

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

August 11, 2010

**F10a****ADDENDUM**

To: Commissioners and Interested Parties

From: John Ainsworth, Deputy Director
Gary Timm, Coastal Program Manager
Charles Posner, Staff Analyst

Re: **Coastal Development Permit Application 5-10-019 (Sea Trek), Catalina Island.**

I. Added Special Condition

Special Condition Six is added to the staff recommendation.

6. Wildlife Feeding and Collecting Prohibited

Sea Trek staff and participants shall not feed, harvest, collect, or otherwise disturb marine fish and wildlife in Descanso Bay.

II. Correspondence

The attached correspondence is added to the staff report as an exhibit.

Chuck Posner

From: Oley Olsen [oolsen@scico.com]
Sent: Tuesday, August 10, 2010 2:11 PM
To: Chuck Posner
Subject: Re: Sea Trek numbers

Hi:

Maximum number of guests per trip is 6 and 6 trips per day.

Oley

On Tue, Aug 10, 2010 at 1:59 PM, Chuck Posner <cposner@coastal.ca.gov> wrote:

Oley – Do you think you can clarify the project to indicate a maximum number of trekkers & number of treks per day?

Charles R. Posner
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802
(562) 590-5071
cposner@coastal.ca.gov

--
W. F. (Oley) Olsen
President
Two Harbors Enterprises
Post Office Box 5086
Avalon, CA 90704
310-510-4201
Fax 310-510-8690
Cell 310-413-0616
visittwoharbors.com

Agenda Number: F10a
Application Number: 5-10-019
Angie Bera
Opposed to the project

August 1, 2010

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Charles Posner
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

**CALIFORNIA
COASTAL COMMISSION**

Dear Mr. Posner,

This letter is in regard to permit number 5-10-019 for the underwater tourist attraction, Sea Trek, in Descanso Bay, Catalina Island. I have written in opposition to this project and CDP permit associated with this project when it first appeared on the May 2010 agenda. I continue to be opposed to this project for various reasons I explain below.

I would like to thank staff for their work and attention to this project over the last few months. I have had many conversations with staff about this project and its shortfalls to the Coastal Act and the current staff report has taken into account many of these concerns. The staff and applicant has tried to make this project feasible for this site and recreational area, but I continue to think it is a forced project in an area that is an inappropriate for such an invasive activity that is already saturated with many recreational activities. This includes activities such as Snuba, which is similar to Sea Trek, but requires no impact to the sea floor (Attachment 1). According to the attached article Snuba had been offered 8 months prior to the release of the article in Attachment 2. The applicant and staff report failed to mention this activity according to the staff report and attachments. Based on my questions and input, staff has worked with the applicant to try to make this project fall in line with what the Coastal Act represents. Unfortunately, during the process staff faced many challenges with this project which initially began with the fact that the applicant did not obtain the proper permits for the project and staff has had to continue to work with limited factual information from the applicant.

I initially want to address the attachments to the staff report, specifically the letters submitted in support of the project. Most of the letters have the common theme of getting this project on the July 2010 agenda. This was an obvious campaign to get the most letters to push progress on the project, not a real concern for the project and its impacts. A few letters did address real issues. They also state that only one letter was submitted in opposition to the project, **but that does not mean only one person is opposed to the project.** There are other residents and business owners in Avalon that are opposed to this project, but they are too scared to speak up. They have seen and read the backlash that has happened to me and unfortunately have more to lose if they speak up. Majority of the residents in this town either rent from, work for, or have family that works for the Santa Catalina Island Company (the applicant) or the City of Avalon (the

Mayor's business is the proposed operator of Sea Trek). These residents fear that they will lose anyone of these necessary amenities if they speak up against this project.

In addition I would like to address the statement in one of the letters stating that I did not oppose this project at the local level when it was heard at the Planning Commission. If you look at Attachment 3, you will see the public announcement in the local paper. It is very general and does not specify what will be heard. I assumed that since the applicant was finally working on the permit with the Commission, the local approval would have to wait. **The only thing that this made me realize is that the applicant planned and advertised this project prior to either Commission or local City approval.**

I understand that staff has put very strict special conditions on the suggested approval of this permit, but I will address my current concerns below.

Project and Project Description:

In the previous letter about this project I expressed my concern for the floating dock and anchor system. The applicant continues to state that there was an existing anchor/weight or weights in the area. A survey from a resident who is also an expert with our surrounding waters stated that this anchor/weight system is a new concrete weight added recently in the last few months. In addition the "existing" anchor/weight was designated by a gray floating buoy over the last few months. **The buoy was recently removed and the anchor/weight was moved to a different location closer to the existing kelp beds. If this "existing" anchor/weight was moved then I would stress to staff and the Commission to question whether or not this anchor/weight was existing.** There are pictures of the very new looking anchor/weight in Attachment 4. Also the anchor/weight is now located in rocky reef and kelp, not in sand, as you can see from the pictures.

In this staff report, the project area changed so that the underwater trail is much shorter and the floating dock is twice the size. Shortening the trail length may reduce impacts to the sea floor, but since May 2010, **the kelp bed in the area has expanded east towards the proposed site of the dock and underwater trail.** This is not uncommon in a natural environment and changing conditions. **So now will they shorten the trail some more or move it to another location just as they did the existing anchor/weight?**

The only other Sea Trek activities in the mainland United States are located at Sea World in Florida and in a water park in Texas (Attachment 5). Both are in parks and the Sea Trek activity takes place in very controlled environments. The underwater surroundings are manmade. My research on other Sea Treks around the world revealed that most take place in manmade controlled environments like sea parks. There are a few that take place in the open ocean, but all of those are in an isolated, calm areas where Sea Trek is the only activity. Again, Descanso Bay is very exposed to ocean elements and is hit by swells, surge, wind and weather throughout the summer and winter seasons. The pictures on the proposed operator's website show these other sea parks and controlled conditions, not the real conditions that customers will see in Descanso Bay.

As stated in the last letter, there are many recreational activities that take place in this small area of Descanso Bay. The site measurements submitted by the applicant are very different from measurements taken by a resident with historical knowledge of the site and also marine environment. See Attachment 6. I would urge the staff to review these

measurements in more detail and get a third party to verify the accuracy of the numbers. In addition the aerial images provided by the applicant are not to scale and what they fail to show are that the mooring balls (dots on the image) should be shown with a 40 to 45 foot boat attached to it since that is what you would see throughout the summer at this site.

Another major concern of mine and of staff's throughout this process has been transportation of customers to the floating dock. I appreciate that staff has put strict restrictions on the transportation of the customers and recognize the safety concerns of other recreational activities in the area.

Marine Resources-Water Quality

The two staff reports state that the intertidal and subtidal areas of Descanso Bay contain environmentally sensitive habitat areas, which shall be protected from the adverse impacts of development. The staff has increased the required monitoring in the area, yet I find this to be an arbitrary number considering the applicant does not provide the Commission with an accurate estimate of participants expected per year. **The staff report states that the applicant expects about 200 participants per week and about 1500 a year. Those numbers add up to over 2000 participants in the few summer months alone.** If the applicant was trying to keep their numbers low to show minimal impact to the sea floor and marine environment, then these number need to be redone since they do not match up. I expect that the staff would need to have a better idea of how many participants there will be and also have a maximum allowed per day, week or season. Every project that I have worked on that produces turbidity had a maximum level and if the levels were too high then the activity would have to cease until the levels dropped again.

The staff report shows that the underwater walking area for the project has been shortened. As stated earlier the anchor/weight for the float for the project has been moved and what concerns me is that this trail can be easily relocated, lengthened, etc., just like the "existing" anchor/weight, once the project is approved. **If you look at the other Sea Trek activities in various locations, they have set platforms to walk on, railing for participants to hold onto, and other safety features.** This project does not have any of those because of the location and limiting conditions. Is this the right location for a project like this? It seems as if the applicant really did not think this project through knowing that they would have to get approvals and permits for all these details and at the same time make it safe for participants.

Also, if a project like this gets approved then what kind of precedent does this set for other possible Sea Treks or similar activities on our coast?

Public Access and Recreation

The staff report states that they will require the applicant to post signs about public access to Descanso Beach and I am very happy that they will require this. I continue to have concerns about this project falling in line with what the Coastal Act states about "Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided." The applicant provided anecdotal information and some pictures of people and activities in Descanso Beach. The anecdotal information was from the only resident

of Descanso who is also an employee of the applicant and also from businesses in Descanso which all rent from the applicant. The pictures may show more or less people than the ones provided with my last letter, but these images will always be changing because number of people varies, and what they decide to do as an activity will vary day to day.

The applicant supplied the staff with measurements and area percentages, but again these numbers vary from measurements provided in Attachment 6. I would encourage a third party survey of the site conducted or supervised by the Commission.

In the last letter I mentioned all the activities that take place in Descanso Bay. Almost all of these activities are lower cost and all are lower impact than the Sea Trek activity. The one activity that I did not mention was Snuba. As mentioned earlier this activity is very similar to Sea Trek and caters to a similar type of participant and costs less as well. (Attachments 1 and 2).

I realize that the depressed economy and other factors are affecting our summer and year round numbers in Avalon and I understand the need for change and improvement to attract more visitors. Instead of proposing an invasive project to an already saturated area of Avalon, why doesn't the applicant focus on and spend money on the real reason our visitor counts are dramatically down? Our main beaches in Avalon consistently exceed water quality standards and we are rated the worst beaches in the State and nation. Extensive studies show that there is a sewage problem in our town and not enough is being done to improve the problem. We are an island destination known for our waters and focusing on the real problem and fixing it may start to improve our visitor numbers again. The applicant has the most to gain from isolating this proposed activity and others to Descanso Beach because they are the primary business owner and the landlord of that area. The rest of the town and many business owners lose out on any gains because the bad beach ratings continue to push the few visitors to the only other accessible beach in town, Descanso Beach.

If the applicant and City could get away with closing down Pebble Beach Road, a coastal access road, for over three years without the Coastal Commission knowing, who is to say they will not try to violate the strict permit requirements proposed in this staff report? I encourage the Commission take into account all these issues we face in Avalon when making a decision and also consider more periodic investigations of permitted and non permitted activities to keep the responsible parties in check and make sure they are following our State laws.

Thank you for your time,

Angie Bera
City of Avalon resident, business owner, boater, avid swimmer
Beachkeeper Program Director, Santa Monica Baykeeper (2001-2006)

Attachment 1

Taken from the proposed operators site:

Discover SNUBA Diving!

Discover SNUBA Shore Dive: \$69.00*

With absolutely no water experience necessary, this adventure is a perfect introduction to the vast underwater world. Already an experienced snorkler? **SNUBA serves as an ideal bridge from snorkeling to diving.** In this program you have the opportunity to breathe underwater without all of the heavy and cumbersome equipment needed in SCUBA diving.

Our **professional and friendly guides** will show you the immense underwater world up-close and personal. Snuba diving is in the oceans "life zone" found within the first 30 feet of water. This is where you will find more color, more fish, more kelp and certainly more entertainment.

After a 15-minute orientation, your Snuba Guide will accompany you on an underwater tour that is safe, easy and enjoyed at your own level of comfort.

Ages 8 and older are able to descend a maximum depth of 20 feet, while children 5 to 7 year olds are able to enjoy the view from the surface.

After the dive, enjoy the fun and relaxed atmosphere on Catalina Island. All of the necessary gear is included and the experience takes only 1.5 hours.

**Private fee of \$20.00 for parties fewer than two.*

<http://www.scubaluv.biz/guided-snuba-tours.html>

Guided Sea Trek Tours with Catalina Scuba Luv

Participants with little or even no swimming ability can have the opportunity to experience the thrill of underwater exploration. A guided Sea Trek tour is ideal for people on vacation who don't have a lot of time to invest in specialized underwater training.

What is Sea Trek?

Sea Trek is a guided underwater walking tour. Air is supplied to a helmet, worn by the Sea Trekker, via a compressor on the surface of the water. With only a 10 minute orientation and instruction, you can be on your way to creating memories that will last a lifetime. The Sea Trek tour itself will last approximately 25 minutes.

No equipment is required of you to participate. Catalina Scuba Luv has wet suits and booties for you to rent.

Catalina Scuba Luv will provide a thoroughly trained and certified Sea Trek Guide with you on every dive so that you will feel safe and comfortable throughout the entire experience.

<http://www.scubaluv.biz/guided-sea-trek-tours.html>

Attachment 3



PLANNING COMMISSION, CITY OF AVALON NOTICE OF PUBLIC HEARINGS Wednesday, September 30, 2009

NOTICE IS HEREBY GIVEN that the Avalon Planning Commission will hold PUBLIC HEARINGS to consider the following items at the regular September meeting to be held on **Wednesday, September 30, 2009, at 7:00 p.m.**, in the COUNCIL CHAMBERS AT 410 AVALON CANYON ROAD, AVALON CALIFORNIA:

1) A Public Hearing for an Application for a New Conditional Use Permit to allow the renting or leasing of a room or rooms with or without table board in a dwelling unit for periods of fewer than thirty (30) consecutive days duration (Transient Rental Sec. 9-6.603 AMC) at 121 Clarissa Avenue Upstairs/ Front Unit. (A determination as to this project's status under the California Environmental Quality Act will be made by the Commission).

Owner: Marty Heim
Applicant Hamilton Cove Real Estate
Location: 121 Clarissa Ave Upstairs/ front unit
APN: 7480-015-009
PC# Zone: High Density

2) A Public Hearing for an Application for a New Conditional Use Permit to allow the renting or leasing of a room or rooms with or without table board in a dwelling unit for periods of fewer than thirty (30) consecutive days duration (Transient Rental Sec. 9-6.603 AMC) at 316 Sumner Avenue top/ upper unit. (A determination as to this project's status under the California Environmental Quality Act will be made by the Commission).

Owner: Nela Fry
Applicant Same
Location: 316 Sumner Avenue Top/ Upper Unit
APN: 7480-033-043
PC#2395 Zone: High Density

3) A Public Hearing for a Site Plan application and Local Coastal Permit to renovate various aspects of Descanso Beach Club. (A determination as to this project's status under the California Environmental

Quality Act will be made by the Commission).

Owner: Santa Catalina Island Co.
Applicant Same
Location: 1 St. Catherine Way (Descanso Beach)
APN: 7480-001-001
PC#2399 Zone: Resort/ Recreational

4) A Public Hearing for a Conditional Use Permit, Local Coastal Permit, and Site Plan application to change a retail space into a Restaurant, Bar, Café at 423 Crescent Avenue (A determination as to this project's status under the California Environmental Quality Act will be made by the Commission).

Owner: Santa Catalina Island Co.
Applicant Same
Location: 423 Crescent Avenue
APN: 7480-016-001
PC#2398 Zone: Commercial

5. A Public Hearing for a Resolution recommending adoption of changes to the Municipal Code section 9-8.404 Basis for Approval or Denial of a Conditional Use Permit subsection (d) Additional Considerations for Transient Rental Use.

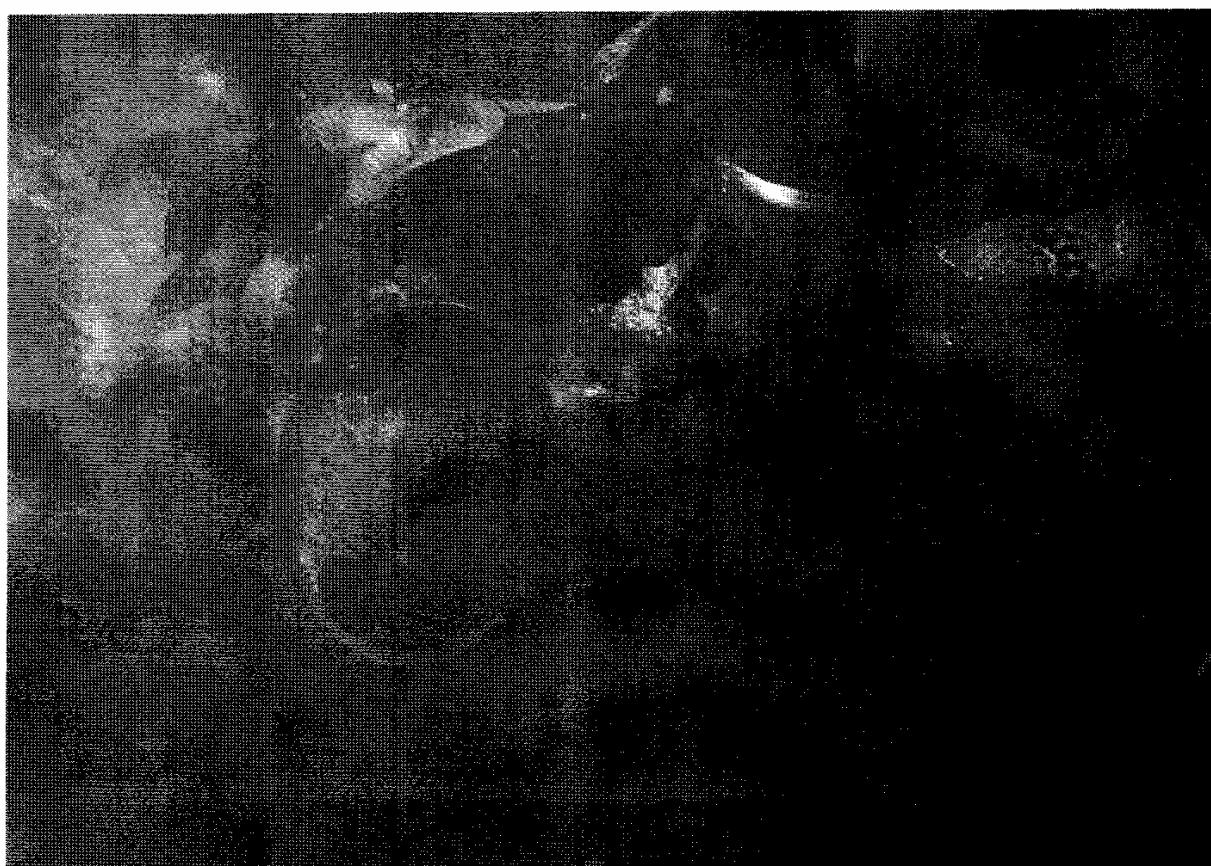
6. A Public Hearing for a Resolution recommending adoption of the changes to Municipal Code section 9-8.703 Nonconforming Structures.

7. A Public Hearing for a Resolution to change the Planning Commission meetings to the third Wednesday of every month effective the November meeting.

If you challenge the actions of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

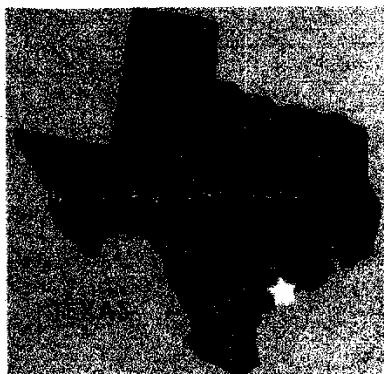
By Amanda Cook, Director of Planning
Published in the Catalina Islander Friday, September 18, 2009
Posted at City Hall Friday, September 18, 2009





Attachment 5

http://www.sea-trek.com/where_to.html



Schlitterbahn Beach Waterpark
South Padre Island, TX

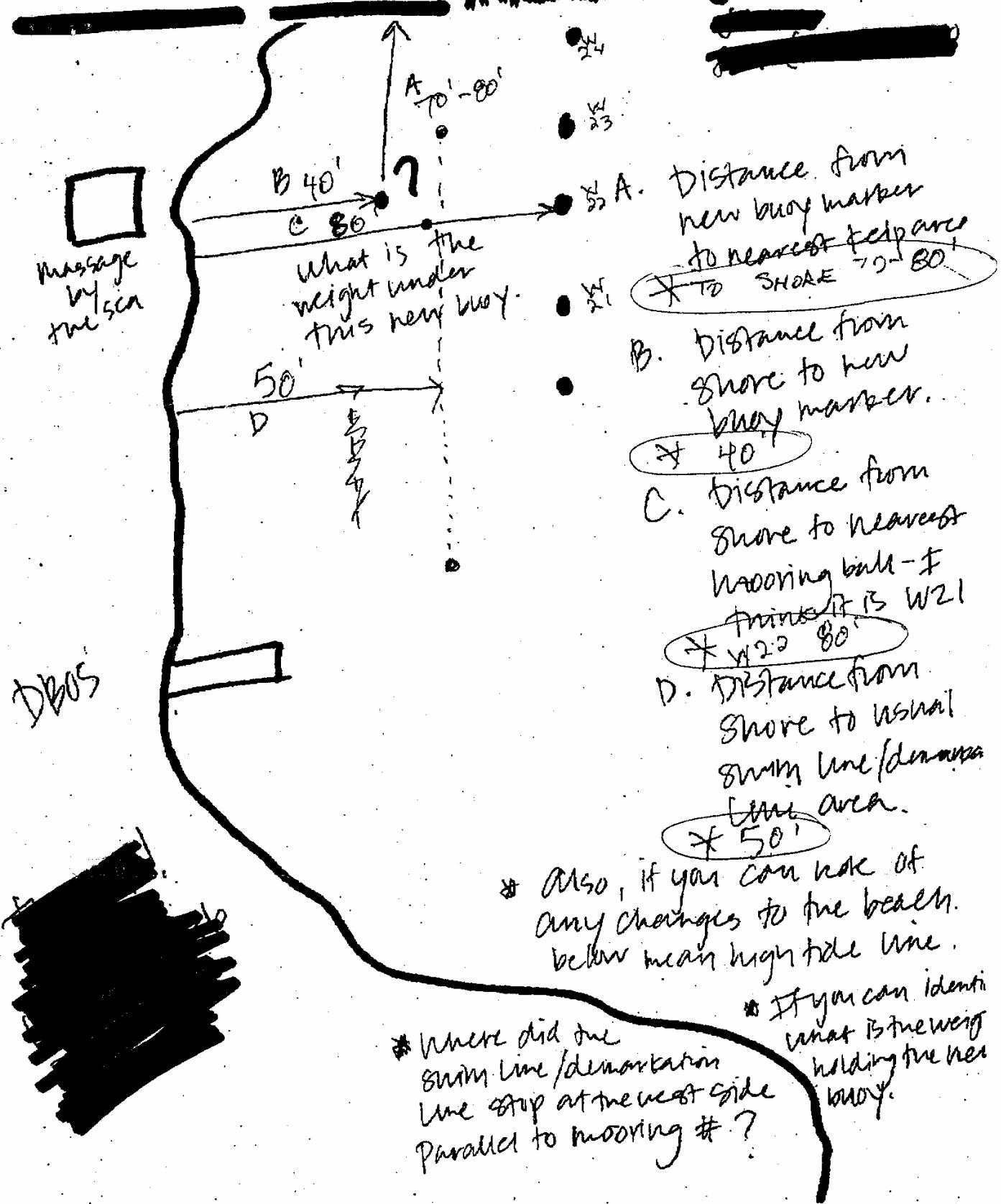
<http://www.schlitterbahn.com/seatrek/>
90 Park Road Hwy. 100
South Padre Island, TX 78597

1-956-761-3960 fax
1-956-772-SURF tel (recorded Info)
ext: 7873 (general info)



Orlando, Florida - SeaWorld at Orlando

<http://www.seaworld.com/orlando/>
E-mail Contact





Heal the Bay

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August 6, 2010

California Coastal Commission
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Submitted via FAX: (562) 590-5084

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South Coast Region

AUG 9 2010

**CALIFORNIA
COASTAL COMMISSION**

Re: Agenda item F10a; Application No. 5-10-19 (Santa Catalina Island Company, Avalon)

Dear Coastal Commissioners:

On behalf of Heal the Bay, a non-profit environmental organization with over 13,000 members dedicated to making Santa Monica Bay and southern California coastal waters and watersheds safe and healthy for people and local ecosystems, we have reviewed the staff report regarding the application of Santa Catalina Island Company (SCICo) to establish a commercial underwater tourist attraction (Sea Trek). We thank you for the opportunity to review and provide comments on Application No. 5-10-19.

As a non-profit organization dedicated to educating the public about our oceans, we are supportive of the environmental education efforts that SCICo plans to pursue, as long as they are done in an environmentally responsible manner. In addition, we are not opposed to new tourist activities in Avalon and understand the need for the community to boost their economy. However, one of our biggest concerns is that Avalon and the city's largest company, SCICo, is investing in new endeavors without following through with addressing their water quality problems first. Avalon Harbor regularly receives failing grades on Heal the Bay's Beach Report card, subjecting swimmers to public health risks associated with swimming in bacteria impaired beaches. The City of Avalon has been a recipient of Clean Beach Initiative funding to address its water quality issues, yet the problems persist. Although Descanso Beach has excellent water quality, we feel that it would be irresponsible to draw more people to the island without the Avalon community addressing their public health and beach water quality issues at Avalon Beach.

We applaud the Commission staff for compiling an updated report with more detailed and appropriate special conditions for the permit. Our overall concern is that the Sea Trek operation will create new and potential negative effects on nearshore kelp forests and rocky reefs in Descanso Bay. We support the special conditions the Commission staff has recommended if the permit is approved, especially the mandates to collect baseline ecological information, monitor and evaluate the impacts of Sea Trek for one summer season before issuing a longer permit to the SCICo, and monitoring impacts three times during the summer season (not just the beginning and end). However, we strongly recommend that



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someone from the Commission perform periodic and unscheduled evaluations of SCICo's Sea Trek operations to witness whether the conditions in the permit are being met, before approving future time extensions or amendments. Our specific comments on the report are discussed below.

Section III: Special Conditions, Part 1 Permit Time Limit

Heal the Bay supports the limited 15 month permit period, as it will provide an opportunity to evaluate any environmental impacts associated with the project. This pilot period is critical since this would be the first Sea Trek operation in a temperate ecosystem. We further advise the Commission to follow through with the staff recommendation that a permit extension only be approved if SCICo has been in "strict compliance" with the terms of the permit and special conditions, without "deviation from the proposal."¹

We encourage the Commission to perform periodic unplanned compliance monitoring during the first summer season of Sea Trek, especially to observe whether tour groups are indeed staying five meters away from kelp forests and reef, as is specified in the Best Management Practices from the Descanso Beach Sea Trek Walking Tour Marine Resources Evaluation.² We have come across photos of SCICo's Sea Trek proposed operations in Avalon³, and it appears that Sea Trekkers are extremely close to the kelp forest, and kicking up sediment. Thus, we feel that this is an area where the applicant may easily fall out of compliance, as they have already demonstrated behavior that goes against qualified marine biologists' recommendations even before the permit is approved.

We also recommend the that the project come before the full Commission for any permit time extensions or future amendments, instead of simply allowing the Executive Director to approve any time limit extensions, as is currently recommended in the staff report. Before a long term project moves forward, it is critical that the general public have the opportunity to review and provide comments regarding the monitoring reports and short-term project assessment. The general public should also be able to provide the staff and information regarding their experience with the pilot project before a long-term project is approved.

Section III: Special Conditions, Part 2 Monitoring of the Marine Habitat

We fully support the creation of a detailed monitoring plan prior to issuance of a coastal permit, and encourage the Commission to make the report public. Under Section III, Special Conditions 2A in the Commission report, we suggest monitoring along the seafloor where the tourists walk AND within at

¹ Coastal Commission Staff Report filed July 21, 2010 on Application 5-10-019, available at:
<http://documents.coastal.ca.gov/reports/2010/8/F10a-8-2010.pdf>

² Descanso Beach Sea Trek Walking Tour Marine Resources Evaluation. October 2009. Exhibit 6 of Commission Staff Report 5-10-019. <http://documents.coastal.ca.gov/reports/2010/8/F10a-8-2010.pdf>

³ Photo of Sea Trekker in Avalon closer than five meters to a kelp forest and rocky reef.
<http://seatrekworldwide.wordpress.com/2009/07/07/sea-trek-at-catalina-island/>



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least one meter of the trail, just as other temperate reef monitoring protocols prescribe, such as Reef Check California.⁴ Monitoring just along the path would not give an indication of the full potential impacts of the activity. For the Executive Director to approve the detailed monitoring plan, SCICo should demonstrate their plans to not only monitor direct effects on the benthic marine community along the trail, but also the potential effects on marine life in the vicinity of the trail.

We support the stipulation to monitor three times a season – before, during, and after the high season (summer); and, under Section III, Special Conditions 2B, we support the condition that SCICo perform a baseline conditions survey on the area where the path will be *before* Sea trek is initiated. Under Section III, Special Conditions 2C, we recommend mitigation based on one season's monitoring results. If mitigation is needed due to a negative impact on the marine environment, we recommend a 3:1 mitigation ratio. Under Section III, Special Conditions 2D, we support annual evaluations of “whether the project’s approved activities have caused any ecological changes to the project site over time” and if those activities have “resulted in adverse impacts to the project site’s marine biology.”¹ However, once the monitoring results have been completed, we encourage the Commission to make the results public and for any future permit extensions and amendments to be reviewed by the Commission staff and approved by the Commission – not just the Executive Director.

Section III: Special Conditions, Part 5 Marine Resources

We recommend more detailed limitations on Sea Trekkers staying away from the reefs and kelp beds in the permit conditions, as is stated in the “Suggested Best Management Practices” where it limits the tourists to “five meters away from reef and kelp bed habitat, including isolated patch reef habitat.”² Additionally, SCICo’s guiding along the path should be periodically checked for compliance with Best Management Practices. As for language in the permit, the definition of “cobble” should be described if tourists will only be walking on “sand and cobble.”¹

Additional Special Condition Needed: Prohibit Feeding of Marine Life

We strongly urge the Commission to add an additional special condition to the permit that prohibits SCICo from feeding marine fish and wildlife. This prohibition must apply to Sea Trek participants, Sea Trek staff, and anyone affiliated with Sea Trek operations. Feeding marine life can cause negative ecosystem impacts. Through behavioral conditioning, fed animals learn to associate people with a meal and will anticipate the hand-feeding experience and depend on handouts. Hand-feeding marine fish results in a variety of negative impacts. A fish conditioned to feed on hand-outs from people may actually stop normal foraging patterns and become malnourished, stressed, and can even die.⁵ In

⁴ Reef Check California Monitoring Protocol:
http://www.reefcheck.org/PDFs/Final%202009%20RC%20CA%20Protocol_3.23.09.pdf

⁵ Roberts, Dan. Fish and Wildlife Research Institute. *Marine Fish Feeding: Why the FWC Thinks It's Bad for Everyone*. Florida Fish and Wildlife Conservation Commission. Published in Florida Fishing Weekly, Nov. 26, 2006



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addition to nutritional consequences, hand-fed fish are especially vulnerable to predators. In carnivorous fish, sensations associated with feeding can override other associations, including predator avoidance and protection. Competition for the handout interferes with natural instincts and behaviors, which are essential for survival and cohabitation with other species. Hand-feeding creates other ecological disturbances such as changing community structure. Introducing a ration of food to a fish, even a ration of semi-natural food, is significant.⁵ By affecting the natural feeding behaviors, fish feeding can destabilize a number of ecological relationships including species abundance. For all these reasons, we recommend that the Commission include a special condition that prohibits SCICo from feeding fish.

Additional Special Condition Needed: Limit Number of Sea Trekkers per Day

In order to prevent an unsustainable amount of heavy foot traffic on the soft-bottom benthic community in Descanso Bay, Heal the Bay recommends that the Commission require a condition that SCICo limit the amount of Sea Trek tourists that walk on the sea floor each day. This could emulate how many hiking and backpacking trails in California's terrestrial ecosystems and parks limit the amount of trail users, by permitting only a certain number, to tread on nature trails each day.

Other Project Comments

According to the report, there are "existing weights" that the new float can anchor to, and that the float will be partially open and free to the public to use. With that in mind, how will safety on the float/dock work? Will there be a lifeguard on the dock to ensure that the public stays safe, or that children don't hit their heads by jumping off the dock or conflict with Sea Trek operations? We recommend that a detailed safety plan be developed – not just for the actual Sea Trek activity, but on how SCICo plans to keep the public safe on the dock, and in the midst of their air lines.

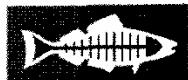
We cannot stress enough how important checking on SCICo's compliance to the permit conditions is needed, especially due to the City of Avalon's less than exemplary record of adhering to the Clean Water Act and the Porter-Cologne Act and water quality standards. Avalon Beach continues its reign as the most polluted beach in California.⁶ Of the five monitoring locations at this beach, none received better than a D grade during the AB 411 time period (April-October) in 2009. The massive sewer infrastructure replacement project that is very needed in Avalon is nowhere on the horizon. Researchers from Stanford University, University of California Irvine, University of Southern California, and the Southern California Coastal Water Research Project (SCCWRP) have all found human sewage leaking through the sand at Avalon Beach. Instead of overhauling their entire decaying sewage infrastructure to

http://research.myfwc.com/education/view_article.asp?id=30427

⁶ Heal the Bay's 20th Annual Beach Report Card, 2009-2010 May 26, 2010

http://www.healthebay.org/assets/pdfdocs/brc/annual/2010/HtB_BRC_Annual_2010_Report.pdf

Heal the Bay's 20th Annual Beach Report Card® provides water quality information to the millions of people who swim, surf, or dive in California coastal waters. Essential reading for ocean users, the report card grades over 450 locations for summer dry weather (over 320 locations year-round) on an A-to-F scale based on the risk of adverse health effects to beachgoers. The grades are based on fecal bacteria pollution levels in the surfzone.



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improve water quality, the City of Avalon is promoting and spending money on new tourism activities with plans to attract more visitors to the area.

We understand the City of Avalon and SCICo's efforts to improve visitor serving activities on Catalina Island, and support efforts that involve environmental education, when done responsibly. We encourage the City to continue to address these other environmental issues prior to moving forward with projects that may draw additional visitors to the area, thereby exposing them to risks associated with bacteria impaired waters.

We appreciate the opportunity to comment on this application. Please contact us if you have any questions regarding our comments or recommendations.

Sincerely,

Dana Roeber Murray, MESM
Staff Scientist

Sarah Abramson Sikich, MESM
Coastal Resources Director

RECEIVED
South Coast Region

AUG 10 2010

To the California Costal Commission,
Mr. Gary Timm
District Manager

CALIFORNIA
COASTAL COMMISSION

I am writing this letter because of a project that has been started on Catalina Island and has been stalled. Today July 30, 2010 I found out about this project where a company Sea Trek, an underwater attraction to be located at Descanso Beach has been put on hold. While I do not normally get involved in these matters I find this project worthwhile and of my concern. Any project that can get the general public intimately involved with our coastline is of great importance. While other people have such great concerns of protecting the environment and no one should be able to immerse themselves on to their hallowed ground this way of thinking will ultimately cause much more damage. Right now access to the areas under water is only available to very few of the most elite people in this state. People like me that are Joe average will never be able to afford to take diving lessons and get the equipment and a boat and see what is so valuable to California that lies just off the beach. It is a shame that this project be stalled by such narrow minded peoples that can't stand to have anything happen in their back yard. Last I heard the coast of our great state is for everyone to enjoy and hopefully respect. Projects like this program while a commercial venture still brings value to the general public. Face it; the only people that are going to do this sort of tour are going to be young and enthusiastic about the ocean and our coast. And if you think about where these people will go in the future they will be the ones pushing the hardest to help protect our coastline in the future to come. While I am 52 years of age and live and born in California I have been to Catalina as part of a cruise to Mexico on a partial day tour and other than that I wish I had the where withal to enjoy such a wonderful place just a few miles off of our coast. The people that live there are so lucky to enjoy everyday what some of us average Joes have to save several years just to hopefully go there some day. All I am asking is that the California Costal Commission does the job that they are chartered with and opening our public coastline to all the people in this state and not for it to be reserved to just the lucky few that have had good fortune fall upon them. This project has such minimal scope and the whole trip is only as far as someone can walk off a beach in a semi protected harbor. It's not like its people all over the island shores. I believe the benefits out weigh any possible harm that can come from such limited access. Please review the situation going on with this project and do the right thing for the people of this Great State of California.

I am not affiliated with any people, business or local residents involved with this project just a concerned Californian wanting something I believe a good thing to go forward.

Thank You for your time,
Sincerely,



Steve Bazinet
11922 Killian Street
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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
(562) 590-5071

Filed: 4/13/2010
49th Day: 6/1/2010
180th Day: 10/10/2010
Staff: Charles Posner - LB
Staff Report: 7/21/2010
Hearing Date: August 13, 2010
Commission Action:

**F10a****STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-10-019**APPLICANT:** Santa Catalina Island Company**AGENT:** Oley Olsen**PROJECT LOCATION:** Descanso Bay, City of Avalon, Santa Catalina Island, County of Los Angeles.**PROJECT DESCRIPTION:** Establish a commercial underwater tourist attraction (Sea Trek) that utilizes a 10'x 20' floating dock seaward of the mean high tide line at Descanso Bay. The Sea Trek underwater tourist attraction will provide a guide service to lead small groups of customers (with air hoses for breathing) on underwater walks on the seafloor to observe marine life.**LOCAL APPROVAL:** City of Avalon Local Coastal Development Permit, Case No. PC-2388, 9/30/2009.**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Avalon certified Local Coastal Program (LCP), May 21, 1981.
2. Marine Biological Survey Report and Project Impact Assessment for the Descanso Beach Sea Trek Underwater Walking Tour, Santa Catalina Island, California, by Coastal Resources Management, Inc., 10/7/2009.

SUMMARY OF STAFF RECOMMENDATION

A coastal development permit is required from the Commission because the proposed project involves a change of intensity of water use within the Commission's area of original jurisdiction. Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to the protection of public access and the marine resources of Descanso Bay. The recommended conditions require the permittee to monitor the impacts of the underwater walking tours on the marine habitat, and to obtain a new Commission approval after fifteen months of monitoring. Special conditions also prohibit interference with public access in the project area and require compliance with the requirements of the resource agencies. **See Page Two for the motion necessary to carry out the staff recommendation.**

STAFF NOTE:

Pursuant to Section 30519 of the Coastal Act, development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. The proposed project is situated on submerged lands within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development in its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The City of Avalon certified LCP is advisory in nature and may provide guidance. The proposed project does not conflict with the City of Avalon certified LCP.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-10-019 per the staff recommendation."*

The staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions

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 Act. 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

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 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.

III. Special Conditions

1. Permit Time Limit – Fifteen Months

The Commission's approval for the Sea Trek underwater tourist attraction shall expire fifteen (15) months after the date of the Commission's approval, unless the Commission approves a permit amendment to extend the time limit. If the permittee submits a permit amendment request before expiration of the time limit, the Executive Director may authorize the program to continue as authorized by this coastal development permit until the Commission can act on the future amendment request. If the Commission does not approve a permit amendment granting an extension of this time limit, the Sea Trek underwater tourist attraction shall be discontinued. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the proposal as approved by the Commission must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Monitoring of the Marine Habitat

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service as appropriate, a final detailed monitoring program designed by a qualified marine biologist for monitoring of the project site. The monitoring program shall at a minimum include the following:

- A. Provisions for monitoring the intertidal and subtidal areas where the underwater guided tourists walk along the seafloor, including quantitative surveys of the physical characteristics and benthos biology along permanent transects every half meter. The surveys shall be conducted at least three times per year, once during May, once during July, and once during September.
- B. Provisions for assessing the initial biological and ecological status of the project site prior to the initiation of the approved underwater tourist attraction, in

accordance with the final detailed monitoring program. The assessment shall include an analysis of the attributes that will be monitored pursuant to the program.

- C. Provisions for monitoring of the project site in accordance with the approved final mitigation program for the life of the project.
- D. Provisions for submission of annual reports of monitoring results prepared by a qualified marine biologist to the Executive Director, beginning November 1st of the first year after submission of the initial biological and ecological assessment. Each annual report shall include copies of all previous reports as appendices, and shall also include an “Evaluation” section where information and results from the monitoring program are used to evaluate any changes to the project site over time. The annual report shall evaluate whether the project’s approved activities have caused any ecological changes to the project site over time and whether those changes have resulted in adverse impacts to the project site’s marine biology.

3. Public Access and Recreation

The development shall not interfere with public access along the shoreline in the project area. The exclusive use of any water area for Sea Trek Tours is not permitted. The proposed project shall not interfere with existing boat mooring areas, and no moorings shall be altered or relocated to make room for Sea Trek activities. No motorized vessels or dinghies shall be used to transport people or equipment to the approved swimming float. The approved swimming float shall be available for use by the general public. The permittee shall post and maintain signs at the pedestrian entrance to Descanso Bay Beach that clearly state: “No fee payment is necessary to access the public tidelands below the mean high tide line.”

4. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, California State Lands Commission, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

5. Marine Resources

The existing weights shall remain in their existing locations, and no additional anchors or weights are permitted to secure the swimming float. The tourists shall stay within the approved ninety-foot long pre-designated path and shall avoid kelp beds and the reef.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the establishment of a commercial tourist attraction (Sea Trek) seaward of the mean high tide line in Descanso Bay. Sea Trek operators propose to provide a guide service to lead small groups of customers with air hoses on short underwater walks on the seafloor to observe marine life. The underwater walking tour would be along a ninety-foot long pre-designated trail situated in waters about fifteen feet deep, about 120 feet from the shoreline (Exhibit #4).

After paying their guide fees, each group of four-to-six tourists will be given eighty-pound underwater helmets and a safety and environmental briefing, and then transported to a swimming float (by swimming or by another non-motorized method) that will be anchored about 120 feet from the rocky beach in Descanso Bay. The applicant states that the three anchor weights for the new 10'x 20' swimming float are already in place; in the same location where a similar swimming float had been anchored several years ago (Exhibit #4). The proposed 10'x 20' Sea Trek float includes two swim ladders and will provide a mid-way support for the land-based air hose that will provide air to the underwater tourists wearing the special helmets (Exhibit #5). A submerged half-inch diameter air hose will connect the air supply from the air pump on land to the air hose connection on the swimming float.

Once on the swimming float, the tour group will use a ladder to climb down from the dock and onto the seafloor. With the land-based air hoses providing more than the necessary amount of air to their weighted helmets, the tourists will walk along the pre-designated trail which is limited to the parts of the seafloor comprised of only sand and cobble, but near the rocky reefs. The ninety-foot long underwater trail is a loop that extends only forty feet north of the proposed swimming float (Exhibit #4). Attached to the swimming float by air hose will be a modified 34-inch diameter inner tube supporting the tourist's individual air hoses. The inner tube will float above the group as it walks along the short underwater trail. A certified Sea Trek guide and a safety diver will accompany every group. Each underwater walking tour will last about thirty minutes. The applicant expects to guide up to two hundred visitors per week at Sea Trek during the summer, and about 1200-1500 visitors annually.

The Marine Biological Survey Report prepared for the proposal concludes that the footsteps of the tourists and guides will result in localized turbidity and minor habitat disruption to marine plants, invertebrates and fish, but these impacts will be minor and less-than-significant [Marine Biological Survey Report and Project Impact Assessment for the Descanso Beach Sea Trek Underwater Walking Tour, Santa Catalina Island, California, by Coastal Resources Management, Inc., 10/7/2009]. The applicant has agreed to avoid kelp beds and reefs by keeping the tours on a pre-designated trail which is limited to the parts of the seafloor comprised of only sand and cobble. Although no long term impacts to marine resources are anticipated, the applicant has proposed to retain a marine biologist to conduct surveys to assess the impacts of the proposed underwater guided walking tours. The California Department of Fish and Game has reviewed the Sea Trek proposal and has no objections as long as the best management practices (BMPs) and monitoring provisions listed in the

Biological Survey Report are implemented as part of the project (Exhibit #7). The suggested BMPs are attached as Exhibit #6.

Except for the installation of the proposed swimming float that will be attached to *three existing weights* on the sea floor, the proposed project includes no physical development seaward of the high tide line. The applicant has obtained approval for the landside improvements associated with Sea Trek (e.g., ticket booth, air pump, restrooms, cabanas, retail space, patio and walkways) from the City of Avalon pursuant to Local Coastal Development Permit No. PC-2399. Local Coastal Development Permit No. PC-2399 became final and effective on November 30, 2009 when the Commission's ten-day appeal period ended. There was no appeal of the local coastal development permit that approved the landside improvements. A new pier planned for the project area will be the subject of a separate permit application.

B. Marine Resources – Water Quality

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located in the coastal waters of Descanso Bay at Catalina Island (See Exhibits). The standard of review development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation and marine resources. Section 30240 of the Coastal Act requires that the proposed project shall be sited and designed to prevent impacts which would significantly degrade environmentally sensitive habitat areas. The intertidal and subtidal areas of Descanso Bay contain environmentally sensitive habitat areas, which shall be protected from the adverse impacts of development. The permit is conditioned to protect these marine resources.

Section 30230 of the Coastal Act states:

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 of the Coastal Act states:

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, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

Bottom disturbance that will occur as groups of tourists and guides walk along the seafloor will increase in water turbidity and result in temporary habitat disruptions. According to the Marine Biological Survey Report, these impacts are not expected to be significant. The applicant has agreed to avoid kelp beds and reefs by keeping the walking tours on a ninety-foot long pre-designated trail which is limited to the parts of the seafloor comprised of only sand and cobble. The applicant has also proposed to retain a marine biologist to conduct surveys to assess the impacts of the proposed underwater guided walking tours. The Marine Biological Survey Report's suggested BMPs are attached as Exhibit #6. The installation of the proposed swimming float will not result in any bottom disturbance because the float will be secured to three existing weights on the seafloor. No additional anchors or weights are permitted.

Special Condition Two requires the applicant to prepare a detailed monitoring program to monitor the marine habitat where Sea Trek tours occur in order to determine whether the underwater walking tours adversely affect the marine biology at the project site. **Special Condition One** limits the term of the permit to fifteen months (until November 2011) so the Commission will be able to analyze the results of the monitoring plan before deciding whether to extend the proposal for another term. **Special Condition Four** requires the permittee to comply with all permit requirements and mitigation measures of the California Department of Fish and Game (including implementation of recommended BMPs), California State Lands Commission, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Only as conditioned will the proposed project ensure that marine resources and water quality be protected as required by Sections 30230, 30231 and 30240 of the Coastal Act.

C. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is conditioned to conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

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 30213 of the Coastal Act states:

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

Section 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

The primary coastal access issue raised by the proposed project is the potential for conflict between the guided tour groups and the recreational activities that have historically occurred at the site. The public currently has access to the shoreline at Descanso Bay, although visitors walking onto Descanso Bay Beach may be asked by the applicant to pay a fee for being on the applicant's private property that exists above the high tide line. The waters of Descanso Bay are popular with boaters, swimmers, snorkelers, divers and kayakers.

People objecting to the Sea Trek proposal assert that the guided tour groups and the proposed Sea Trek swimming float (with attached air hoses) will displace or interfere with the existing recreational activities, even though the applicant states that the tours do not need to have exclusive use of any area. The proposed swimming float and the underwater walking trail are located on the northern side of the bay, about 120 feet offshore on the outer edge of the swimming area that is designated by buoys (Exhibit #4). The mooring area for recreational boats is located about two hundred feet offshore, so no boat mooring areas will be affected by the proposed project. The SCUBA Diving Park is located on the southern side of Descanso Bay at Casino Point, and SCUBA diving is not allowed in the designated swimming area (Exhibit #9, p.5). Therefore, the proposed project will not interfere with diving. The kayak rental launching area is about three hundred feet south of the project site, so the proposed project will not interfere with the launching of the rented kayaks.

The main concern is that the proposed project may interfere with swimming and snorkeling, the two main activities that occur within the designated swimming area. In order to address this concern, the applicant has pointed out that the proposed project will need to share only 3,000 square feet (7%) of the 42,000 square foot designated swimming area (Exhibit #10). The applicant has also provided photographic evidence that shows that the northern end of the swimming area, where the swimming float is proposed, is the least congested part of the swimming area. In addition, the applicant is proposing to allow the general public to access and use half of the swimming float (without fee), even during the Sea Trek tours. The applicant asserts that swimmers, snorkelers, and Sea Trek tourists can all be in the project area at the same time without any conflict, and that the Sea Trek tours will only be happening intermittently anyway.

Another concern about public access is that a fee has been required to access parts of the applicant's private property near the water's edge. When staff asked whether the project area was less congested than the southern end of the bay because there has been an attendant on the walkway requiring payment for access, the applicant offered to post new signs that clearly state that no fee payment is necessary to walk along the public tidelands below the mean high tide line. Posting of such signs, as proposed, is consistent with Section 30210 of the Coastal Act.

In conclusion, the proposed project will provide unique access to the underwater environment and will provide public recreational opportunities at Catalina Island. The proposed project will not adversely affect the Casino Point SCUBA diving area or recreational boating opportunities. The potential for conflict with existing swimming and snorkeling activities is adequately addressed by **Special Condition Three** which prohibits the applicant and the development from having any exclusive use on the area or interfering with public access along the shoreline or in the project area. In addition, since the term of the coastal development permit is limited to fifteen months, the Commission will be able to judge the proposed project's impacts on public access and recreation after Sea Trek has been in operation for at least one summer season. Only as conditioned can the proposed project be found consistent with the public access and recreation policies of the Coastal Act.

D. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, 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. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act. A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Avalon certified LCP is advisory in nature and may provide guidance.

The Commission certified the City of Avalon LCP on May 21, 1981. The City of Avalon certified Land Use Plan (LUP) designates the project area as a Resort Recreational District. The certified LCP states that the Resort Recreational District is established "for the purpose of stimulating and allowing a variety of uses associated with the resort character of Avalon." The principal use of the Resort Recreational District is that of resort hotel uses and associated activities. The proposed project, which supports public recreation, is consistent with the Resort Recreational land use designation.

The City of Avalon certified LCP sets forth the following relevant policies:

Access Policy 2: Any development which takes place in Descanso Canyon shall assure that the beach and accessway from Casino Way be made available for public use.

Access Policy 6: At Descanso and Hamilton Coves, the public walkway shall be extended from Casino Point in a feasible location.

Recreation Policy 1: Descanso Beach and Hamilton Cove shall provide visitor-serving facilities.

Recreation Policy 3: Development on City Tidelands shall be restricted to visitor-serving or recreational uses.

Recreation Policy 4: Public facilities shall be constantly upgraded and maintained.

Recreation Policy 6: Casino Point shall be designated as a public park, and for swimming and scuba diving.

Marine Resource Policy 1: Identify and control existing sources of runoff into the harbor and surrounding coves.

Marine Resource Policy 2: Require new developments adjacent to the water to use the best mitigation measure available for controlling runoff.

ESHA Policy 3: Existing air and water quality in Avalon shall be a primary concern in any new development or potentially impacting activity.

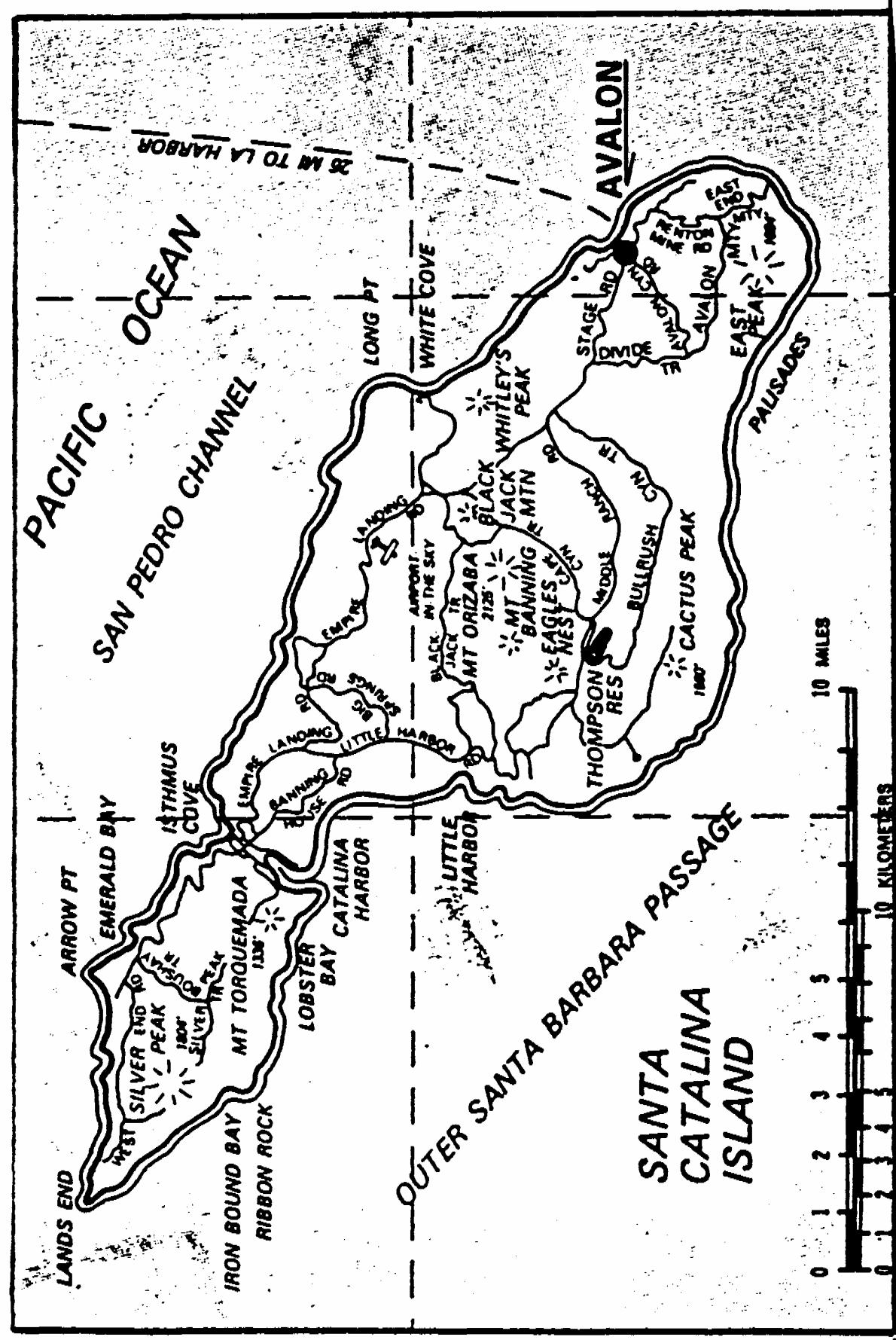
Hazard Policy 3: Locate new developments to avoid hazards.

New Development Policy 5: Give priority to affordable housing and visitor-serving facilities if infrastructure limitations become restrictive.

Visual Resource Policy 3: Continue to preserve the scale and charm of existing development through the adoption of design criteria and height and bulk restrictions.

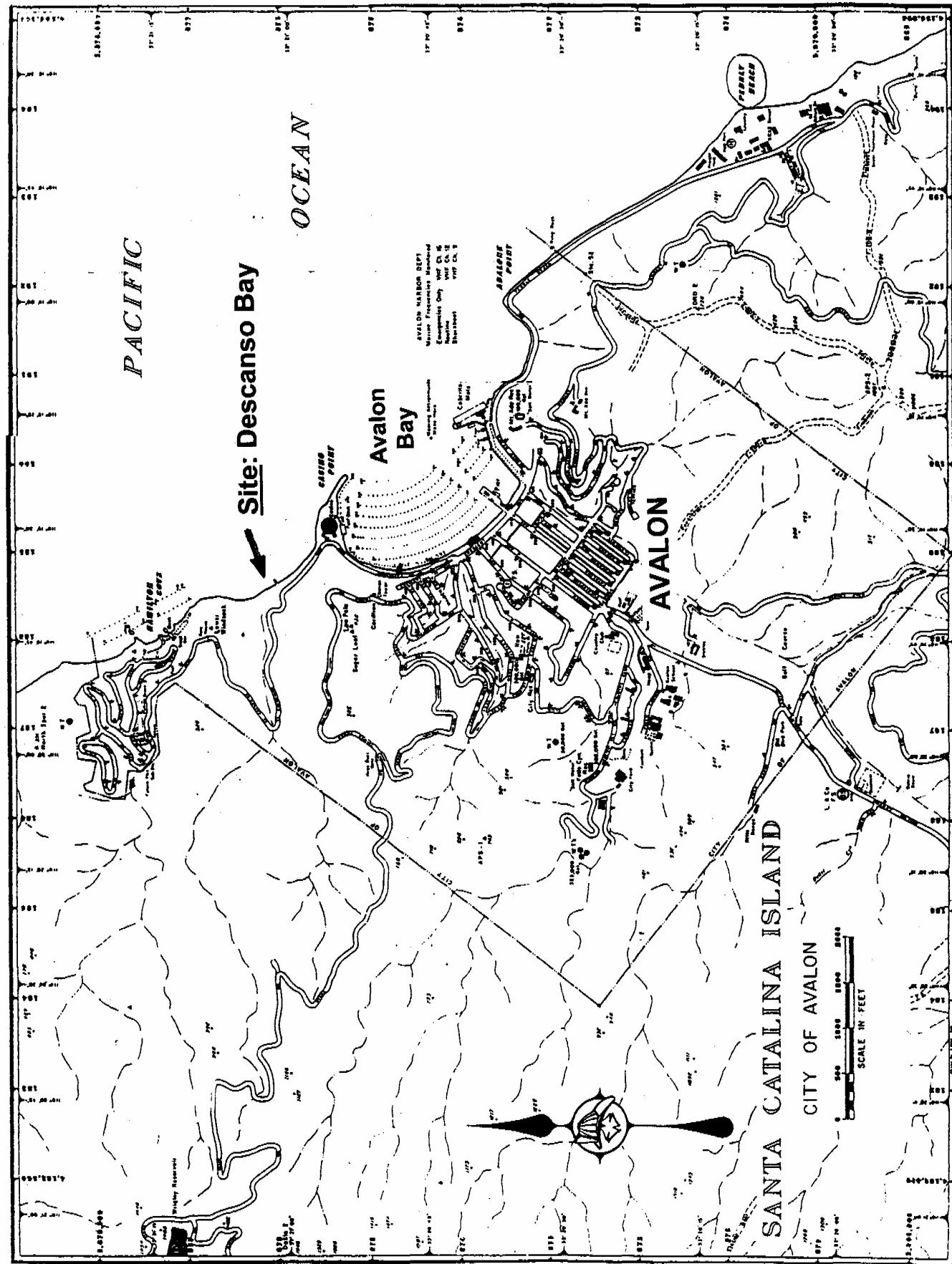
Visual Resource Policy 4: Allow no development along the shoreline which in any way restricts the view of the water from the adjacent pedestrian walk.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and the certified LCP for the area.



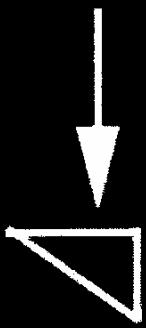
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EXHIBIT # 1
PAGE 1 OF 1



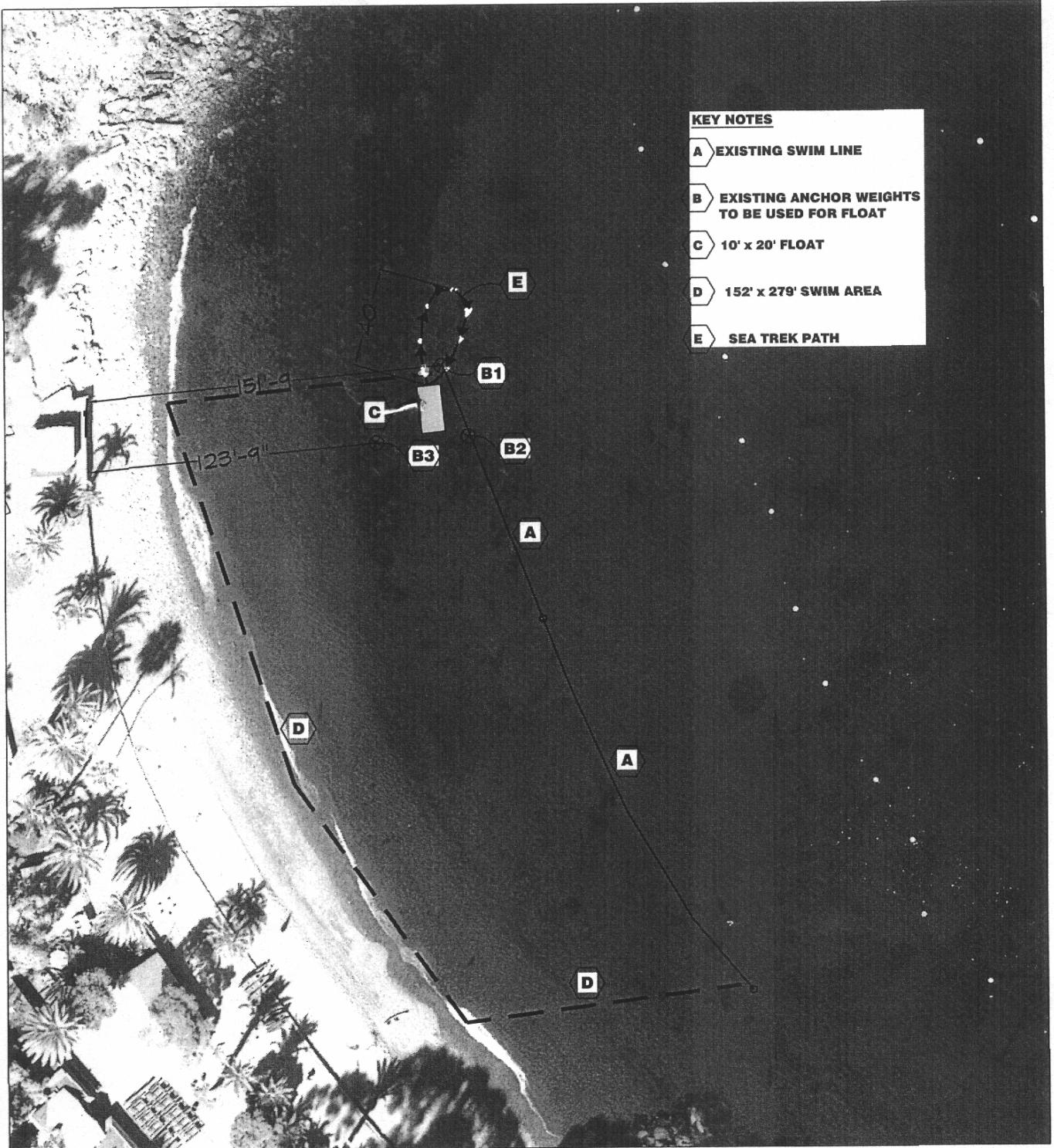
Descanso Beach

Sea Trek Project Site



↓ Descanso Beach

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5-10-019
EXHIBIT # 3
PAGE 1 OF 1



SeaTrek SITE PLAN 5-10-019

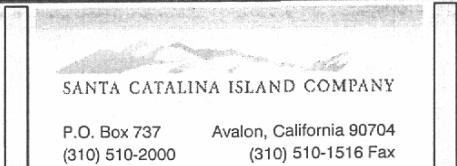
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PAGE 1 OF 1

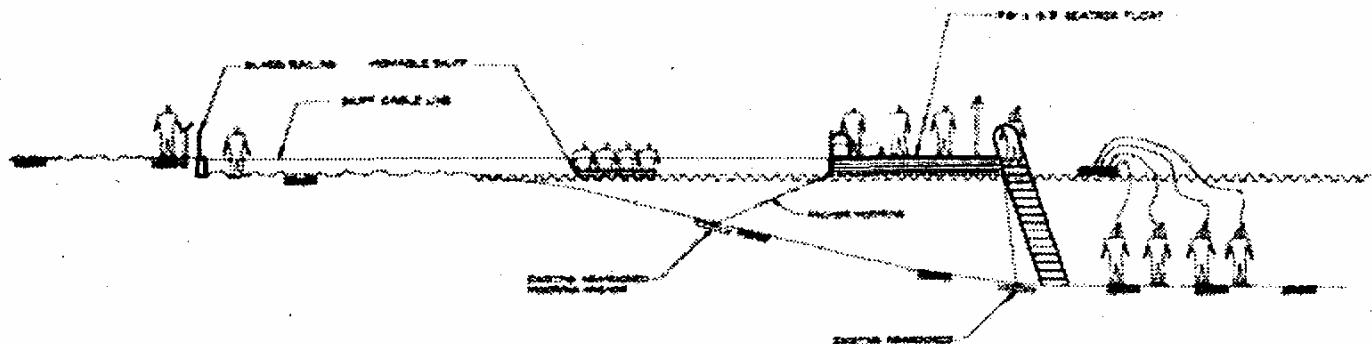


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Of 1 Sheets

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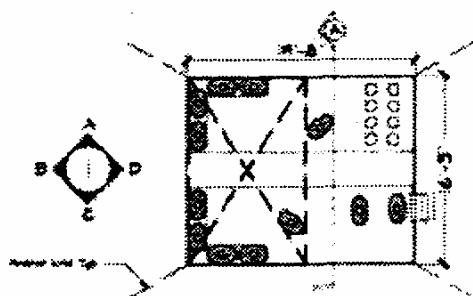
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RECREATION ACTIVITY
1 ST. CATHERINE WAY
DESCANSO BEACH
AVALON, CA 90704



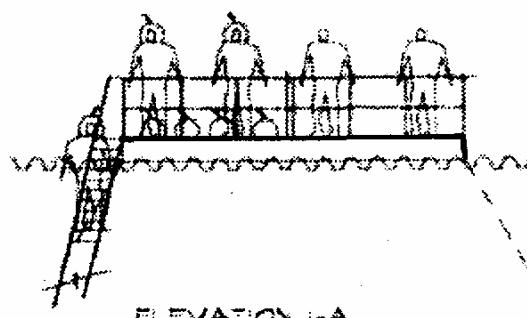


FLOAT CONCEPT

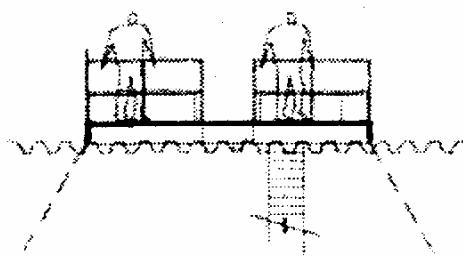
Sea Trek



COAT CAB See page two



ELEVATION -A



ELEVATION -B

Floating Dock Plan

COASTAL COMMISSION
5-10-019

EXHIBIT # 5
PAGE 1 OF 2

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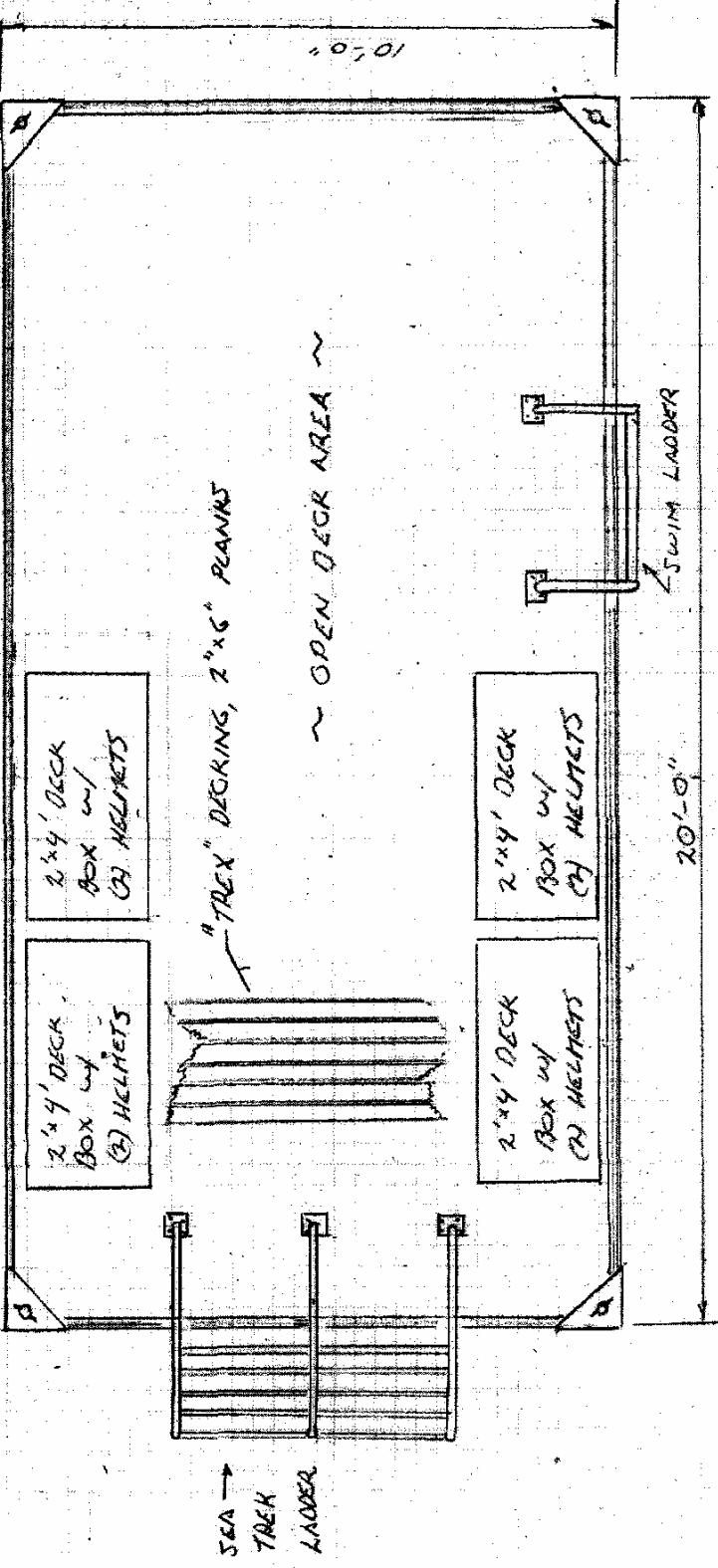
South Coast Region

(4) CORNER BRACKETS
OF BITS FOR MOORING
FLOAT

JUN 16 2010

CALIFORNIA
COASTAL COMMISSION

CART → UNION



COASTAL COMMISSION
5-10-019
EXHIBIT # 5
PAGE 2 OF 2

10'x20' SEA TREK FLOAT
Santa Catalina Island Co.
June 14, 2010,
38° 1' 0"

5.0 SUGGESTED BEST MANAGEMENT PRACTICES

- Adhere to local and/or State of California Regional Water Quality Control Board Section 401(b) requirements that provide not-to-exceed water quality limits for turbidity and conform to County of Los Angeles Stormwater Runoff Guidelines.
- Implement Best Management Practices to contain and minimize the spread of any construction-related turbidity plume resulting from the project, including, but not limited to using silt curtains when repositioning mooring anchors if necessary.
- Prohibit the discard of construction and trash debris into the intertidal zone or the nearshore waters during construction or Sea Trek operations
- Maintain all construction-related equipment and fuel pier operation equipment in good working order to minimize the potential for hazardous waste spills. Maintain current hazardous material spill prevention and cleanup plans on site.
- Implement a single-file, underwater walking plan to limit aerial damage to soft bottom subtidal habitat
- Use small floats attached to earth anchors that are positioned one meter above the seafloor around the perimeter of the walking pathway to reduce the areal impact of any sea-trekking operations on soft-bottom habitat
- Avoid reefs and patch reef outcrops. Pre-set, designated underwater walking route should be accompanied by a buffer zone around reef habitat, that will keep underwater walkers five meters away from reef and kelp bed habitat, including isolated patch reef habitat over sandy/silt habitat.
- To minimize entanglements of air supply hoses with kelp, , air supply hose lines should be kept away from any kelp canopy. If required for the safety of the Sea Trekkers, cutting a portion of the surface canopy or stipes is recommended. Whole kelp plants should not be torn away or removed.
- Implement a plan to remove the invasive *Sargassum filicinum* from the reefs within the Sea Trek project area during the operation of Sea Trek operations to enhance species diversity with the assistance of the Catalina Conservancy and the Department of Fish and Game. Actively control the population of this invasive species.
- Provide educational materials to customers prior to their underwater excursion to promote the protection of the underwater natural resources of the project site and Catalina Island.

COASTAL COMMISSION

Coastal Resources Management, Inc.

EXHIBIT # 6
PAGE 1 OF 1

DFG

From: Loni Adams [LAdams@dfg.ca.gov]
Sent: Monday, December 21, 2009 3:23 PM
To: Jared Ficker
Subject: 2009 Project Proposal: Sea Trek Experience at Descanso Bay

Dear Mr. Ficker:

I am responding to your request to review and respond to the marine biological survey report and project impact assessment dated October 7, 2009 for the California Sea Trek project proposal. The Department of Fish and Game (Department) has reviewed your report document. The Department has no objections to this project as long as the suggested best management practices and monitoring listed in section 5 and 6 of the report are implemented as part of the final project.

Sincerely,

Loni Adams
Environmental Scientist
Department of Fish and Game
Marine Region
4949 Viewridge Ave.
San Diego, CA 92123

Office: 858-627-3985
Cell: 858-750-8803
Fax: 858-467-4299

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Version: 8.5.430 / Virus Database: 270.14.106/2563 - Release Date: 12/15/09 19:58:00

COASTAL COMMISSION
5-10-019

EXHIBIT # 7
PAGE 1 OF 1

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South Coast Region

MAY 12 2010

CALIFORNIA
COASTAL COMMISSION

Agenda Number:
Application Number: 5-10-019
Angie Bera
Opposed to the project

May 2, 2010

California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Dear Commissioner,

This letter is in regard to permit number 5-10-019 for the underwater tourist attraction, Sea Trek, in Descanso Bay, Catalina Island. I am a resident and business owner in the City of Avalon. I am writing this letter in opposition to the proposed project and I am opposed to approval of the CDP permit associated with the project.

I have many concerns and issues with this project and also feel that the Commission needs to be very aware of the way the Santa Catalina Island Company (SCIco) and the City of Avalon (City) have approached this project. In addition, I am very disappointed in the staff report and direction that the staff has given the Commission.

The Commission staff became aware of this project in July 2009, when I contacted them after seeing bulldozers and construction activity occurring near the mean high tide line on the west end of Descanso Beach. When I contacted staff, they said that they were not aware of any permit applications for Descanso Beach. I sent pictures (see Attachment 1) to staff of the occurring activities and soon after staff contacted SCIco and the City about the activities. SCIco and the City told staff that nothing was occurring below the mean high tide line, but soon after ceased all construction activities. It is very obvious that SCIco was planning on doing what they described in this application in July 2009 without applying for a permit. They went ahead and advertised it in major papers and said the activity would be open by August 2009 (see Attachment 2). This was a blatant disregard for the Coastal Act and state laws. I am not aware of what the Commission or the staff did after that to reprimand SCIco or the City, except for a simple slap on the wrist. In addition, the City has the unique jurisdiction over permitting anything above the mean high tide line in Avalon and when I contacted the City planning department they were not aware of any of these activities either and were asked by SCIco to issue a permit after bulldozing and construction had already begun.

Fast forward a year later and now SCIco has finally put in an application for a permit. The staff has put special conditions on the suggested approval of this permit, but the Commission and staff have overlooked many issues. I will address my concerns according to how the report was written.

Project and Project Description:

COASTAL COMMISSION
5-10-019
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PAGE 1 OF 10

This section describes the location and details of the underwater activity and floating dock. The description of the location of the underwater trail puts this activity right in the middle of the heavily used swimming area and also close to the back line of boat moorings on the west end of Descanso Bay. During the summer months there is consistent traffic of swimmers, kayakers, paddlers, snorkelers, and also boat and dinghy traffic-all existing recreational uses. The description states that anchors already exist for the floating dock and that a dock has existed there in prior years. In the five seasons I have lived in Avalon there has never been a floating dock there, just a swim line with buoys attached to keep the swim area protected from the heavy boat traffic and for jet skis and dinghies to tie up to temporarily. The last time a floating dock may have existing in the area is approximately in 1975, according to long time residents of Avalon. If there was an anchor for the floating dock that long ago, I am pretty sure that anchor no longer exists 35 years later. From my time spent swimming in Descanso Bay, I am not aware of any existing anchors. If these anchors are put into the water for the floating dock and permanent, don't they need the proper permits from the Commission? Also the project proposes that the persons will descend down a ladder from the floating dock. Is this ladder secured to the sea floor or free floating near the sea floor? Either way the ladder will need to be fastened to the sea floor which requires disturbance and a possible permit or it will hover just above the sea floor causing constant turbidity in the area. When my boat was moored at mooring ball W24 (located at the western most area of Descanso Bay), I can tell you that this location is very exposed to ocean elements and is hit by swells, surge, wind and weather throughout the summer season. Any activity that is permanent or semi permanent on top of the waterline or below the waterline will cause major disturbances to the area. A survey conducted during a small time frame or just investigating the area in a day or two will not indicate this and more baseline information and data should have been collected before the staff approved such a impactful activity to a sensitive habitat area.

Marine Resources-Water Quality

The staff report states that "Section 30240 of the Coastal Act requires that the proposed project shall be sited and designed to prevent impacts which would significantly degrade environmentally sensitive habitat areas. The intertidal and subtidal areas of Descanso Bay contain environmentally sensitive habitat areas, which shall be protected from the adverse impacts of development. The permit is conditioned to protect these marine resources." This activity is slated to take place near the only accessible kelp bed area in Descanso Bay or as the long time residents and visitors state "**THE snorkel area in Descanso.**" As stated in the staff report, it is known that there will be bottom disturbances to the nearby kelp beds and sensitive habitat. Yet the monitoring requirements of the permit are that the applicant only needs to perform this monitoring two times a year-once in the beginning of the summer season and then at the end of the summer season. This area has never had so many persons walking along the sea floor and almost all the existing activities that occur here are on top of the water. Scuba divers and free divers use this area to conduct classes or recreate, but as a diver you are taught to minimize your disturbance to the bottom of the sea floor and the marine habitat around you. Sea Trek proposes the complete opposite. They propose approximately 1200-1500 persons to trek on the sea floor near the highly recreated kelp bed/marine habitat area in a short summer season. The marine survey conducted states that "walk along the seafloor will increase water turbidity and result in temporary habitat disruptions" and "according to the marine biological survey report, these are not expected to be significant." Is it

enough to just expect that a new activity will not harm the marine environment and then only require two independent monitoring time points? Over 1000 people are estimated to walk along the sea floor in a relatively small area (260 feet) and the staff approves the project on just an expectation that the impacts should not be significant?

Public Access and Recreation

This section of the staff report states that one of the basic goals of the Coastal Act is to maximize public access and recreation along the coast. The Sea Trek activity will interfere with existing recreation that can be enjoyed by a larger portion of the population as explained in detail below.

The report states that there is a requirement to promote maximum access to the coastal area. I have never seen a public access sign at Descanso Beach, but the neighboring cove, Hamilton Cove, has a sign clearly displayed. The entire area of Descanso Beach is currently under redevelopment and I would encourage the Commission to ensure that it is clear that there is public access to the beach. Also the public safety needs are not addressed at Descanso Beach because there has never been a lifeguard on duty at the beach since I have lived in Avalon.

In addition the Coastal Act states that "Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided." The staff did not take into account the existing low cost recreational activities that currently take place at Descanso Beach. These activities include swimming, snorkeling, kayaking, paddle boarding, scuba and free diving, boating, etc. Most of these activities can be enjoyed by a very large portion of the population without any specialized equipment and training. The reason I bring this up is that the Sea Trek activity will occupy a large area of the nearby kelp bed and highly recreated portion of Descanso Beach. The diagrams and maps provided in the staff report show the bay empty, which is not the case in the summer. In the summer months, every mooring is occupied and the congestion in the west portion of the bay is amazing. I was lucky enough to have my sailboat on mooring W24 (western most mooring) for two summer seasons and I can tell you first had how busy it got near the kelp area. There are approximately 300-400 kayakers on a busy day in the summer and they are encouraged to hug the coast line, so many of them kayak between the swim line and the boat on W24. We were constantly hit by kayaks because of the congestion caused by all the activities taking place near the kelp bed. It is the only large kelp bed in the bay and "The Snorkel Area." The numbers of people that enjoy the current low cost and low impact activities is obvious from pictures in Attachment 3. Sea Trek and all the equipment required for the activity (floating dock, dinghy running from shore, ladder, underwater trail) will interfere with every activity that currently takes place in the area. The space between any boat on mooring W24 and the shore is very short and if anyone from the Commission staff came out to see the area, they would have seen the same. The snorkelers and swimmers will be forced to go closer to the boats and boat traffic to get to the kelp bed and kayakers will be forced to go between the two mooring lines of boats and into boat traffic. I encourage staff to come out during a summer weekend and see what takes place in the bay and not just make a decision on a poorly laid out diagram that does not put the whole picture into perspective. I understand that due to budget cuts it is hard to find the monies to have staff travel, but it is important to see the proposed areas first hand when it comes to adverse impacts to recreational activities and the marine environment.

In addition, the staff and Commission need to take into account the entire picture of coastal access in the City of Avalon and the surrounding beaches. In the heart of the city there are three small beaches to recreate on and provide access to the water. In 8 of the last 10 years these beaches have ranked one of the top three beach bummers based on the Heal the Bay's Beach Report Card. The beaches consistently have warning/advisory signs posted due to bacteria exceedances and many people have opted to walk the distance to Descanso Beach to swim in the water. Also, in September 2006, the eastern most road in Avalon, Pebble Beach Road, was suddenly closed off to the public (only vehicles with doors and roofs can access it now). This stretch of road and beach was highly used by walkers, bikers, and also there are small beaches to swim from. They closed the road for safety issues. There was no man made change to the hillside or road, yet all of the sudden there was a safety issue. In August 2009, I contacted Commission staff about the road closure and asked them to look into it a bit more. The staff recently (March 2010) sent the City of Avalon a notification of violation of the Coastal Act for the road closure. According to the letter, the City never obtained the proper permit to close the road. The Commission staff did not know that this road had been closed to most of the public for three years. This closure also forces more people to recreate on other beaches. There are many limitations for water recreation that currently exist in Avalon (bacteria in the water, unpermitted road closures) and now the Sea Trek activity will be one more interference to the many people who recreate at Descanso Beach or who have been forced to use that beach because of problems on the other few accessible beaches in town.

Approval of this activity will go against everything stated in the Coastal Act and will also interfere with existing low cost/low impact activities that take place in Descanso Beach/Bay. It is important that we look at the long term bigger picture of the entire community and existing recreation, instead of an immediate fix to strengthen business in the short term.

Thank you for your time,



Angie Bera
City of Avalon resident, business owner, boater, avid swimmer
Beachkeeper Program Director, Santa Monica Baykeeper (2001-2006)

COASTAL COMMISSION

EXHIBIT # 8
PAGE 4 OF 10



**Attachment 1: July 2009 start of construction on the west end of
Descanso Beach.**

COASTAL COMMISSION

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Attachment 2.

ARCADIA WEEKLY

Escape to Catalina Island Published: Tuesday, July 28th, 2009

Catalina is not just an island paradise; it's a very close island paradise, which makes it a perfect day or weekend getaway. In fact, at only 24 miles across the sea from Long Beach, the place can be reached by boat in one hour. So with the summer sun beating down on the mainland, I recently escaped to the island for the weekend.

My getaway began in downtown Long Beach, where I purchased a roundtrip ticket with Catalina Express. I then boarded a sleek, catamaran-styled vessel for the hour journey across the Catalina Channel. Featuring comfortable indoor and outdoor seating, lots of big windows and a full bar and snack shop, the boat makes for a fun trip. Highlights of the crossing include views of the legendary Queen Mary, the giant, white geodesic Carnival Cruise ship dome (former home to Howard Hughes' "Spruce Goose"), and schools of playful dolphins that usually follow the boat into Catalina Harbor.

When the boat reached Avalon, the captain anchored beside hundreds of colorful boats and yachts. From here I walked to my room at the Pavilion Lodge. Located steps from the beach, the Pavilion Lodge combines mid-century style with modern luxury. My room featured cheerful marine colors, a small fridge, a tub and shower and free high-speed internet. The room opened to a beautiful garden courtyard, where each morning the hotel offers a free continental breakfast overlooking the ocean. After unpacking I walked five minutes to the island's historic Casino for the new "Behind the Scenes Casino Tour." This attraction takes guests back to a time when hundreds of people would sail to the island each week to see and hear big bands with the likes of Benny Goodman, Stan Kenton, Woody Herman, Gene Autry and other greats play on one of the biggest wooden dance floors the world had yet seen.

After the tour I walked around the circular casino building, encountering a myriad of scuba divers, taking advantage of one of the country's best dive sights. I then found a small outdoor café serving fish and chips on the wooden pier. While dining I enjoyed a warm summer breeze and watched yachts sway in the harbor and people play on the beach.

I concluded the evening with a beer and a little karaoke at The Galleon restaurant and bar. In the morning I enjoyed breakfast on the Pavilion lawn and then lounged on the sand with my toes in the water.

Besides the casino tour, the island has recently launched The Catalina Seatrek Eco Tour, which puts visitors in diving suits with big helmets and walks them underwater, down a ramp, into a kelp forest (www.Sea-Trek.com). 3

For more information on visiting Catalina Island, staying at the Pavilion Lodge, or taking an island tour, visit: www.visitcatalinaisland.com. Catalina Express offers up to 30 round trip daily departures from Long Beach, San Pedro and Dana Point to the cities of Avalon and Two Harbors. Adult fares are \$32.50 each way. For more info and schedule, visit www.catalinaexpress.com. **By Greg Aragon** COASTAL COMMISSION

Attachment L:

Backstage at Catalina Island's Avalon Casino

A new tour celebrating the venue's 80th anniversary takes visitors backstage to where big band players and Hollywood stars partied.

By Rosemary McClure, Reporting from Santa Catalina Island
09:54 AM PDT, June 19, 2009

The guide had promised us a special tour.

But here we were, wandering along a dark hallway in a creaking old building. All the action seemed to be outside: tourists strolling palm-lined streets, sandcastle sculptors creating fanciful characters, high-flying sea gulls cawing and wheeling against a bright blue sky.

We suddenly emerged on a stage, and floodlights snapped on, an organ began to play and the special tour became a first-class pass to the past. A half-century dissolved and we were big-band-era performers, with thousands of adoring fans waiting to hear us play.

Tour prices

The **Behind the Scenes tour** is at 12:30 p.m. daily; adults, \$27.50; seniors, \$24.50, and children, \$20.50. Another tour of the building, the Casino Walking Tour, has been available for several years, but it visits only parts of the casino that are open to the public. It is at 2 p.m. daily and costs \$17.50 for adults, \$13.25 for seniors and \$15.75 for children.

The applause was deafening.

Well -- not really. We had to imagine the applause. But the new tour, Behind the Scenes at the Avalon Casino, helped us make the leap from reality to make-believe. The hourlong walking tour, set up in honor of the landmark's 80th birthday, celebrates a golden era in the island's history.

The circular white casino building, opened in 1929, is Avalon's most recognizable sight. It towers over the yachts riding at anchor on Avalon Bay, dwarfs the village's other structures and has become the scenic focal point for hundreds of thousands of snapshots.

At one time, the casino was the heart and soul of Santa Catalina Island. The nation's most famous performers appeared here: Benny Goodman, Stan Kenton, Woody Herman, Gene Autry (who brought his horse).

COASTAL COMMISSION

EXHIBIT # 8
PAGE 7 OF 10

Attachment 'L:

Catalina was Hollywood's home away from home, and casino gigs were highly sought after. The concerts were broadcast across the country on radio, enhancing the venue's popularity. Thousands of concertgoers paid \$2.25 each to take the Great White Steamer from San Pedro on the mainland to Avalon. Then they danced to big band music, thanking their lucky stars that the concerts themselves were often free, thanks to the building's founding father, chewing gum mogul William Wrigley Jr.

The new casino tour brings all these elements alive with a peek behind closed doors. The tour snakes along backstage hallways, detours inside dressing rooms, a projection room and private rooms where the rich and famous partied and drank. And yes, although it was Prohibition and alcohol was banned, "a lot of musicians walked in here with leaking suitcases," said our guide, Joe Caliva. "Everybody had a flask."

Caliva, originator of the new tour, dredged up antique signs, a treasure-trove of old black-and-white photos of performers, some vintage costumes and other décor from storage vaults within the casino to redecorate areas of the building that had fallen into disuse and disrepair. Among the finds: an original poster with the words to one of Catalina's signature tunes, "I found my love in Avalon beside the bay. I left my love in Avalon and sailed away." The lyricist was said to be Al Jolson.

The casino, 12 stories tall and ringed by balconies that overlook the bay, was believed to have the biggest dance floor in the world when it was built. It was called a masterpiece of Art Deco design that "receives patrons at its doors from seaplanes, yachts and motorcars," according to a 1929 article in the Catalina Islander newspaper.

Caliva said the tour was designed to bring the experience alive for visitors. And walking out on the stages in the theater and ballroom is a splendid chance to briefly play rock star.

Two other new tours are being launched this summer in Avalon.

{ The Catalina Seatrek Eco Tour will take visitors into the bay to view underwater gardens and a wrecked vessel that lies just off the beach. The 90-minute tour "is for people from 8 to 80," Caliva said. "You don't need to be a scuba diver; you just wear a helmet like something out of a Jules Verne book." }

Participants receive shore-side instruction, don a wet suit and a diving helmet, and walk into the bay. The tour is available in several tropical locations in the world, but Catalina Island will be the first venue in colder waters. Seatrek tours are to begin next month; tickets are \$89 per person.

Also available on the island is a new GPS Walking Tour. Participants receive a GPS and instructional audio that explains various sights and landmarks on the island. It is available for \$19.

COASTAL COMMISSION

EXHIBIT # 8
PAGE 8 OF 10

Attachment 9:



View from
east part of
beach:
Summer
crowds at
Descanso
beach -
swimmers/
shoeketers/
kayakers
all existing
and heavily
used
recreational
areas.



is the
proposed site

View from
Descanso Beach:

Moonrises in
Descanso Bay
full of boats
all summer long.

Note: Short size
of swim area

as it currently
exists, also where
kayakers paddle

through and location
of Seatre + proposed
site.

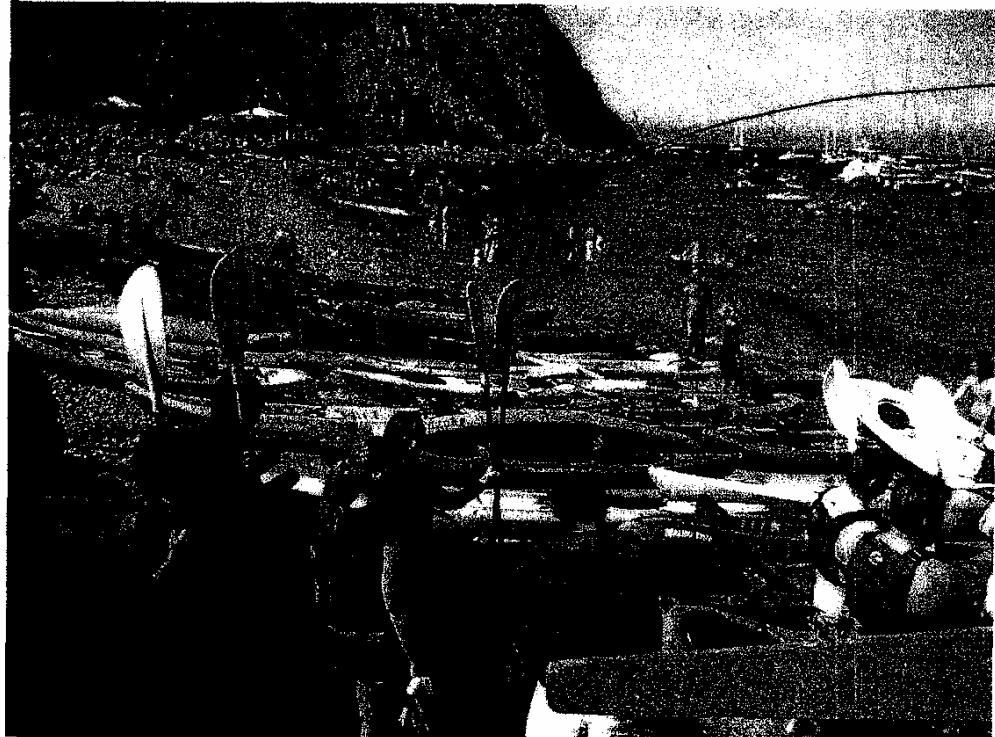
COASTAL COMMISSION

EXHIBIT # 8
PAGE 9 OF 10

Attachment 1.



View of
number of
boats in
Deetanco Bay
and short
distance from
moving one
to vehicle.



proposed site
for sea turtle
and the
many current
operations
taking place
at Deetanco
Black Bay

COASTAL COMMISSION

EXHIBIT # 8
PAGE 10 OF 10



SANTA CATALINA ISLAND COMPANY

May 11, 2010

Mr. Jack Ainsworth
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach CA 90802-4302

cc: All Commissioners via email or hand delivery

Re: Agenda Number Application 5-10-019

Dear Mr. Ainsworth,

The Santa Catalina Island Company just received the letter, dated May 2, 2010, from Ms. Angie Bera regarding the Sea Trek project at Santa Catalina Island. We have worked closely with the Commission staff, qualified marine biologists, and the Department of Fish and Game to develop a unique low-cost visitor serving marine activity for Catalina Island visitors. We are pleased that the Commission staff has recommended approval for the project and scheduled the item for the Commission's consent agenda on May 12, 2010. The staff recommendation includes important monitoring provisions to ensure protection of coastal resources. We believe strongly in protecting the unique coastal resources of Catalina Island. The Sea Trek activity provides an alternative marine experience that is carefully regulated and monitored with interpretation to educate visitors about the marine environment. Other common marine activities are not currently permitted by the California Coastal Commission such as SCUBA diving and courses, Resort SCUBA diving experiences and snorkeling and can have impacts to coastal resources since they are not controlled in any way.

We wanted to respond to several of the points of concern by Ms. Bera. The issues raised by Ms. Bera are inaccurate and clarified as follows:

- The Santa Catalina Island Company did not start this project in July 2009 without permits. The "construction activity" that Ms. Bera observed was the installation of underground electrical and air lines. The City of Avalon issued all the necessary permits before the work was started.

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MAY 10 2010

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COASTAL COMMISSION
5-10-019
EXHIBIT # 9
PAGE 1 OF 5

- The anchor system for the Sea Trek float has been in place in Descanso Bay for years and no additional anchors will need to be installed. Please see attached e-mail from Brian Bray, Avalon Harbor Master.
- The ladder that the guests will use to enter and exit the water will be adjustable so as to not rest on the ocean floor. The bottom of the ladder will be adjusted as to the tides and are to be 6" to 12" off of the sea floor.
- The tour will only walk on the sandy bottom and not enter the kelp forest. The tour will have a guide and a safety diver.
- The 1200 to 1500 users are not compressed into the three months of summer but spread over the entire year as Sea Trek will be offered year-round to the visitors of Catalina Island. In the winter wet suits will be provided to the guests.
- The kayakers are instructed by Descanso Beach Ocean Sports to leave the beach on the east end of the cove, paddle straight out to the swim line and turn west once they have passed the swim line. As Sea Trek will take place well inside the swim line there will be no conflict with the kayakers. Please see attached letter from the kayak operators.
- Several additional issues, unrelated to this permit, are also raised by Ms. Bera that the City of Avalon and the Santa Catalina Island Company are working with the Commission staff on, namely limitation on access of a Pebble Beach road for public safety reasons. The issues raised here, again, are inaccurate.

I will be attending the meeting on Wednesday, May 12, 2010, if you or any Commissioners have any questions I can address them at that time. The Santa Catalina Island Company has a long history of providing quality visitor experiences on the island. We are confident that Sea Trek provides a new activity that will be an extraordinary experience for people interested in learning more about the marine environment.

Sincerely,

/s/ W.F. Olsen, III
Santa Catalina Island Company

COASTAL COMMISSION

EXHIBIT # 9
PAGE 2 OF 5



Gina Long <glong@scico.com>

Fwd: Sea Trec

Oley Olsen <ooksen@scico.com>
To: Gina Long <GLong@scico.com>

Tue, May 11, 2010 at 2:11 PM

WF Olsen
Sent from my Droid

----- Forwarded message -----
From: "Brian Bray" <brianbray@cityofavalon.com>
Date: May 11, 2010 9:56 AM
Subject: Sea Trec
To: "Oley Olsen" <WFolsen@scico.com>

Oley,
This email confirms there are existing weights in Descanso Bay for the new Sea Trec tour to secure to.
Sincerely,
Brian Bray
City of Avalon Harbor Master

COASTAL COMMISSION

EXHIBIT # 9
PAGE 3 OF 5

**DESCANSO BEACH
OCEAN SPORTS, Inc**

**Catalina Island Kayak
Expeditions**



Serving Catalina Island since 1994

Snorkeling & Kayaking
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PO Box 386, Avalon, CA 90704
(310) 510-1226 • Fax 510-3577
Group sales ph. 310-510-1588

www.KayakCatalinaIsland.com



May 10, 2010

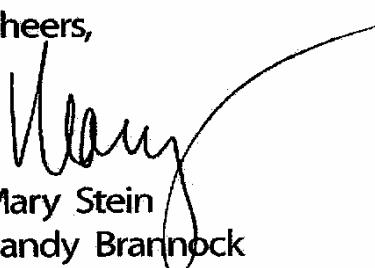
Oley Olson
Santa Catalina Island Co.

Hi Oley,

I received the fax showing the proposed Sea Trek float.

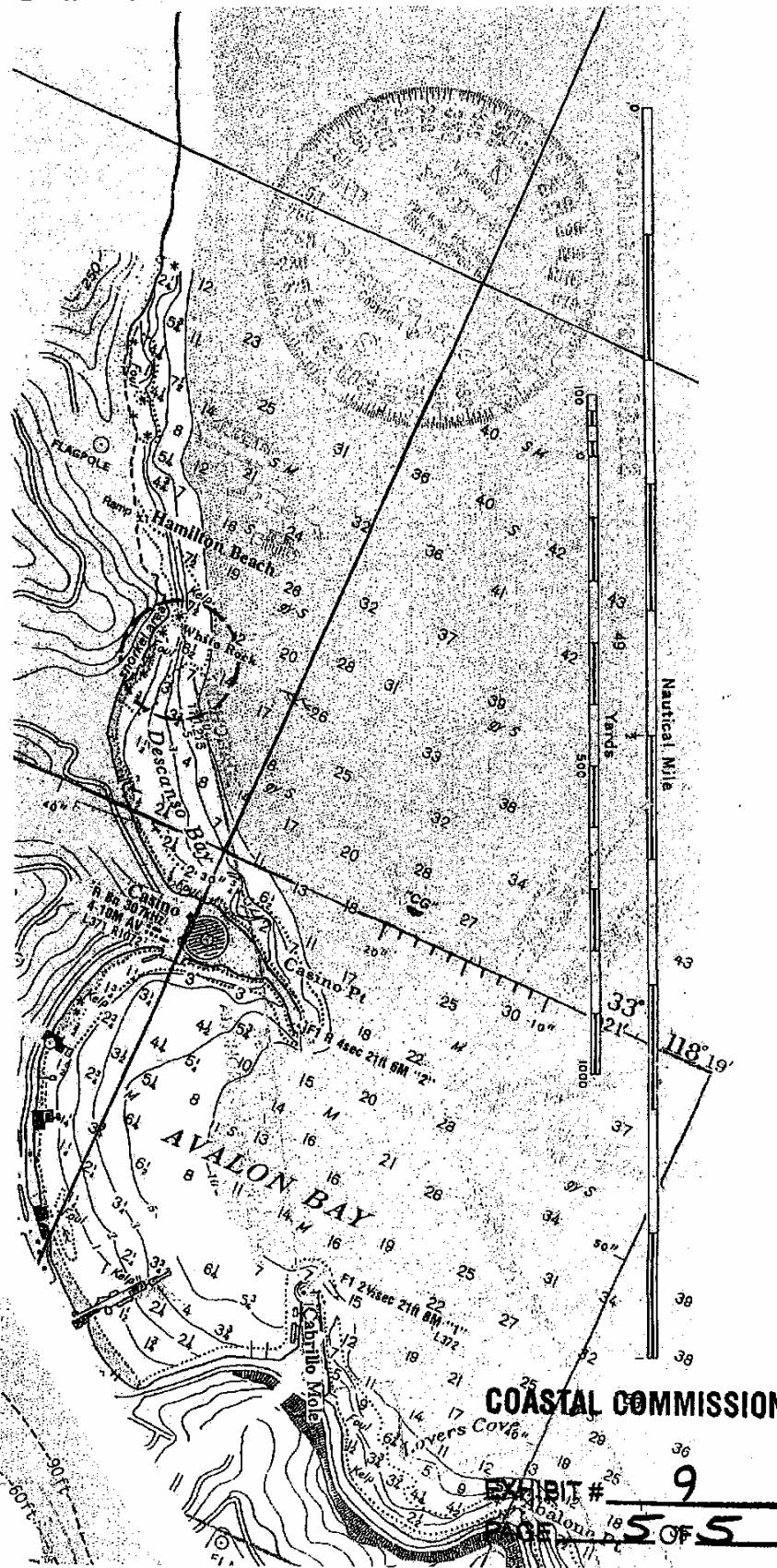
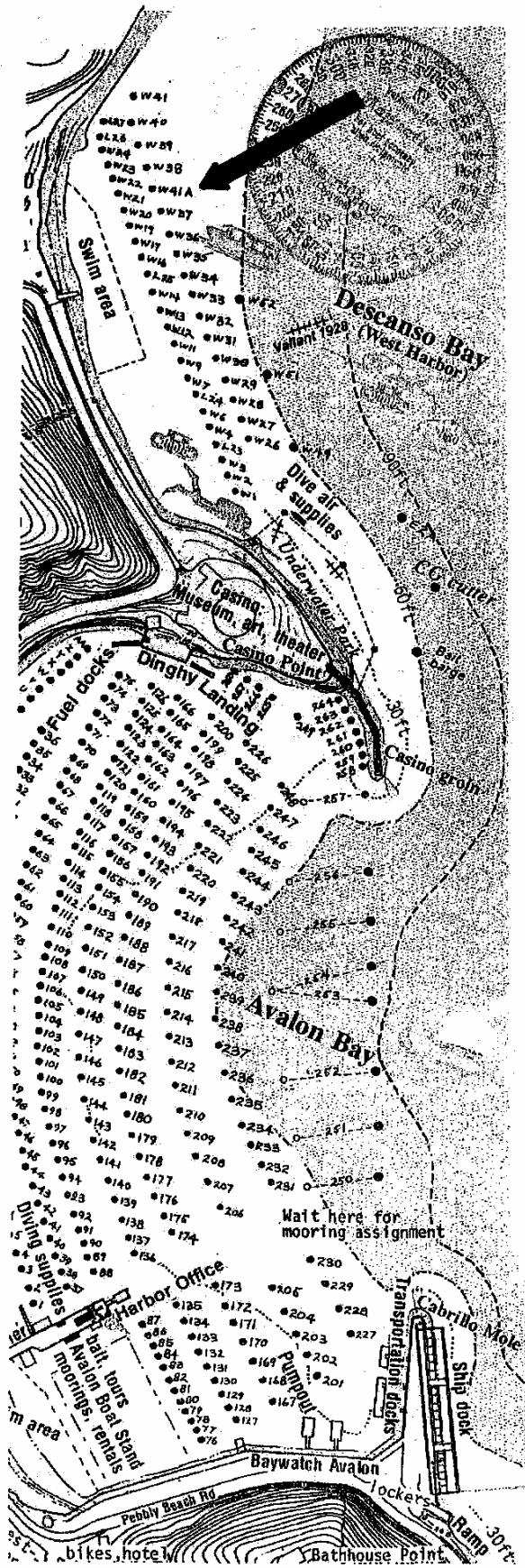
Our kayakers leave the beach by heading straight out and parallel the swim line, my understanding is that the float will be at the end of the swim line. I do not know if the drawing of the float is to scale, (the point with the offshore rocks is not visible on the page) but as long as our kayakers can head to the rocky shoreline behind the proposed Sea Trek float, the area marked "foul" and including White Rock and other offshore rocks in the attached chartguide excerpt- and as long as the snorkelers will not have that area restricted to their use we have no problem with the location of the float.

Cheers,


Mary Stein
Randy Brannock

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EXHIBIT # 9
PAGE 4 OF 5





SANTA CATALINA ISLAND COMPANY

June 11, 2010

RECEIVED
South Coast Region

Mr. Charles Posner
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach CA 90802-4302

JUN 15 2010

CALIFORNIA
COASTAL COMMISSION

Re: Response to May 17 e-mail to Jared Ficker [Application 5-10-019]

Dear Mr. Posner,

The purpose of this letter is to answer questions raised in your e-mail to Jared Ficker sent on May 17, 2010.

Attached is a scaled site plan showing the size of the swim area, the relative size of the Sea Trek tour area and the location of the proposed float for Sea Trek operations. The float will be 10'x 20'. Of the 200 square feet of float area, approximately half of the float will be used by Sea Trek, only when there is a tour. The helmets will be stored in dock boxes located on the north side of the float. The other half of the float area will be open to the general public. The site plan also notes the locations of three current weights that the float will attach too. Attached are photos of these three weights. There was a float in approximately the same area previously.

The site plan shows that there is approximately 42,000 square feet of swim area. Sea Trek does not require an exclusive area for operation. The proposed Sea Trek activity will share approximately 3,000 square feet or 7% of the total swim area and only when visitors are swimming out to the float from the beach. The Sea Trek path will cover less than 1,000 square feet and will be to the west of the designated swim area which is also a non-exclusive area. During the tour, a floating 34" in diameter round inner tube will be above the Sea Trekkers and follow them on the tour up to but not into the kelp forest. This path is shown on the site plan.

Congestion in this portion of the swim area is low and has been documented by a full time Descanso Beach resident that has lived there for three years, as well as year-round operators that provide snorkel, kayak and other water based visitor serving activities at Descanso Beach for many years. Another land based year-round visitor serving operator located near this area, has also confirmed that this area is not a congested area.

The Sea Trek customers will access the tour by swimming to the float. The non-swimmers will be aided by boogie boards and escorted by Sea Trek guides and safety diver. At the completion of the Sea Trek experience, the customers will swim and/or be escorted on boogie boards back to the beach. There will not be a motorized dinghy used in the swim area, nor will there be a dinghy landing on the beach.

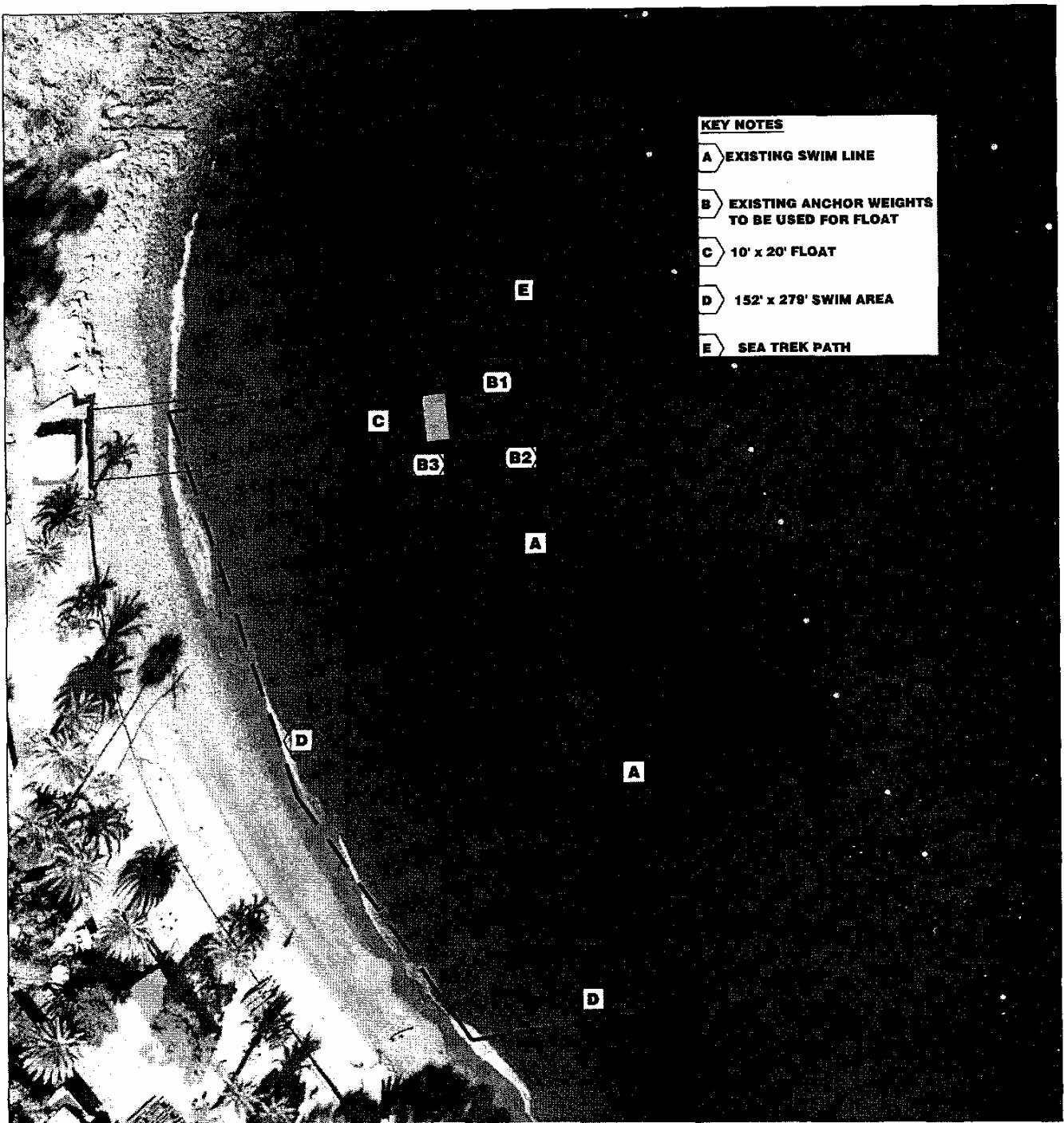
From start to finish Sea Trek tours are approximately 90 minutes in duration and tours will be scheduled upon demand.

If you have any other questions or require and other data, please don't hesitate to contact me.

Sincerely,



Randall L. Herrel, Sr.
President and Chief Executive Officer
Santa Catalina Island Company





EDUCATIONAL MULTIMEDIA

Environmental education through Internet site development,
computer multimedia, GIS, video and photography

August 12, 2009

Teresa Henry
District Manager
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Dear Ms. Henry,:

As an introduction, I am a marine biologist and SCUBA diver who has been diving the waters of Santa Catalina Island for 40 years. I have conducted scientific research on its kelp forests that has been published internationally in peer-reviewed journals dating back to the early 1970s.

I was asked to conduct an informal survey of two sites proposed by the Santa Catalina Island Company (SCICo) for its Sea Treks operation. Although I have served as a paid consultant for the SCICo in years past, there has been no financial compensation for my surveys or this opinion, nor have I had a financial relationship with them in many years.

When the SCICo first suggested the initial site at the Casino Point Dive Park for Sea Treks, I was not supportive. I did conduct an informal survey there and did feel they picked one of the best locations if the operation were conducted there. However, it was my strong preference that the operation be moved to another site. In view of the possibility of the dive park being designated as a future state marine reserve, it seemed inappropriate to install the infrastructure there. I felt there might also be disruption of the rocky reef and kelp forest communities in that part of the dive park.

When the SCICo and its selected operator, Catalina SCUBA Luv, suggested the currently proposed Descanso Bay location, they asked me for another informal survey of the site. I dove it and determined that this location made much more sense in terms of any environmental impact.

Descanso Bay currently operates as a beach open to the public. It already includes activities such as swimming, snorkeling and kayaking. The area chosen for Sea Treks involves a gently sloping sandy bottom habitat extending off a cobble beach. Both of these habitat types are accustomed to reasonable levels of natural disturbance.

The sandy bottom environments at this site are frequently disturbed by large numbers of bat rays (*Myliobatis californica*) feeding there. These rays may dig pits over a foot deep and six feet in diameter. Sheephead also dig much smaller pits in the sandy bottom when feeding. Due to the dynamic nature of the sandy bottom, these pits are filled in rather quickly leaving no evidence of that activity..

Dr. William W. Bushing, President
bushing@post.harvard.edu

P. O. Box 849 Avalon, Santa Catalina Island, CA 90704-0849 (310) 510-8436

COASTAL COMMISSION
5-10-019

EXHIBIT # 11
PAGE 1 OF 2

Humans walking on the sandy bottom here would be buoyed up by the water they displace, and the impact of a normal human being walking on the bottom would be fairly minimal due to the near weightlessness modified only by the helmet and a weight belt if necessary. Thus walking on the sandy bottom here would leave little temporary impact and any displacement of the sand would be quickly settled by the ocean. This is quite different from terrestrial activities where humans following a specific trail will compact the soil and create long-term impacts. As a former vice president of the Santa Catalina Island Conservancy, I dealt with such impacts when planning our trail system and educational activities.

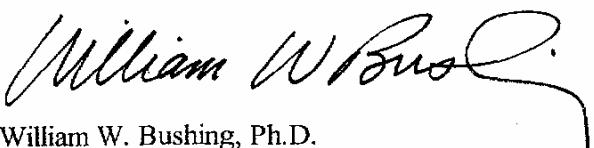
The proposed path for the Sea Treks operation runs parallel to the existing kelp forest and would not involve any modification of that habitat that I am aware of. The sandy bottom adjacent to it has no significant algal community except on scattered rocks large enough to resist the natural water motion there. In general this area receives moderate natural disturbance, especially for a leeward coast site. On the dates I dove it, there was a fair amount of resuspended sand in the water from natural water movement.

The fauna in this area consists primarily of fish that are mid-water but may feed on the bottom such as opaleye (*Girella nigricans*), señorita (*Oxyjulis californica*), rock wrasse (*Halichoeres semicinctus*) and various surfperch. There are a few benthic fish such as C-O sole or turbot (*Pleuronichthys coenosus*) that are in frequent motion and are not tied to any one location in this area. The remainder of the marine animals are largely infaunal benthic invertebrates that are not highly susceptible to disturbance due to their existence beneath the substrate, and their acclimatization to frequent natural disturbance. It is my professional opinion that the use of the Descanso Bay site for the proposed Sea Trek operations will not pose any significant environmental impacts on the biota of the site. It is a location subjected to frequent natural disturbance, and its life forms are adapted to such disturbance either through mobility (benthic fishes) or the ability to burrow in shifting substrate (infaunal invertebrates). The site has been used for many decades for public recreation and I do not see the Sea Treks activity as adding any significant additional impact.

Based on my understanding of the plans for this operation, there will be a significant educational component involved. In addition to the education provided to the actual participants, there will be video broadcast to other users of the facility as well as at several locations in the center of Avalon. As a marine educator for 40 years, I applaud this component and feel it will make a positive contribution to the understanding of our marine environment by the visitors to this magical island.

Should you wish to discuss this letter or the operation itself further, please feel free to contact me. I prefer e-mail (bushing@post.harvard.edu) as I am often out of the office and find it easier to respond to. However, I can also be reached by telephone (310-510-8436).

Sincerely,



William W. Bushing, Ph.D.
StarThrower Educational Multimedia

COASTAL COMMISSION

EXHIBIT # 11
PAGE 2 OF 2



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South Coast Region

JUN 28 2010

CALIFORNIA
COASTAL COMMISSION

June 25, 2010

Mr. Charles Posner
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach CA 90802-4302

Application No. 5-10-019

Wayne G. Griffin
In SUPPORT of the Application

Via Email: cposner@coastal.ca.gov

RE: Application No. 5-10-019

Dear Mr. Posner:

The Board of Directors of the Catalina Island Chamber of Commerce & Visitors Bureau, Inc., acting unanimously on behalf of the Chamber's 268 business members and approximately 1,300 employees of those businesses, urge you to place the above referenced application of the Santa Catalina Island Company for a SeaTrek Adventure attraction at Descanso Beach on Catalina Island on the Commission's July 2010 agenda with a staff recommendation for approval.

We have reviewed a letter of opposition to this project by Ms. Angie Bera, an Avalon resident, and offer the following in rebuttal to her objections:

- We are aware of at least two reports from marine biologists citing little, if any, impact of this project on the sea environment. Ms. Bera offers her opinion, but offers no scientific evidence in support of her objections;
- The project was unanimously approved by the City of Avalon Planning Commission, without objection by any member of the public;
- According to the applicant, a maximum of just 6 people per hour (48 per day) will be accepted for the SeaTrek Adventure in an area that represents less than 10% of the beach/swimming area at Descanso Beach – hardly a negative impact on either the environment or public access to the area. And, there are four other swimming areas in Avalon available to the public. We do not believe that SeaTrek activities will adversely affect the public's access to Descanso Beach in any way.

We are not aware of objections to this application other than that of Ms. Bera. Ms. Bera's letter to the Commission contains a great deal of opinion but little, if any, supporting evidence. A recent article by Ms. Bera regarding water quality issues in Avalon Bay that appeared in the June 4, 2010 edition of *The Catalina Islander* was completely rebutted by a Letter to the Editor by local resident Chris Blehm in that newspaper's edition of June 11, 2010 (attached). Mr. Blehm is also a regular columnist for *The Catalina Islander* and has covered Avalon Bay water quality issues for the paper for several years. As with the

Not Just an Island, Another World.

Voice: 310.510.1520
Fax: 310.510.7606

P.O. Box 217
Avalon, California 90704

COASTAL COMMISSION
5-10-019
web: www.CatalinaChamber.com
email: info@Catalina
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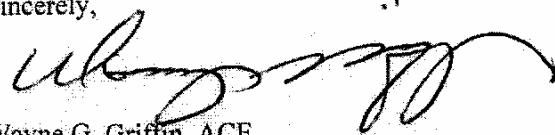
California Coastal Commission Application 5-10-019 Letter of Support, page 2

water quality issue, Ms. Bera's objections to the SeaTrek Adventure do not tell the entire story and do not acknowledge the Santa Catalina Island Company's demonstrated concerns for the environment or the company's efforts to minimize impact while maintaining public access.

The City of Avalon and Catalina Island, both 100% dependent on tourism for their economic well-being, have been particularly hard hit by the current economic recession. We strongly believe that the SeaTrek Adventure sought by this application will attract visitors to our destination and will help in starting our economic recovery.

For the reasons stated above, we request that this application be placed on the Commission's July meeting agenda and that it be approved.

Sincerely,



Wayne G. Griffin, ACE
President & CEO
Catalina Island Chamber of Commerce & Visitors Bureau, Inc.

CC: Mr. John (Jack) Ainsworth, Deputy Director, South Coast District Office FAX 562-590-5084
California Coastal Commission, Headquarters Office, San Francisco, CA FAX 415-904-5400

COASTAL COMMISSION

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PAGE 2 OF 3

LETTERS TO THE EDITOR

DISCLAIMER:

The Catalina Islander encourages submissions of Letters to the Editor. Email letters are preferred. Letters must be signed by the author and include phone number (the latter two are for verification not publication).

Bummer of an Article

While Angie Bera and Heal the Bay should be commended for their concern regarding our environment, last week's Beach Bummer article needs some clarification.

First, the statement "it [Avalon] has the worst beaches in the state..."

However, this would seem to say that all Avalon beaches are polluted. That is not the case. In fact, only Avalon Harbor Beach tops one organization's (Heal the Bay) list. Other Avalon beaches are not on the list, and other organizations have ranked other Avalon Beaches amongst the best in the nation. Lovers Cove was named one of the top ten snorkeling destinations in the country and I'll bet you a Buffalo Milk that Descanso wins best beach in the state this year.

As regards contamination, the article states, "Descanso Beach and Lovers Cove don't test positive because they are never tested..." This implies that if they were tested they would be positive. Untrue. They have been tested, they are clean, and Descanso served as a control beach for the

impact study, precisely because it is clean. What is the point of obfuscation and inflammation when this town and its livelihood depend on clear dialogue, communication, and cooperation?

Next, the article quotes from the Heal the Bay Annual Beach Report Card, which is equally misleading. It states that "\$1 million would be spent in the near future on tourism amenity improvements with a long term price tag of up to \$100 million, yet little attention has gone toward the necessary sewer system overhaul..."

As we all know, those improvement numbers come from the Santa Catalina Island Company. We have already seen a substantial boost in visitor numbers as a result of this expenditure. The sewer infrastructure is a city problem, and the city has acknowledged and worked diligently on it for years. Lumping together private improvements and a municipal issue beset with serious budget problems is both inaccurate and misleading. Kobe Bryant has been paid \$23 million in 2010 alone and yet little has been done to address the home less problem surrounding Staples Center. Cut

No attention was given or

paid to the substantial efforts of Mayor Bob Kennedy, the City Council, or a host of other dedicated individuals and groups, to address infrastructure issues. To whit:

Since 2004, the city of Avalon has invested over \$3.8 million on Bay Water Issues. \$500,000 for a study of Avalon Bay. The city of Avalon lined and sealed sewer mains, manholes, and laterals, repaired plumbing under wharfs, and modified street wash procedures. \$1.3 million to study contamination, repair residential laterals, and study sources of contamination. \$2 million to continue studies and infrastructure improvements.

In 2008, Avalon completed a grant agreement for Prop 13, Clean Beaches Initiative Funding for the Avalon Bay Water Quality Improvement Project. The goal is to inspect, repair, and/or replace 370 laterals and install monitoring wells along the beaches. Most of this work has been completed.

In 2007, Avalon was added

to a \$4.5 million swimmer health effects study, that INCLUDES

Heal the Bay. Preliminary results suggest no correlation between

illnesses and swimming at posted beaches. Final results are expected

soon. Bera stated, "That may be because the background illness rate is so high." Did she just call the entire town sick? Or is it that we're not eating enough locally available, ridiculously priced organic food?

In addition, the city is currently working with Senator Barbara Boxer, and asking Congressman Dana Rohrabacher to reach across the aisle, and secure an additional \$11 million in funding. Last week's article makes it sound like no one has done anything and nobody cares. Nothing could be further from the truth, and no entity has more to lose or to gain than the city in addressing infrastructure issues. We're all in this together.

Chris Blehm, Avalon

Spread the word

To the columnist of last weeks' "Beach Bummer" article: We in Avalon are well aware of our bay problem and I think sincere efforts are being made to correct them. On the other hand, you have done a great job of informing our visitors and vacationers of why they shouldn't come here. Maybe you should contact as many travel magazines as possible to spread the word even further.

Chuck Martin, Avalon

COASTAL COMMISSION

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PAGE 3

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OF 13



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South Coast Region

JUN 30 2010

CALIFORNIA
COASTAL COMMISSION

Mr. Charles Posner
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

Application No. 5-10-019
Catalina Channel Express, Inc.
In Support of the Project

Dear Mr. Posner,

It was my great fortune to grow up on Catalina Island which also gave me the opportunity to start Catalina Channel Express, a passenger vessel company serving Catalina Island's residents and visitors since 1981.

From our inception almost thirty years ago our business has grown from a single 55 passenger vessel departing from San Pedro to a fleet of 8 high speed vessels departing from 3 points on the mainland.

Consequently I have an extremely strong interest both personally and commercially in the welfare of Catalina Island. It is with respect that I request the above referenced application, Santa Catalina Island Company, Sea Trek, be included in the July 2010 California Coastal Commission agenda for consideration.

This application has my full support. The Sea Trek attraction would be an exciting new draw for visitors, whose numbers have dwindled markedly with the slow down of the economy. A new attraction, especially if launched before the end of the summer season, is sure to contribute to boosting the Island's economy.

Thank you for the consideration.

Sincerely,

Greg Bombard
President

COASTAL COMMISSION
5-10-019

cc. John (Jack) Ainsworth, Deputy Director, South Coast District Office
Headquarters Office, California Coastal Commission

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PAGE 1 OF 1

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South Coast Region

Island Water Charters, Inc.

PO Box 1226
Avalon, CA 90704
310-510-9280

JUL 6 2010

CALIFORNIA
COASTAL COMMISSION

Mr. Charles Posner
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach CA 90802-4302

Application No. 8-10-019
Island Water Charters
In Support of the Project

Dear Mr. Posner,

I am a resident of the City Avalon and have been so for 30 years, I am also a business owner in Avalon and have had that business for 12 years.

I have heard the new visitor serving attraction Sea Trek which is the subject of the above reference application is not on the July 2010 California Coastal Commission agenda. I am writing to you to respectfully request that you and the Commission would reconsider putting the above application on the July 2010 Coastal Commission agenda. Our business here is seasonal and it is important for this new attraction to be operational as soon as possible.

I am also writing you in support of the application referred to above. Catalina Island is in need of new visitor serving activities. Sea Trek would be a great addition to the offerings on the island and a great addition for public access to the beach and ocean.

Sincerely,

Nathan Lins

Cc: John (Jack) Ainsworth, Deputy Director, South Coast District Office
Headquarters Office, California Costal Commission

COASTAL COMMISSION
5-10-019

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PAGE 1 OF 1

Two's Company of Avalon

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JUL 6 2010

CALIFORNIA
COASTAL COMMISSION

June 27, 2010

Mr. Charles Posner
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Application No. 5-10-019
Catrina Awalt
In Support of the Project

Re: Application No. 5-10-019

Dear Mr. Posner,

I'm writing this letter to respectfully request that Application No. 5-10-019 be added to the July agenda for the California Coastal Commission.

I am a resident of the City of Avalon and have been so for 28 years, I am also a business owner of two small gift stores for the past 26 years and I'm a member of the Board of Directors of the Catalina Island Chamber of Commerce.

Many customer surveys have been done over the past few years and the comment that stands out is that all the attractions on Catalina never change. Sea Trek I feel will be a great new attraction for the island visitors, and it's very important that it be operational before our summer season is over. I ask that this application be approved as soon as possible.

A point that I would like to make regarding the Santa Catalina Island Company and the City of Avalon is that respect for the environment both land and sea is always upheld. If you go back to when Mr. Wrigley first acquired the island he decided then that he did not want the island all developed. Mr. Wrigley's descendants, along with the Board of Directors for the Santa Catalina Island Company, and our City Fathers have maintained this vision.

A brief comment regarding Ms. Bera's letter: I served on a non-profit board with Angie when she first came to town, and my impression was that she wanted to stir up trouble with the city. She intimated to me that she knew her way around city politics and how to

COASTAL COMMISSION
5-10-019

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make changes; and to the point, it appears she is trying to do just that. Angie whose perceived intentions are to improve Avalon is doing just the opposite.

In conclusion, I ask again that this application be added to the up coming July Agenda and that it is approved as soon as possible.

Sincerely,



Catrina Awalt

Cc. John (Jack) Ainsworth, Deputy Director, South Coast District Office
Headquarters Office, California Coastal Commission

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PAGE 2 OF 2

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South Coast Region

Gina Long
P.O. Box 384
24 Pebble Beach Village Road
Avalon, CA 90704

JUN 24 2010

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COASTAL COMMISSION

Mr. Charles Posner
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach CA 90802-4302

Application No. 8-10-019
Gina Long
In Support of the Project

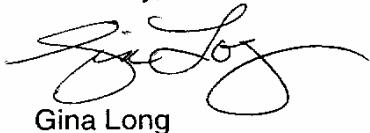
Dear Mr. Posner,

I am a resident of the City Avalon and have been so for 15 years, I am also a certified diver and a mother of two teenage boys who are divers. Our family has sea trekked in Florida. I support this project on Catalina Island.

I have heard the new visitor serving attraction Sea Trek which is the subject of the above reference application is not on the July 2010 California Coastal Commission agenda. I am writing to you to respectfully request that you and the Commission would reconsider putting the above application on the July 2010 Coastal Commission agenda. Our business here is seasonal and it is important for this new attraction to be operational as soon as possible.

I am also writing you in support of the application referred to above. Catalina Island is in need of new visitor serving activities. Sea Trek would be a great addition to the offerings on the island and a great addition for public access to the beach and ocean.

Sincerely,


Gina Long

Cc: John (Jack) Ainsworth, Deputy Director, South Coast District Office
Headquarters Office, California Costal Commission

--
Gina Long
Corporate Secretary
Santa Catalina Island Company
P: 310-510-2000 ext 1413
F: 310-510-0612
www.VisitCatalinaIsland.com

COASTAL COMMISSION
5-10-019

EXHIBIT # 16
PAGE 1 OF 1

Roy C Rose
PO Box 2529
45 Upper Terrace Road
Avalon, California 90704-2529
310 510 0964
esor@catalinainsp.com

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JUN 24 2010

June 25, 2010

**CALIFORNIA
COASTAL COMMISSION**

Mr. Charles Posner
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, California 90802-4302

Re: Application # 5-10-019

Dear Mr. Posner:

I am writing to respectfully request that the above referenced application be put back on the July agenda for the California Coastal Commission, and ask for your support in favor on the application.

I am a 50 plus year full time resident of Avalon, a property owner and a businessman. During my lifetime in Catalina I have had no connections or business ventures in anyway connected to the Santa Catalina Island Company.

I am currently serving on the Board of Directors of the Catalina Island Conservancy. I am speaking for myself, however, and do not represent the Conservancy. I mention my Conservancy involvement only to stress that I am extremely aware of environmental issues. I strongly believe in our mission to restore and preserve our environment, while making it available for recreation in a measured responsible fashionl.

I strongly believe that this Sea Trek experience, like several other new attractions being developed in Catalina, presents a unique opportunity for people to see beneath the sea in a very structured, controlled way, and I cannot see, nor have the experts seen, any danger to the natural ecology of the bottom of Descanso Bay.

Once again I urge you and the Coastal Commission to act on this application now, and to grant a permit to a very worth while venture.

Very truly yours,



Roy C. Rose

**COASTAL COMMISSION
5-10-019**

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PAGE 1 OF 1

DAVID E. CREIGH

P.O. 1312
315 Crescent Ave
Avalon, CA 90704
310-510-7238
Fax 310-510-8556
dcreigh@catalinaisp.com

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South Coast Region

JUN 24 2010

**CALIFORNIA
COASTAL COMMISSION**

June 24, 2010

Mr. Charles Posner
California Costal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Application No 5-10-019
David E. Creigh
In Support of the Project

Re: Application No. 5-10-019

Dear Mr. Posner:

The purpose of this letter is to respectfully request that the above referenced application be added to the July agenda for the California Coastal Commission and, in addition, to provide comment in support of the application.

I am a business owner in Avalon; a member of the Board of Directors of the Catalina Island Chamber of Commerce and Visitors Bureau and a Planning Commissioner on the Planning Commission of the City of Avalon and have been for 8 years.

Although I am not writing on behalf of the City of Avalon's Planning Commission I am writing on my own behalf as a citizen, a Planning Commissioner and a business owner.

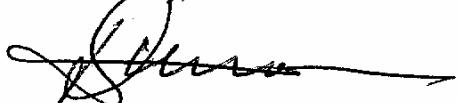
The subject of the above referenced application has been before the Planning Commission twice; the first application provided for installation of the facilities in the Casino Dive Park which was abandoned upon review of the potential impacts on the ocean environment, the second application for installation and operation at the location described in the subject application was unanimously approved by the Planning Commission. Speaking for myself I voted for approval based the fact that there will essentially no impact on the ocean environment and that there will be substantial increase in public access and, uniquely, public access to the ocean floor at the lowest cost available.

I have read two reports by marine biologists which confirm the finding of negligible impacts. I have also read Ms. Bera's letter in opposition and wish to say only that she failed to object to the project when it was before Planning Commission of the City of Avalon, upon a noticed hearing, and that the contents of her letter disclose no facts and a great deal of opinion and self-interested hyperbole.

COASTAL COMMISSION
5-10-019
EXHIBIT # 18
PAGE 1 OF 2

As a business owner in Avalon I am also asking that this matter be approved as the addition of a new ocean oriented activity will, I believe, markedly improve our severely depressed economy.

Sincerely,



David E. Creigh

Cc: John (Jack) Ainsworth, Deputy Director, South Coast District Office
Headquarters Office, California Coastal Commission

COASTAL COMMISSION
5-10-019

EXHIBIT # 18
PAGE 2 OF 2



Catalina Island Vacation Rentals, Inc.

Condominiums in Avalon
Cottages/Houses in Avalon
Villas in Hamilton Cove

www.CatalinaVacations.com

PO Box 426
119 Summer Ave., Ste. B
Avalon, CA 90704
Tel: 310.510.2276
Fax: 310.510.8375

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South Coast Region

JUN 28 2010

June 27, 2010

CALIFORNIA
COASTAL COMMISSION

Mr. Charles Posner
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Application No 5-10-019
Kevin Strege
In Support of the Project

Re: Application No. 5-10-019

Dear Mr. Posner:

The purpose of this letter is to respectfully request that the above referenced application be added to the July agenda for the California Coastal Commission and, in addition, to provide comment in support of the application.

I am a business owner in Avalon; past Chairman of the Catalina Island Chamber of Commerce and Visitors Bureau and an active participant in numerous Island civic activities.

As I understand it, the mission of the California Coastal Commission is to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations. Providing opportunity for prudent public access of our beautiful coastal waters can only help fulfill this mission. I feel the proposed SeaTrek Adventure, as proposed by the Santa Catalina Island Company, will provide an excellent means of introducing ocean life to our visiting public. As you are probably aware, SCUBA on the Island is world renown, SeaTrek will provide a similar experience to those of us that prefer, or can't master SCUBA certification.

It is unfortunate that one letter of opposition has brought this proposal to a halt. Rest assured this one opinion is not the feeling of the majority of Island residents. Recent business and civic improvements by the Santa Catalina Island Company have proven their dedication to bringing tasteful and environmentally instructional activities to our Island. I urge the support of the Commission in proactively working with the Santa Catalina Island Company in bringing this great new public attraction to fruition.

COASTAL COMMISSION
5-10-019

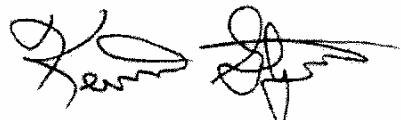
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As a business owner in Avalon I am also asking that this matter be approved as the addition of a new ocean oriented activity will, I believe, markedly improve our severely depressed economy.

I will gladly provide further comment if you should have questions or need clarification. I may be contacted directly at 310-897-5663 or via email at kstrete@catalinainsp.com.

Thank you for your consideration.

Sincerely,



Kevin Strege
President / CEO

Cc: John (Jack) Ainsworth, Deputy Director, South Coast District Office
Headquarters Office, California Coastal Commission

COASTAL COMMISSION

EXHIBIT # 19
PAGE 2 OF 2



City of Avalon

Santa Catalina Island

RECEIVED
South Coast Region

March 17, 2010

APR 13 2010

Mr. Charles R. Posner
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Subject: Sea Trek activity on Catalina Island Avalon, CA; CDP Application 5-10-019

Dear Mr. Posner:

The City of Avalon is the State Lands Grantee for the tidelands adjacent to the City, namely Avalon Bay and Descanso Bay. The City has discussed CDP Application 5-10-019 with the applicant, the Santa Catalina Island Company (SCICo). SCICo expressed that the City must be invited to be a co-applicant for this coastal development permit. The City sees no need to be a co-applicant. The proposed Sea Trek activity was reviewed and approved as part of the Descanso Beach plan last year. Notice of Final Action was submitted to the Coastal Commission last year. This information was included in SCICo's coastal development permit application.

The Descanso Beach plan included a number of modest visitor-serving improvements. Basic supporting infrastructure for the Sea Trek activity was included in the plan. The Sea Trek activity proposed in Descanso Bay is a temporary underwater visitor experience, similar to SCUBA diving, but guided. Since it is guided, it will offer an experience to novice visitors that might otherwise struggle with SCUBA-related experiences. SCICo conducted a detailed marine biological survey related to the proposed Sea Trek activity which was subsequently reviewed and accepted by the Department of Fish and Game.

COASTAL COMMISSION
5-10-019

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PAGE 1 OF 2

The City has long been a proponent of providing unique visitor-serving experiences in a special coastal environment like Catalina Island. Visitors to Avalon often seek out an underwater experience through our famous glass-bottom boats, snorkeling, resort SCUBA diving, and as certified SCUBA divers. Sea Trek fulfills a special niche of underwater experience desired by visitors. It offers this experience in a controlled way to ensure safety and protect resources.

We are aware of the SCICo efforts to proceed with Sea Trek and appreciate the Coastal Commission's desire to learn more. However, we see no actual proposed "coastal development" that is not already permitted. We encourage the Coastal Commission to approve the Sea Trek activity through an exemption or waiver. We are rapidly approaching the tourism season here and Sea Trek is the kind of unique experience that attracts visitors to the Avalon. The City has worked closely with SCICo to make a number of visitor-serving improvements to provide unique experiences for our visitors.

If you have any questions related to Sea Trek and the City's role or jurisdiction please do not hesitate to contact me.

Sincerely,



Steven Hoefs
City Manager

Cc: Randy Herrel, Santa Catalina Island Company
Bob Kennedy, Mayor
Scott Campbell, City Attorney
Gary Timm, California Coastal Commission
Jack Ainsworth, California Coastal Commission

COASTAL COMMISSION
5-10-019

EXHIBIT # 20
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