesticides shall only be handled by appropriately trained personnel in accordance with all applicable regulations. • All manufacturer recommended procedures for use, storage and disposal of pesticides shall be implemented. • No pesticides shall be stored onsite. 			
<p>WR-2 Sediment stockpiling on creek banks and creek bank restoration activities will impact inland surface waters on</p>	<p>MM PBIO-12: Spill Prevention Plan. A site-specific emergency spill contingency plan for hydraulic and drag-line dredging shall be developed and implemented. The spill prevention plan shall include:</p> <ul style="list-style-type: none"> • Containment and cleanup procedures that minimize impacts to biological resources. These include specifying access locations, precautions to take in areas of native 	<p>Prepare and implement Plan</p>	<p>District</p>	<p>During Project activities</p>

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
<p>a periodic basis.</p>	<p>vegetation, types of materials to be used (non-toxic), and notifications to resource management agencies such as the California Department of Fish and Wildlife and the United States Fish and Wildlife Service;</p> <ul style="list-style-type: none"> • Cleanup equipment and materials to be stored at the staging areas for immediate use in case of an accident; • Specifications for disposal of any contaminated materials resulting from cleanup activities; • Measures to be taken to restore any significant environmental damage caused by the spill or cleanup activities. Such measures are to be taken only when natural recovery would be very slow (more than 3 years) or not likely to occur without help; and • The plan shall be prepared prior to sending the request for proposal for dredging activities. 			
<p>WR-3 Possible leaks and spills of fuel, oil and other constituents associated with equipment use and maintenance have the potential to impact inland surface water quality.</p>	<p>PBIO-12: Spill Prevention Plan (as described in Impact WR-2). MM WR-1: Defined Best Management Practices (as described in Impact WR-1).</p>			

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Party	Timing
WR-11 Degradation of marine water quality would result from accidental discharge of fuel or other petroleum products.	<p>MM SWR-1: Post Advisories. Post advisories at the beach immediately prior to, during and for two days after dredging discharges occur.</p> <p>MM Project-1: Sampling Analysis Plan (as described in Impact WR-1).</p> <p>MM WR-1: Defined Best Management Practices (as described in Impact WR-1).</p>	Post advisories	District	During beach discharges
Air Quality				
AQ-4 The Project would contribute to Greenhouse Gas emissions.	<p>MM AQ-4: Efforts to Reduce Greenhouse Gas (GHG) Emissions. These measures will have the dual purpose of reducing air quality impacts and GHG impacts for the proposed Project.</p> <ul style="list-style-type: none"> All portable construction equipment shall be registered with the state's portable equipment registration program or permitted by the District by September 18, 2008. Idling of heavy-duty trucks will be limited to 5 minutes. Heavy-duty diesel-powered equipment purchased for the Project shall comply with federal and California diesel standards that are in force at the time of purchase. 	Implement air quality measures	District	During Project activities
Geology				
GEO-3 Placement of sediment at Goleta Beach compatibility of material with beach sand.	MM Project-1: Sampling Analysis Plan (as described in Impact WR-1).			

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
Biological Resources				
BIO-1 Desilting may adversely affect steelhead migration.	MM SBIO-1: Hydraulic Dredging Schedule. Hydraulic dredging activities should be scheduled to begin earlier in the fall (15 October) if permitting agencies will authorize this, thereby increasing the probability that dredging would be completed prior to the rains that result in runoff and creek flow to the ocean triggering steelhead to enter the streams. Beginning dredging two weeks earlier in the fall (15 October) would have no increased impacts to biological resources in the Slough or at the discharge location.	Prepare schedule	District	Two months prior to Project activities
	MM SBIO-2: Hydraulic Dredging Reduced Timing. Hydraulic dredging will be reduced to less than 24 hours per day after rainfall events that results in a runoff pulse (10 to 20 cubic feet per second as measured at the Maria Ygnacia Creek gauge). The threshold flow amount will be determined through the Section 7 (of the Endangered Species Act) consultation process associated with the issuance of a U.S. Army Corps of Engineers permit for work.	Reduce daily hydraulic dredging activities	District/ Contractor	During Project activities
BIO-2 Desilting may adversely affect survival and foraging of tidewater goby.	MM BIO-2: Tidewater Goby Refuge. Tecolotito Creek and Los Carneros Creek downstream of the basins provides high quality tidewater goby habitat and shall not be desilted; <ul style="list-style-type: none"> Desilting at the Tecolotito and Los Carneros basins shall not be conducted simultaneously, to minimize total habitat disturbance in this part of the Slough. Hydraulic dredging and dragline desilting in Atascadero Creek shall be designed and implemented so as to leave an undisturbed 10-foot-wide strip of streambed along the entire south edge of the channel. 	Include in dredging and draglining contracts and implement measures	District	Prior to and during Project activities
BIO-12 Spills of fuel or hydraulic fluid would adversely affect	PBIO-12: Spill Prevention Plan (as described in Impact WR-2).			

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
aquatic wildlife, vegetation and birds.				
BIO-13 Desilting would disturb raptor and heron roosts, and swallow nesting.	<p>MM PBIO-13: Time Restrictions or Monitoring. Mitigate potential adverse impacts to raptor and heron roosting/perching by limiting dredging to daytime hours or by developing a plan to monitor the response of the birds to Project activities. Perform dredging in the Goleta Slough and drag-line desilting in Tecolotito Creek after the swallow breeding season has been completed and before the next season begins (between August 1 and April 1).</p> <p>Plan Requirements and Timing: A raptor and heron roosting monitoring plan shall be developed and include:</p> <ul style="list-style-type: none"> • Methodology for observing birds including a schedule of surveying prior to desilting (baseline conditions) and to coincide with periods of activity, including at night that could affect the birds. • Criteria for determining an adverse impact is occurring. • Measures to be taken if adverse impacts occur, and procedures to follow in implementing these measures. • The plan shall be prepared and approved by the District biologist prior to commencing dredging activities. 	Limit dredging or prepare and implement monitoring plan	District Biologist	Prior to and during Project activities
	<p>MM BIO-13: Breeding Bird Monitoring and Avoidance. If desilting activities are anticipated to occur or extend into the bird breeding season (February 15 through August 1), breeding bird monitoring and avoidance shall be implemented, and include:</p> <ul style="list-style-type: none"> • A breeding bird survey shall be completed by a qualified biologist within all areas within 200 feet of desilting activities; 	Measures shall be included in the desilting contract specifications and implemented according to the	District	Prior to and during Project activities

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Party	Timing
	<ul style="list-style-type: none"> Active nests shall be identified and monitored by a qualified biologist; If desilting activities are found to substantially affect breeding and/or foraging behavior at the nest site, a buffer shall be established by a qualified biologist and desilting work postponed within the buffer area until the nest is abandoned or young have fledged. 	desilting schedule, when activities would occur within the bird breeding season.		
BIO-14 Dredging near the mouth of the Slough and use of the booster pump may adversely affect brown pelican and Belding's savannah sparrow.	MM PBIO-14: Avoid Native Vegetation. Areas of native vegetation shall be avoided when placing the pipeline in upland areas. The locations where the pipeline could be placed with negligible effect on vegetation and sensitive species shall be shown on plan maps of the site and shall be marked (using flagging) in the field by a qualified biologist working with the dredge operator.	Determine pipeline locations	District biologist and dredge operator	Prior to Project activities
BIO-15 Disposal of dredged sediments at Goleta Beach may adversely affect grunion spawning.	MM PBIO-15: Grunion Survey and Avoidance. Prior to pipe laying across the beach and discharge of sediments during grunion spawning season, conduct a survey (on high tides at night) to determine if grunion use Goleta Beach. If they do, suspend dredging and pipe moving activities as night and minimize vehicle activities on the beach to prevent damage to eggs in the sand; or	Conduct grunion survey	District	Prior to Project activities
	MM BIO-15: Grunion Surveys and Avoidance. If equipment activity is anticipated to occur on the beach during the documented grunion spawning season (March through September) nightly field observations (during favorable tide conditions as designated by California Department of Fish and Wildlife [CDFW]) for grunion spawning activities at Goleta Beach shall be completed for two weeks prior to the proposed deposition and grading of sand on the beach. No	Conduct grunion survey	District	Two weeks prior to Project activities

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Party	Timing
	sediment discharge or equipment activity shall be allowed if grunion spawning has occurred at any time during the prior two-week period without specific authorization from State and federal resource agencies (CDFW and National Oceanic and Atmospheric Administration Fisheries).			
BIO-16 Turbidity and siltation caused by disposal of dredged sediments at Goleta Beach may adversely affect sensitive nearshore marine habitats.	MM BIO-16: Marine Turbidity Plume Monitoring. The proposed updated maintenance program includes onshore visual monitoring of the turbidity plume during beach disposal operations. If the turbidity plume is observed to reach kelp beds or eelgrass beds (east of Goleta Pier, off Goleta Point) beach disposal shall be terminated until the turbidity plume has dissipated.	Conduct monitoring	District	During Project activities
Risk of Upset/Hazardous Materials				
RU-1 The use, maintenance and fueling of equipment has the potential to result in the discharge of hazardous material to the environment from leaks and accidental spills.	PBIO-12: Spill Prevention Plan (as described in Impact WR-2). MM WR-1: Defined Best Management Practices (as described in Impact WR-1).			
RU-2 Discharge of pesticides associated with	PBIO-12: Spill Prevention Plan (as described in Impact WR-2).			

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Party	Timing
restoration Activities have the potential to significantly impact human and environmental health.	MM WR-1: Defined Best Management Practices (as described in Impact WR-1).			
Cultural Resources				
CR-1 Dredging activities at Atascadero Creek have the potential to impact CA-SBA-45.	MM PCR-1a: Avoidance of SBA-45 and Locus 21. Dredging excavation shall not occur within a minimum 25-foot distance measured along the top of creek banks, and within five feet of the existing creek bank toe of slope adjacent to Locus 2 and SBA-45 site boundaries. These avoidance areas shall be temporarily staked during construction.	Stake avoidance areas	District in coordination with a qualified archaeologist	Prior to commencement of dredging activities
	MM PCR-1b: Monitoring of Archaeological Sites. All dredging operations within archaeological sites and buffer areas shall be monitored by a County-approved archaeologist and local Native American representative. If unexpected archaeological remains are encountered, dredging activities shall be redirected elsewhere until the significance of the materials can be evaluated pursuant to County Cultural Resource Guidelines. If significant and feasible, dredging activities shall be redesigned to avoid further disturbances to the cultural deposit. If not avoidable, Phase 3 data recovery excavations shall be undertaken pursuant to County Cultural Resource Guidelines.	Implement monitoring	District in coordination with a qualified archaeologist and a Native American representative	During Project activities

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
<p>CR-2 Project-related exposure of CA-SBA-45 may increase its exposure to unauthorized cultural artifact collectors.</p>	<p>MM PCR-1a: Avoidance of SBA-45 and Locus 2 (as described in Impact CR-1).</p>			
	<p>MM CR-2a: Worker Cultural Orientation. At Goleta Slough Flood Control Dredging Project work locations #1 Atascadero Creek, #2 San Jose Creek & Enhancement, #3 San Pedro Creek & Enhancement and #6 Goleta Beach Replenishment, before commencing work, Project crews and personnel shall be informed of the importance of the potential archaeological resources in the area and of the regulatory protections afforded to the resources. The crew should be informed of procedures relating to the discovery of archaeological remains during Project activities and cautioned to avoid archaeological areas with equipment and not to collect artifacts. Personnel and the crew should inform their supervisor and the on-site monitor should cultural remains be uncovered.</p>	<p>Conduct cultural resources training</p>	<p>District in coordination with a qualified archaeologist</p>	<p>Prior to commencement of dredging activities</p>
	<p>MM CR-2b: Demarcation of Archaeological Sites. Known archaeological sites shall be avoided, so as not to inflict a significant impact to the site. Avoidance can be accomplished by having the archaeologist and project engineer demarcate on the ground cultural resource boundaries that occur adjacent to work areas to ensure that proposed Project improvements do not impinge on the resource(s). Construction equipment can then be directed away from the resource, and construction personnel directed to avoid entering the area. This applies to work locations #1 Atascadero Creek, #2 San Jose Creek & Enhancement, #3 San Pedro Creek & Enhancement and #6 Goleta Beach Replenishment, where archaeological sites have been recorded.</p>	<p>Demarcate cultural resource boundaries</p>	<p>District in coordination with a qualified archaeologist</p>	<p>Prior to commencement of Project activities</p>

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Party	Timing
CR-3 Dredging activities at Atascadero Creek, San Jose Creek and San Pedro Creek have the potential to impact CA-SBA-46.	<p>MM PCR-1a: Avoidance of SBA-46 and Locus 2 (as described in Impact CR-1).</p> <p>MM PCR-1b: Monitoring of Archaeological Sites (as described in Impact CR-1).</p>			
CR-4 Installation and removal of the pipeline for the Goleta Beach surf zone work associated with beach replenishment has the potential to impact CA-SBA-1695.	<p>MM PCR-1b: Monitoring of Archaeological Sites (as described in Impact CR-1).</p> <p>MM CR-2a: Worker Cultural Orientation (as described in Impact CR-2).</p>			
CR-5 Project activities have the potential to disturb Native American human remains.	<p>MM CR-2a: Worker Cultural Orientation (as described in Impact CR-2).</p> <p>MM CR-5: Proper Disposition of Human Remains. If Native American human remains are discovered during Project construction at any Goleta Slough Flood Control Dredging Project work locations, the Project Archaeologist shall be notified and State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resource Code Sec. 5097), shall be followed. The coordination of the procedures outlined in the Proposed</p>	Implement monitoring	District in coordination with a qualified archaeologist and the County Coroner	During Project activities

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
	<p>Native American Burial Protection Plan is the responsibility and under the authority of the lead agency for this Project.</p> <p>In the event that human remains are unearthed, all work shall stop in the area of the find and any nearby area reasonably suspected to overlie adjacent human remains and the County Coroner notified. If the remains are determined to be of Native American descent, the Coroner shall notify the NAHC within 24 hours. Reburial or disposal of human remains shall be conducted according to the instructions of the most likely descendent, as identified by the NAHC.</p>			
<p>CR-7 Impacts to previously unidentified cultural resources.</p>	<p>MM CR-7: Stop Work Order. If cultural resources are encountered during implementation of the Project, construction work must be stopped and all activity that disturbs the earth within fifty feet must be suspended or moved to another area. The area will be staked or flagged until an archaeologist determines significance of the discovery and recommends the methods of evaluation. All discoveries of cultural resources must be evaluated and mitigated if determined significant. After the find has been mitigated, work may resume at that location. A Native American monitor shall be retained to observe any ground disturbances that contain or may contain Native American artifacts or objects of religious significance.</p>	<p>Suspend activity if cultural resources are encountered and document finds</p>	<p>District in coordination with a qualified archaeologist and a Native American representative</p>	<p>During Project activities</p>
<p>Recreation</p>				

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Party	Timing
REC-1 Stockpiling and desilting operations may result in impacts to recreational resources within areas adjacent to the Goleta Slough.	MM Project-3: Timing of dredging and staging operations. Dredging and staging operations would be timed to avoid the peak recreation season for recreational use of Goleta Beach.	Schedule Project operations	District	Prior to Project activities
REC-2 Beach replenishment activities may result in impacts to recreational resources.	MM SWR-1: Post Advisories (as described in Impact WR-11). MM Project-1: Sampling and Analysis Plan (as described in Impact WR-1). MM Project-3: Timing of dredging and staging operations (as described in Impact REC-1).			
REC-3 Transfer of desilted sediment by truck may interfere with recreational opportunities.	MM Project-1: Sampling and Analysis Plan (as described in Impact WR-1). MM Project-3: Timing of dredging and staging operations (as described in Impact REC-1).			
Cumulative Impacts				
WR-CUM-2 Cumulative projects could result in short-term impacts to surface water	PBIO-12: Spill Prevention Plan (as described in Impact WR-2). MM Project-1: Sampling Analysis Plan (as described in Impact WR-1). MM WR-1: Defined Best Management Practices (as described in Impact WR-1).			

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/Reporting Action	Responsible Party	Timing
quality in stream channels.	MM CUM-2: District will notify appropriate agencies of Project activities and scheduling to reduce cumulatively considerable impacts.	Notify appropriate agencies	District	Prior to Project activities
WR-CUM-4 Cumulative impacts could result in turbidity of waters offshore of Goleta Beach.	MM CUM-2: (as described in Impact WR-CUM-2).			
WR-CUM-5 Cumulative offshore water quality impacts could result from construction activities within Goleta Beach.	PBIO-12: Spill Prevention Plan (as described in Impact WR-2). MM Project-1: Sampling Analysis Plan (as described in Impact WR-1). MM WR-1: Defined Best Management Practices (as described in Impact WR-1). MM SWR-1: Post Advisories (as described in Impact WR-11). MM CUM-2: (as described in Impact WR-CUM-2).			
CUM-8 The Project would result in cumulatively significant impacts to tidewater goby.	MM BIO-2: Tidewater Goby Refuge (as described in Impact BIO-2)			
CUM-9 Cumulative development may result in significant	MM PBIO-16: Grunion Survey and Avoidance, or MM BIO 16: Grunion Surveys and Avoidance (alternative) (as described in Impact BIO-15). MM BIO-17: Marine Turbidity Plume Monitoring (as described in Impact BIO-16).			

Exhibit C: California State Lands Commission Mitigation Monitoring Program

Potential Impact	Mitigation Measure	Monitoring/ Reporting Action	Responsible Party	Timing
cumulative impacts to grunion, nearshore marine habitats and biota.				
CUM-12 Cumulative development has the potential to result in significant impacts to known and presently unidentified archaeological/ cultural resources	MM PCR-1a: Avoidance of SBA-45 and Locus 2 (as described in Impact CR-1). MM CR-2a: Worker Cultural Orientation MM CR-2b: Demarcation of Archaeological Sites (as described in Impact CR-2).			
CUM-17 Cumulative development would result in less than significant impacts on recreation in the Goleta Slough and Goleta Beach areas.	MM CUM-2: (as described in Impact CUM-2).			

EXHIBIT D – FLOOD CONTROL MAINTENANCE ACTIVITIES IN THE GOLETA SLOUGH

STATEMENT OF FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.0 INTRODUCTION

The California State Lands Commission (CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings and this Statement of Overriding Considerations to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease – Public Agency Use (Lease), to the Santa Barbara County Flood Control and Water Conservation District (District), for use of sovereign lands associated with the proposed Flood Control Maintenance Activities in the Goleta Slough (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)¹ The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306.) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

The CSLC is a responsible agency under CEQA for the Project because the CSLC must approve a lease for the Project to go forward and because the District, as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. In early 1994, the County of Santa Barbara Board of Supervisors certified a Final Program Environmental Impact Report/Draft Environmental Assessment for Routine Maintenance Activities in the Goleta Slough (1994 PEIR). The 1994 PEIR authorized the District to implement flood control maintenance activities in the Goleta Slough. In September 2000, a supplement to the Program EIR (2000 SPEIR) was written to support renewal of permits for continuance of routine maintenance activities. In addition, a 2010 Supplemental EIR (2010 SEIR) (State Clearinghouse [SCH] No. 2000031092) was prepared to update the analyses provided in the 1994 PEIR to assess changes in the environmental and regulatory conditions since the time the 1994 PEIR and 2000 SPEIR were prepared. The 2010 SEIR also addresses specific elements of the flood control activities in the Goleta Slough that were not addressed in the 1994 PEIR or 2000 SPEIR.

The District analyzed the environmental impacts associated with the Project in the 2010 SEIR and, in November 2010 certified the 2010 SEIR and adopted a Mitigation

¹ CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, Title 14, section 15000 et seq.

Monitoring and Reporting Program (MMRP), Findings, and a Statement of Overriding Considerations as part of its Project approval.

The District has historically been conducting routine flood control maintenance activities in the Goleta Slough inclusive of five creeks (Atascadero, San Jose, San Pedro, Los Carneros and Tecolotito creeks). The proposed Project is a continuation of these activities. The existing and proposed flood control activities include:

- Dredging of the creeks using either hydraulic or dragline methods;
- Stockpiling of sediment;
- Disposal of sediment either for beach nourishment, or at an upland reuse/disposal; and
- Enhancement of specific areas affected by flood control activities.

The District determined that the Project could have significant environmental effects on the following environmental resources:

- Aesthetics
- Biological Resources
- Geology
- Water Resources
- Air Quality
- Cultural Resources
- Risk of Upset

Of those seven resources areas, Project components within the CSLC's jurisdiction (i.e., dredging and beach nourishment) could have significant environmental effects on five of the above resource areas:

- Aesthetics
- Biological Resources
- Cultural Resources
- Risk of Upset
- Water Resources

In certifying the 2010 SEIR and approving the Project, the District imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures. However, even with the integration of all feasible mitigation, the District concluded in the 2010 SEIR that some of the identified impacts would remain significant. As a result, the District adopted a Statement of Overriding Considerations to support its approval of the Project despite the significant and unavoidable impacts. The District determined that, after mitigation, the Project may still have significant impacts on Aesthetics, Air Quality, and Biological Resources. Significant impacts that may occur on lands under the jurisdiction of the CSLC include Aesthetics and Biological Resources.

As a responsible agency, the CSLC complies with CEQA by considering the lead agency's EIR and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the CSLC may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which

the CSLC will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or project revisions are implemented, the CSLC adopts a Mitigation Monitoring Program (MMP) as set forth in Exhibit C as part of its Project approval.

2.0 FINDINGS

The CSLC's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each public agency that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment. (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the 2010 SEIR certified by the District for the Project identifies potentially significant impacts that fall within the scope of the CSLC's approval, the CSLC makes the Findings set forth below as a responsible agency under CEQA. (CEQA Guidelines, § 15096, subd. (h); *Resource Defense Fund v. Local Agency Formation Comm. of Santa Cruz County* (1987) 191 Cal.App.3d 886, 896-898.)

While the CSLC must consider the environmental impacts of the Project as set forth in District's 2010 SEIR, the CSLC's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve. (Pub. Resources Code, § 21002.1, subd. (d); CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the CSLC's exercise of discretion involves only issuing a General Lease – Public Agency Use, the CSLC is responsible for considering only the environmental impacts related to lands or resources subject to the CSLC's jurisdiction. With respect to all other impacts associated with implementation of the Project, the CSLC is bound by the legal presumption that the 2010 SEIR fully complies with CEQA.

The CSLC has reviewed and considered the information contained in the 2010 SEIR. All significant adverse impacts of the Project identified in the 2010 SEIR relating to the CSLC's approval of a General Lease – Public Agency Use, which would allow flood control maintenance activities in the Goleta Slough and beach nourishment, are included herein and organized according to the resource affected. These Findings, which reflect the independent judgment of the CSLC, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment;
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency;

- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.²

Whenever Finding (3) is made, the CSLC has determined that sufficient mitigation is not practicable to reduce the impact to a less-than-significant level, and even after implementation of all feasible mitigation measures, there will be or could be one or more unavoidable significant adverse impacts due to the Project. Significant impacts requiring Finding (3) were identified in the 2010 SEIR. The Statement of Overriding Considerations adopted as part of this exhibit applies to all such unavoidable impacts related to the CSLC's discretionary action, as required by CEQA. (Pub. Resources Code, § 21081, subd. (b); State CEQA Guidelines, §§ 15093, 15096, subd. (h).)

These Findings are based on the information contained in the 2010 SEIR and information provided by the District, all of which is contained in the administrative record of proceedings. The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the 1994 PEIR, 2000 SPEIR, and 2010 SEIR.

The CSLC is the custodian of the record of proceedings upon which its decision is based. The location of the CSLC's record of proceedings is in the Sacramento office of the CSLC, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825.

I. IMPACTS REDUCED TO LESS-THAN-SIGNIFICANT LEVELS WITH MITIGATION

The following impacts within CSLC jurisdiction were determined in the 2010 SEIR to be potentially significant absent mitigation: WR-1, WR-2, WR-3, WR-11; BIO-13, BIO-15, BIO-16; RU-1, RU-2; CR-2, CR-4, CR-5, and CR-7. After application of mitigation, however, the impacts were determined to be less than significant.

Mitigation measures are identified by the abbreviation MM followed by an identifier designating if the measure is part of the current Project Description ("Project"), from the PEIR/EA ("P"), or from the SPEIR ("S") followed by the subject abbreviation (e.g., BIO 1). If there is no "Project" or "P", or "S" designation, the mitigation measure is a new one that was developed as part of the 2010 SEIR process.

² See Public Resources Code section 21081, subdivision (a) and State CEQA Guidelines section 15091, subdivision (a).

A. Water Resources/Flooding

CEQA FINDING WR-1

Impact: **WR-1. Project Impacts from Dredging Activities.** Dredging activities have the potential to adversely impact inland surface water quality on a periodic basis.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Dredging of the creeks necessarily disturbs existing sediments. These sediments have the potential to include various toxic substances. Additionally, the movement of the sediments may adversely affect water quality parameters such as dissolved oxygen, color, odors and turbidity adversely during the periodic dredging periods.

Implementation of the following Mitigation Measures will minimize impacts to water quality through the use of sampling and best management practices (BMPs):

MM Project-1: Sampling and Analysis Plan: Implementation of Project-incorporated Sampling and Analysis Plan in accordance with American Society for Testing and Materials and United States Environmental Protection Agency guidelines.

MM WR-1: Defined Best Management Practices (BMPs). The District shall define and implement all of its existing and proposed BMPs designed to prevent the introduction of pollutants to surface waters including but not limited to: sediment, trash, fuels, and chemicals. These should include, but are not limited to the following, some of which may be added to the spill prevention plan identified in MM PBIO-12.

- All fueling of vehicles and heavy equipment shall occur in designated areas. Designated areas shall include spill containment devices (e.g., drain pans) and absorbent materials to clean up spills.
- Vehicles and equipment shall be maintained properly to prevent leakage of hydrocarbons and other fluids, and shall be examined for leaks on a daily basis. All maintenance shall occur in designated areas, which shall include spill containment devices and absorbent materials to clean up spills.
- Any accidental spill of hydrocarbons or other fluids that may occur at the work site shall be cleaned immediately. Spill containment devices and absorbent materials shall be maintained on the work site for this purpose. The Governor's Office of Emergency Services shall be notified immediately in the event of a reportable quantity accidental spill to ensure proper notification, clean up and disposal of waste.

- Waste and debris generated during construction shall be stored in designated waste collection areas and containers away from drainage features, and shall be disposed of regularly.
- Convenient, portable sanitary/septic facilities shall be provided during construction activities. These facilities shall be well maintained and serviced, and wastes shall be treated and disposed of in accordance with state and local requirements.
- Storm water BMP material will be used around the construction area perimeters during construction and around any construction operations that could potentially generate waste.
- Minimize the use of pesticides for creek bank restoration and enhancement activities.
- Pesticides shall only be handled by appropriately trained personnel in accordance with all applicable regulations.
- All manufacturer recommended procedures for use, storage and disposal of pesticides shall be implemented.
- No pesticides shall be stored onsite.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

CEQA FINDING WR-2

Impact: **WR-2. Sediment Stockpiling.** Sediment stockpiling on creek banks and creek bank restoration activities will impact inland surface waters on a periodic basis.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

The physical activities of stockpiling sediments on the creek banks also has the potential to result in increased turbidity of the creeks, and re-suspension of pollutants in the creeks from drainage from sediment stockpiles and disturbance of creek banks by equipment.

Implementation of the following Mitigation Measures will minimize impacts to water quality through the use of a Spill Prevention Plan and Best Management Practices:

MM PBIO-12: Spill Prevention Plan. A site-specific emergency spill contingency plan for hydraulic and drag-line dredging shall be developed and implemented.

The spill prevention plan shall include:

- Containment and cleanup procedures that minimize impacts to biological resources. These include specifying access locations, precautions to take in areas of native vegetation, types of materials to be used (non-toxic), and notifications to resource management agencies such as the California Department of Fish and Wildlife and the United States Fish and Wildlife Service;
- Cleanup equipment and materials to be stored at the staging areas for immediate use in case of an accident;
- Specifications for disposal of any contaminated materials resulting from cleanup activities;
- Measures to be taken to restore any significant environmental damage caused by the spill or cleanup activities. Such measures are to be taken only when natural recovery would be very slow (more than 3 years) or not likely to occur without help; and
- The plan shall be prepared prior to sending the request for proposal for dredging activities.

MM WR-1: Defined Best Management Practices (As described in Impact WR-1).

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

CEQA FINDING WR-3

Impact: **WR-3. Potential Leaks and Spills.** Possible leaks and spills of fuel, oil and other constituents associated with equipment use and maintenance have the potential to impact inland surface water quality.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Project implementation including dredging operations, sediment disposal, and restoration activities will require the use of equipment. During operation and maintenance of this equipment possible leakage of fuel, oil or other toxic substances may result in contamination of surface waters.

Implementation of the following Mitigation Measures will minimize impacts to water quality through the use of a Spill Prevention Plan:

MM PBIO-12: Spill Prevention Plan (as described in Impact WR-2).

MM WR-1: Defined Best Management Practices (as described in Impact WR-1).

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

CEQA FINDING WR-11

Impact: **WR-11. Degradation of Marine Water Quality – Petroleum Products.**
Degradation of marine water quality would result from accidental discharge of fuel or other petroleum products.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

An accidental release of fuel or other petroleum product from the dredging and/or grading equipment could result in a significant impact to the marine water quality. In addition to the potentially toxic effects on the biota that are contacted by the petroleum, the presence of floating oil products is in violation of the Ocean Plan objectives.

Implementation of the following Mitigation Measures will minimize impacts to water quality through the posting of advisories, a sampling and analysis plan, and BMPs:

MM SWR-1: Post Advisories. Post advisories at the beach immediately prior to, during and for two days after dredging discharges occur.

MM Project-1: Sampling and Analysis Plan (as described in Impact WR-1).

MM WR-1: Defined Best Management Practices (as described in Impact WR-1).

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

Cumulative Impacts

- 1) **WR-CUM-2. Cumulative projects could result in short-term impacts to surface water quality in stream channels.** Projects which may contribute cumulatively to impacts to surface water quality within the proposed Project area would include restoration within the Goleta Slough, monitoring associated with permit compliance, the Goleta Sanitary District wastewater

treatment plant upgrades, the wetland mitigation associated with the relocation of runway 7/25 and the construction of the new airline terminal facility and any other projects in the watershed. Surface water impacts caused by these Projects could cause cumulatively considerable impacts to surface water quality primarily through erosion and runoff during construction activities, as well as potential leaks and spills of fuel, oil and other constituents associated with equipment use and maintenance. The Project's contribution to this surface water quality impact is therefore cumulatively considerable; however, impacts have been mitigated to a less-than-significant level with the following mitigation measures:

- **PBIO-12: Spill Prevention Plan** (as described in Impact WR-2).
- **MM Project-1: Sampling and Analysis Plan** (as described in Impact WR-1).
- **MM WR-1: Defined Best Management Practices** (as described in Impact WR-1).
- **MM CUM-2:** District will notify applicable permitting agencies of Project activities and scheduling to reduce cumulatively considerable impacts. Prior to Project desilting, beach replenishment or sediment removal activities, the District will notify applicable permitting agencies associated with cumulatively considerable projects to ensure that cumulatively considerable impacts to resource areas would be reduced through Project timing.

2) **WR-CUM-5. Cumulative offshore water quality impacts could result from construction activities within Goleta Beach.** Projects which may contribute cumulatively to impacts to water quality within the proposed Project area include the coastal enhancement projects at Goleta Beach. Impacts caused by these Projects could contribute cumulatively to water quality primarily through erosion and runoff during construction activities, as well as potential leaks and spills of fuel, oil and other constituents associated with equipment use and maintenance. The Project's contribution to this offshore water quality impact is cumulatively considerable; however, impacts have been mitigated to a less-than-significant level with the following mitigation measures:

- **PBIO-12: Spill Prevention Plan** (as described in Impact WR-2).
- **MM SWR-1: Post Advisories** (as described in Impact WR-11).
- **MM Project-1: Sampling and Analysis Plan** (as described in Impact WR-1).
- **MM WR-1: Defined Best Management Practices** (as described in Impact WR-1).
- **MM CUM-2:** (as provided above).

B. Biological Resources

CEQA FINDING NO. BIO-13

Impact: **BIO-13. Desilting would disturb raptor and heron roosts, and swallow nesting.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Based on a 2009 field survey, a great blue heron and great egret rookery north of the Slough main channel; a double-crested cormorant roost north of the Slough main channel; cliff swallow nesting sites on the Route 217 bridge over San Pedro Creek, the pipe bridge over Atascadero Creek, and Hollister Avenue bridge at Tecolotito Creek; and raptor nesting habitat along the south side of Atascadero Creek may be affected by Project activities.

Implementation of the following Mitigation Measures will minimize impacts to special-status birds through time restrictions and monitoring.

MM P BIO-13: Time Restrictions or Monitoring. Mitigate potential adverse impacts to raptor and heron roosting/perching by limiting dredging to daytime hours or by developing a plan to monitor the response of the birds to Project activities. Perform dredging in the Goleta Slough and drag-line desilting in Tecolotito Creek after the swallow breeding season has been completed and before the next season begins (between August 1 and April 1).

Plan Requirements and Timing: A raptor and heron roosting monitoring plan shall be developed and include:

- Methodology for observing birds including a schedule of surveying prior to desilting (baseline conditions) and to coincide with periods of activity, including at night that could affect the birds.
- Criteria for determining an adverse impact is occurring.
- Measures to be taken if adverse impacts occur, and procedures to follow in implementing these measures.
- The plan shall be prepared and approved by the District biologist prior to commencing dredging activities.

MM BIO-13: Breeding Bird Monitoring and Avoidance. If desilting activities are anticipated to occur or extend into the bird breeding season (February 15 through August 1), breeding bird monitoring and avoidance shall be implemented, and include:

- A breeding bird survey shall be completed by a qualified biologist within all areas within 200 feet of desilting activities;
- Active nests shall be identified and monitored by a qualified biologist;
- If desilting activities are found to substantially affect breeding and/or foraging behavior at the nest site, a buffer shall be established by a qualified biologist and desilting work postponed within the buffer area until the nest is abandoned or young have fledged.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

CEQA FINDING NO. BIO-15

Impact: **BIO-15. Disposal of dredged sediments at Goleta Beach may adversely affect grunion spawning.** Based on the proposed Project schedule, beach disposal may occur from September 15 through May 15, which includes grunion spawning periods. The presence of wheeled or tracked vehicles on the beach to place the discharge pipe and excavate a trench at the mouth of Goleta Slough may crush spawning grunion and their buried eggs and larvae.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in impacts to grunion.

Implementation of the following Mitigation Measures will minimize impacts to grunion through surveys and avoidance.

MM PBIO-15: Grunion Survey and Avoidance. Prior to pipe laying across the beach and discharge of sediments during grunion spawning season, conduct a survey (on high tides at night) to determine if grunion use Goleta Beach. If they do, suspend dredging and pipe moving activities at night and minimize vehicle activities on the beach to prevent damage to eggs in the sand.

MM BIO-15: Grunion Surveys and Avoidance. If equipment activity is anticipated to occur on the beach during the documented grunion spawning season (March through September) nightly field observations (during favorable tide conditions as designated by California Department of Fish and Wildlife [CDFW]) for grunion spawning activities at Goleta Beach shall be completed for two weeks prior to the proposed deposition and grading of sand on the beach. No sediment discharge or equipment activity shall be allowed if grunion spawning has occurred at any time during the prior two-week period without specific authorization from State and federal resource agencies (CDFW and National Oceanic and Atmospheric Administration Fisheries).

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

CEQA FINDING NO. BIO-16

Impact: **BIO-16. Turbidity and siltation caused by disposal of dredged sediments at Goleta Beach may adversely affect sensitive nearshore marine habitats.** While the sandy sediment in the beach discharge is expected to rapidly settle, fine material (silts and clays) which could comprise up to 50 percent of disposed material, would remain in the water column and be transported offshore.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in impacts to marine species. Kelp beds, eelgrass, and rocky bottom habitat have been documented within the area offshore of the proposed beach disposal site and could be affected by the deposition of a substantial amount of fine sediment and/or by increased turbidity.

Implementation of the following Mitigation Measure will minimize impacts to marine species through monitoring of turbidity plumes.

MM BIO-16: Marine Turbidity Plume Monitoring. The proposed updated maintenance program includes onshore visual monitoring of the turbidity plume during beach disposal operations. If the turbidity plume is observed to reach kelp beds or eelgrass beds (east of Goleta Pier, off Goleta Point) beach disposal shall be terminated until the turbidity plume has dissipated.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

Cumulative Impacts

- 1) **BIO-CUM-9. Cumulative development may result in significant cumulative impacts to grunion, nearshore marine habitats and biota.** In addition to the proposed Project, projects with impacts that would be cumulatively considerable to sensitive species or habitats within the waters of the Pacific Ocean include any projects associated with coastal enhancement. Coastal enhancement projects would entail the stabilization of beach sands within the Project area by sediments collected from onshore or offshore sources along the Goleta Coast. Environmental impacts associated with other

coastal enhancement projects would likely be similar to those associated with the proposed Project. Project activities may result in direct impacts on grunion, nearshore marine habitats and biota. These effects could be exacerbated by other similar projects. However, some of these effects would likely be tempered by the fact that it is unlikely for such projects to occur simultaneously. As such, although unlikely based on project timing and scheduling, effects would be cumulatively considerable; however, impacts have been mitigated to a less-than-significant level with the following mitigation measures:

- **MM PBIO-15 Grunion Survey and Avoidance** (as described in Impact BIO-15).
- **MM BIO-15 Grunion Surveys and Avoidance** (as described in Impact BIO-15).
- **MM BIO-16 Marine Turbidity Plume Monitoring** (as described in Impact BIO-16).

C. Risk of Upset/Hazardous Materials

CEQA FINDING NO. RU-1

Impact: **RU-1. The use, maintenance and fueling of equipment has the potential to result in the discharge of hazardous material to the environment from leaks and accidental spills.** Due to the sensitivity of the Project environment, any discharge of hazardous materials may be significant.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Numerous pieces of equipment that require fueling and maintenance are part of the Project and have the potential to result in impacts to the environment from leaks and accidental spills.

Implementation of the following Mitigation Measures will minimize impacts through a Spill Prevention Plan and BMPs.

MM PBIO-12: Spill Prevention Plan (as described in Impact WR-2).

MM WR-1: Defined Best Management Practices (as described in Impact WR-1).

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

CEQA FINDING NO. RU-2

Impact: **RU-2. Discharge of pesticides associated with restoration activities have the potential to significantly impact human and environmental health.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Proposed site enhancement activities may result in the use of pesticides. Inappropriate use, storage or disposal of such substances may result in adverse impacts to human and environmental health. The significance of such effects is dependent upon the type of chemical, quantity, and location of release among other factors. Because of the sensitivity of the environment for all of the creek-side enhancement areas, activities proposed as part of the Project that have the potential to result in impacts to human and environmental health.

Implementation of the following Mitigation Measures will minimize impacts through a Spill Prevention Plan and BMPs.

MM PBIO-12: Spill Prevention Plan (as described in Impact WR-2).

MM WR-1: Defined Best Management Practices (as described in Impact WR-1).

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

D. Cultural Resources

CEQA FINDING NO. CR-2

Impact: **CR-2. Project-related exposure of CA-SBA-45 may increase its exposure to unauthorized cultural artifact collectors.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Archaeological site CA-SBA-45 is well known to artifact collectors. Natural erosion of the creek banks may have exposed cultural material. Also, removal of vegetation along the banks of archaeological sites would also contribute to the exposure and access of prehistoric artifacts. Increased exposure and site access to cultural resources as a result of the Project could exacerbate unauthorized collection of these resources.

Implementation of the following Mitigation Measures will minimize impacts related to exposure of cultural resources.

MM PCR-1a: Avoidance of SBA-45 and Locus 21. Dredging excavation shall not occur within a minimum 25-foot distance measured along the top of creek banks, and within five feet of the existing creek bank toe of slope adjacent to Locus 2 and SBA-45 site boundaries. These avoidance areas shall be temporarily staked during construction.

MM CR-2a: Worker Cultural Orientation. At Goleta Slough Flood Control Dredging Project work locations #1 Atascadero Creek, #2 San Jose Creek & Enhancement, #3 San Pedro Creek & Enhancement and #6 Goleta Beach Replenishment, before commencing work, Project crews and personnel shall be informed of the importance of the potential archaeological resources in the area and of the regulatory protections afforded to the resources. The crew should be informed of procedures relating to the discovery of archaeological remains during Project activities and cautioned to avoid archaeological areas with equipment and not to collect artifacts. Personnel and the crew should inform their supervisor and the on-site monitor should cultural remains be uncovered.

MM CR-2b: Demarcation of Archaeological Sites. Known archaeological sites shall be avoided, so as not to inflict a significant impact to the site. Avoidance can be accomplished by having the archaeologist and project engineer demarcate on the ground cultural resource boundaries that occur adjacent to work areas to ensure that proposed Project improvements do not impinge on the resource(s). Construction equipment can then be directed away from the resource, and construction personnel directed to avoid entering the area. This applies to work locations #1 Atascadero Creek, #2 San Jose Creek & Enhancement, #3 San Pedro Creek & Enhancement and #6 Goleta Beach Replenishment, where archaeological sites have been recorded.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

CEQA FINDING NO. CR-4

Impact: **CR-4. Installation and removal of the pipeline for the Goleta Beach surf zone work associated with beach replenishment has the potential to impact CA-SBA-1695.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

The Project uses a discharge pipeline for the beach nourishment element when hydraulic desilting occurs. The discharge pipeline extends through a sleeve under the Goleta Beach parking lot and under the bike path. The pipeline sleeve at the parking lot is permanent. However, the sleeve under the bike path is installed for each event and then removed afterward. Due to the surface crossing of site CA-SBA-1695, during installation of the pipeline and removal of the pipeline for the Goleta Beach surf zone work, archaeological site CA-SBA-1695 may be impacted.

Implementation of the following Mitigation Measures will minimize impacts to cultural resources.

MM PCR-1b: Monitoring of Archaeological Sites. All dredging operations within archaeological sites and buffer areas shall be monitored by a County-approved archaeologist and local Native American representative. If unexpected archaeological remains are encountered, dredging activities shall be redirected elsewhere until the significance of the materials can be evaluated pursuant to County Cultural Resource Guidelines. If significant and feasible, dredging activities shall be redesigned to avoid further disturbances to the cultural deposit. If not avoidable, Phase 3 data recovery excavations shall be undertaken pursuant to County Cultural Resource Guidelines.

MM CR-2a: Worker Cultural Orientation (as described in Impact CR-2).

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

CEQA FINDING NO. CR-5

Impact: **CR-5. Project activities have the potential to disturb Native American human remains.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

In addition to cultural deposits, human remains occur regularly at sites SBA-45 and SBA-46. The 2010 SEIR determined that potentially significant and unavoidable impacts to human remains could be associated with excavation of pilot channels at Atascadero Creek and San Jose Creek. It is possible that workers may observe newly exposed cultural materials potentially including burials along the banks of Atascadero, San Pedro or San Jose creeks due to the natural erosion of the creek banks.

Implementation of the following Mitigation Measures will minimize impacts due to the potential for exposure to human remains.

MM CR-2a: Worker Cultural Orientation (as described in Impact CR-2).

MM CR-5: Proper Disposition of Human Remains. If Native American human remains are discovered during Project construction at any Goleta Slough Flood Control Dredging Project work locations, the Project Archaeologist shall be notified and State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resource Code Sec. 5097), shall be followed. The coordination of the procedures outlined in the Proposed Native American Burial Protection Plan is the responsibility and under the authority of the lead agency for this Project.

In the event that human remains are unearthed, all work shall stop in the area of the find and any nearby area reasonably suspected to overlie adjacent human remains and the County Coroner notified. If the remains are determined to be of Native American descent, the Coroner shall notify the NAHC within 24 hours. Reburial or disposal of human remains shall be conducted according to the instructions of the most likely descendent, as identified by the NAHC.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

CEQA FINDING NO. CR-7

Impact: **CR-7. Impacts to previously unidentified cultural resources.** Because of the general cultural sensitivity of the Goleta Slough it is possible that archaeological sites that have not been previously identified may exist within the Project work area.

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Project activities such as ground disturbance associated with operation of equipment on the banks during dragline desiltation, or any ground disturbing activity has the potential to impact previously unidentified cultural resources.

Implementation of the following Mitigation Measure will minimize impacts to previously unidentified cultural resources.

MM CR-7. Stop Work Order: If cultural resources are encountered during implementation of the Project, construction work must be stopped and all activity that disturbs the earth within fifty feet must be suspended or moved to another area. The area will be staked or flagged until an archaeologist determines significance of the discovery and recommends the methods of evaluation. All discoveries of cultural resources must be evaluated and mitigated if determined significant. After the find has been mitigated, work may resume at that location. A Native American monitor shall be retained to observe any ground disturbances that contain or may contain Native American artifacts or objects of religious significance.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

With the mitigation described above, this impact is reduced to a less-than-significant level.

Cumulative Impacts

- 1) **CR-CUM-12. Cumulative development has the potential to result in significant impacts to known and presently unidentified archaeological/cultural resources.** Of the cumulative projects considered, some have the potential to impact known archaeological sites within the Project impact area. Additionally, due to the general archaeological sensitivity of the Project area there is a potential for the existence of currently unidentified archaeological sites to exist. Because the Project and cumulative development have the potential to result in significant impacts to known and unknown archaeological/cultural resources, and due to the past history of degradation of such resources, potential cumulative impacts to archaeological/cultural would be considerable but could be mitigated. The Project's contribution to cumulative impacts on archaeological/cultural

resources would be reduced to an insignificant level; through implementation of the following mitigation measures.

- **MM PCR-1a: Avoidance of SBA-45 and Locus 2** (as described in Impact CR-2).
- **MM CR-2a: Worker Cultural Orientation** (as described in Impact CR-2).
- **MM CR-2b: Demarcation of Archaeological Sites** (as described in Impact CR-2).

II. SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. Aesthetics

CEQA FINDING NO. AEST-2

Impact: **AEST-2. Hydraulic desilting activities could adversely affect visual/aesthetic resources.**

- Finding(s):
- (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.
 - (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Views of dredging activities from Atascadero Creek would be considerably pronounced. This is primarily due to the lack of dense vegetation along this portion of the Slough banks as well as the increased amount of time spent by recreational users along the Obern Trail/Atascadero Creek bike path. Due to the sensitivity of recreational areas as sensitive visual resources, impacts to visual/aesthetic resources along the Atascadero Creek viewshed are significant and unavoidable.

As discussed within the original 1993 Program EIR, hydraulic dredging equipment would be highly visible from Ward Memorial Blvd (SR-217), Goleta Beach Park parking lot and the Goleta Beach area. Hydraulic dredging equipment would be incompatible with the sensitive viewsheds of Goleta Beach. As such, impacts to visual/aesthetic resources resulting from dredging operations in this portion of the Goleta Slough would be considered significant and unavoidable.

The proposed Project would utilize existing sediment and materials removed from the Slough and its tributaries as replenishment for Goleta Beach. Temporary pipelines would be installed and connected to an existing pipeline sleeve currently located

beneath the Goleta Beach Park and parking lot to discharge at a point within the surf zone located approximately 2,500 feet west of the Slough mouth at Goleta Beach. This would require equipment and staging to remove the paved bike path, install the sleeve, then replace the bike path. Bike path removal and replacement activities would occur at two locations; both located in the western portion of the Goleta Beach Park bike trail, south of the Ward Memorial Boulevard (SR-217) bridge. Construction equipment would be visible from the Goleta Beach Park parking lot and bike path for up to two full days every 3 to 5 years. Although temporary and mobile in nature, due to the highly sensitive nature of the Goleta Slough and surrounding viewshed, impacts caused by construction equipment would be significant and unavoidable.

Sediment release would occur within the surf zone within the eastern portion of Goleta Beach. During Project operations, recreational users would be directed around or outside of the sediment release zone. Replenishment activities would be plainly visible to recreational users in the vicinity of the Project site. Within the immediate vicinity of the discharge, discoloration and increased turbidity of the waters would result. As discussed within the original 1993 PEIR, although construction would be short-term, the Goleta Beach viewshed is considered highly sensitive by virtue of its aesthetic properties and intensive recreational use.

Although the inclusion of the following mitigation measure would reduce impacts to visual/aesthetic resources, they would remain significant and unavoidable.

MM Project-3: Timing of dredging and staging operations. Dredging and staging operations would be timed to avoid the peak recreation season for recreational use of Goleta Beach.

LEVEL OF SIGNIFICANCE

This impact is considered significant and unavoidable.

CEQA FINDING NO. AEST-3

Impact: **AEST-3. Dragline desilting activities could adversely affect visual/aesthetic resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Draglining operations would be necessary within areas located in the Tecolotito Creek and Los Carneros Creek viewsheds. Under normal maintenance conditions, hydraulic dredging would be the preferred option for desilting of the remaining creeks. However, although hydraulic dredging is the preferred option for the remaining creeks, draglining may also, under some sediment removal circumstances, be the best feasible option for Atascadero, San Pedro and San Jose creeks. Sediment would then be stockpiled in areas for removal by trucks for either upland disposal or beach replenishment.

Goleta Beach Park Viewshed. Dragline desilting activities would require that a 100-ton crane be located along the banks of the Slough and its tributaries for sediment removal. Crane use would be temporary and would move as each portion of the creek is desilted. If conditions allow, more than one site may be draglined at a time. Therefore, although unlikely within any one viewshed, a worst-case visual scenario for Project operations would include the two 100-ton cranes. Based on past experience, it is anticipated that draglining maintenance activities would last approximately 4 weeks for the entire Slough not counting the time it takes to remove the spoils after they have dried sufficiently to be hauled. Although crane operations would be temporary and would only occur every 3 to 5 years as necessary, impacts to the Goleta Beach Viewshed would be significant and unavoidable until the crane was removed.

Atascadero Creek Viewshed. For Atascadero Creek, the dragline desilting crane area would be located along the northern banks directly adjacent to the recreational bike path. The Atascadero Creek bike trail (also known as the Obern Trail) offers public views of the Slough, vegetated coastal bluffs (along the adjacent SoCalGas property) and other scenic areas. Staging of the crane and equipment and stockpiling of removed sediment along the banks of Atascadero Creek would be highly visible from the public bike trail as well as from some of the residences located within the Rancho Goleta Mobil Home Park. Therefore, although operations would be temporary and would only occur every 3 to 5 years as necessary, impacts to the Goleta Beach Viewshed would be significant and unavoidable until the crane was removed.

San Jose Creek/San Pedro Creek Viewsheds. Dragline desilting operations for San Jose Creek and San Pedro Creek would require staging of the crane and stockpiling of removed sediment within private property along the western portion of the bank for San Jose Creek and the eastern portion of the bank for San Pedro Creek. Views from privately owned property are generally not considered for analysis of potential impacts. However, some public views of these creeks are available from SR-217, James Fowler Road and Fairview Avenue. As stated within the original 1993 Program EIR the general appearance of the viewshed is urban. However, due to the overall visual sensitivity of the Goleta Slough, as well as the addition of Fairview Avenue to the City of Goleta's list of designated scenic corridors, the creek viewsheds are considered visually sensitive because they provide some visual relief to the surrounding urban setting. As stated within the original 1993 PEIR "construction equipment and the staging area would partially obstruct views of the creek[s]." Therefore, due to the increased sensitivity

classification and adjacent roadways being designated as "scenic", as well as the obstruction of views, the impact to visual/aesthetic resources within the San Jose and San Pedro creek areas would be significant and unavoidable until the crane was removed.

Tecolotito Creek/Los Carneros Creek Viewsheds. Dragline operations conducted along Tecolotito Creek and Los Carneros Creek would be partially visible at right angles from specific locations along Hollister Road in Goleta. As stated within the original 1993 Program EIR, the general appearance of the Tecolotito and Los Carneros creeks viewshed is urban. However, due to the overall visual sensitivity of the Goleta Slough, as well as the addition of Hollister Avenue to the City of Goleta's list of scenic corridors, the viewshed is considered visually sensitive because it provides some visual relief to the surrounding urban setting. Therefore, due to the increased sensitivity classification and adjacent roadways being designated as "scenic", as well as the obstruction of views, the impact to visual/aesthetic resources within the Tecolotito Creek and Los Carneros Creek areas would be significant and unavoidable until the crane was removed.

Although the inclusion of MM Project-3 would reduce impacts to visual/aesthetic resources, there are no additional feasible mitigation measures to reduce aesthetic impacts to less than significant because the Project area is open to various views and screening is not possible due to potential additional aesthetic, biological, or recreational impacts that would result from placing screening devices. Impacts to visual/aesthetic resources would remain significant.

LEVEL OF SIGNIFICANCE

This impact is considered significant and unavoidable.

CEQA FINDING NO. AEST-4

Impact: **AEST-4. Transportation of sediment by truck to Goleta Beach could cause adverse impacts to visual/aesthetic resources.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

The proposed Project includes the removal of sediment from the lower reaches of the Goleta Slough including Tecolotito Creek, Los Carneros Creek, Atascadero Creek, San

Jose Creek, and San Pedro Creek. Following removal, the sediment would then be transported onto Goleta Beach for beach replenishment. The transport of sediment by dump trucks to Goleta Beach for replenishment purposes could require approximately 10 truck trips per hour during desilting operations resulting in 1,000 cy removed per day. According to the County, a typical desilting season would result in the removal of approximately 92,200 cubic yards (cy) and no more than 192,000 cy. As such, trucks may be required to transport sediment within roadways adjacent to the Goleta Slough for approximately 92 to 192 days. Transportation of the sediment via truck would require that an excavator be used to transfer the sediment from the stockpiling area into the dump trucks for hauling. Several of the roadways, including U.S. Highway 101, Hollister Avenue, and Fairview Avenue are designated scenic corridors. Near the lower portions of the Slough these roadways traverse areas of parks, recreational areas, coastal estuaries and scenic areas. According to the County of Santa Barbara guidelines, interference with any of these sensitive viewsheds (scenic corridors, recreational areas, estuaries, etc.) would result in a significant impact to visual/aesthetic resources. Although the inclusion of MM Project-3 would reduce impacts to visual/aesthetic resources, the transportation of sediment by truck to Goleta Beach as well as the use of a dozer and excavator would result in a significant and unavoidable impact to visual/aesthetic resources.

LEVEL OF SIGNIFICANCE

This impact is considered significant and unavoidable.

CEQA FINDING NO. AEST-5

Impact: **AEST-5. Transportation of Sediment by Truck to the Closed Foothill Landfill Sediment Disposal/Restoration Site could adversely impact visual/aesthetic resources.**

- Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

The proposed Project includes the removal of sediment from the lower reaches of the Goleta Slough including Tecolotito Creek, Los Carneros Creek, Atascadero Creek, San Jose Creek, and San Pedro Creek. Following removal, the sediment would then be transported to Goleta Beach for beach replenishment purposes. Slough sediment would be monitored and tested to determine suitability for use as beach replenishment material. Should the sediment be deemed unsuitable for beach replenishment purposes, it would be collected at stockpile areas located adjacent to the Slough approximately 30 feet from

creek banks except at the northern portion of San Jose Creek, where stockpiling would be closer. The excavated sediment would then be hauled from the stockpiling areas in dump trucks to the County of Santa Barbara closed Foothill Landfill for proper upland disposal and reuse. Transportation of the sediment via truck would require that an excavator be used to transfer the sediment from the stockpiling area into the dump trucks for hauling. The dump trucks would then enter onto local roadways to deliver the sediment to the disposal site located off south U.S. Highway 101 at County Dump Road where a bulldozer would be used to place sediment. Several of these roadways including U.S. Highway 101, Calle Real, Cathedral Oaks, Hollister Avenue, and Fairview Avenue are designated scenic corridors. Near the lower portions of the Slough these roadways traverse areas of parks, recreational areas, coastal estuaries and scenic areas. According to the County of Santa Barbara guidelines, interference with any of these sensitive viewsheds (scenic corridors, recreational areas, estuaries, etc.) would result in a significant impact to visual/aesthetic resources.

Although the inclusion of MM Project-3 would reduce impacts to visual/aesthetic resources, the transportation of sediment by truck to the closed Foothill Landfill as well as the use of a dozer and excavator would result in a significant and unavoidable impact to visual/aesthetic resources.

LEVEL OF SIGNIFICANCE

This impact is considered significant and unavoidable.

CEQA FINDING NO. AEST-CUM-13

Impact: **AEST-CUM-13. Cumulative development would result in significant, unavoidable, adverse, short-term affects to sensitive viewsheds.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

The proposed Project is located within the Goleta Slough viewshed, which is designated as a scenic resource by the City of Goleta. As such, the proposed Project, although temporary and mobile in nature, would have a significant, unavoidable impact on immediate views for the duration of crane operation activities. Cumulative projects within the Goleta Slough viewshed including the SoCalGas La Goleta Storage Field, Goleta Slough Sanitary District plant upgrade, and construction within the City of Santa Barbara Municipal Airport would contribute to aesthetic impacts if construction equipment or activities would also be visible to the public and simultaneously with the

proposed Project within the Project viewshed. Although the inclusion of MM Project-3 would reduce impacts to visual/aesthetic resources, impacts would be cumulatively considerable as the implementation of additional mitigation measures to reduce cumulative impacts to a level of insignificance is not feasible.

LEVEL OF SIGNIFICANCE

This impact is considered significant and unavoidable.

CEQA FINDING NO. AEST-CUM-14.

Impact: **AEST-CUM-14. Cumulative impacts would result in significant, unavoidable, adverse short-term effects to sensitive viewsheds during disposal of sediments within Goleta Beach.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

The proposed Project, although temporary and mobile in nature, would have a significant, unavoidable impact on immediate views for the duration of crane operation activities. Cumulative projects within the Goleta Beach viewshed including the So Cal Gas La Goleta Storage Field, and the Goleta Slough Sanitary District plant upgrade would contribute to cumulative aesthetic impacts if construction equipment or activities would also be visible to the public and would also be cumulatively considerable should they occur simultaneously with the proposed Project within the Project view shed.

Although the inclusion of MM Project-3 would reduce impacts to visual/aesthetic resources, impacts would be cumulatively considerable as the implementation of additional mitigation measures to reduce cumulative impacts to a level of insignificance is not feasible.

LEVEL OF SIGNIFICANCE

This impact is considered significant and unavoidable.

B. Biological Resources

CEQA FINDING NO. BIO-2

- Impact: **BIO-2. Desilting may adversely affect survival and foraging of tidewater goby.** Tecolotito Creek and Los Carneros Creek downstream of the basins provides high quality tidewater goby habitat.
- Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Tidewater goby feeds on ostracods, amphipods, mysid shrimp, and insect larvae (especially midge larvae), by plucking prey from the substrate surface, sifting sediment in their mouth and mid-water capture. Desilting would result in direct removal of prey (drag-line bucket, hydraulic slurry), and elevated turbidity and siltation would adversely affect survival of prey and foraging success by tidewater goby. Desilting activities typically last about one month and in peak desilting years would affect a large proportion of the tidewater goby habitat in the Goleta Slough. Based on a review of the literature, adverse effects of maintenance dredging to benthic communities persist for several months to several years, depending on substrate characteristics, geographic location, ecosystem complexity and disturbance history. Tidewater goby mortality may occur as a result of starvation caused by desilting-related degradation of foraging habitat. In addition, mortality may occur as a result of direct contact with desilting equipment and entrainment by the hydraulic dredge.

MM BIO-2 shall be implemented to reduce degradation of tidewater goby habitat during desilting events, and provide refuges; however, additional mitigation measures to protect all tidewater gobies from injury or mortality are infeasible given the large water body within Atascadero Creek and the associated infeasibility to capture all gobies within the drainage. Additionally, even with careful relocation of tidewater gobies within smaller or more readily accessible areas of concern, mortality or injury is still likely to occur. The ability to guarantee that all gobies would be removed from an area to be desilted or that no gobies would be taken or injured is infeasible. As the loss of one individual of an endangered species remains a significant impact, impacts to tidewater goby from the proposed Project would remain significant.

MM BIO-2: Tidewater Goby Refuge. The following measures shall be implemented to reduce degradation of tidewater goby habitat during desilting events, and provide refuges:

- Tecolotito Creek and Los Carneros Creek downstream of the basins provides high quality tidewater goby habitat and shall not be desilted;
- Desilting at the Tecolotito and Los Carneros basins shall not be conducted simultaneously, to minimize total habitat disturbance in this part of the Slough.
- Hydraulic dredging and dragline desilting in Atascadero Creek shall be designed and implemented so as to leave an undisturbed 10 foot-wide strip of streambed along the entire south edge of the channel.

LEVEL OF SIGNIFICANCE

This impact is considered significant and unavoidable.

CEQA FINDING NO. BIO-12

Impact: **BIO-12. Spills of fuel or hydraulic fluid would adversely affect aquatic wildlife, vegetation, and birds.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Spills of fuel or hydraulic fluid would adversely affect aquatic wildlife, vegetation and birds. The District shall implement measures originally developed for the 1993 PEIR to reduce Biological Resources impacts where possible as well as additional mitigation measures recommended by the 2010 SEIR. Implementation of these mitigation measures would reduce the probability and possibly the extent of spills; however, implementation of additional mitigation measures to further reduce impacts is infeasible and residual impacts would remain significant.

MM PBIO-12: Spill Prevention Plan (as described in Impact WR-2).

LEVEL OF SIGNIFICANCE

This impact is considered significant and unavoidable.

CEQA FINDING NO. BIO-CUM-8

Impact: **BIO-CUM-8. The Project would result in cumulatively significant impacts to tidewater goby.**

Finding(s): (1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the 2010 SEIR.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the 2010 SEIR.

FACTS SUPPORTING THE FINDING(S)

Tidewater goby is listed as a federally endangered species. Project desilting was determined to result in significant impacts to the species. It is not expected that the specific projects considered in the Cumulative Impacts Analysis would directly impact tidewater goby within the Project creek channels. However, because the species has been significantly impacted by past projects that have negatively impacted the species as a whole, the Project's impact may be cumulatively considerable as well as significant on a project-specific basis.

MM BIO-2 would serve to mitigate the Project's contribution to cumulative impacts on tidewater goby; however, additional mitigation measures to protect all tidewater gobies from injury or mortality are infeasible given the large water body within Atascadero Creek and the inability to capture all gobies within the drainage. Additionally, even with careful relocation of tidewater gobies within smaller or more readily accessible areas of concern, mortality or injury is still likely to occur. The ability to guarantee that all gobies would be removed from an area to be desilted or that no gobies would be taken or injured is infeasible. The loss of one individual of an endangered remains a significant unavoidable impact.

LEVEL OF SIGNIFICANCE

This impact is considered significant and unavoidable.

3.0 STATEMENT OF OVERRIDING CONSIDERATIONS

I. INTRODUCTION

This section addresses the CSLC's obligations under Public Resources Code section 21081, subdivisions (a)(3) and (b). (See also State CEQA Guidelines, §§ 15091, subd. (a)(3), 15093.) Under these provisions, CEQA requires the CSLC to balance, as applicable, the economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the Lease approval against the backdrop of the Project's unavoidable significant environmental impacts. For purposes of CEQA, if the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable significant environmental effects, those effects may be considered acceptable and the decision-making agency may approve the underlying project. (State CEQA Guidelines § 15092, subd. (b)(2)(B).) CEQA, in this respect, does not prohibit the CSLC from approving the Lease even if the Project activities as authorized under the Lease may cause significant and unavoidable environmental effects.

This Statement of Overriding Considerations presents a list of (1) the specific significant effects on the environment attributable to the approved Project that cannot feasibly be mitigated to below a level of significance, (2) benefits derived from the approved Project, and (3) specific reasons for approving the Project.

Although the District and CSLC have imposed mitigation measures to reduce impacts, impacts remain that are considered significant after application of all feasible mitigation. Significant impacts of the approved Project fall under two resource areas: Aesthetics and Biological Resources (see Table 1). Six impacts and three cumulative impacts are specifically identified under these resource areas and are discussed in more detail in the CSLC's CEQA Findings and in the District's 2010 SEIR. While the CSLC has required all feasible mitigation measures, these impacts remain significant for purposes of adopting this Statement of Overriding Considerations.

Table 1 – Significant and Unavoidable Impacts Identified for the Approved Project

Impact	Impact Description
Aesthetics	
<p>AEST-2: Hydraulic desilting activities could adversely affect visual/aesthetic resources</p>	<p>Views of dredging and replenishment activities would be considerably pronounced. This is primarily due to the lack of dense vegetation along this portion of the Slough banks as well as the increased amount of time spent by recreational users along the Obern Trail/Atascadero Creek bike path. In addition, sediment release would occur within the surf zone within the eastern portion of Goleta Beach. Due to the sensitivity of recreational areas as sensitive visual resources, and although the inclusion of MM Project-3 would reduce impacts to visual/aesthetic resources, impacts would remain significant and unavoidable.</p>
<p>AEST-3: Dragline desilting activities could adversely affect visual/aesthetic resources</p>	<p>Draglining operations would be necessary within areas located in the Tecolotito Creek and Los Carneros Creek viewsheds. Under normal maintenance conditions, hydraulic dredging would be the preferred option for desilting of the remaining creeks. However, although hydraulic dredging is the preferred option for the remaining creeks, draglining may also, under some sediment removal circumstances, be the best feasible option for Atascadero, San Pedro and San Jose creeks. Sediment would then be stockpiled in areas for removal by trucks for either upland disposal or beach replenishment. Dragline desilting activities would require that a 100-ton crane be located along the banks of the Slough and its tributaries for sediment removal. Although crane operations would be temporary and would only occur every 3 to 5 years as necessary, impacts to the Goleta Beach Viewshed would be significant and unavoidable until the crane was removed.</p> <p>Although the inclusion of MM Project-3 would reduce impacts to visual/aesthetic resources, there are no additional feasible mitigation measures to reduce aesthetic impacts to less than significant because the Project area is open to various views and screening is not possible due to potential additional aesthetic, biological, or recreational impacts that would result from placing screening devices. Impacts to visual/aesthetic resources would remain significant.</p>
<p>AEST-4: Transportation of sediment by truck to Goleta Beach could cause adverse impacts to visual/aesthetic resources</p>	<p>The proposed Project includes the removal of sediment from the lower reaches of the Goleta Slough including Tecolotito Creek, Los Carneros Creek, Atascadero Creek, San Jose Creek, and San Pedro Creek. Following removal, the sediment would then be transported onto Goleta Beach for beach replenishment. Transportation of the sediment via truck would require that an excavator be used to transfer the sediment from the stockpiling area into the dump trucks for hauling. Several of the roadways, including U.S. Highway 101, Hollister Avenue, and Fairview Avenue are designated scenic corridors. Near the lower portions of the Slough these roadways traverse areas of parks, recreational areas, coastal estuaries and</p>

Impact	Impact Description
	<p>scenic areas. According to the County of Santa Barbara guidelines, interference with any of these sensitive viewsheds (scenic corridors, recreational areas, estuaries, etc.) would result in a significant impact to visual/aesthetic resources. Although the inclusion of MM Project-3 would reduce impacts to visual/aesthetic resources, the transportation of sediment by truck to Goleta Beach as well as the use of a dozer and excavator would result in a significant and unavoidable impact to visual/aesthetic resources.</p>
<p>AEST-5: Transportation of Sediment by Truck to the Closed Foothill Landfill Sediment Disposal/Restoration Site could adversely impact visual/aesthetic resources</p>	<p>The proposed Project includes the removal of sediment from the lower reaches of the Goleta Slough including Tecolotito Creek, Los Carneros Creek, Atascadero Creek, San Jose Creek, and San Pedro Creek. Following removal, the sediment would then be transported to Goleta Beach for beach replenishment purposes. Slough sediment would be monitored and tested to determine suitability for use as beach replenishment material. Should the sediment be deemed unsuitable for beach replenishment purposes, it would be collected at stockpile areas located adjacent to the Slough approximately 30 feet from creek banks except at the northern portion of San Jose Creek, where stockpiling would be closer. The excavated sediment would then be hauled from the stockpiling areas in dump trucks to the County of Santa Barbara closed Foothill Landfill for proper upland disposal and reuse. Transportation of the sediment via truck would require that an excavator be used to transfer the sediment from the stockpiling area into the dump trucks for hauling. The dump trucks would then enter onto local roadways to deliver the sediment to the disposal site located off south U.S. Highway 101 at County Dump Road where a bulldozer would be used to place sediment. Several of these roadways including U.S. Highway 101, Calle Real, Cathedral Oaks, Hollister Avenue, and Fairview Avenue are designated scenic corridors. Near the lower portions of the Slough these roadways traverse areas of parks, recreational areas, coastal estuaries and scenic areas. According to the County of Santa Barbara guidelines, interference with any of these sensitive viewsheds (scenic corridors, recreational areas, estuaries, etc.) would result in a significant impact to visual/aesthetic resources. Although the inclusion of MM Project-3 would reduce impacts to visual/aesthetic resources, the transportation of sediment by truck to the closed Foothill Landfill as well as the use of a dozer and excavator would result in a significant and unavoidable impact to visual/aesthetic resources.</p>
<p>AEST-CUM-13: Cumulative development would result in significant, unavoidable, adverse, short-term affects to sensitive viewsheds</p>	<p>The proposed Project is located within the Goleta Slough viewshed, which is designated as a scenic resource by the City of Goleta. As such, the proposed Project, although temporary and mobile in nature, would have a significant, unavoidable impact on immediate views for the duration of crane operation activities. Cumulative projects within the Goleta Slough viewshed including the SoCalGas La Goleta Storage Field, Goleta Slough Sanitary District plant upgrade, and construction within the City of Santa Barbara Municipal Airport would</p>

Impact	Impact Description
	<p>contribute to aesthetic impacts if construction equipment or activities would also be visible to the public and simultaneously with the proposed Project within the Project viewshed. Although the inclusion of MM Project-3 would reduce impacts to visual/aesthetic resources, impacts would be cumulatively considerable as the implementation of additional mitigation measures to reduce cumulative impacts to a level of insignificance is not feasible.</p>
<p>AEST-CUM-14: Cumulative impacts would result in significant, unavoidable, adverse short-term affects to sensitive viewsheds during disposal of sediments within Goleta Beach</p>	<p>The proposed Project, although temporary and mobile in nature, would have a significant, unavoidable impact on immediate views for the duration of crane operation activities. Cumulative projects within the Goleta Beach viewshed including the So Cal Gas La Goleta Storage Field, and the Goleta Slough Sanitary District plant upgrade would contribute to cumulative aesthetic impacts if construction equipment or activities would also be visible to the public and would also be cumulatively considerable should they occur simultaneously with the proposed Project within the Project view shed. Although the inclusion of MM Project-3 would reduce limpacts to visual/aesthetic resources, impacts would be cumulatively considerable as the implementation of additional mitigation measures to reduce cumulative impacts to a level of insignificance is not feasible.</p>
<p>Biological Resources</p>	
<p>BIO-2: Desilting May Adversely Affect Survival and Foraging of Tidewater Goby</p>	<p>Tidewater goby feeds on ostracods, amphipods, mysid shrimp, and insect larvae (especially midge larvae), by plucking prey from the substrate surface, sifting sediment in their mouth and mid-water capture. Desilting would result in direct removal of prey (drag-line bucket, hydraulic slurry), and elevated turbidity and siltation would adversely affect survival of prey and foraging success by tidewater goby. Tidewater goby mortality may occur as a result of starvation caused by desilting-related degradation of foraging habitat. In addition, mortality may occur as a result of direct contact with desilting equipment and entrainment by the hydraulic dredge.</p> <p>MM BIO-2 shall be implemented to reduce degradation of tidewater goby habitat during desilting events, and provide refuges; however, additional mitigation measures to protect all tidewater gobies from injury or mortality are infeasible given the large water body within Atascadero Creek and the associated infeasibility to capture all gobies within the drainage. Additionally, even with careful relocation of tidewater gobies within smaller or more readily accessible areas of concern, mortality or injury is still likely to occur. The ability to guarantee that all gobies would be removed from an area to be desilted or that no gobies would be taken or injured is infeasible. As the loss of one individual of an endangered species remains a significant impact, impacts to tidewater goby from the proposed Project would remain significant.</p>

Impact	Impact Description
BIO-12: Spills of fuel or hydraulic fluid would adversely affect aquatic wildlife, vegetation and birds	Spills of fuel or hydraulic fluid would adversely affect aquatic wildlife, vegetation and birds. The District shall implement measures originally developed for the 1993 PEIR to reduce Biological Resources impacts where possible as well as additional mitigation measures recommended by the 2010 SEIR. Implementation of these mitigation measures would reduce the probability and possibly the extent of spills; however, implementation of additional mitigation measures to further reduce impacts is infeasible and residual impacts would remain significant.
BIO-CUM-8: The Project would result in cumulatively significant impacts to tidewater goby	<p>Tidewater goby is listed as a federally endangered species. Project desilting was determined to result in significant impacts to the species. It is not expected that the specific projects considered in the Cumulative Impacts Analysis would directly impact tidewater goby within the Project creek channels. However, because the species has been significantly impacted by past projects that have negatively impacted the species as a whole, the Project's impact may be cumulatively considerable as well as significant on a project-specific basis.</p> <p>MM BIO-2 would serve to mitigate the Project's contribution to cumulative impacts on tidewater goby; however, additional mitigation measures to protect all tidewater gobies from injury or mortality are infeasible given the large water body within Atascadero Creek and the inability to capture all gobies within the drainage. Additionally, even with careful relocation of tidewater gobies within smaller or more readily accessible areas of concern, mortality or injury is still likely to occur. The ability to guarantee that all gobies would be removed from an area to be desilted or that no gobies would be taken or injured is infeasible. The loss of one individual of an endangered remains a significant unavoidable impact.</p>

II. ALTERNATIVES

As explained in *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1000,

“When it comes time to decide on project approval, the public agency’s decisionmaking body evaluates whether the alternatives [analyzed in the EIR] are actually feasible. ... At this final stage of project approval, the agency considers whether ‘[s]pecific economic, legal, social, technological, or other considerations...make infeasible the mitigation measures or alternatives identified in the environmental impact report.’ Broader considerations of policy thus come into play when the decisionmaking body is considering actual feasibility than when the EIR preparer is assessing potential feasibility of the alternatives” [citations omitted].

Seven alternatives (including the No Project Alternative) were initially identified and underwent preliminary analysis. Of those seven alternatives initially considered, four were rejected as being infeasible and were not analyzed in detail in the 2010 SEIR. Three alternatives for deeper ocean discharge scenarios were not carried forward because the additional analysis, coordination, and permitting required for all of the deeper ocean discharge scenarios would be costly, inefficient, and would delay maintenance activities; thus causing additional environmental impacts as a result of flooding and potential interference with Santa Barbara Airport operations. The deeper ocean discharge alternatives would reduce, but not eliminate the potential impacts associated with sediment. Additionally, these alternatives would reduce the Project benefit of beach replenishment and associated habitat/recreational opportunities due to the fact that sediments would be deposited offshore and could be transported further offshore or down current prior to beach replenishment. The three alternatives carried forward for analysis in the 2010 SEIR are:

- 1) Alternate Discharge Locations at Goleta Beach (east);
- 2) Alternate Discharge Locations at Goleta Beach (west); and
- 3) Upland Disposal at Tajiguas Landfill.

As presented in the 2010 SEIR, the alternatives were described and compared with each other and with the proposed Project.

Under CEQA Guidelines section 15126.6 Subdivision (e)(2), if the No Project Alternative is identified as the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. Alternatives considered for placement and/or disposal or reuse of desilted sediment would not substantially lessen significant impacts or fulfill the objectives of the proposed Project. As such, the proposed Project was identified as the environmentally superior alternative.

The District independently reviewed and considered the information on alternatives provided in the 2010 SEIR and in the record. The 2010 SEIR reflects the District's independent judgment as to alternatives. The District found that the Project provides the best balance between the Project goals and objectives and the Project's benefits. The three CEQA alternatives proposed and evaluated in the 2010 SEIR were rejected as being infeasible for the following reasons provided in the District's Findings Regarding Alternatives (incorporated herein by reference).

- 1) Alternate Discharge Locations at Goleta Beach (east)
 - Relocating the outfall discharge pipe to the eastern portion of Goleta Beach is only feasible during hydraulic desilting activities; and
 - Construction of a longer outfall pipeline to reach this area would increase construction time and would not achieve as much of a beneficial Project objective for replenishment of sands at Goleta Beach as sediments would quickly redistribute downshore.

- 2) Alternate Discharge Locations at Goleta Beach (west)
 - Longer truck trips to this heavier utilized area would potentially increase transportation/circulation as well as recreational impacts.
- 3) Upland Disposal at Tajiguas Landfill
 - Trucking of sediment to Tajiguas Landfill would result in associated increased air quality, noise, risk of upset, and traffic/circulation impacts as compared to the proposed Project.

The CSLC in its independent judgment concurs with the District's selection of the proposed Project over the three alternatives analyzed in the 2010 SEIR.

Based upon the objectives identified in the 2010 SEIR and the detailed mitigation measures imposed upon the Project, the CSLC has determined that the CSLC Lease should be approved, subject to such mitigation measures (Exhibit C, Mitigation Monitoring Program), and that any remaining unmitigated environmental impacts attributable to the Project are outweighed by the following specific economic, fiscal, social, environmental, land use, and other overriding considerations:

- The five drainages that are maintained as the Goleta Slough Dredging Program carry the enormous peak runoff from the hills and uplands as it flows through the developed communities acting as an outlet for the extensive urban drainage system that extends through the Goleta Valley. These drainages cannot be left unattended or unmaintained if they are to continue to protect life and property.
- Failure to maintain the Goleta Slough drainages would result in the channels becoming full of sediment causing extensive flooding across the Goleta Valley including the Santa Barbara Airport, business, residences and associated infrastructure.
- It is necessary to balance flood control mandates which are necessary for the protection of life and property against the protection of environmental resources.
- The mitigation measures significantly reduce environmental impacts associated with performance of Flood Control maintenance activities within Goleta Slough.

The CSLC finds that the proposed Project mitigates environmental effects to the maximum extent feasible when weighed against legal, technical, social and economic mandates relative to flood control protection, and the remaining unavoidable significant environmental effects are acceptable.

III. CONCLUSION

The CSLC has considered the 2010 SEIR and all of the environmental impacts described therein including those that cannot be mitigated to a less-than-significant level and those that may affect Public Trust uses of State sovereign lands. The CSLC has considered the fiscal, economic, legal, social, environmental, and public health and safety benefits of the Project and has balanced them against the Project's unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Project outweigh the adverse environmental effects. Based on the foregoing and pursuant to Public Resources Code section 21081 and State CEQA Guidelines sections 15096 subdivision (h) and 15093, the CSLC finds that the remaining significant unavoidable impacts of the Project are acceptable in light of the economic, fiscal, social, environmental, and public health and safety benefits of the Project. Such benefits outweigh such significant and unavoidable impacts of the Project and provide the substantive and legal basis for this Statement of Overriding Considerations.

The CSLC finds that to the extent any impacts identified in the 2010 SEIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less-than-significant level.

Based on the above discussion, the CSLC finds that the benefits of the Project outweigh the significant unavoidable impacts that could remain after mitigation is applied and considers such impacts acceptable