

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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Commission Action:



STAFF REPORT: PERMIT AMENDMENT

TU21a

APPLICATION NO.: 4-83-257-A9

APPLICANT: Ventura Port District AGENT: Richard Parsons

PROJECT LOCATION: Ventura Harbor Entrance and Waterways, McGrath State Beach and Cells #1 and 2 of the Pierpont Groin Field

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Maintenance dredging/sand bypassing of Ventura Harbor, including hydraulic dredging with pipeline disposal into the surf zone from McGrath State Beach northward along South Peninsula Beach. Finer silts from the inner harbor areas are dispersed in the surf zone from McGrath State Beach northward along South Peninsula Beach. Finer silts from the inner harbor areas are dispersed in the surf zone in an area nearby, and north of the mouth of the Santa Clara River. The project moves to the beach and surf zone approximately 400,000 and 1,000,000 cubic yards of sand from the inner harbor, sand traps and entrance channel, but typically involves much smaller quantities (50,000--150,000 cubic yards) from the inner harbor only. Previous permit conditions contain provisions protecting California least tern and California grunion habitats, steelhead trout habitats, and public coastal access and recreation. Previous permit conditions also require monitoring of the dredging/disposal program to assess its impacts on local shoreline sand supply. The Commission originally approved the dredging project on August 24, 1983. The permit has been extended twice previously.

DESCRIPTION OF AMENDMENT: The applicant requests four changes to the existing permit conditions: (1) change Special Condition 2 of the existing permit to prohibit surf zone deposition of dredged materials through March 31, rather than through March 15 as presently required; (2) change Special Condition 4 of the existing permit to redefine the area at the mouth of the Santa Clara River where the discharge of material from the inner harbor is permitted and change the velocity of river flow necessary for deposition from 200 cubic feet per second to 100 cubic feet per second; (3) change Special Condition 9 of the existing permit to extend the term of the permit (which expires in December, 1995) from three to five years; and (4) change Special Condition 11 of the existing permit to eliminate presently required repetitive post dredge surveys (at approximately 3, 5, 8 and 11 months following disposal) only when dredging is accomplished by a clamshell or hopper dredge utilizing a nearshore disposal

area (surveys have shown negligible changes when dredging is accomplished in this manner).

SUBSTANTIVE FILE DOCUMENTS: CDP 4-83-257, and amendments A1--A8; Consistency Determinations CD-35-92 (Harbor improvement plan modifications), CD-53-91 (Six-year dredging plan modifications), CD-17-89 (Harbor Improvement Plan), CD-42-88 (maintenance dredging and surf zone disposal), CD-51-86 (maintenance dredging and beach disposal).

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Admin. Code 13166.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends that the Commission conditionally approve the request for changes 1, 3 and 4 described above, but deny the request for change 2 which would redefine depositional parameters (such as required velocity of the Santa Clara River) for disposal operations. Staff recommends modifications to requested change 1 that would require the applicant to demonstrate, to the Executive Director's satisfaction, that the Department of Fish and Game and the U.S. Fish and Wildlife Service have been advised of deposition operations proposed prior to April 1 and that these agencies find that no adverse impacts on grunion or the Least Tern would result. Staff conferred with Ventura Harbor District General Manager Richard W. Parsons (11/2/95), who generally accepts these recommendations as consistent with efficient dredging operations. Mr. Parsons could not provide substantive data to ensure that requested change #2 would not cause adverse impacts to coastal resources, but agrees that deletion of the proposed change to Special Condition 4 would not impair dredging operations.

STAFF RECOMMENDATION

The staff is recommending that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that the development with the proposed conditions will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the

ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

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. (See Special Conditions: this permit, as hereby amended does not conform to the standard two-year term.) 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

NOTE: Unless specifically altered by the amendment, all conditions attached to the previously approved permit remain in effect. Special Conditions 2, 9 and 11 are amended by this request. Strike-thru text denotes deletion and underscore text denotes addition to the existing condition. For clarity all the Special Conditions applying to this permit as amended with the current request are included below. Exhibit 1 contains the approved conditions through Amendment A-8 and Exhibit 2 contains the applicant's proposed amendments to the Special Conditions, for comparison.

1. To avoid interference with Least Tern nesting there shall be no operation of equipment, spoil disposal, placement or removal of disposal pipelines,

or other construction, maintenance, material removal or activities involving mechanized equipment within 100 yards of, and on the entire beach seaward of, the Least Tern nesting area identified annually by the Department of Fish and Game or the State Park Resource Protection Area (Exhibit 1B of CDP 4-83-257-A-8) from April 15 through September 1.

2. To avoid impact on public recreational use of the beach and on the spawning of the California grunion, no project activities described in Condition 1 shall take place on any part of the beach and shorefront in the project area from the first predicted grunion run after ~~March 15~~ March 31 through Labor Day in September, except when conditions require emergency dredging as described in Condition 3, and provided that the following requirements are observed:
 - (a) Prior to commencement of any operations described in Special Condition 1 above, during the period between March 15 and March 31, annually, the applicant shall provide at least two weeks' advance notice of proposed operations to the California Department of Fish and Game (DFG) and to the U.S. Fish and Wildlife Service (USFWS). Applicant shall provide evidence to the satisfaction of the Executive Director that these agencies have been timely notified of proposed operations, and have found that no significant, adverse impacts to the grunion, least tern or western snowy plover will result. Said notice to the Executive Director shall include copies of written findings from DFG and USFWS and shall be received in the Commission's closest District office (generally Ventura) no less than five (5) business days prior to the commencement of the proposed operations. Applicant shall not commence proposed operations until the Executive Director has determined that the requisite notice is satisfactory and that no adverse impacts to grunion or to the Least Tern will occur as the result of the proposed activities. The Executive Director's determination shall be made within five (5) business days of receipt of the required notice.
 - b) In the event that dredging extends beyond March 15, the applicant shall also fully implement the contingency plan for protection of the western snowy plover reviewed by the Coastal Commission in Consistency Determination No. CD-54-94, pages 5 and 6, herein incorporated by reference and attached as Exhibit 3.
3. Emergency conditions shall be deemed to exist only when unanticipated shoaling creates a bona fide hazard to navigation or threat of closure at the Ventura Harbor Entrance Channel. In this event, clean sand, meeting EPA and Regional Water Quality Control Board beach disposal criteria may be discharged as provided by this permit and in accordance with the following single point surf zone deposition plan as described with mitigation measures in the Corps of Engineers Final Environmental Assessment dated September, 1988:
 - a) A zone of operations a maximum of 500 feet in width shall be fixed for each dredging episode in consultation with the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (DFG), and the California Department of Parks and Recreation (DPR). Written confirmation of the zones location and plans showing

such location shall be provided to the Executive Director for review and approval a minimum of 10 days prior to each dredging episode or, alternatively, may be provided for all zones prior to mobilization of the dredging equipment.

- b) Primary and alternate discharge pipes shall be located perpendicular to the shoreline and shall extend seaward beyond the Mean-Higher-Tide Lines as indicated on Exhibit 2 of this staff report.
 - c) As the material deposited within the zone of operations accumulates, the discharge pipe will be extended seaward. Lateral movement of the outfall shall only be permitted when seaward extension of the pipeline is no longer feasible; however, the discharge point may only be moved within the zone of operations and in such location that dredged material remains within the 500 ft. zone of operations.
 - d) Slotted or perforated pipe shall be used in the final length of the discharge line to insure maintenance of the sand mount upon which the line lays.
 - e) Monitoring of this disposal method shall be conducted upon the beginning of the California grunion spawning season in consultation with DFG and DPR. Should these agencies determine that adverse impacts to grunion spawning are occurring within the 500 ft. zone of operations, the applicant shall provide a written report of the determination to the Executive Director. Reasonable alternative disposal methods and/or remedial measures shall be evaluated and implemented within five working days of the determination.
 - f) In consultation with the USFWS, the DFG, and the DPR, the applicant shall prepare a monitoring report for the Executive Director evaluating the physical and wildlife impacts of the above-described method of dredge spoils disposal conducted under this permit as amended. This report shall in part form the basis for future evaluations of the extension of this permit or other Coastal Commission approvals for disposal of dredged spoils from the Ventura Harbor maintenance dredging program and shall be transmitted for the Executive Director's review and approval no later than 60 days of completion of the dredging program or August 15 of each year, whichever comes sooner.
4. At least six (6) weeks prior to the dredging and ocean surfzone or nearshore deposition of material from the inner harbor areas, physical analysis shall be done of a representative sample of the sediments to be dredged. Only dredged material meeting EPA criteria for beach replenishment (from any point in the Harbor) shall be placed on the beach. Finer sands and silts meeting applicable federal and state dredge spoil discharge requirements shall be disposed in the surfzone no closer than 100 feet from the Santa Clara River and only while the River is flowing at 200 cubic feet per second measured at the USCG Montalvo stream gauging station.

5. Deposition of sandy dredge spoils in the Least Tern nesting area for enhancement purposes may be permitted in consultation with the USFWS, the DFG, and the DPR, in an amount determined appropriate by these agencies. Deposition shall only be permitted when it is accomplished prior to April 15 or after Labor Day in September of any given year. Notice that such deposition is taking place shall be provided to the Executive Director and interested parties at least five working days prior to the disposal.
6. Deposition of sandy dredge materials meeting EPA and RWQCB criteria for beach replenishment may be conducted on Marina Park Beach and within Cells 1 and 2 of the Pierpont Beach Groin Field with the consent of the DPR and the City of San Buenaventura. Said deposition within Cells 1 and 2 shall be in accordance with the beach profiles attached hereto as Exhibit 3. Deposition on Marina Park Beach shall be accomplished in a location and fashion acceptable to the City of San Buenaventura, the DPR and the Executive Director. Notice of such upcoast disposal shall be conducted in the same manner as the downcoast bypassing operation, and notice that such activity is proposed and has been reviewed and approved by the above agencies shall be provided to the Executive Director for review and approval a minimum of 5 days prior to the proposed activity.
7. At the completion of each year's dredging and deposition, but prior to the disposal prohibition period, the sand deposited on the beach shall be graded and groomed to natural beach contours to facilitate recreational use.
8. No pipes nor any other equipment, except for a buried permanent pipeline, shall be stored on the beach during the period from April 15 through September 1 except for emergency dredging.
9. The term of this permit shall be ~~three~~ five years, renewable by the Commission for a longer term if the Commission finds no adverse effects have resulted from these operations. The applicant shall keep records of and report the total volume and grain size distribution of material dredged and placed on permitted sites.
10. The applicant shall continue to conduct a shoreline monitoring program which shall include beach profile surveys, aerial photography and dredging records review. The monitoring program shall document shoreline changes in the project vicinity. Documentation shall commence prior to any disposal taking place in order to accurately document pre-project conditions. The monitoring program shall provide documentation of shoreline change and shall continue concurrent with the life of the permit as extended. Documentation shall include, but not be limited to:
 - a) Aerial photographs made available as a result of applicants' agreements with adjacent shoreline owners and interested public entities;
 - b) Wave data reporting including reporting of wave height and wave energy collected at the nearest buoy by the Coastal Data Information Program or other acceptable substitute program, and analysis of that

data sufficient to identify the role of wave energy in causing profile changes. This component may be excluded from the program if it is shown that reasonably obtainable data cannot produce useful, quantitative results.

- c) Annual beach profiles shall be provided for by the applicant. The profiles shall be taken (1) in January of each year or immediately prior to dredging mobilization; and (2) by October 15. The profiles shall be at the eleven locations utilized in the baseline survey and shall be performed in a manner consistent with the profile surveys of 1989, 1990 and 1991. Minimum and maximum tide levels at the time of profile survey shall be noted on the profiles.
- d) An indication of beach width and sand volume changes on the beaches within the area profiles as well as data detailing the annual quantity and placement of dredged material.

The monitoring information shall be submitted to the Commission or its successor agency by July 1 of each year as well as to other public and federal, state and local entities who wish to obtain such information. At a minimum, the annual reports shall be furnished to the Executive Director of the Commission, the Cities of Ventura and Oxnard, the Corps of Engineers (Los Angeles District) and BEACON.

- 11. As an alternative to hydraulic pipeline dredging and disposal, maintenance dredging may be conducted using clamshell or hopper dredge with nearshore disposal off McGrath State Beach as shown in Exhibits 4A and B. Upcoast nearshore disposal may also be conducted pursuant to the beach nourishment agreement with the City of San Buenaventura, off San Buenaventura State Beach downcoast of the Ventura Pier as shown in Exhibit 3. In order to evaluate the appropriateness of nearshore disposal at Ventura Harbor and its effectiveness in beach nourishment, the nearshore alternative shall be subject to the review and approval of the Executive Director based on the following monitoring report:

- A. The applicant shall measure and document the response of adjacent shorelines to the placed berm and the prevailing environmental conditions, and document the dispersion and migration of the berm itself. The monitoring program parameters shall correspond to the draft/1991 Maintenance Dredging Monitoring Plan proposed by the US/Army/Corps/of/Engineers For Nearshore Disposal (Exhibit 6), including pre- and post-dredge surveys, and/repetitive/surveys of the beach profiles and bathymetry at/approximately/3/5/8/and/11 months/following/completion/of/disposal. Monitoring results shall be provided to the Executive Director following completion of the first year of the program. Subsequent utilization of the nearshore method shall require Executive Director review and approval, and shall be contingent upon the monitoring program demonstrating that no adverse impacts to downcoast shoreline sand supply result from this method. The Executive Director's consideration will include impacts to recreational uses including surfing and swimming. A monitoring plan corresponding to that described in Exhibit 6 conducted by the U.S. Army Corps of Engineers will be an acceptable substitute.

IV. Findings and Declarations.

The Commission hereby finds and declares:

A. Project Description and Background.

The existing Coastal Development Permit provides for maintenance dredging at Ventura Harbor. The dredging is needed to maintain the existing navigation channels and sand traps. Approximately 500,000 to 1,000,000 cubic yards of predominately sandy littoral drift material are dredged and disposed south of Ventura Harbor annually to replenish area beaches. Dredged material is discharged in one or more disposal sites: (1) beach, surf zone, and/or nearshore disposal along McGrath State Beach, beginning 100 feet south of the mouth of the Santa Clara River and extending south for 4,300 feet; and (2) South Beach between Ventura Harbor and the Santa Clara River, during periods of flood flows in the Santa Clara River.

The Commission has previously reviewed and approved the Harbor Maintenance and Dredging Program for Ventura Harbor through Coastal Development Permit 4-83-257 as amended (there have been eight previous amendments to this permit), granted to the Ventura Port District as local sponsor, and through various federal consistency determinations granted to the Corps as federal sponsor.

The applicant presently requests four changes to the existing permit conditions: (1) change Special Condition 2 of the existing permit to prohibit surf zone deposition of dredged materials on the first predicted grunion run after March 31, rather than after March 15 as presently required; (2) change Special Condition 4 of the existing permit to redefine the area at the mouth of the Santa Clara River where the discharge of material from the inner harbor is permitted and change the velocity of river flow necessary for deposition from 200 cubic feet per second to 100 cubic feet per second; (3) change Special Condition 9 of the existing permit to extend the term of the permit (which expires in December, 1995) from three to five years; and (4) change Special Condition 11 of the existing permit to eliminate presently required repetitive post dredge surveys (at approximately 3, 5, 8 and 11 months following disposal) only when dredging is accomplished by a clamshell or hopper dredge utilizing a nearshore disposal area (surveys have shown negligible changes when dredging is accomplished in this manner).

As in previous reviews of dredging operations in the harbor, the major issue raised by the proposed amendment is the need to assure that dredging and disposal are accomplished in a manner minimizing impacts to habitat resources and sensitive species. In the past, mitigation measures have focused on avoiding or reducing impacts to grunions and least terns by avoiding activities in the March 15--September 15 period annually, whenever possible.

The western snowy plover is a newly listed threatened species under the Endangered Species Act. The applicant proposes to allow dredging operations up to March 31 (the present limit is March 15, unless an emergency arises). One reason the applicant believes the adjusted operational timing to be approvable is that grunion take is not unlawful under the California Fish and

Game Code during the month of March (grunion may not be taken during April and May). Regardless of whether grunion take as the result of non-fishing activities would be found consistent with the Coastal Act on such a basis, the March 15 seasonal restriction also functions to protect potential nesting and young rearing activities of the western snowy plover. That grunion can be legally taken during the last two weeks of March is irrelevant to the protection of the plover, therefore, as discussed below, the Commission would allow the applicant the flexibility to extend dredging operations as requested into the last two weeks of March only if the requirements of modified Special Condition 2 are met.

B. Habitat/Marine Resources.

The Coastal Act provides:

Section 30230. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, 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 30233.

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

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

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

Section 30240.

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

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

Section 30233(a) of the Coastal Act imposes a three-part test on dredging and filling projects: (1) the allowable use test; (2) an alternatives test; and (3) a mitigation test. As the Commission has found previously, dredging with beach disposal of sandy material at Ventura Harbor complies with these tests because (1) maintenance dredging of existing channels is an allowable use under Section 30233(a)(2); (2) when the material is suitable for beach disposal there is no less damaging feasible alternative; and (3) with the monitoring and mitigation measures addressing environmentally sensitive habitat and species needs (discussed further below), temporary disruption of the marine environment from dredging and disposal does not require additional mitigation.

The proposed amendments would not modify the basic purpose or methods of dredging operations in the Ventura Harbor, and if the proposed amendments are modified as discussed below, the necessary protection of environmentally sensitive habitats and species would continue. Therefore, the Commission finds that the proposed amendment, as conditioned, would be consistent with Section 30233 of the Coastal Act.

The applicant proposes to amend the existing permit to: (1) change Special Condition 2 of the existing permit to prohibit surf zone deposition of dredged materials through March 31, rather than through March 15 as presently required; (2) change Special Condition 4 of the existing permit to redefine the area at the mouth of the Santa Clara River where the discharge of material from the inner harbor is permitted and change the velocity of river flow necessary for deposition from 200 cubic feet per second to 100 cubic feet per second; (3) change Special Condition 9 of the existing permit to extend the term of the permit (which expires in December, 1995) from three to five years; and (4) change Special Condition 11 of the existing permit to eliminate presently required repetitive post dredge surveys (at approximately 3, 5, 8 and 11 months following disposal) only when dredging is accomplished by a clamshell or hopper dredge utilizing a nearshore disposal area (surveys have shown negligible changes when dredging is accomplished in this manner).

Proposed change 1, to Special Condition 2, would prohibit dredging operations from continuing from the first predicted grunion run after March 31 instead of after March 15, as the condition is presently written. The applicant thereby seeks flexibility to continue dredging operations during the last two weeks of March, even if a grunion run were predicted. The applicant sets forth the following justifications for this component of the amendment request:

Sec. 8381 of the California Fish and Game Code makes it unlawful to take grunion only during the months of April and May of each year. To limit dredge material deposition during the latter part of March under the guise of protecting the spawning grunion is illogical if those same grunion can be taken during the same period on that same beach.

The Commission finds, however, that there is not a basis to conclude that lawful grunion fishing activities during March, which are a recreational and economic use of the fish by coastal visitors, can be compared to the avoidable smothering of grunion due to dredging operations. Moreover, the Commission's standard of review for evaluating consistency of the proposed project is the Coastal Act, not the Fish and Game Code. The Commission finds, therefore, that the deliberate take of grunion due to spoils disposal would be inconsistent with the policies of Coastal Act Sections 30230, 30231 and 30240.

Further, there are sensitive species other than the grunion that could be adversely affected by dredging activities undertaken during the latter half of March. Impacts upon the least tern and the newly listed western snowy plover are also possible, as discussed above. The western snowy plover is a small, sand colored bird that forages amongst shoreline kelp debris. The range of the plover stretches from Southern Washington to Baja California. The bird nests in the open in a shallow scrape on dry sand or salty barren soil. The plover's eggs are speckled and resemble the surrounding terrain. The chicks are precocial, walking within a few hours and feeding themselves within a day or so of hatch, but are small and cryptically colored. When an adult perceives danger, it signals the chicks to crouch or run. The chicks are difficult to avoid because of their small size and camouflaged coloring. Often chicks crouch in vehicle tracks or footprints, making them vulnerable to being stepped on or driven over. For these reasons, the birds, nests, eggs, and chicks are difficult to see and subject to destruction.

As mentioned previously, the western snowy plover was listed by the U.S. Fish and Wildlife Service as a threatened species in March, 1993. The plover is therefore protected by the Endangered Species Act. Plover nesting season generally extends from early April through early September, however the season is not constrained by precise dates. The applicant has submitted no information to assure that the western snowy plover would not be adversely impacted by the proposed altered schedule of dredge disposal activities. Therefore, the Commission finds it necessary to modify Special Condition 2 to incorporate review by U.S. Fish and Wildlife Service and the Department of Fish and Game, which must be verified by the Executive Director, to ensure that the change of allowable dredging operation dates does not adversely affect shore birds. Because the plover's habitat is known to include the Ventura coastal region, the protective measures contained in amended Special Condition 2, as modified (see page 4) are necessary to ensure that the proposed amendment is consistent with Coastal Act Sections 30230, 30231, and 30240.

The Commission notes that the applicant has requested this change to Special Condition 2 in the past (4-83-257-A8) and that the request was denied; however the Department of Fish and Game has expressed a willingness to consider modifying the prohibition on activities to the first predicted grunion run after April 1, but only subject to consultation with DFG and the Executive Director's approval (11/24/92 Nitsos). In recognition of the Harbor District's need for operational flexibility, the Commission finds that, with

the newly modified amendment's requirement of affirmative review by DFG and USFWS to ensure that no adverse impacts would result to grunion or sensitive species/habitats, the proposed amendment to Special Condition 2, as modified, would be consistent with the Coastal Act.

The applicant proposes to amend Special Condition 4 to change the description of the permitted discharge zone at the mouth of the Santa Clara River, and to decrease the velocity of river flow necessary to carry out discharge operations. The applicant has not submitted any substantive information to justify this change, other than to suggest that the permit would thereby be made identical to some components of that issued by the Corps. The change in velocity of riverflow (from 200 cubic feet per second to 100 cubic feet per second) would potentially affect dispersal patterns, which could result in more localized deposition of spoils. Burial and displacement of a variety of benthic organisms could result. Absent affirmative information that no significant, adverse impacts to marine life would occur as the result, which the applicant states is unavailable, the Commission finds the proposed amendment to Special Condition 4 inconsistent with the Coastal Act policies protective of marine resources cited above.

The applicant proposes to change the permit term from the present three years to five years (amendment of Special Condition 9). The Commission finds that the existing mitigation measures imposed upon CDP 4-83-257 as amended are sufficient to protect coastal resources and contain numerous monitoring requirements to track successful implementation of these measures. Therefore, the additional two year extension of the permit term is reasonable and would not adversely affect coastal resources. Any change to the project description that would potentially generate new environmental impacts that have not been previously evaluated would require a future amendment.

The applicant proposes to amend Special Condition 11 to remove the requirement that repetitive surveys of beach profiles and bathymetry be performed four times annually after deposition of dredged spoils is accomplished via the use of the clamshell or hopper dredge. Past reports have shown negligible changes following nearshore disposal by this method. Therefore, the Commission finds that elimination of redundant surveys which have not compiled any meaningful data in the past is justified and will not reduce the efficacy of protective measures incorporated into the permit conditions.

For all of the reasons cited above, the Commission finds that the proposed amendment to CDP 4-83-257 (A9) if modified as proposed, and to eliminate the proposed change to Special Condition 4 entirely, would be consistent with the requirements of Sections 30230, 30231, 30233 and 30240 of the Coastal Act.

C. Access and Recreation. Sections 30210--30212 and 30234 of the Coastal Act provide for the maximization of public access and recreation opportunities and the protection of recreational (and other) boating facilities. The dredging activities of the Ventura Harbor District, as amended, would continue to enhance access and recreation both at the dredging site, by maintaining channels needed for boating, and, at the disposal site, by replenishing beaches used for recreation. As modified above to ensure that dredging does not interfere with grunion runs occurring in March (when grunion can be legally taken in California), no adverse impacts to this local grunion

harvesting activities (both a recreational and economic use of the species) would occur. Therefore, while some access and recreation impacts will occur, such as public use restrictions within the dredging area and the immediate disposal area, these recreational and access impacts have been minimized and are short term. Overall, the project will improve access and recreation opportunities. The Commission therefore finds the project consistent with the public access and recreation policies of the Coastal Act cited above.

D. Local Coastal Program/California Environmental Quality Act (CEQA).

The proposed project, as amended, is located in or adjacent to the Cities of Ventura and Oxnard. Local Coastal Programs (LCPs) for these cities were certified by the Commission in 1981 (Ventura Harbor), 1984 (balance of Ventura) and 1985 (Oxnard). Both LCPs contain policies and standards for the protection of marine resources, environmentally sensitive habitats and public access and recreation. The project, although located entirely within the Commission's original jurisdiction, is consistent with these policies.

The Coastal Commission's Coastal Management Program has been designated as the functional equivalent of the California Environmental Quality Act (CEQA) by the Secretary for Resources. CEQA requires the consideration of alternatives to a proposed project, including alternatives which would be less environmentally damaging, and the adoption of mitigation measures to lessen significant environmental impacts to a level of insignificance. The Commission has reviewed the proposal and developed alternatives and mitigation measures as described in the foregoing findings and incorporated into the amended Special Conditions. The Commission finds that the proposed project, as conditioned, will have no significant impacts on the environment within the meaning of CEQA.

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VENTURA PORT DIST.
4-83-257 A-8
PROJECT DESCRIPTION

Maintenance dredging/sand bypassing of Ventura Harbor conducted by the Ventura Port District. The work includes hydraulic dredging with pipeline disposal into the surf zone from McGrath State Beach northward along South Peninsula Beach. Finer silts from the inner harbor areas are dispersed in the surf zone in an area nearby, and north of the mouth of the Santa Clara River. The project can potentially move to the beach and surf zone approximately 400,000 and 1,000,000 cubic yards (CY) of sand from the inner harbor, sand traps and entrance channel, but typically involves much smaller quantities (50,000 - 150,000 CY) from the inner harbor only. The permit conditions as amended include provisions protecting California least tern and California grunion habitats, steelhead trout habitats, and public coastal access and recreation; and require monitoring of the dredging/disposal program to assess its impacts on local shoreline sand supply. The most recent amendment allowed one-time use of a hopper or clamshell dredge with disposal into the nearshore waters off McGrath State Beach. Commission approval was originally granted August 24, 1983; the permit has since been extended twice.

CONDITIONS OF APPROVAL

SPECIAL CONDITIONS (SEE ALSO STANDARD CONDITIONS, EXHIBIT A)

1. To avoid interference with Least Tern nesting there shall be no operation of equipment, spoil disposal, placement or removal of disposal pipelines, or other construction, maintenance, material removal or activities involving mechanized equipment within 100 yards of, and on the entire beach seaward of, the Least Tern nesting area identified annually by the Department of Fish and Game or the State Park Resource Protection Area (Exhibit 1B) from April 15 through September 1.
2. To avoid impact on public recreational use of the beach and on the spawning of the California grunion, no project activities described in Condition 1 shall take place on any part of the beach and shorefront in the project area from the first predicted grunion run after March 15 through Labor Day in September, except when conditions require emergency dredging as described in Condition 3.
3. Emergency conditions shall be deemed to exist only when unanticipated shoaling creates a bona fide hazard to navigation or threat of closure at the Ventura Harbor Entrance Channel. In this event, clean sand, meeting EPA and Regional Water Quality Control Board beach disposal criteria may be discharged as provided by this permit and in accordance with the following single point surf zone deposition plan as described with mitigation measures in the Corps of Engineers Final Environmental Assessment dated September, 1988:
 - a) A zone of operations a maximum of 500 feet in width for each dredging episode in consultation with the Wildlife Service (USFWS), the California Department

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(DFG), and the California Department of Parks and Recreation (DPR). Written confirmation of the zones location and plans showing such location shall be provided to the Executive Director for review and approval a minimum of 10 days prior to each dredging episode or, alternatively, may be provided for all zones prior to mobilization of the dredging equipment.

- b) Primary and alternate discharge pipes shall be located perpendicular to the shoreline and shall extend seaward beyond the Mean-Higher-High Tide Lines as indicated on Exhibit 2 of this staff report.
 - c) As the material deposited within the zone of operations accumulates, the discharge pipe will be extended seaward. Lateral movement of the outfall shall only be permitted when seaward extension of the pipeline is no longer feasible; however, the discharge point may only be moved within the zone of operations and in such location that dredged material remains within the 500 ft. zone of operations.
 - d) Slotted or perforated pipe shall be used in the final length of the discharge line to insure maintenance of the sand mount upon which the line lays.
 - e) Monitoring of this disposal method shall be conducted upon the beginning of the California grunion spawning season in consultation with DFG and DPR. Should these agencies determine that adverse impacts to grunion spawning are occurring within the 500 ft. zone of operations, the applicant shall provide a written report of the determination to the Executive Director. Reasonable alternative disposal methods and/or remedial measures shall be evaluated and implemented within five working days of the determination.
 - f) In consultation with the USFWS, the DFG, and the DPR, the applicant shall prepare a monitoring report for the Executive Director evaluating the physical and wildlife impacts of the above-described method of dredge spoils disposal conducted under this permit as amended. This report shall in part form the basis for future evaluations of the extension of this permit or other Coastal Commission approvals for disposal of dredged spoils from the Ventura Harbor maintenance dredging program and shall be transmitted for the Executive Director's review and approval no later than 60 days of completion of the dredging program or August 15 of each year, whichever comes sooner.
4. At least six (6) weeks prior to the dredging and ocean surfzone or nearshore deposition of material from the inner harbor areas, physical analysis shall be done of a representative sample of the sediments to be dredged. Only dredged material meeting EPA criteria for beach replenishment (from any point in the Harbor) shall be placed on the beach. Finer sands and silts meeting applicable federal and state dredge spoil discharge requirements shall be disposed in the surfzone more than 100 feet from the Santa Clara River and only while the flow is flowing at 200 cubic feet per second measured at the USCG gauging station.

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5. Deposition of sandy dredge spoils in the Least Tern nesting area for enhancement purposes may be permitted in consultation with the USFWS, the DFG, and the DPR, in an amount determined appropriate by these agencies. Deposition shall only be permitted when it is accomplished prior to April 15 or after Labor Day in September of any given year. Notice that such deposition is taking place shall be provided to the Executive Director and interested parties at least five working days prior to the disposal.
6. Deposition of sandy dredge materials meeting EPA and RWQCB criteria for beach replenishment may be conducted on Marina Park Beach and within Cells 1 and 2 of the Pierpont Beach Groin Field with the consent of the DPR and the City of San Buenaventura. Said deposition within Cells 1 and 2 shall be in accordance with the beach profiles attached hereto as Exhibit 3. Deposition on Marina Park Beach shall be accomplished in a location and fashion acceptable to the City of San Buenaventura, the DPR and the Executive Director. Notice of such upcoast disposal shall be conducted in the same manner as the downcoast bypassing operation, and notice that such activity is proposed and has been reviewed and approved by the above agencies shall be provided to the Executive Director for review and approval a minimum of 5 days prior to the proposed activity.
7. At the completion of each year's dredging and deposition, but prior to the disposal prohibition period, the sand deposited on the beach shall be graded and groomed to natural beach contours to facilitate recreational use.
8. No pipes nor any other equipment, except for a buried permanent pipeline, shall be stored on the beach during the period from April 15 through September 1 except for emergency dredging.
9. The term of this permit shall be three years, renewable by the Commission for a longer term if the Commission finds no adverse effects have resulted from these operations. The applicant shall keep records of and report the total volume and grain size distribution of material dredged and placed on permitted sites.
10. The applicant shall continue to conduct a shoreline monitoring program which shall include beach profile surveys, aerial photography and dredging records review. The monitoring program shall document shoreline changes in the project vicinity. Documentation shall commence prior to any disposal taking place in order to accurately document pre-project conditions. The monitoring program shall provide documentation of shoreline change and shall continue concurrent with the life of the permit as extended. Documentation shall include, but not be limited to:
 - a) Aerial photographs made available as a result of applicants' agreements with adjacent shoreline owners and interested public entities;
 - b) Wave data reporting including reporting of wave height energy collected at the nearest buoy by the Coastal Data Program or other acceptable substitute program, and any data sufficient to identify the role of wave energy in profile changes. This component may be excluded from 1

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It is shown that reasonably obtainable data cannot produce useful, quantitative results.

- c) Annual beach profiles shall be provided for by the applicant. The profiles shall be taken (1) in January of each year or immediately prior to dredging mobilization; and (2) by October 15. The profiles shall be at the eleven locations utilized in the baseline survey and shall be performed in a manner consistent with the profile surveys of 1989, 1990 and 1991. Minimum and maximum tide levels at the time of profile survey shall be noted on the profiles.
- d) An indication of beach width and sand volume changes on the beaches within the area profiles as well as data detailing the annual quantity and placement of dredged material.

The monitoring information shall be submitted to the Commission or its successor agency by July 1 of each year as well as to other public and federal, state and local entities who wish to obtain such information. At a minimum, the annual reports shall be furnished to the Executive Director of the Commission, the Cities of Ventura and Oxnard, the Corps of Engineers (Los Angeles District) and BEACON.

11. As an alternative to hydraulic pipeline dredging and disposal, maintenance dredging may be conducted using clamshell or hopper dredge with nearshore disposal off McGrath State Beach as shown in Exhibits 4A and B. Upcoast nearshore disposal may also be conducted pursuant to the beach nourishment agreement with the City of San Buenaventura, off San Buenaventura State Beach downcoast of the Ventura Pier as shown in Exhibit 3. In order to evaluate the appropriateness of nearshore disposal at Ventura Harbor and its effectiveness in beach nourishment, the nearshore alternative shall be subject to the review and approval of the Executive Director based on the following monitoring report:

- A. The applicant shall measure and document the response of adjacent shorelines to the placed berm and the prevailing environmental conditions, and document the dispersion and migration of the berm itself. The monitoring program parameters shall correspond to the draft 1991 Maintenance Dredging Monitoring Plan proposed by the U.S. Army Corps of Engineers (Exhibit 6), including pre- and post-dredge surveys, and repetitive surveys of the beach profiles and bathymetry at approximately 3, 5, 8 and 11 months following completion of disposal. Monitoring results shall be provided to the Executive Director following completion of the first year of the program. Subsequent utilization of the nearshore method shall require Executive Director review and approval, and shall be contingent upon the monitoring program demonstrating that no adverse impacts to downcoast shoreline sand supply result from this method. The Executive Director's consideration will include impacts to recreational uses including surfing and swimming. A monitoring plan corresponding to that described in Exhibit 6 conducted by Army Corps of Engineers will be an acceptable substitute

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

PROPOSED REVISIONS TO
THE SPECIAL CONDITIONS APPLICABLE TO
COASTAL PERMIT NO. 4-83-257 A-8
(deletions are lined out and insertions underlined)

1. To avoid interference with Least Tern nesting there shall be no operation of equipment, spoil disposal, placement or removal of disposal pipelines, or other construction, maintenance, material removal or activities involving mechanized equipment within 100 yards of, and on the entire beach seaward of, the Least Tern nesting area identified annually by the Department of Fish and Game or the State Park Resource Protection Area (Exhibit 1B) from April 15 through September 1.
2. To avoid impact on public recreational use of the beach and on the spawning of the California grunion, no project activities described in Condition 1 shall take place on any part of the beach and shorefront in the project area from the first predicted grunion run after March ~~15~~ 31 through Labor Day in September, except when conditions require emergency dredging as described in Condition 3.
3. Emergency conditions shall be deemed to exist only when unanticipated shoaling creates a bona fide hazard to navigation or threat of closure at the Ventura Harbor Entrance Channel. In this event, clean sand, meeting EPA and Regional Water Quality Control Board beach disposal criteria may be discharged as provided by this permit and in accordance with the following single point surf zone deposition plan as described with mitigation measures in the Corps of Engineers Final Environmental Assessment dated September, 1988:
 - a) A zone of operations a maximum of 500 feet in width shall be fixed for each dredging episode in consultation with the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (DFG), and the California Department of Parks and Recreation (DPR). Written confirmation of the zones location and plans showing such location shall be provided to the Executive Director for review and approval a minimum of 10 days prior to each dredging episode or, alternatively, may be provided for all zones prior to mobilization of the dredging equipment.
 - b) Primary and alternate discharge pipes shall be located perpendicular to the shoreline and shall extend seaward beyond the Mean-Higher-High Tide Lines as indicated on Exhibit 2 of this staff report.
 - c) As the material deposited within the zone of operations acci discharge pipe will be extended seaward. Lateral movemen

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shall only be permitted when seaward extension of the pipeline is no longer feasible; however, the discharge point may only be moved within the zone of operations and in such location that dredged material remains within the 500 ft. zone of operations.

- d) Slotted or perforated pipe shall be used in the final length of the discharge line to insure maintenance of the sand mount upon which the line lays.
 - e) Monitoring of this disposal method shall be conducted upon the beginning of the California grunion spawning season in consultation with DFG and DPR. Should these agencies determine that adverse impacts to grunion spawning are occurring within the 500 ft. zone of operations, the applicant shall provide a written report of the determination to the Executive Director. Reasonable alternative disposal methods and/or remedial measures shall be evaluated and implemented within five working days of the determination.
 - f) In consultation with the USFWS, the DFG, and the DPR, the applicant shall prepare a monitoring report for the Executive Director evaluating the physical and wildlife impacts of the above-described method of dredge spoils disposal conducted under this permit as amended. This report shall in part form the basis for future evaluations of the extension of this permit or other Coastal Commission approvals for disposal of dredged spoils from the Ventura Harbor maintenance dredging program and shall be transmitted for the Executive Director's review and approval no later than 60 days of completion of the dredging program or August 15 of each year, whichever comes sooner.
4. At least six (6) weeks prior to the dredging and ocean surfzone or nearshore deposition of material from the inner harbor areas, physical analysis shall be done of a representative sample of the sediments to be dredged. Only dredged material meeting EPA criteria for beach replenishment (from any point in the Harbor) shall be placed on the beach. Finer sands and silts meeting applicable federal and state dredge spoil discharge requirements shall be disposed in the surfzone ~~no closer than 100 feet from the Santa Clara River and only while the River is flowing at 200 cubic feet per second~~ along the 2500 feet of beach at the mouth of the Santa Clara River with the actual discharge point being within 200 feet of the northern bank of the location at which the river flows into the ocean and only while the river is flowing at 100 cubic feet per second or greater, measured at the USCG Montalvo stream gauging station.
5. Deposition of sandy dredge spoils in the Least Tern nesting area for purposes may be permitted in consultation with the USFWS, the D

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APPLICATION NO. 4-83-257-A9
Pg. 2 of 5
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DPR, in an amount determined appropriate by these agencies. Deposition shall only be permitted when it is accomplished prior to April 15 or after Labor Day in September of any given year. Notice that such deposition is taking place shall be provided to the Executive Director and interested parties at least five working days prior to the disposal.

6. Deposition of sandy dredge materials meeting EPA and RWQCB criteria for beach replenishment may be conducted on Marina Park Beach and within Cells 1 and 2 of the Pierpont Beach Groin Field with the consent of the DPR and the City of San Buenaventura. Said deposition within Cells 1 and 2 shall be in accordance with the beach profiles attached hereto as Exhibit 3. Deposition on Marina Park Beach shall be accomplished in a location and fashion acceptable to the City of San Buenaventura, the DPR and the Executive Director. Notice of such upcoast disposal shall be conducted in the same manner as the downcoast bypassing operation, and notice that such activity is proposed and has been reviewed and approved by the above agencies shall be provided to the Executive Director for review and approval a minimum of 5 days prior to the proposed activity.
7. At the completion of each year's dredging and deposition, but prior to the disposal prohibition period, the sand deposited on the beach shall be graded and groomed to natural beach contours to facilitate recreational use.
8. No pipes nor any other equipment, except for a buried permanent pipeline, shall be stored on the beach during the period from April 15 through September 1 except for emergency dredging.
9. The term of this permit shall be ~~three~~ five years, renewable by the Commission for a longer term if the Commission finds no adverse effects have resulted from these operations. The applicant shall keep records of and report the total volume and grain size distribution of material dredged and placed on permitted sites.
10. The applicant shall continue to conduct a shoreline monitoring program which shall include beach profile surveys, aerial photography and dredging records review. The monitoring program shall document shoreline changes in the project vicinity. Documentation shall commence prior to and disposal taking place in order to accurately document pre-project conditions. The monitoring program shall provide documentation of shoreline change and shall continue concurrent with the life of the permit as extended. Documentation shall include, but not be limited to:
 - a) Aerial photographs made available as a result of applicants' a) with adjacent shoreline owners and interested public entities;

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- b) Wave data reporting including reporting of wave height and wave energy collected at the nearest buoy by the Coastal Data Information Program or other acceptable substitute program, and analysis of that data sufficient to identify the role of wave energy in causing profile changes. This component may be excluded from the program if it is shown that reasonably obtainable data cannot produce useful, quantitative results.
- c) Annual beach profiles shall be provided for by the applicant. The profiles shall be taken (1) in January of each year or immediately prior to dredging mobilization; and (2) by October 15. The profiles shall be at the eleven locations utilized in the baseline survey and shall be performed in a manner consistent with the profile surveys of 1989, 1990 and 1991. Minimum and maximum tide levels at the time of profile survey shall be noted on the profiles.
- d) An indication of beach width and sand volume changes on the beaches within the area profiles as well as data detailing the annual quantity and placement of dredged material.

The monitoring information shall be submitted to the Commission or its successor agency by July 1 of each year as well as to other public and federal, state and local entities who wish to obtain such information. At a minimum, the annual reports shall be furnished to the Executive Director of the Commission, the Cities of Ventura and Oxnard, the Corps of Engineers (Los Angeles District) and BEACON.

- 11. As an alternative to hydraulic pipeline dredging and disposal, maintenance dredging may be conducted using clamshell or hopper dredge with nearshore disposal off McGrath State Beach as shown in Exhibits 4A and B. Upcoast nearshore disposal may also be conducted pursuant to the beach nourishment agreement with the City of San Buenaventura, off San Buenaventura State Beach downcoast of the Ventura Pier as shown in Exhibit 3. In order to evaluate the appropriateness of nearshore disposal at Ventura Harbor and its effectiveness in beach nourishment, the nearshore alternative shall be subject to the review and approval of the Executive Director based on the following monitoring report:

- A. The applicant shall measure and document the response of adjacent shorelines to the placed berm and the prevailing environmental conditions, and document the dispersion and migration of the berm itself. ~~monitoring program parameters shall correspond to the draft Maintenance Dredging Monitoring Plan proposed by the U.S.~~

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of Engineers *For Nearshore Disposal* (Exhibit 6), including pre- and post-dredge surveys, ~~and repetitive surveys~~ of the beach profiles and bathymetry at approximately ~~3, 5, 8 and 11 months following completion of disposal.~~ Monitoring results shall be provided to the Executive Director following completion of the first year of the program. Subsequent utilization of the nearshore method shall require Executive Director review and approval, and shall be contingent upon the monitoring program demonstrating that no adverse impacts to downcoast shoreline sand supply result from this method. The Executive Director's consideration will include impacts to recreational uses including surfing and swimming. A monitoring plan corresponding to that described in Exhibit 6 conducted by the U.S. Army Corps of Engineers will be an acceptable substitute.

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the need to protect least terns and grunions. Mitigation measures focused on avoiding the March 15-September 15 period whenever possible, and when unforeseen contingencies (e.g., late winter storms or mechanical failures) extended dredging beyond March 15, the Corps committed to using only diked, single-point disposal. With these measures the Commission found the previous projects consistent with Coastal Act habitat protection policies. The Corps has committed to similar (and some additional) measures in the subject case.

An issue that developed during the last dredging and disposal operation concerns disposal of material adjacent to the mouth of the Santa Clara River. Concern was expressed that disposal occurred too close to the river mouth, potentially affecting spawning and juvenile steelhead trout and habitat within the Santa Clara River estuary. The Corps has committed as a part of this consistency determination that dredged material disposal on or offshore from McGrath State Beach will not occur within 100 feet of the river mouth, and that the disposal pipe outlet on the beach will be directed south, away from the river. This commitment should ensure that fisheries and estuarine habitat associated with the Santa Clara River will not be adversely affected by the proposed project.

A second new issue not raised in previous consistency determinations for Ventura Harbor maintenance dredging and disposal operations arises due to the need to protect the western snowy plover, a newly listed threatened species under the Endangered Species Act. To address this species, the Corps proposes a contingency plan that would take effect in the event the dredging extends beyond March 15. The contingency plan, which is included in the subject consistency determination, is as follows:

Western Snowy Plover. Dredging operations, and nearshore disposal, are not expected to affect the western snowy plover. Specific measures will be taken to avoid impacts to nesting and wintering plovers, if beach disposal occurs. These measures include: completion of all beach disposal activity by March 15; and restriction of pipeline placement, vehicle use, and other activities to the corridor outlined in Figure 3 [Exhibit 3]. With the inclusion of these measures, beach (or surf zone) disposal will not affect this species.

If beach or surf zone disposal occurred, and operations (including pipeline, dike and berm removal) were not concluded by March 15, the following contingency plan would be initiated:

a) Coordination with resource agencies (USFWS and CDFG), would be re-initiated if and when it appeared that operations might continue beyond March 15.

b) If the USFWS believed the extension was significant, and that further operations might impact the plover, operations would not proceed beyond March 15 until the following conditions were met:

1) A qualified biologist, ornithologist, or other plover expert examined the entire length of the pipeline and equipment corridor for evidence of active plover n

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nests were found and it was determined that the pipeline could be removed without impacts to the plover; all sections of pipe would be removed from McGrath State Beach.

2) If additional disposal was necessary, diked disposal or single-point surf zone disposal would occur on South Beach. When this was concluded, additional plover surveys would be conducted to determine if the pipeline on South Beach could be safely removed. At this time, all dikes and berms shall also be removed.

c) These methods of disposal would also protect spawning grunion, by limiting the area of impact. If the beach was too narrow to construct dikes, or if it was determined (through coordination with resource agencies) that the construction of dikes could impact plover or tern habitat, single-point surf zone discharge would be used. This method is described in detail in Section 3.3.4.

d) If, at any time, it was determined that active nesting prohibited the removal of pipeline, or the disposal of material, the COE [Corps] would instruct the contractor to immediately stop operations. Resource agencies, the California Coastal Commission, and the State Department of Parks and Recreation would be consulted to determine the best course of action. Options would include:

- (1) Pipeline burial, with removal after August 15;
- (2) Narrowing the corridor of operations;
- (3) Initiation of alternative methods of discharge;
- (4) Monitoring by a qualified biologist, ornithologist, or other plover expert;
- (5) Fencing of one or more corridors between the dunes and the surf to provide protected habitat for the plover; and, or
- (6) Initiation of formal consultation with the USFWS, pursuant to Section 7 of the Endangered Species Act. All attempts would still be made to avoid harm or destruction of the nests.

Actions taken would depend on potential consequences to the plover, and the time required to complete operations.

a) The Corps of Engineers would invite resource agencies to attend on-site inspections of post-March 15 beach disposal at the discretion of the COE and agencies. The COE Contracting Officer or representative would attend these inspections. If inspections revealed adverse impacts to grunion spawning, or the plover, reasonable alternative disposal methods and/or remedial measures would be evaluated and implemented by the COE.

The Corps has worked with the U.S. Fish and Wildlife Service (USFWS) developing the contingency plan. The USFWS has not completed its r

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Ventura Harbor Dist.

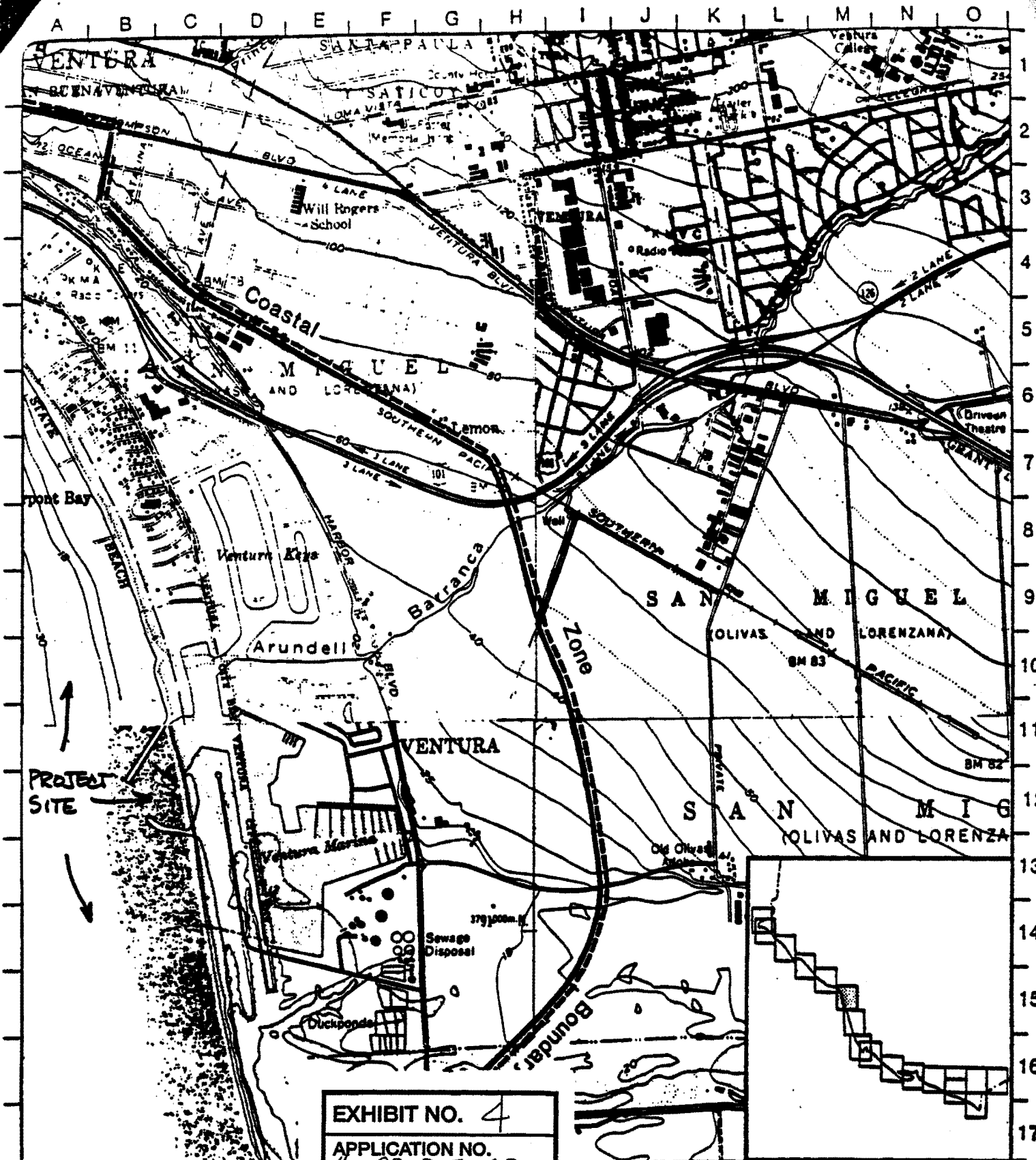
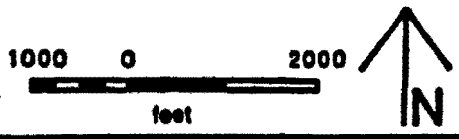


EXHIBIT NO. 4
APPLICATION NO. 4-83-257-A9
<i>Ventura Harbor</i>

 California Coastal Commission



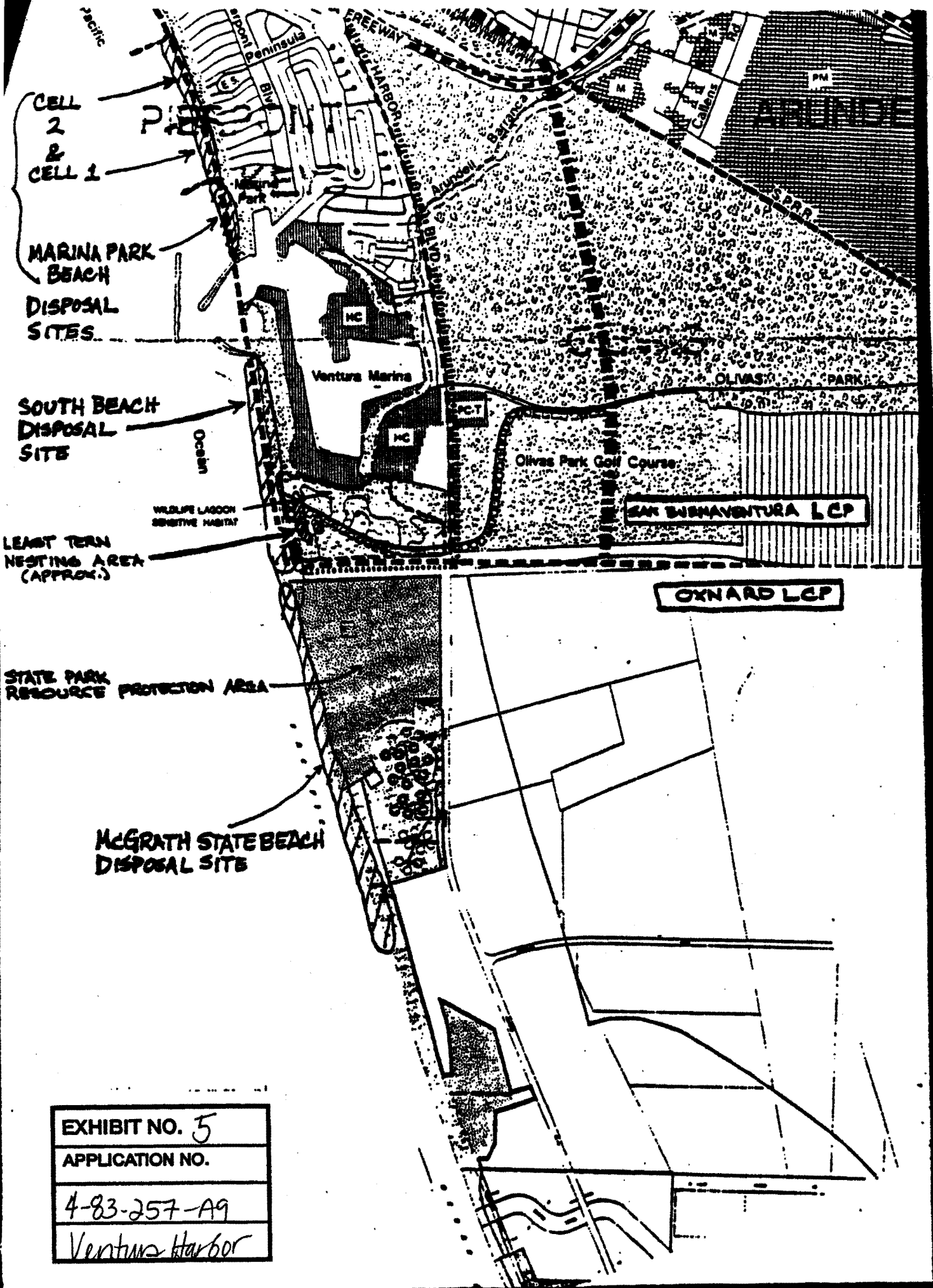


EXHIBIT NO. 5
APPLICATION NO.
4-83-257-A9
Ventura Harbor

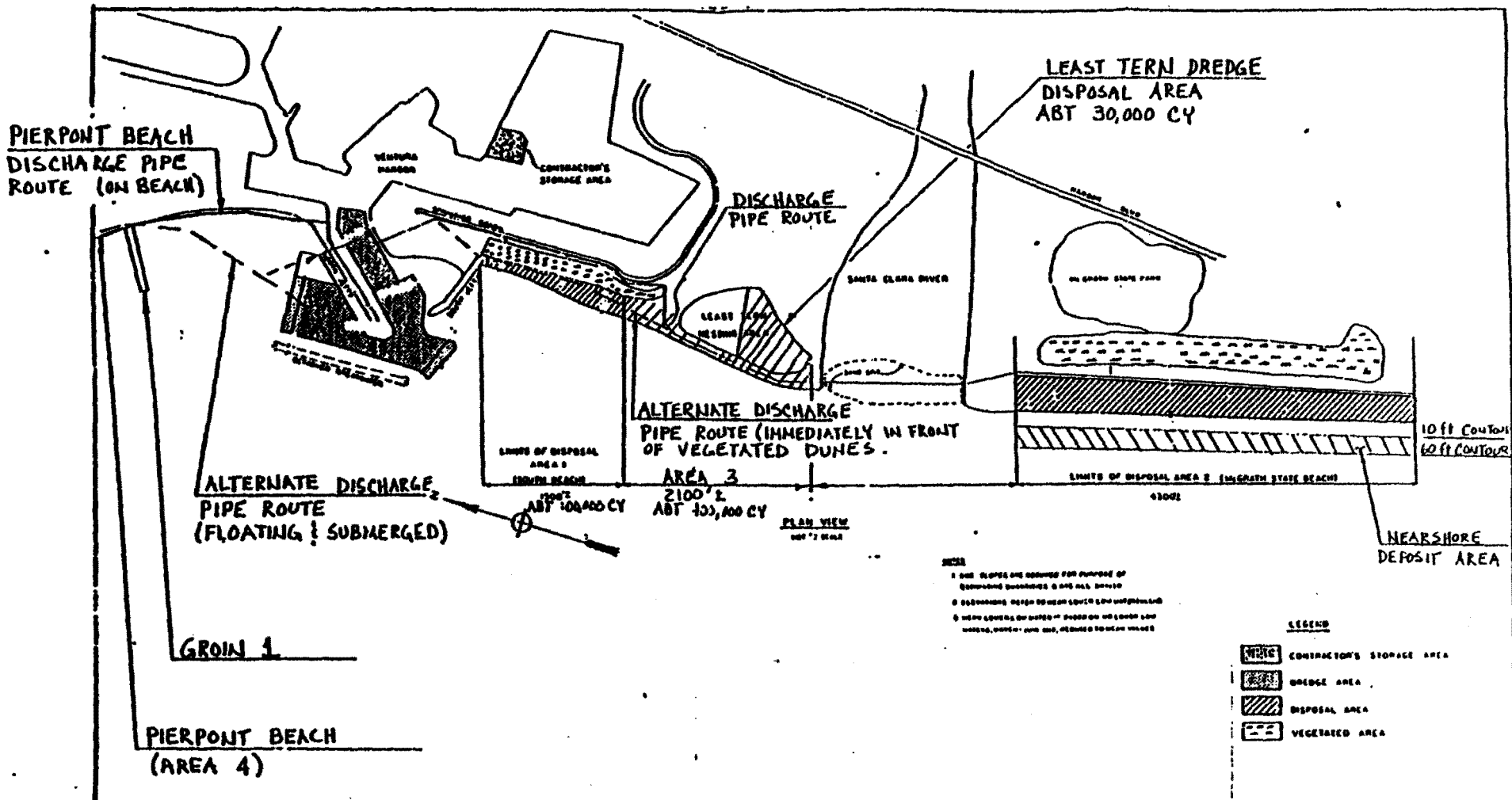


Figure 4
Disposal Areas

SAFETY PAYS

EXHIBIT NO. 6
APPLICATION NO. 4-83-252-49
Ventura Harbor

PROJECT NO.		DATE	
DRAWING NO.		SCALE	
SHEET NO.			
PROJECT TITLE			
PROJECT LOCATION			
PROJECT DESCRIPTION AND DETAILED INFORMATION			
MAINTENANCE DREDGING VENTURA HARBOR			
PLAN			
DATE	BY	DATE	BY

