CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

F18b

Filed: December 5, 2008
49th Day: January 23, 2009
180th Day: June 3, 2009
Extension Request: May 14, 2009
Length of Extension: 90 days
Final Date for Commission Action: September 1, 2009
Staff: G. Cannon-SD
Staff Report: July 22, 2009
Hearing Date: August 12-14, 2009

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-08-110

Applicant: City of Encinitas Agent: Kathy Weldon
Brian Leslie

Description: Opportunistic Beach Fill Program to capitalize on opportunities to obtain beach-quality sand from upland or dredging projects in the region for placement on Batiquitos Beach and Moonlight Beach.

Site: On the beach at Batiquitos Beach and Moonlight Beach, Encinitas, San Diego County.

Substantive File Documents: "Final Initial Study/Mitigated Negative Declaration for Opportunistic Beach Fill Program in the cities of Encinitas, Solana Beach, Coronado, and Imperial Beach" Dated 2/8/08; CDP Nos. 6-00-38/SANDAG, 5-02-142/San Clemente, 6-00-48/Carlsbad, 6-07-27/Oceanside and 6-08-38/Solana Beach.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

The City of Encinitas is requesting a 5-year permit for opportunistic beach replenishment at two receiver sites - Batiquitos and Moonlight Beaches. Staff is recommending approval of the City's program with conditions. The City has developed a detailed program and set of criteria to apply to potential beach replenishment projects that may arise over the next 5 years. The program is designed to capitalize on opportunities to obtain surplus sand from upland construction, development, or dredging projects, as they arise, and to place the sand at specific locations on the Encinitas shoreline instead of losing the material to an inland disposal site. Projects that fall within the program

parameters, which include maximum amounts of sand, deposition methods, and grain size criteria, could be found by the Executive Director to be consistent with the subject permit and allowed to proceed without additional approval from the Commission. Projects which do not meet the standards of the program, or raise any additional potential for impacts to coastal resources, would require further review and approval by the Commission through a separate coastal development permit. The project has been designed and conditioned to avoid impacts to sensitive habitat, public access and recreation, and as conditioned, no adverse impacts to coastal resources are anticipated.

Standard of Review: Chapter 3 policies of the Coastal Act with the Certified Encinitas LCP used as guidance.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: ***I move that the Commission approve Coastal Development Permit No. 6-08-110 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Project Notification Report. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for review and written approval by the Executive Director, a final Project Notification Report in substantial conformance with the preliminary Report (attached as Exhibit #12).

The applicant shall comply with the procedures and submittal requirements outlined in the approved Project Notification Report. Any proposed changes to the approved Project Notification Report shall be reported to the Executive Director. No change to the Project Notification Report shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

2. Approval of Excavation/Dredging Site. The subject permit is only for sand replenishment projects. All other development proposals that may be involved in obtaining the sand source, including but not limited to non-exempt grading, new construction or dredging, if located within the Coastal Zone, shall require the approval of the Coastal Commission or the applicable local government through a coastal development permit or an amendment to this permit, unless such development is exempt from permit requirements under the Coastal Act and its implementing regulations.

3. Scope and Term of Permit Approval. The development authorized by this coastal development permit is limited to beach nourishment that is consistent with the 'Proposed Project Limits' identified in the applicant's submittal including but not limited to the placement sites, maximum annual quantities of beach nourishment, seasonal limitations, and methods of delivery. The authorization for continuing development pursuant to this permit shall expire 5 years from the date of Commission approval.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The City of Encinitas is proposing an opportunistic sand replenishment program to allow for the processing of multiple beach replenishment projects over a five-year period beginning from the date of Commission approval of this permit. Following submission and written approval by the Executive Director of a Project Notification Report for each proposed opportunistic sand project during the five year period, the applicant will be authorized to commence construction of that particular project. The program is designed to capitalize on opportunities to obtain surplus sand from upland construction, development, or dredging projects, as they arise, and to place the sand along the shoreline at Batiquitos Beach and Moonlight Beach instead of losing the material to an inland disposal site due to the sometimes lengthy processing time for necessary permits from the various agencies.

The proposed project would allow the placement of up to 150,000 cubic yards of opportunistic sand annually at Batiquitos Beach and up to 120,000 cubic yards of sand at Moonlight Beach. Batiquitos Beach is located on the northwest corner of the City and

Moonlight Beach is located at the west end of Encinitas Boulevard in Encinitas. The proposed sand placement sites are the same sites used for the 2001 SANDAG Regional Beach Sand Project (RBSP) (CDP #6-00-38/SANDAG). That project placed 118,000 cy of sediment on the same beach footprint at Batiquitos Beach and 88,000 cy of sediment in the beach footprint at Moonlight Beach. There are public beaches located both north and south of the proposed deposition sites.

The subject permit is intended to expedite the implementation of beach sand replenishment projects over the next 5 years by establishing a set of detailed and rigorous criteria and parameters under which future potential sand sources could be evaluated. If a particular sand source meets the criteria, placement of that sand will be able to be approved by the Executive Director under the subject permit. If any particular sand source falls outside the criteria outlined herein, or any other potential risks to coastal resources not identified and discussed in this report were identified by Commission staff, a separate coastal development permit would be required. The proposed permit is based on very similar opportunistic sand replenishment permits approved for the Cities of San Clemente (CDP #5-02-142), Carlsbad (CDP #6-06-48), Oceanside (CDP #6-07-27) and Solana Beach (CDP #6-08-38), and contains the same types of limitations and monitoring requirements.

Although the maximum annual quantity of sand allowed to be placed is 150,000 cy at Batiquitos Beach and 120,000 cy at Moonlight Beach, the proposed project contains very specific parameters on how much sand can be placed at various times during the year, in order to avoid potential impacts to biological or recreational resources. The proposed timing of sand placement on the beach has been designed to replicate nature as closely as possible. Natural sediment delivery to the coast occurs during the wet season (fall and winter); therefore, to the extent feasible, sand placement projects will occur during that time. However, if construction activity during the spring results in available beach quality sand becoming available, the City proposes the placement of limited amounts of sand during that period. From March 1st to May 31st, no more than 25,000 cy is proposed to be placed each month at each beach location and all work will be limited to no more than a two week period each month. In addition, each placement during this period will be spaced at least 150 ft. from one another to minimize impacts. To minimize impacts to invertebrate recruitment and grunion spawning, only “pure” sand (less than 10% fines) will be placed during these months. In the case where only cobble beach areas exist at either site, no limitations other than the maximum of 25,000 cy and 10% fines are proposed since the RBSP monitoring determined no adverse impacts to occur with sand deposition on cobble beaches.

The below table outlines the quantities of sand that can be placed at various times of the year:

Proposed Project Limits

Placement Site	Maximum Annual Quantity (CY)	Maximum Project Length (ft)	Placement Scenarios (1)	Season (2)	Max. Percent Fines Allowed	Proposed Maximum Annual Volume (CY) (3)
Batiquitos Beach	150,000	1,500	a) Beach-berm b) MHT	Sept 15th – Feb 28th	<10%	120,000
					11-25%	Up to 25,000 / project
				Mar 1st – May 31st	<10%	25,000 / month (maximum placement of 14 days/month at a minimum distance of 150 feet between placements at sandy beaches only. No restrictions at cobble beaches.
				Jun 1st – Sept 14th	NA	No placement
Moonlight Beach	120,000	1,100	a) Beach-berm b) MHT	Sept 15th – Feb 28th	<10%	120,000
					11-25%	Up to 25,000 / project
				Mar 1st – May 31st	<10%	25,000 / month (maximum placement of 14 days/month at a minimum distance of 150 feet between placements at sandy beaches only. No restrictions at cobble beaches.
				Jun 1st – Sept 14th	NA	No placement

(1) (a) Beach-berm on upper beach; (b) MHT-placement below the high tide line
(2) The cumulative maximum quantity of all sand in a calendar year, regardless of season, is 150,000 cy for Batiquitos Beach and 120,000 cy for Moonlight Beach.
(3) Hauling and sand placement would occur between Monday – Friday during typical construction hours (7:00 a.m. to dusk), no weekends.
(4) No work can occur on holiday weekends of Memorial Day and Labor Day.

Beach sand could potentially be placed in two ways: 1) directly into the surf zone; or 2) as a beach berm. Surf zone placement will likely be the design used most often, and would always be used if the fill material were slightly darker-colored than the existing beach sand or was composed of material that formed a hardpan unattractive or uncomfortable for beach users. At Batiquitos Beach, the surf zone method would be a 3- to 4-foot-high mound placed near the +1 ft. MLLW contour depending on the site conditions at the time. It would extend along the length of the project site approximately 450 to 525 ft. in width. For Moonlight Beach, the surf zone method would also be a 3 to

4-foot- high mound placed near the +1 foot MLLW contour extending along the length of the project site approximately in width.

The berm option at Batiquitos Beach would generally involve placing fill as a layer over the existing beach with a finished surface elevation of +12 ft. MLLW and will create a 350-ft. berm for approximately 350 ft. in width. The elevation, width, length, and slope of the berm will vary for each sand placement opportunity, depending upon the quantity of material to be placed and its qualities.

The proposed haul routes for Batiquitos Beach will be via La Costa Ave., Poinsettia Ave. and Carlsbad Blvd. with ingress/egress at Carlsbad Blvd. south of Batiquitos inlet. The staging area for the Batiquitos Beach placement will be the La Costa Park-n-Ride lot. The haul route for Moonlight Beach will be Interstate 5, Coast Highway 101 and Encinitas Blvd. with ingress/egress at the west end of Encinitas Blvd. The staging area for the Moonlight Beach placement will be either the Moonlight Beach parking lot or the La Costa Park-n-Ride. The applicant identifies that based on a maximum of 150,000 cy per year at Batiquitos Beach, at 63 truck trips per day, the optimum project duration would be 30 weeks per year. At Moonlight Beach, based on a maximum of 120,000 cy per year, the optimum project duration would be 24 weeks per year. A typical project of 5,000 cy would be delivered in 1 week and involve 357 truck trips per week. Construction activity would primarily occur between 7:00 a.m. to dusk, Monday through Friday.

The project also includes an extensive monitoring program to evaluate both negative and positive impacts of sand replenishment. The monitoring program involves grunion, foraging birds (including snowy plovers and California least terns), turbidity, beach profiles and surfing conditions, as follows:

OVERVIEW OF MONITORING PROGRAM

Project Phase	Type of Monitoring	Timing/Duration
Pre-Project Baseline	Beach profiles	Between 1 year and 30 days prior project
	Surf conditions	½ month prior, 3 times per week over14 days
	Grunion (if appropriate season)	2 to 3 weeks prior and/or during predicted grunion run
	Western Snowy Plover	Dependent on coordination with resource agencies if placement occurs March 1st to Sept. 15th.
	Ca least tern	Dependent on coordination with resource agencies if placement occurs April 1st to Sept. 15th.
During Construction	Turbidity	Daily during construction
	Surf Conditions	n/a
	Grunion (if appropriate season)	During predicted runs
	Western Snowy Plover	Dependent on coordination with resource agencies if monitoring necessary if placement occurs March 1st to Sept. 15th.
	Ca least tern	Dependent on coordination with resource agencies

		if monitoring necessary if placement occurs April 1st to Sept. 15th.
Post-Construction	Beach profile	Immediately after construction
	Surf Conditions	1 month after, 3 times per week over 14 days
Post-Project	Beach profile	6 months after and 1 year after

All potential sand projects would have to undergo several stages of project review at the City. The bulk of the testing and review of potential sand sources would take place at the City of Encinitas prior to the project even being submitted to the Executive Director. When a beach fill opportunity is identified (either a developer notifies the City when excess fill material from a construction project is available, or City staff identifies it as part of reviewing development project submittals), the City would first either review existing data about the material or conduct an initial screening test of the fill material to determine if the fill has the potential to meet the criteria to be placed on the beach. The review includes an assessment of possible pollutants, contaminants, grain size, and color. The maximum proportion of fine-grained particles (or fines, defined as silts and clays passing through the number 200 sieve) to total volume that could be placed on the beach under any circumstances is 25%, with the remainder being 75% larger-grained sand. The material must be free of trash and debris, must reasonably match the color of natural beach sand after exposure to the marine environment must be less than 10% manufactured sand, and must not be expected to form a hardpan after placement. Any sample not meeting these pre-determined standards will be rejected.

If the sand source meets the required criteria, more stringent testing would be conducted through development of a Sampling & Analysis Plan (SAP) prepared for and approved by the U.S. Army Corps of Engineers (ACOE). Sand must be free of contaminants and chemical hazards based on Tier I testing protocol as specified by the ACOE and US EPA. Sand must be chemically inert and not possess characteristics that would adversely affect water quality, including temperature, dissolved oxygen, or pH. The results of these analyses would be distributed to the ACOE and EPA for review and approval.

If the project is determined to be consistent with all of the project parameters, the City would submit a Project Notification Report for a particular sand deposition project for the approval of the Executive Director, as well as the other relevant resource agencies (i.e., the Regional Water Quality Control Board, the State Lands Commission, and the U.S. Army Corps of Engineers). Information submitted (see Exhibit #12) would include all of the detailed information involved in performing the above analyses, such that the Executive Director could make a determination of whether the project conforms to the project limits. The City would also be responsible for keeping track of the cumulative beach replenishments which have occurred under the subject permit and providing this information to the Executive Director.

Also included at this stage would be the public notification package associated with the particular sand placement project. Notification would be done through notices in local

newspapers, or direct mailings, notices in utility bills, or cable TV local announcements as well as posting notices at the deposition beaches.

Thus, at the time any particular project is submitted for the Executive Director's approval, there would be site-specific information on the composition, chemistry, and grain size of the sand source material, the receiver beach, the timing and size of the project, the deposition method, a monitoring program, and a public notification program. Executive Director discretion at this point would be highly constrained, as only projects which met the specific standards for each of these items could be approved under the subject permit. An individual sand replenishment project cannot commence until an affirmative approval from the Executive Director is given in writing. If any particular sand source falls outside the criteria outlined herein, or any other potential risks to coastal resources not identified and discussed in this report were identified by Commission staff, a separate coastal development permit would be required.

After a project is completed, all of the pre- and post-construction surveys and monitoring are required to be submitted as a final report to the Executive Director, to evaluate the impact of the particular project and to aid in the review of future projects under the subject permit. After a beach fill project is completed, a Post Discharge Report will be prepared and submitted to the Executive Director and other resource agencies, which will include all of the information collected by the City for the project, including all preparation testing, volume of material placed at the site, transportation and construction details, finalized project schedule, and monitoring results. At the end of each year, an assessment of the effects (both beneficial and adverse) from all beach fill projects conducted during the year will be presented to the permitting agencies. This analysis will serve as the basis for any modifications that can be made to optimize the program and serve as a basis to extend the permit at the end of 5 years.

The City of Encinitas has a certified Local Coastal Program. The proposed project will be located seaward of the MHTL within the Commission's original jurisdiction and landward of the MHTL within the City's coastal permit jurisdiction. Since a portion of the project lies within the City's permit jurisdiction (e.g., the haul route, access points to the beach, staging areas and sand placement above the MHTL) the City has requested that the subject application be consolidated to include all portions of the project within its jurisdiction so as to authorize the Commission to approve the project in its entirety. In cases of a consolidated permit such as this, pursuant to Section 30601.3 of the Coastal Act, the standard of review is Chapter 3 Policies of the Coastal with the certified LCP used as guidance.

2. Public Access and Recreation. Many policies of the Coastal Act address public access. The following are most applicable to the proposed development and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and

recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(l) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby...

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred....

Section 30214(a)

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30233(b)

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Finally, Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the sea and the first public roadway, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

In addition, the Certified Encinitas LCP, which is used as guidance for the subject application request, includes policies encouraging sand replenishments projects:

Land use Policy 8.6

The City will encourage measures which would replenish sandy beaches in order to protect coastal bluffs from wave action and maintain beach recreational resources. The City shall consider the needs of surf-related recreational activities prior to implementation of such measures.

Land Use Policy 10.3

The City shall explore the prevention of beach sand erosion. Beaches shall be artificially nourished with excavated sand whenever suitable material becomes available through excavation or dredging, in conjunction with the development of a consistent and approved project. The City shall obtain necessary permits to be able to utilize available beach replenishment sands (as necessary, permits from the Army Corps of Engineers, California Coastal Commission, Department of Fish and Game, EPA, etc.).

The shoreline and beaches are valuable assets to the environment and economy of the Southern California region and the State, worthy of protection and enhancement. The shoreline is also considered a resource of national significance. Beach erosion has been an increasing problem in the Southern California region, and in many past projects the Commission has identified beach replenishment as a means to preserve and enhance the environmental quality, recreational capacity, and property protection for the region's shoreline. Additional sand on beaches increases the amount of recreational area available for public uses, decreases the rate of beach erosion, and provides a buffer (a wider beach) between waves and adjacent public and private development, thereby reducing pressure

to construct shoreline protective devices which can adversely affect both the visual quality of scenic coastal areas and shoreline sand supply.

The proposed opportunistic sand program has been proposed to allow and expedite beach replenishment in the City of Encinitas. It is impossible to say how long any particular fill sand project would remain on the beach, given the possible variations in amount of material and disposal locations. However, during the time the sand remains on the beach the public will have the benefit of wider sandy beaches, and any sand deposited on the beach will become part of the littoral cell system.

Nevertheless, the project is expected to have some temporary adverse impacts on public access and recreation. The deposition sites are popular public beaches and are currently used for various recreational activities including swimming, surfing, sunbathing and jogging/walking. During construction, the beach fill site would have to be closed, creating a temporary adverse impact on recreation. The impact might be significant during higher tides, or for projects where the entire beach area would be closed to the water line such that people could not get past the work area to the rest of the beach except by traveling inland around the construction area.

However, as proposed, the sand replenishment will only occur during the non-summer months, because placing sand at that time most closely mimics the pattern of natural sand movement. Throughout the year, construction activity will be limited to Monday through Fridays excluding holidays. In a worst-case scenario, for example, if the entire permitted annual fill amount at Batiquitos Beach (150,000 cubic yards) was placed on the beach during a single-beach fill project, access to that beach would be restricted for approximately 30 weeks during the construction window of September 15th to May 31st. However during the spring, as beach use by the public increases, the project has been designed to limit construction activity. From March 1st to May 31st, construction is limited to no more than 25,000 cy per month and no more than 2 weeks of construction per month and not on weekends or holidays. This restriction is designed to minimize impacts to invertebrate recruiting and grunion runs as well as to lessen impacts to the public.

However, individual replenishment projects would likely be much smaller and require much shorter construction periods than the maximum allowed, and in total, the maximum allowed amount of sand might not be placed each year, which would also mean fewer construction related impacts. In addition, beach access in the City would never be completely blocked off and the public will continue to have access to beaches north and south of the deposition sites and on weekends and holidays.

The project could have an adverse impact on public access and recreation if construction vehicles significantly impacted the ability of the public to reach the shoreline. Overall, access corridors and staging areas are required to be located in a manner that has the least impact on public access and traffic flows on coastal access routes. The proposed Project Notification Report prohibits the use of public parking spaces for staging of construction unless unavoidable. If unavoidable, the Report requires that the minimal number of

spaces be used. Impacts to the public are anticipated to be minimal since no work will occur during the summer or on weekends. In terms of the haul routes, trucks would drive to Batiquitos Beach primarily via Carlsbad Blvd. and La Costa Ave. with beach ingress/egress near the Batiquitos Lagoon inlet. For Moonlight Beach, trucks would primarily drive west on Encinitas Blvd. from Interstate 5 with beach access taken from the west end of Encinitas Blvd. Since these are some of the City's primary coastal access routes, traffic could be adversely affected. To limit those impacts, the primary work schedule is proposed to be for Monday through Fridays excluding holidays. The trucks would dump their load of material on the beach, where earth-moving equipment would distribute the sand to the selected beach placement footprint. The trucks would then exit the site via the same routes and flagmen used to assure public safety throughout the area.

Thus, as conditioned, the project has been designed to minimize adverse impacts to the beach-going public. Given the proposed limits on work during the spring season and no work occurring during the summer or on weekend or holidays, public access and recreation is not expected to be significantly constrained by construction activities.

The proposed project also includes a public notification package to inform the public prior to the initiation of any sand replenishment project, which will help reduce the impact the project will have on the public. Public notification could include City Council meetings, Chamber of Commerce/Downtown Business Association articles, City publications, newspaper articles, signage, public television, or water billing notices. The proposed public notification measures do not specifically include a requirement for a public hearing on each opportunistic sand project, however, all new development within the City of Encinitas requires local approvals such as a coastal development permit which requires public notification. Therefore, any development within the City of Encinitas that includes the export of opportunistic sand to be placed on the beach will have public notice through the local coastal development permit approval process or other local discretionary action.

Thus, any local concerns on individual construction projects that become the source of beach quality sand will be able to be addressed prior to the Executive Director's review. As proposed, all written correspondence received by the City regarding the project and minutes of the Planning Commission/City Council meetings will be included in the Project Notification Report for the Executive Director's review. To further limit adverse impacts on access, as proposed, each construction site will be posted with a notice indicating the expected dates of construction and/or beach closures. Thus, the public will have adequate opportunities to be notified of, and provide input on future replenishment projects.

Surfing

Surfing occurs throughout the project area, and surfing could potentially be impacted not only by restriction of access to the water during construction, but through the modification of existing sand bars and reefs by sand placement and deposition, and poor

water quality caused either by turbidity generated during and after construction, or contaminants being released into the surf zone by the fill material.

As noted above, limits have been placed on the season and amount of time construction can occur. The City proposes to test all potential sand sources to verify that the sand is free of contaminants prior to placement on any beach fill site. They must also perform background research of the potential for the material to possess contaminants based on Tier I testing protocol as specified by the ACOE and the U.S. EPA. Therefore, there should not be any health threats to surfers from contamination.

According to the Final Mitigated Negative Declaration prepared for the project, sand deposition has the potential to alter the beach profile and surfing conditions. This impact could be adverse and significant if sand deposition caused waves to close out over a long period of time (months) rather than peak, or resulted in a perpetual shore break at the beach rather than a nearshore bar for waves to break over. However, due to the relatively small amount of sand material expected to be associated with individual projects, it would likely not create a long term close-out or shorebreak condition. It may, however, cause such conditions over a temporary short-term period while the sand is naturally redistributed over the bottom. The project may also result in potentially beneficial impacts to surfing by contributing sand to the nearshore that would be deposited in bars. More sand in the system provides material for enhanced sand bar formation and may result in larger or longer lasting bars, and improved surf conditions. Informal observations of the SANDAG RBSP showed surfing conditions improved at each sand placement site after construction because of sand bar formation.

However, to determine any substantial change to surfing conditions, a monitoring program will be instituted. The monitoring will provide qualitative information to understand if the project causes negative impacts to surfing along the Encinitas shoreline. As proposed, the monitoring will not be particularly technical or precise, but is intended rather to simply obtain a sense from observations and periodic interviews/questioning of surfers if the program is creating adverse impacts on surfing in the area.

General surfing conditions would be observed and noted over a period of 14 days prior to construction and for at least 14 days after construction (no longer than 30 days after construction). The frequency of observations would be 3 times per week.

There is also a potential for a “low level turbidity plume to occur in the water during construction activities.” However, turbidity will be minimized by restricting the amount of fines in the placement sand to no more than 25% in the fall/winter period, and 10% during the spring and late summer season. In addition, the program requires monitoring of turbidity by lifeguards during construction. Although no significant recreational impacts are expected from turbidity, the monitoring will provide information that will allow future projects to more accurately assess and avoid turbidity.

As proposed, general recreation and access impacts (both positive and negative) will be evaluated in the post-project report to aid in the review of future nourishment projects

under the subject program. If impacts are identified, the Project Notification Report identifies that any project modifications to address these impacts must first be submitted to the Executive Director so that the Executive Director can determine whether the proposed remedies are authorized under this coastal development permit or whether the work shall require an amendment to this permit or a new permit.

Similar monitoring was performed following the SANDAG RBSP in 2001 involving 140,000 cy at the subject site (CDP #6-00-38/SANDAG). Monitoring of that project identified no significant adverse impacts.

Conclusion

In summary, the proposed project will have short-term and temporary impacts on public access and recreation, which have been minimized by restrictions and conditions on the timing and amount of work than can occur. The project overall will have a positive impact on the beach in Encinitas as well as to the entire littoral system. The proposed sand monitoring program will provide information regarding the short and long-term effects of beach replenishment, including how long the sand remains on the beach at different sites in different conditions. The surfing and recreational monitoring will provide similarly detailed information. The permit is limited to 5 years in duration, and further evaluation of the impacts will occur should the City wish to extend the program. Therefore, as conditioned, the proposed project can be found consistent with the public access and recreation policies of the Coastal Act.

3. Biological Resources and Water Quality. The following Coastal Act policies are applicable and state, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff...

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

[…]

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The Coastal Act policies identified above require the Commission to address impacts on marine resources by considering the timing of deposition of the material on the beach, the composition of the material, the location of the receiver beach, and the presence of environmentally sensitive resources. Development in areas adjacent to sensitive marine habitat areas and parks and recreation areas such as beaches must be sited and designed to prevent impacts which would significantly degrade those areas, and must be compatible with the continuance of those habitat and recreation areas. The restoration of beaches is a permitted use in open coastal waters under Section 30233; however, the project must be the least environmentally damaging alternative, and any impacts must be mitigated. Deposition of material onto the beach can affect marine life through the direct burial of organisms on the beach and in the nearshore environment, by the secondary movement of beach fill material within the littoral drift zone that could bury reefs and organisms, and by increasing turbidity in adjacent waters, which could adversely affect the growth of kelp and impact the ability of shorebirds to find food in offshore waters.

However, in the case of the proposed project, no adverse impacts to biological or resources are anticipated. The subject sites were part of the 2001 SANDAG Regional Beach Sand Project (RBSP), which involved the placement of over 2 million cy of beach-quality sand on 12 beach receiver sites from Oceanside to Imperial Beach. The project site at Batiquitos Beach received 118,000 cy of sand placed and the Moonlight Beach site received 88,000 cy of sand as part of the RBSP in 2001. The potential environmental impacts of the Regional Beach Sand Project (RBSP), which included placement of sand at the subject site, were evaluated in the Final Environmental Impact Report/Environmental Assessment (EIR/EA) for the RBSP.

The EIR/EA concluded that the project would not have any significant effects on the environment, but SANDAG was required to implement a short-term (construction) and long-term (5 years) monitoring program to verify that conclusion, as well as to provide additional data regarding actual beach nourishment sand transport compared to coastal engineering models. Monitoring was conducted during construction for turbidity, spawning grunion, and underwater archaeology resources, and no adverse construction impacts were identified. Post construction monitoring of lagoons and offshore biological resources (kelp, rocky intertidal habitat, and subtidal habitat) has confirmed no adverse impacts and has provided extensive information about marine resources and sand transport. Additional monitoring at specific locations was sponsored by individual jurisdictions. The City of Encinitas sponsored biological monitoring at six locations (three including the two subject sites that received sand as part of the RBSP, and three that did not). The monitoring occurred for three years after the sand placement, and found, overall, an improvement in biological resource use of beach habitat at receiver sites.

California grunion spawn on sandy beaches in the San Diego region between March and August and have the potential to be affected by beach fill projects. Grunion could be impacted by beach fill activities if the eggs were buried by beach fill material, thus preventing the eggs from hatching. Grunion spawn during middle-of-the-night spring high tides, and their eggs incubate in the sand and hatch in approximately 2 weeks when

the next spring high tide occurs. While grunion are not listed as threatened or endangered, efforts should be made to minimize impacts to this managed fish species.

Because the Encinitas receiver sites are sandy beach, it provides suitable grunion spawning habitat. However, the Final Mitigated Negative Declaration for the project indicates that the proposed project is expected to improve grunion spawning by adding sand to the beach. As a precaution, grunion will be monitored before construction, and if present, during construction. No post-construction monitoring is required for grunion.

A grunion monitor must be present to observe grunion runs two to three weeks prior to construction during a predicted grunion run (according to the grunion calendar produced by the California Department of Fish and Game), and immediately prior to construction. If grunion are not present during their predicted runs, no further monitoring is required. If grunion are present during predicted runs, beach nourishment will only occur above the spring high tide line/kelp line or in the nearshore until the two-week spawning period is over. As an alternative, grunion monitoring could continue throughout the sand placement period, and if they do not spawn during a predicted run then sand could be placed below the spring high tide line.

Water conditions in the project area are typically clear, with occasional storms causing turbidity. Fish eating birds such as the California brown pelican and California least tern could be impacted in the vicinity of the site by temporary reduction in their prey base if fish move away from the turbidity plume. Temporary impacts may also include an increase in noise from beach fill construction activities. In this case, the applicant is proposing to coordinate with USFWS to avoid significant impacts to California least tern and the Western snowy plover during their breeding and nesting seasons. Similar to the 2001 RBSP, monitoring may include observations of timing and nesting activity and the extent of turbidity plumes outside the surf zone where water transparency is reduced to less than three feet. While the project may cause a low-level turbidity plume in the water, the effects would be localized and temporary, and would not extend beyond the normal foraging distances for either of these species and should diminish immediately when construction activities are halted. Since ample alternative forage areas would be available to these species during receiver site construction, no adverse impacts to these species are anticipated. Restricting the silt and clay content to 25% maximum during winter placement and 10% during the spring placement, will further reduce the potential for significant impacts to biological resources or water quality. Nevertheless, turbidity will be monitored throughout construction to quantify the effect on ocean water clarity from the project.

The composition of the sand replenishment material can also affect the environment. The applicant proposes to test and analyze potential beach nourishment sand sources that have up to 25% fines. This is the upper limit of what would be considered for placement on the beaches, and not a standard for all material that would be placed. The 25% cut-off for fines would enable the applicant to consider a fairly large range of potential source materials. The inclusion of up to 25% fines in the opportunistic sand program will maximize the amount of potentially beneficial material that could be tested and analyzed

for consideration as beach nourishment material. Placement of material with more than 10% fines is restricted to only the fall/winter season. As noted previously, most of the sand replenishment is anticipated to occur during the rainy season, when turbidity is naturally higher. The seasonal limits are designed to mimic the natural sediment delivery to the coast by rivers and streams. These limits are consistent with the opportunistic sand project approved by the Commission for the Cities of San Clemente in 2004, Carlsbad in 2006, and Solana Beach and Oceanside in 2008.

Construction equipment used for the project has the potential to contaminate the sand from minor spills and leaks from equipment. As proposed, construction material cannot be washed on the beach or in beach parking lots. Construction debris and sediment shall be properly contained and secured on site with Best Management Practices (BMPs) to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain, or tracking. Any debris resulting from construction activities must be removed from the project site within 24 hours of completion of construction. Public streets used for hauling the material to the project site shall be cleaned via street-sweeper every third day of truck delivery to the project site, and a spill prevention, containment and countermeasures plan must be prepared by the contractor prior to each beach fill project. The plan must include fueling procedures, equipment maintenance procedures, and containment and cleaning measures to be followed in the event of a spill. Thus, the project contains sufficient BMPs to ensure that no impacts to water quality will occur.

In addition, the proposed standard Project Notification Report identifies that an on-site debris monitor will be present during beach replenishment. If any debris or any unusual, non-sand material is detected, the applicant proposes to halt the specific material placement until the material can be examined and tested to assure its quality is consistent with the parameters of acceptable material. An updated Project Notification Report will then be submitted for Executive Director approval prior to restart of work. Therefore, as proposed, no significant impacts to water quality are expected.

The project has been designed and sited to avoid impacts to sensitive habitat, and no impacts to any biological resources are anticipated. Consistent with Section 30240, the project will enhance a recreation beach area. In the event that unexpected adverse impacts do occur, the Project Notification Report includes a requirement that any impacts to sensitive habitat areas by the proposed development be reported to the Executive Director within 2 weeks of occurrence and shall be mitigated. Such mitigation shall require an amendment to this permit or a new permit unless the Executive Director determines that no amendment or new permit is legally required. Thus, any impacts that occur will be mitigated. Special Condition #3 defines the length of the permit term to 5 years from the date of Commission approval.

As proposed, copies of permits from other agencies, including the California Regional Water Quality Control Board and the Army Corps of Engineers are required to be submitted to the Executive Director. Should any project modifications be required as a result of other permits, the Project Notification Report includes an acknowledgement that an amendment to this permit may be necessary. Special Condition #2 notifies the

applicant that the subject permit does not cover the development that provides the sand source for beach replenishment, such as dredging or new construction. Those projects must receive separate coastal development permits when the source is obtained in the coastal zone.

In summary, the subject program has been designed to minimize potential environmental impacts and, as conditioned, is not anticipated to have any impacts inconsistent with Coastal Act Sections 30230, 30231, 30233, or 30240. Restrictions on placement locations, timing and quantities have been designed to avoid or limit impacts to sensitive habitat. Biological surveys have not identified any long-term significant impacts to sensitive resources. All impacts will be identified through the proposed monitoring and any unanticipated impacts will be reviewed prior to approval of future projects. As proposed and conditioned, adequate information will be available to the Executive Director to analyze and evaluate new beach sand replenishment projects within the parameters of the proposed permit. Written approval from the Executive Director is required prior to the initiation of any work. As conditioned, the Commission finds that the proposed project will ensure that all environmental impacts are minimized, and if significant impacts do occur despite all precautions, they will be identified and adequately mitigated. Therefore, the proposed project can be found consistent with the resource protection policies of the Coastal Act.

4. Hazards. Section 30253 of the Coastal Act states, in part:

   New development shall:

   (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The proposed development is located in an area subject to tidal action. The tidal environment is dynamic and there are risks associated with development in such areas. For instance, erosion has occurred at the subject beaches where beach nourishment is proposed, and erosion is one form of potential geologic hazard. The fact that the applicant is proposing beach nourishment to restore pre-existing beaches indicates that erosion does occur. However, the applicant will not increase erosion hazards by increasing the size of beaches beyond pre-existing conditions, and increasing the beach size may decrease risks to property. As described above, testing and monitoring the replenishment material will ensure risks to life and health are minimized. Therefore, the proposed project minimizes this hazard consistent with Section 30253.

Because there remains an inherent risk to development along the shoreline, the applicant has submitted as part of the Project Notification Report, an assumption of risk, waiver of liability and indemnity that indemnifies and holds harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project. In this way, the

applicant has made clear that the Commission is not liable for damage as a result of approving the permit for development.

5. Local Coastal Planning. The City has a certified LCP and will approve any necessary coastal development permits within their jurisdiction for the individual developments that provide the source of sands. In addition, since portions of the proposed development lie seaward of the MHTL within the City's coastal permit jurisdiction such as haul routes, staging areas, access points and sand placement above the MHTL, the City has requested that all portions of the subject application that lie within the City's jurisdiction above the MHTL be consolidated into the subject permit by the Coastal Commission. As conditioned, the proposed development is consistent with the public access, recreation, and environmental protection policies in Chapter 3 of the Coastal Act with the certified LCP which is used as guidance. Therefore, approval of the proposed development will not prejudice the ability of the City of Encinitas to continue to implement their certified Local Coastal Program.

6. Consistency with the California Environmental Quality Act (CEQA).
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures including those addressing monitoring of biological, physical, and recreational impacts, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(G:\San Diego\Reports\2008\6-08-110 Encinitas Opportune Sand stf rpt.doc)

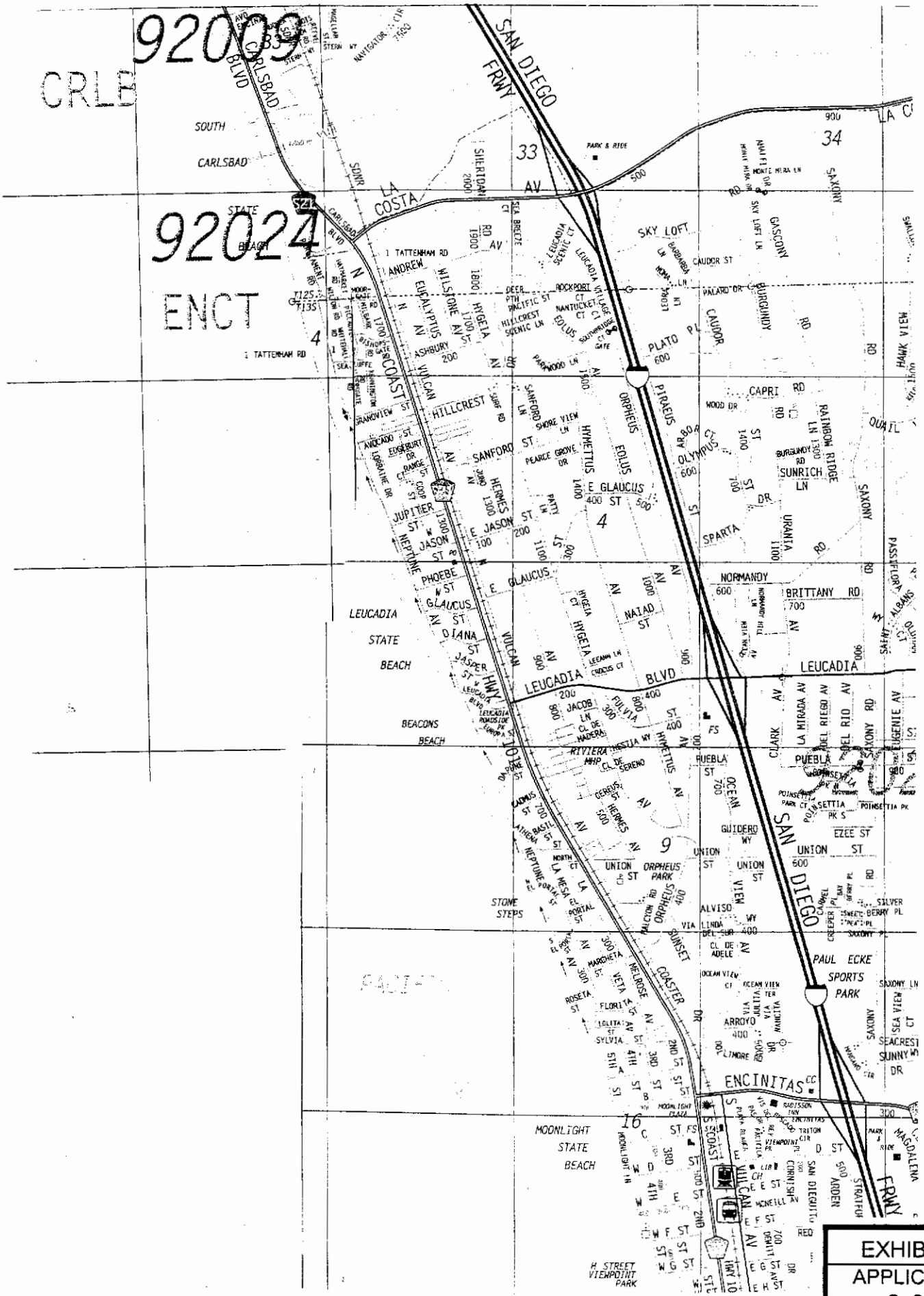

EXHIBIT NO. 1

APPLICATION NO.

6-08-110

General Location Map

California Coastal Commission

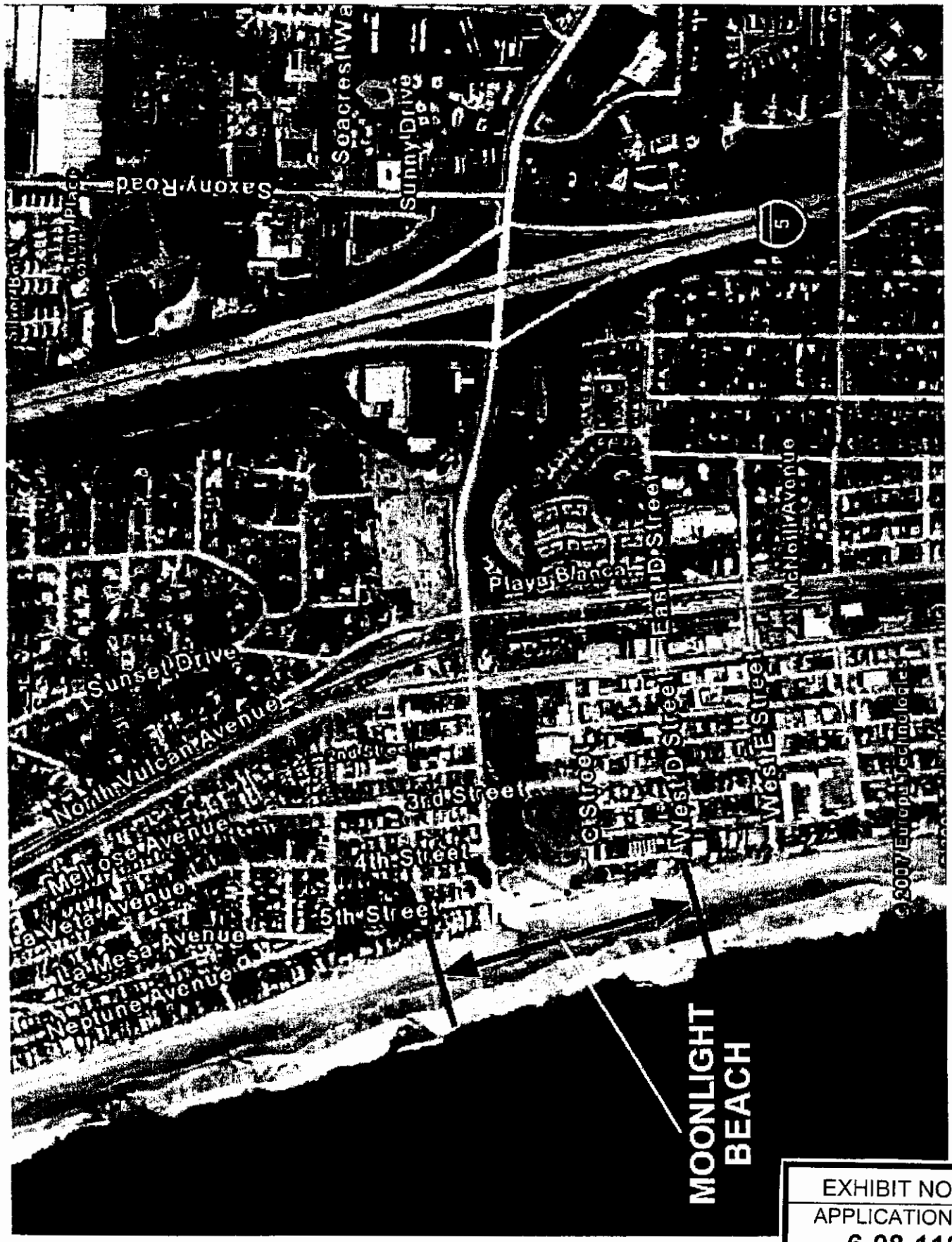

Figure 1a: Project Vicinity Moonlight Beach

EXHIBIT NO. 2
APPLICATION NO.
6-08-110
Moonlight Beach
Location Map
California Coastal Commission

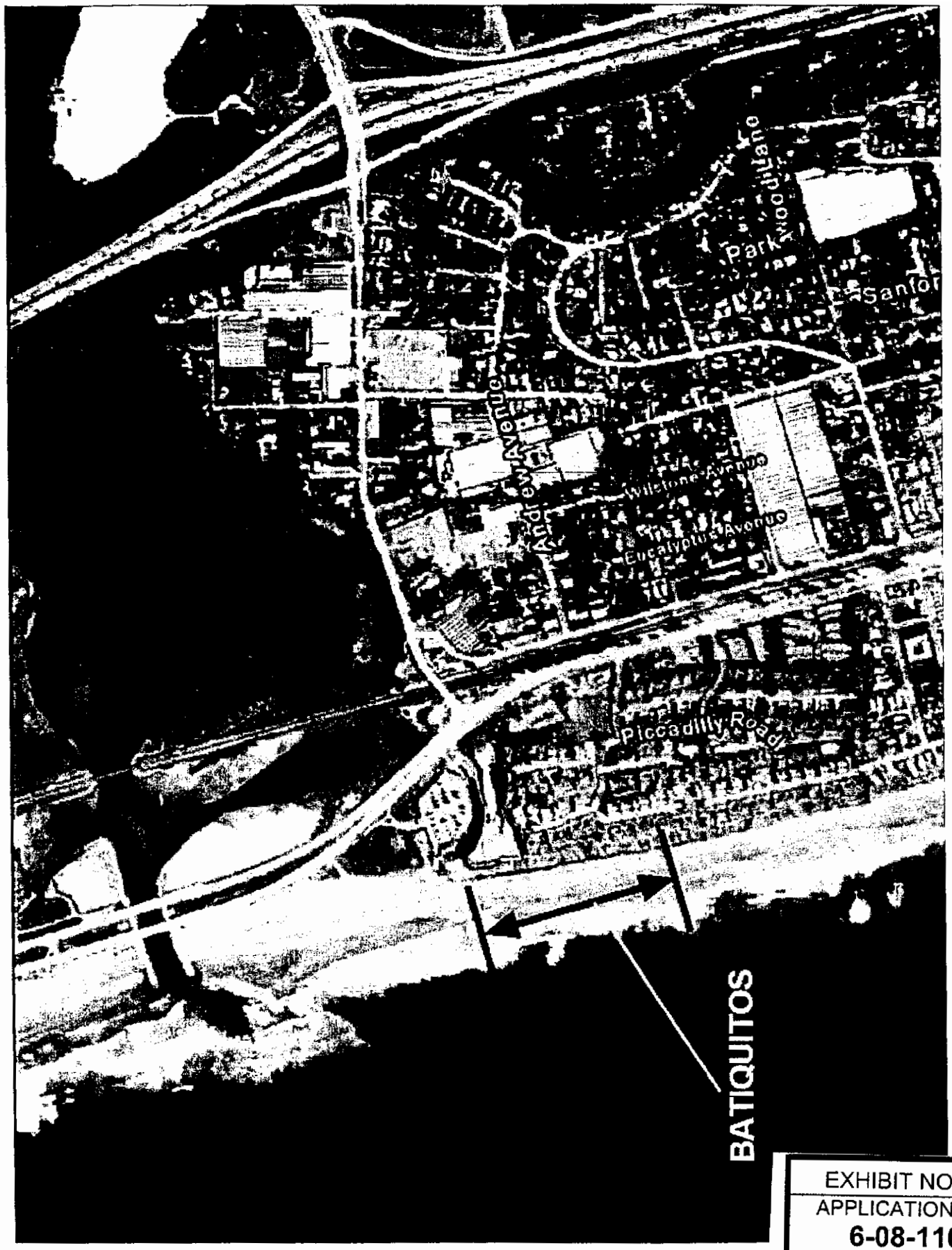

Figure 1b: Project Vicinity Batiquitos Beach

EXHIBIT NO. 3
APPLICATION NO.
6-08-110
Batiquitos Beach
Location Map
California Coastal Commission

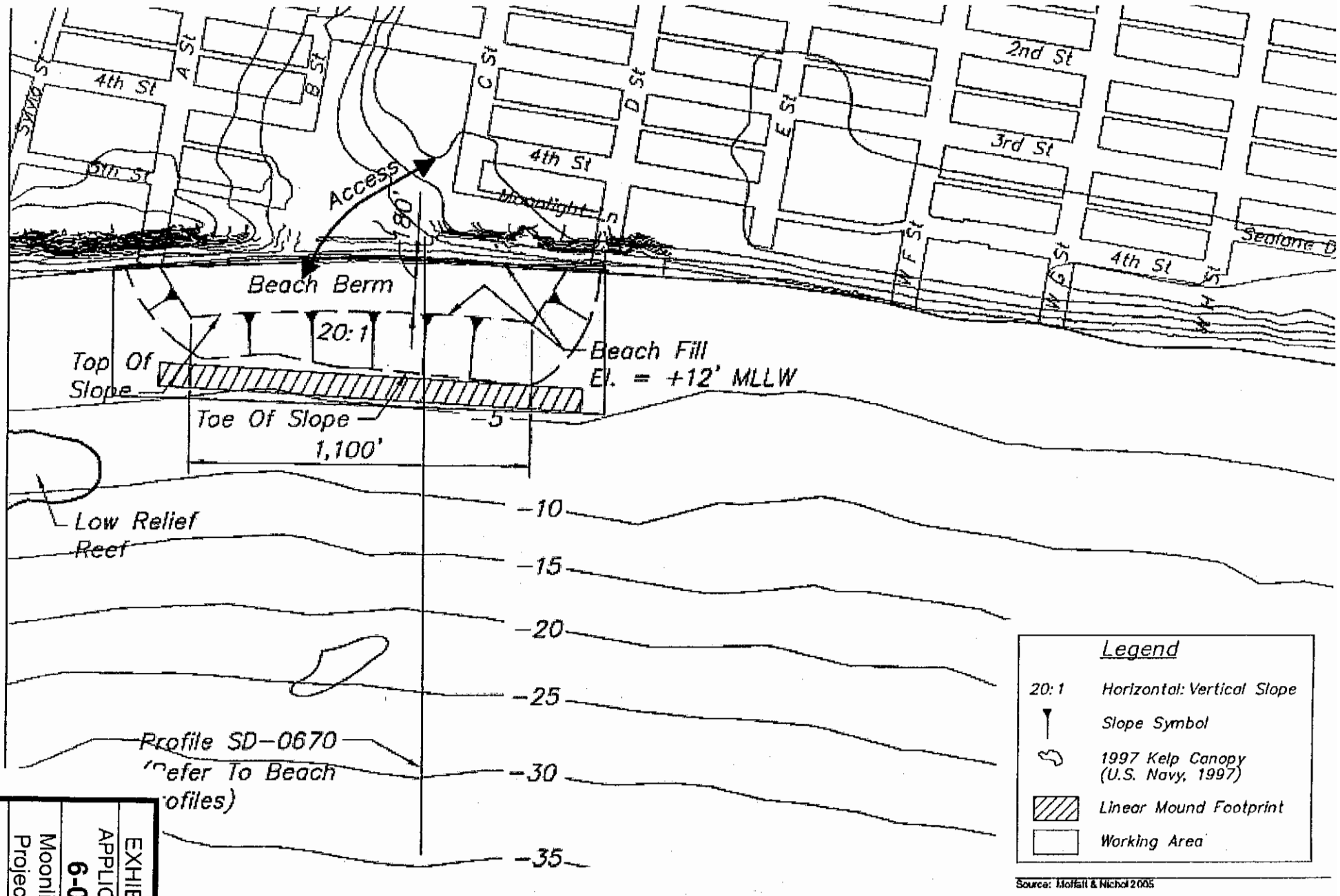

Figure 2a: Moonlight Beach Project Footprint

EXHIBIT NO. 4
APPLICATION NO. 6-08-110
Moonlight Beach Project Footprint

California Coastal Commission

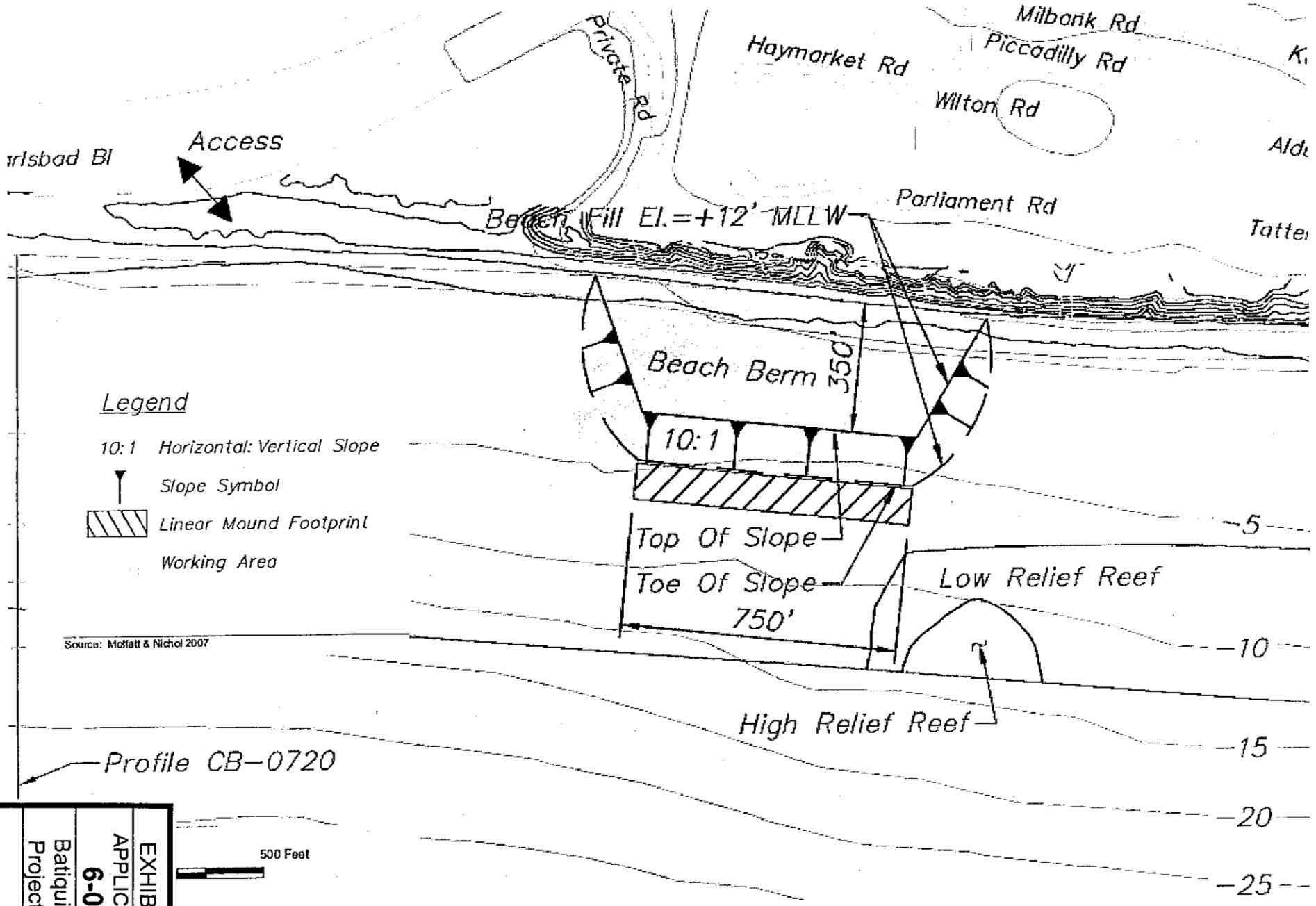

Figure 2b: Batiquitos Beach Project Footprint

California Coastal Commission

EXHIBIT NO. 5
APPLICATION NO. 6-08-110
Batiquitos Beach Project Footprint

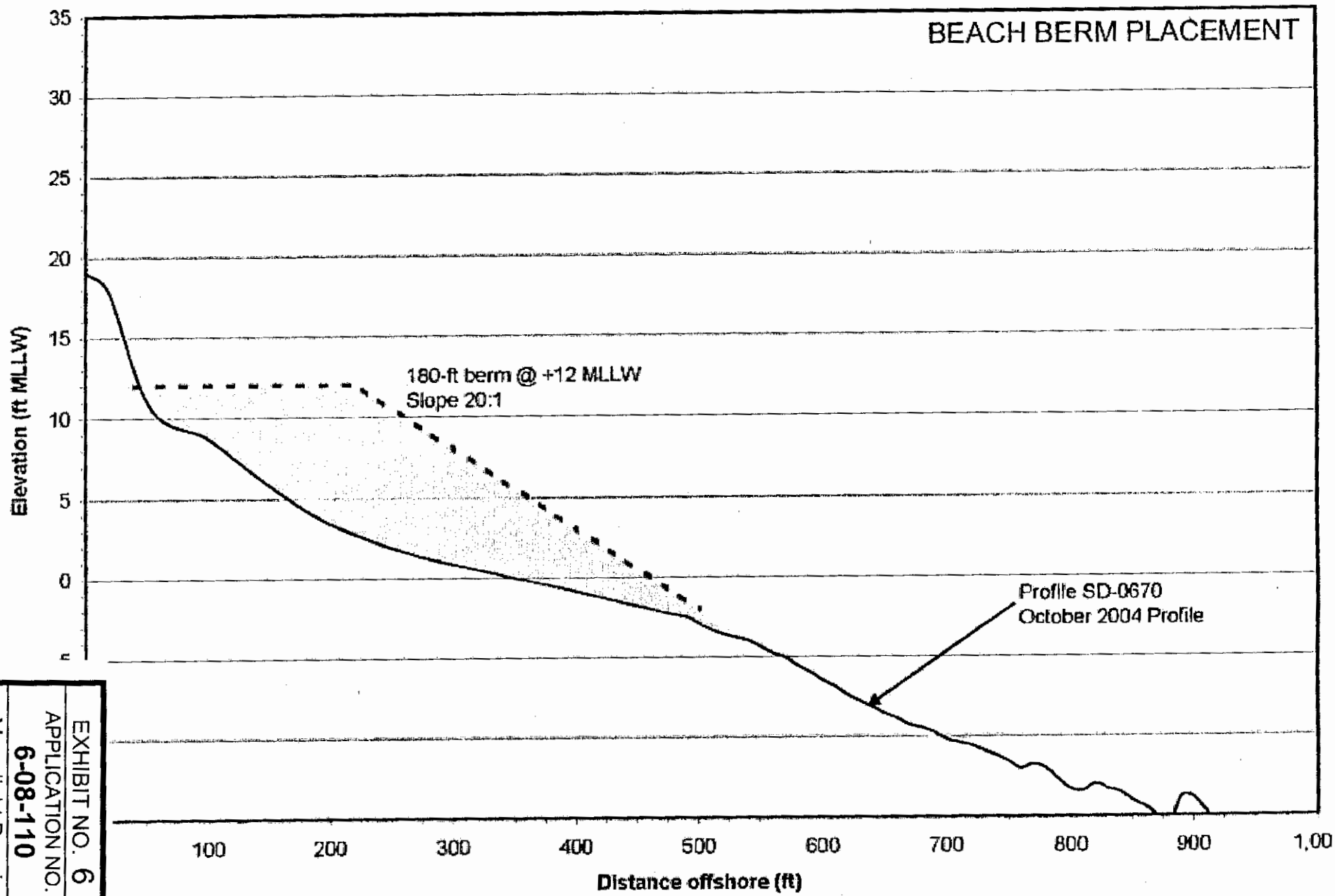

EXHIBIT NO. 6
APPLICATION NO.
6-08-110
Moonlight Beach
Berm Section
California Coastal Commission

Figure 3a: Moonlight Beach Typical Cross Section – Beach Berm Placement

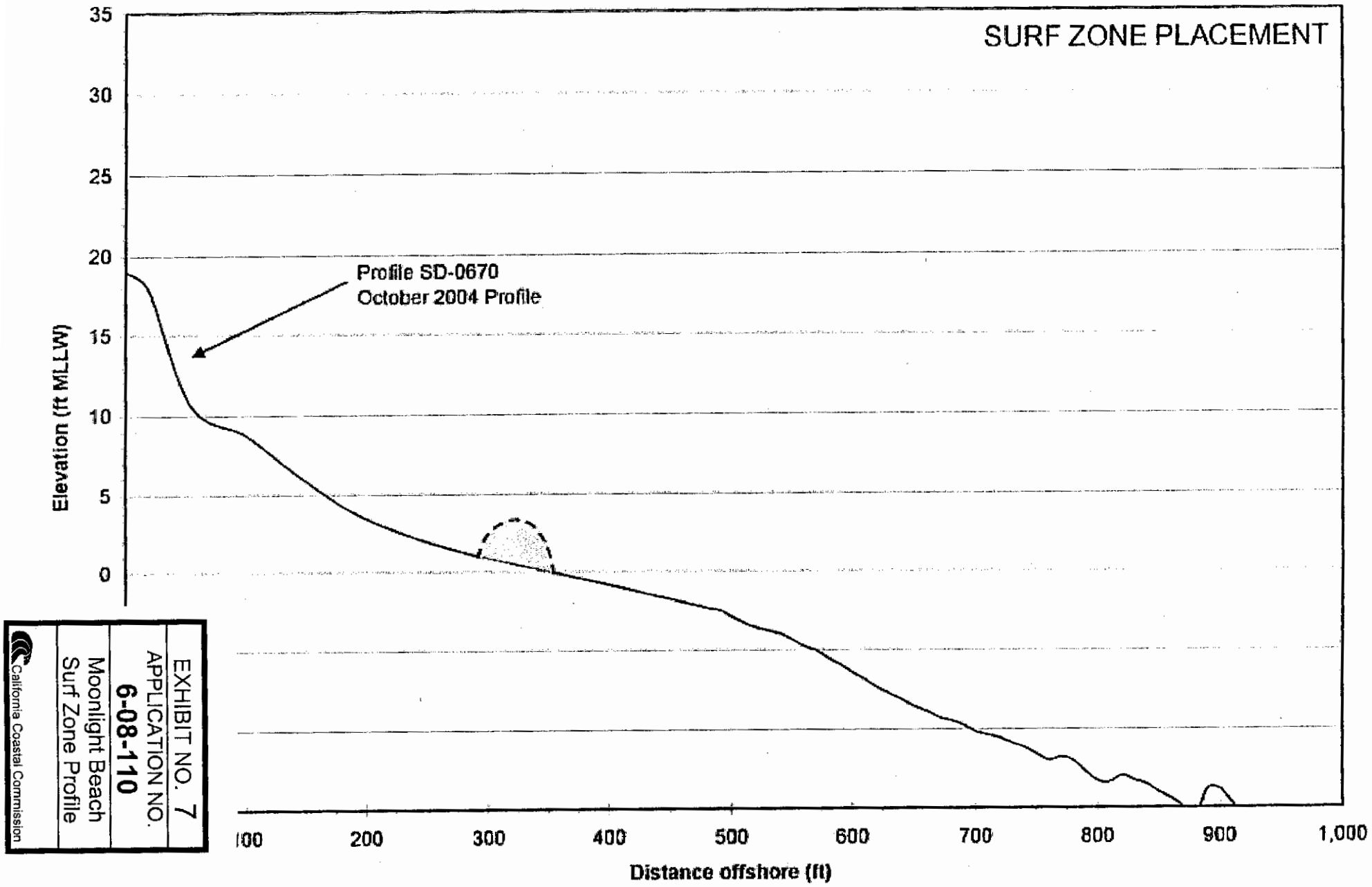

Figure 3b: Moonlight Beach Typical Cross Section - Surf Zone Placement

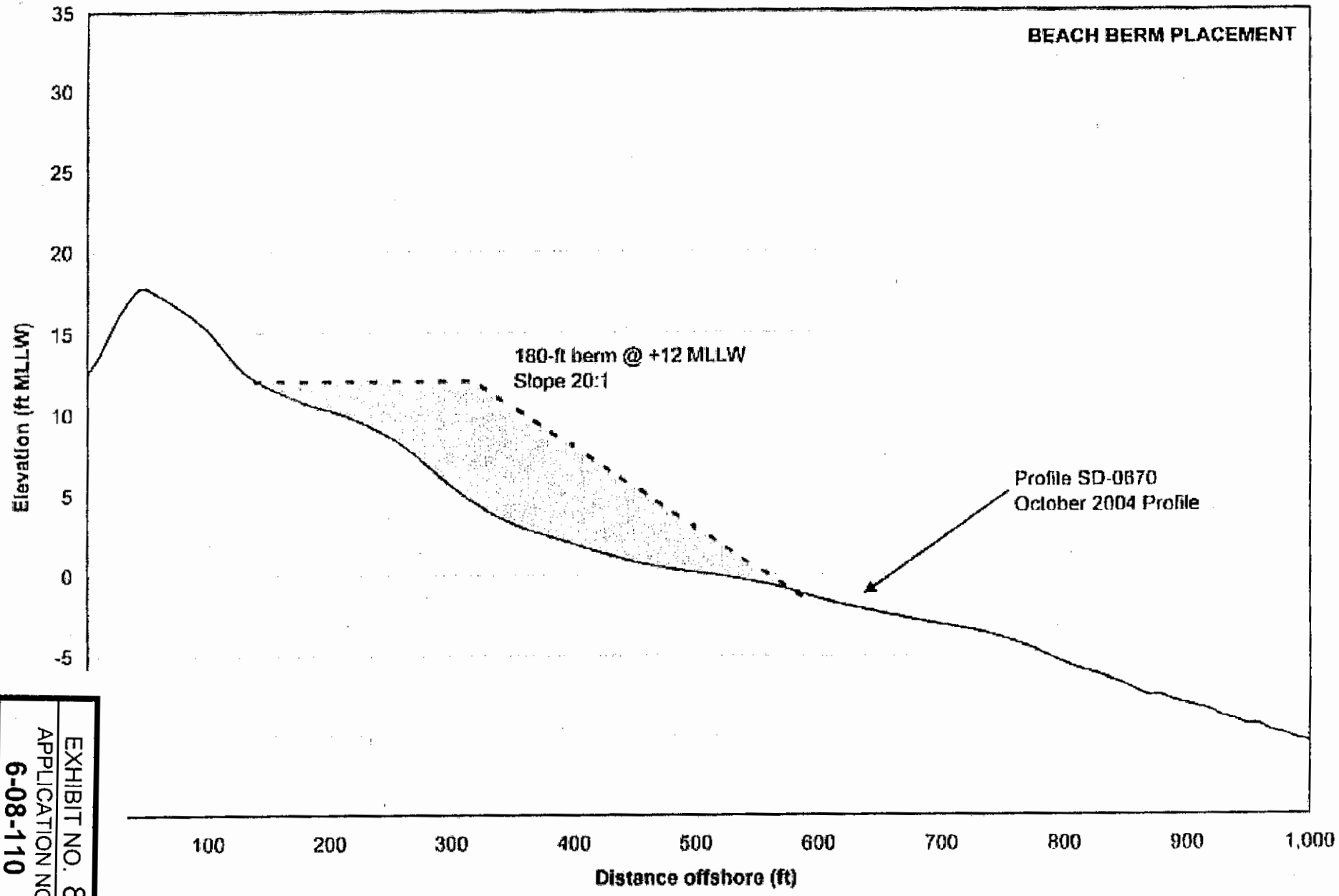

EXHIBIT NO. 8
APPLICATION NO.
6-08-110
Batiquitos Beach
Berm Section
California Coastal Commission

Figure 4a: Batiquitos Beach Typical Cross Section – Beach Berm Placement

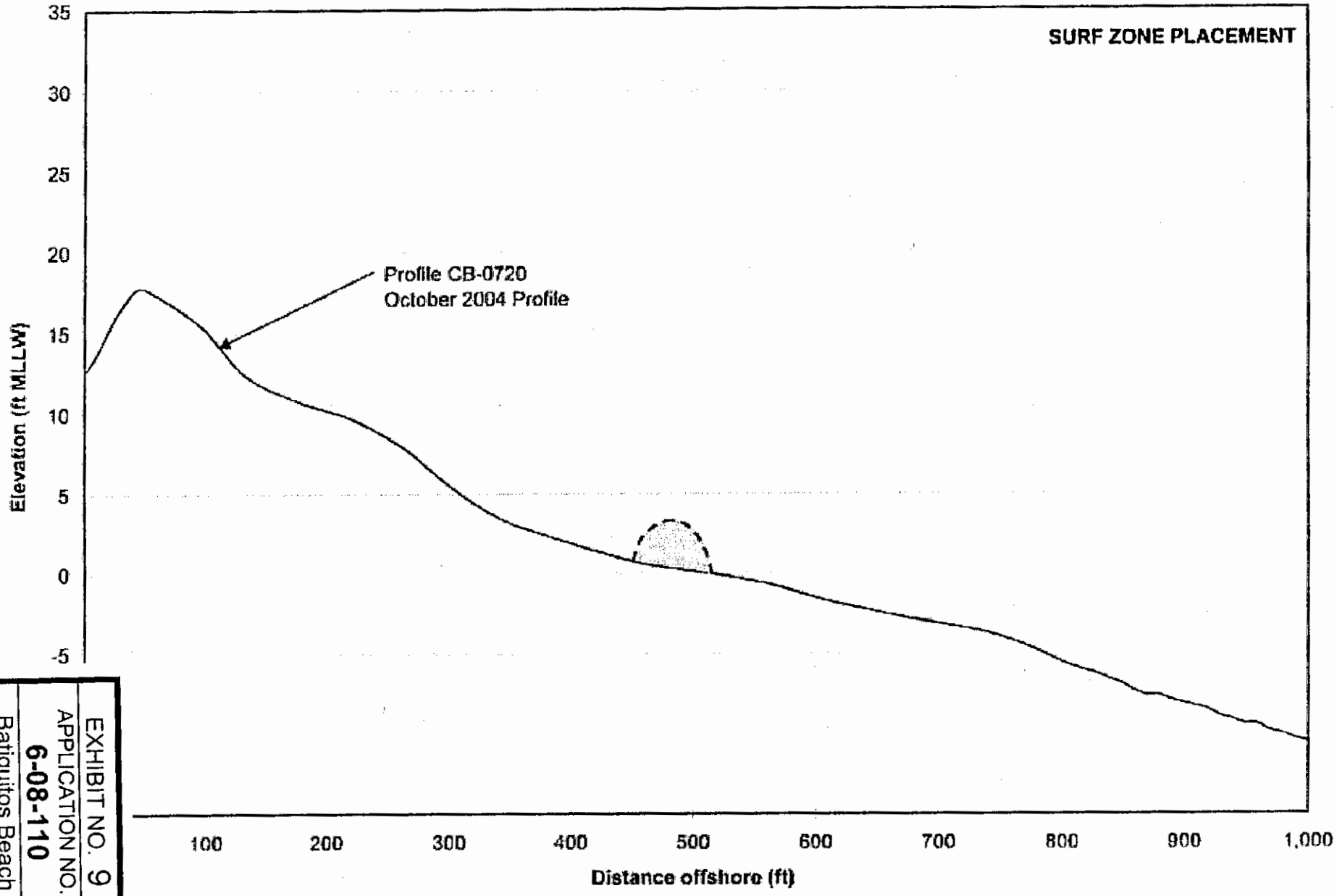

EXHIBIT NO. 9
APPLICATION NO.
6-08-110
Batiquitos Beach
Surf Zone Profile
California Coastal Commission

Figure 4b: Batiquitos Beach Typical Cross Section – Surf Zone Placement

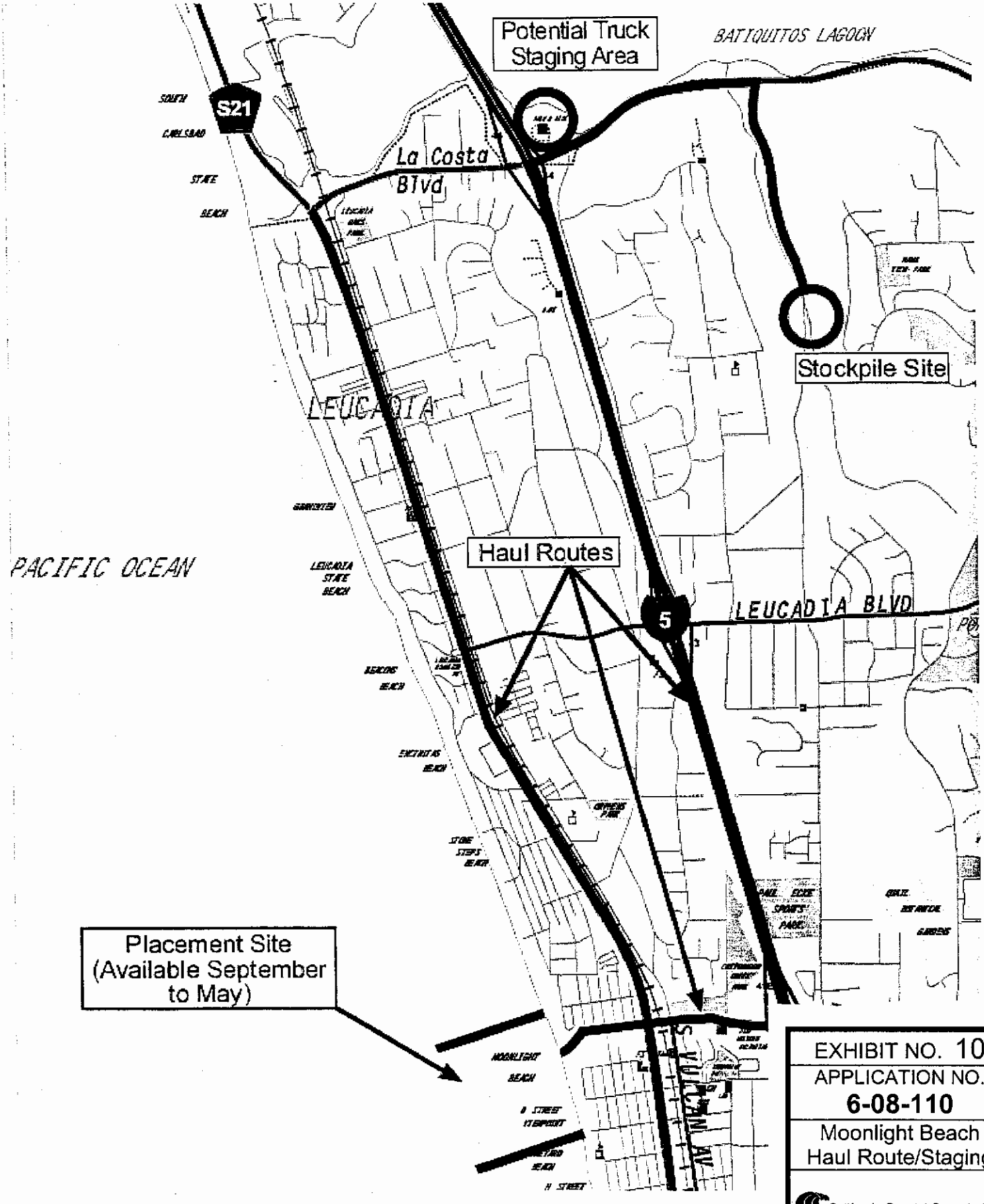

Figure 5a: Moonlight Beach Haul Route

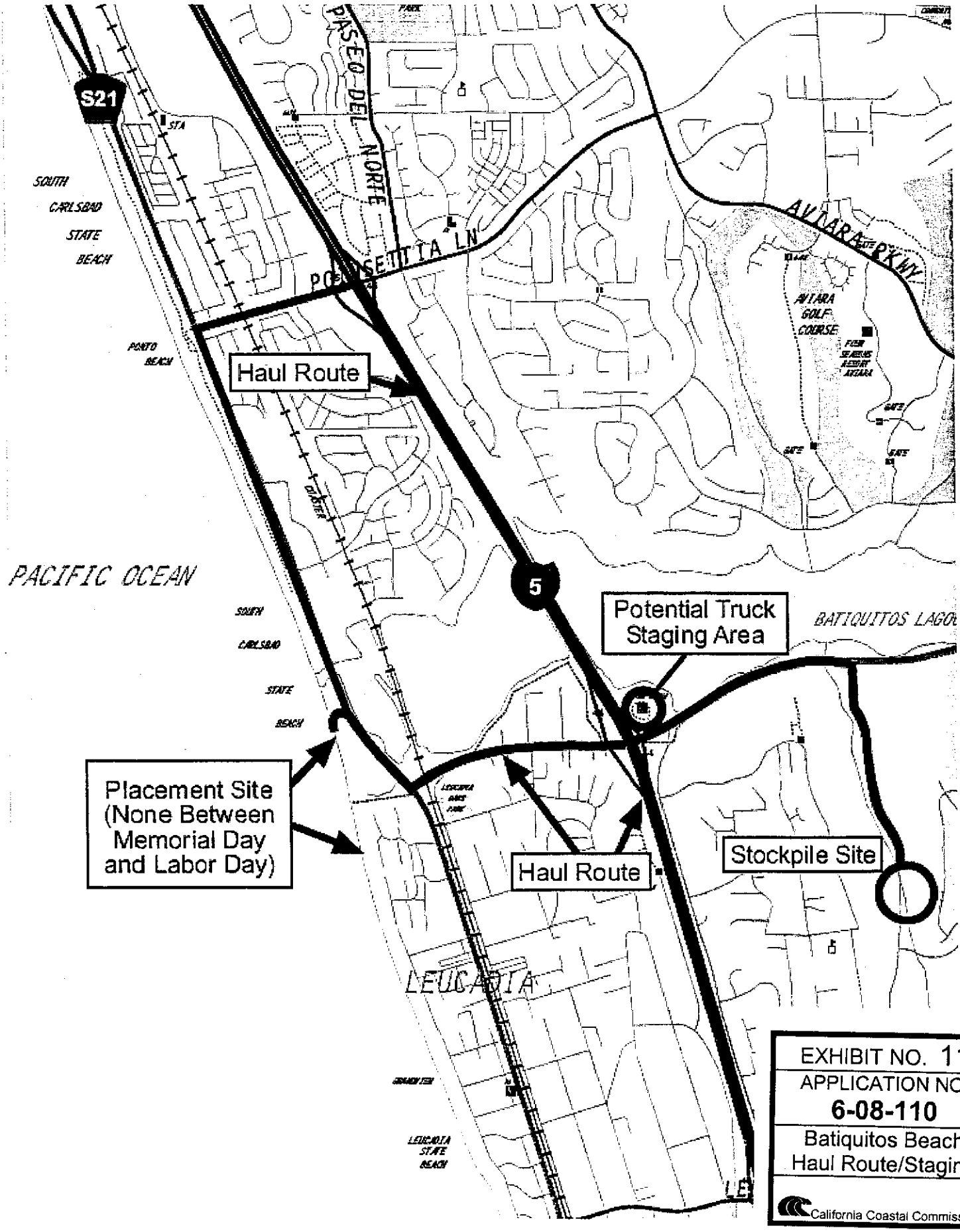

Figure 5b: Batiquitos Beach Haul Route

ENCINITAS OPPORTUNISTIC BEACH FILL PROGRAM
PROJECT NOTIFICATION REPORT

1. Introduction

Provide the basic program outline. Specify the permit conditions (USACE, CCC, RWQCB, and SLC). This Project Notification Report will request agency concurrence and a Notice to Proceed from the USACE (See Section 8.1 for further information).

Proposed Project Limits

Placement Site	Maximum Annual Quantity (CY)	Maximum Project Length (ft)	Placement Scenarios (1)	Season (2)	Max. Percent Fines Allowed	Proposed Maximum Annual Volume (CY) (3)
Batiquitos Beach	150,000	1,500	a) Beach-berm b) MHT	Sept 15th – Feb 28th	<10%	120,000
					11-25%	Up to 25,000 / project
				Mar 1st – May 31st	<10%	25,000 / month (maximum placement of 14 days/month at a minimum distance of 150 feet between placements at sandy beaches only. No restrictions at cobble beaches.
				Jun 1st – Sept 14th	NA	No placement
Moonlight Beach	120,000	1,100	a) Beach-berm b) MHT	Sept 15th – Feb 28th	<10%	120,000
					11-25%	Up to 25,000 / project
				Mar 1st – May 31st	<10%	25,000 / month (maximum placement of 14 days/month at a minimum distance of 150 feet between placements at sandy beaches only. No restrictions at cobble beaches.
				Jun 1st – Sept 14th	NA	No placement

(1) (a) Beach-berm on upper beach; (b) MHT-placement below the high tide line
(2) The cumulative maximum quantity of all sand in a calendar year, regardless of season, is 150,000 cy for Batiquitos Beach and 120,000 cy for Moonlight Beach.
(3) Hauling and sand placement would occur between Monday – Friday during typical construction hours (7:00 a.m. to dusk), no weekends.
(4) No work can occur on holiday weekends of Memorial Day and Labor Day, and weekends adjacent to Independence Day, when Independence Day falls on a Friday or Monday.

2. Source Material

2.1. General Site Location

Include maps, figures, and text description of site location and surrounding areas.

2.2. Specific Location of Source Material at Site

Describe where on the site the source material is found.

2.3. Volume of Material (Total volume and volume proposed for beach placement)

Describe the total volume of material available at the site and the volume that is being proposed for beach nourishment. The disposal method of excess material will be described in this section.

2.4. Material Testing

Present the Sampling and Analysis Plan that was prepared for and approved by the USACE as part of their permit conditions. The results will be provided, which will include any chemistry and grain size testing. Figures and tables will be provided.

2.5. Debris Management

Describe general content of material with regard to debris. This will include a description of the kinds of debris found in the source material, methods for screening, separating, and/or retrieving the debris, and disposal methods.

A qualified on-site debris monitor (geotechnical background or similar) will be present at the source site at all times during the excavation of material to be used for beach nourishment to monitor the material being loaded into trucks for placement on the beach. The monitor will ensure, to the maximum extent practicable, that material being loaded into the trucks is free of debris. The receiving beach shall be monitored periodically on every day of sand deposition by City staff to ensure the material placed on the beach is free of debris. If any debris or non-sandy material is detected on the receiving beach, the specific beach replenishment project(s) that was/were using that sand material shall be halted at that site(s) and the contractor will be responsible for removing all debris from the beach immediately. The project will be restarted once debris is cleared from the beach and a method is formulated to ensure, to the maximum extent practicable, that no further debris is generated from the source site.

3. Transportation and Placement

3.1. Site Location and Timing

Describe the existing conditions of the beach site and the timing of project. Include projected schedule.

3.2. Transportation Method

Describe how the material will get to the beach site. Outline trucking routes and provide figures, if needed. Indicate how many trucks and frequency. Specify a traffic control plan from the contractor.

3.3. Beach Placement Method

Describe the placement method, including any equipment that may be needed to construct the project. Outline specific public access closures or restrictions. Outline project BMPs, such as flagmen, perimeter fencing, etc. that are proposed. Specify how the access ramp will be constructed and how it will be removed or maintained following the project.

Construction materials or waste will not be stored where it could potentially be subjected to wave erosion and dispersion. In addition, no machinery will be placed, stored, or otherwise located in the Intertidal zone at any time, except for the minimum necessary to implement the project.

Construction equipment shall not be washed on the beach or in the beach parking lots. Construction debris and sediment shall be properly contained and secured on site with BMPs, to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain, or tracking. Construction debris and sediment shall be removed from the construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction. Debris shall be disposed of at a debris disposal site outside the coastal zone.

Plans for the staging and storage of the construction equipment shall be provided by the contractor. Where possible, public parking areas shall not be used for staging or storage of equipment and materials. Where this is unavoidable, the minimum number of parking spaces that are required shall be used.

Access corridors and staging areas shall be located in a manner that has the least impact of public access via the maintenance of existing public parking areas and traffic flow on coastal access routes.

3.4. Contractor Information

Include Contractor name, address, contact information, etc.

4. Public Notification Process

This section will outline how the public is being notified of the overall program and this specific project. Most upland projects will be approved by the City of Encinitas Planning Commission or City Council through a public hearing. This section of the report will include a listing of the local hearing dates and copies of all the local hearing notices. All written correspondence received by the City regarding the project and minutes of the Planning Commission/City Council meetings will be included.

Other proposed public noticing methods may include City Council Meetings, Chamber of Commerce/Downtown Business Association articles, City Publications, Newspaper Articles, Signage, Public Television, or Water Billing notices.

Also, a posting will be placed at each construction site with a notice indicating the project scope, expected dates of construction, and/or beach closure.

5. Project Monitoring

This section will outline the pre-, during, and post-construction monitoring plan for the project. This section will also include the reporting protocols for the monitoring efforts as outlined in the CCC, RWQCB, USACE, and SLC permit requirements.

5.1. Pre-Construction Monitoring

Describe all pre-construction monitoring and that will be conducted. This will include biological monitoring and physical monitoring (pre-fill profiles and surfing conditions). The description will include what will be monitored, procedures for the monitoring, frequency, who will conduct the monitoring and their qualifications. Figures representing areas, transects, etc., will be included in the pre-construction monitoring.

If pre-construction monitoring identifies potential adverse impacts to coastal resources from the proposed project not identified and addressed in the Mitigated Negative Declaration or within the Resource Agency permits, the specific replenishment project for which the pre-construction monitoring was being conducted shall be suspended. The monitoring results will be presented to the above mentioned agencies for their review and files.

5.2. Construction Monitoring

Describe what monitoring will be conducted during construction, including biological and physical monitoring. This will include monitoring protocol and contingency operations for monitoring of turbidity, sedimentation, surfing effects, and biology at the proposed discharge site and adjacent nearshore and offshore areas. Monitoring personnel will be identified and their qualifications will be provided.

5.3. Post-Construction Monitoring

Describe what monitoring will be conducted after construction, including biological and physical monitoring. This will include monitoring protocol and contingency operations for monitoring of sedimentation, biology and effects to surfing at the proposed discharge site and adjacent nearshore and offshore areas. Monitoring personnel will be identified and their qualifications will be provided.

Biological Mitigation: Any inadvertent impacts to sensitive habitat areas by the proposed development shall be reported to the Executive Director of the California Coastal Commission (CCC) within 2 weeks of occurrence and shall be mitigated. Such mitigation shall require an amendment to the CCC Coastal Development Permit or a new permit unless the CCC Executive Director determines that no amendment or new permit is legally required. Other approvals may also be required from the other permitting agencies (USACE, RWQCB, SLC, and California State Parks and Recreation) and any inadvertent impacts will be reported to these agencies concurrently.

6. Previous Projects in the City of Encinitas

This section will provide a table outlining each placement site and any beach fills that have occurred within the City as part of the Opportunistic Beach Fill Program or otherwise.

Site	Project	Dates of Placement	Volume (CY)	Total Volume to Date (CY)	Placement Method	Fill Length	Width (if applicable)	%fines
Batiquitos Beach	SANDAG RBSP	Spring 2001	118,000	NA	Dredge	1,390	110	4%
	Lagoon Maint. (F&G)	Unknown	250,000	368,000	Dredge	Unknown	Unknown	Unknown
Leucadia Beach	SANDAG RBSP	Spring 2001	130,000	NA	Dredge	2,700	70	<5%
Moonlight Beach	SANDAG RBSP	Spring 2001	88,000	NA	Dredge	770	130	4%
Cardiff Beach	SANDAG RBSP	Spring 2001	104,000	NA	Dredge	780	115	<5%
	Navy Homeporting Project	1997	283,501	387,501	Dredge	Unknown	Unknown	Unknown

XX – To be completed

7. Submittals

This section will outline what submittals are required and when the resource agencies can expect them. This will include notification of any violations to the resource agencies.

7.1. Post Discharge Report

Post-Discharge Report will be compiled and submitted to the resource agencies which will include all of the information collected by the City for an individual project, including all preparation testing, volume of material placed at the site, transportation and construction details, finalized project schedule, and monitoring results. An assessment of the project effects, both beneficial and adverse will be presented at the end of every year. This analysis will serve as the basis for any modifications that can be made to optimize the program.

Remedies or modifications must be submitted to the CCC Executive Director and the CCC Executive Director will determine whether the proposed remediation may be authorized under the City's CDP or whether the work shall require an amendment the permit or a new permit. The remedies or modifications will also be presented to the other permitting agencies (USACE, RWQCB, SLC, and California State Parks and Recreation) for their review and approval.

8. Special Requirements

8.1. Timing of Submittal and Approval from the Resource Agencies

This section will include description of any special permit conditions for the program with regards to timing of submittals and approvals.

8.1.1. California Coastal Commission (CCC)

8.1.2. Regional Water Quality Control Board (RWQCB)

8.1.3. California State Lands Commission (SLC)

8.1.4. U.S. Army Corps of Engineers (USACE)

8.2. Other Permits

Copies of permits from the Coastal Commission, State Lands Commission, Regional Water Quality Control Board, and U.S. Army Corps of Engineers will be attached to this notification report.

The City of Encinitas will notify the CCC Executive Director and the other permitting agencies of any changes to the development required by such permits. Such changes shall not be incorporated into any beach replenishment project until the applicant obtains a CCC amendment to this CDP (and other permitting agencies approvals/amendments); unless the CCC Executive Director, and other permitting agencies, determines that no amendment is required.

Public Safety

Due to the heavy equipment required on the beach during the Opportunistic Use Projects it will be necessary and required to have safety personnel such as lifeguards, flagmen and spotters on the beach during construction. A beach encroachment permit and a public safety plan will be required by the City before any equipment is allowed on the beach.

8.3. Copies of Approvals

Copies of approvals, including the Letter of Permission from the U.S. Army Corps of Engineers will be provided to all agencies once they are received. The project will not commence until approvals from all permitting agencies has been obtained.

8.4. Assumption of Risk, Waiver of Liability and Indemnity

The City of Encinitas acknowledges and agrees (i) that the site may be subject to hazards such as erosion and landslides; (ii) to assume the risks to the City and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Coastal Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.