

CALIFORNIA COASTAL COMMISSION

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Filed: October 2, 1995
49th Day: November 15, 1995
Staff: DR-SF
Staff Report: October 27, 1995
Hearing Date: November 15, 1995
Item No.: 5.a.
Commission Action:
Commission Vote:

STAFF RECOMMENDATION -- CONSENT CALENDAR

APPLICANT NO.: E-95-6

APPLICANT: **CALIFORNIA DEPARTMENT OF PARKS AND RECREATION (CDPR)**

AGENT: Kirk Marshall, Ranger

PROJECT LOCATION: Crystal Cove State Park, Laguna Beach, Orange County (Exhibits 1-3).

PROJECT DESCRIPTION: Develop two underwater trails at Crystal Cove State Park. The trails will be developed by placing fish shaped concrete trail markers onto the ocean floor at a depth of no greater than 35 feet. The concrete trail markers will be held in place by their weight (approx. 125 lbs.). Six trail markers will be used for each trail. The trail markers on one trail will be linked with 3/8 inch diameter yellow polypropylene line. The other trail is proposed as a compass course trail with stand alone concrete markers.

SUBSTANTIVE FILE DOCUMENTS: Appendix A

SYNOPSIS

The Crystal Cove State Park Underwater Trails Project consists of the development of two underwater trails at Crystal Cove State Park Underwater Park. The two trails will be developed by placing fish shaped concrete trail markers onto the ocean floor at a depth of no greater than 35 feet. The concrete trail markers will be held in place by their weight (approx. 125 lbs. each). Six trail markers will be used for each trail. The trail markers on one trail will be linked with 3/8 inch diameter yellow polypropylene line. The other trail will be a compass course trail with stand alone concrete markers (Exhibit 4). The proposed location of the two trails is in the Reef Point area of Crystal Cove State Park. Two existing coastal access walkways, from an existing parking lot at Reef Point, provide access to the beach area and underwater park.

This CDP will allow the CDPR to implement the underwater trails provisions of the Crystal Cove State Park General Plan and the California State Parks System Underwater parks Master Plan. The purpose of the trail system is to increase the underwater recreational and interpretation potential of Crystal Cove State Park Underwater Park. The increased usage of the underwater park expected from the implementation of the trails project will not only add to the overall recreation and interpretation opportunities, but should also promote better resource management and protection of the underwater resources through public education.

The CDPR will establish the trail alignment with the placement of fish-shaped concrete trail markers (Exhibit 3). A small boat and winch will be used to position and lower the trail markers onto the ocean floor along the trail alignment. CDPR staff have estimated a construction time of sixteen hours to position the trail markers.

The project lies below the mean high tide line and is therefore subject to the Commission's original permit jurisdiction. Since the Crystal Cove Underwater trails Project has the potential to impact marine resources, the proposed project is subject to review under sections 30230 and 30231 of the Coastal Act which state, in part, that marine resources shall be protected and that the use 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.

Although review of the underwater trails project indicates that it will have little impact on the local marine environment, a future expansion of the trail facilities could adversely affect the benthic habitat in the immediate vicinity of the underwater trails. Any proposed expansion of the trails facilities would require either a permit amendment or a new permit, and would potentially trigger the need for additional analysis of project-related environmental impacts and possibly new permit conditions.

Additionally, the underwater trails project is subject to review under sections 30210, Public Access, and section 30220, Recreation. These policies provide that maximum access and recreational opportunities shall be provided for all people consistent with public safety needs, the need to protect public rights, rights of private property owners, and natural resource areas from overuse. The Underwater Trails Project is proposed within the confines of an existing underwater park and will not obstruct the public from accessing the open ocean. Furthermore, implementation of the underwater trails project is expected to enhance coastal access and public recreational opportunities, and significant adverse affects to recreation and public access are not expected.

The Special Conditions included in Section 3.0 of this report include measures to minimize impacts to marine resources while providing maximum public access and recreational opportunities. Specifically, the Special Conditions require that special care be taken during the placement of the fish shaped concrete trail markers to: (1) minimize disruption of marine life and avoid impacts to subtidal reefs habitat; and (2) requires that any physical expansion of the underwater trails shall require the submission of a CDP amendment or a new CDP application.

The staff recommends that the Commission approve the Underwater Trails project with the Special Conditions contained in Section 3.0 of this report.

Table No. 1. Issue Summary: Potential Project-Related Impacts

Potential Impact	Analysis
Marine Environment	<p>Potential impacts associated with the underwater trails project include disruption of the intertidal substrate and the benthic habitat in the immediate vicinity of the trails.</p> <p>⇒ In order to reduce the impacts to the intertidal zone associated with the entry and exit of the divers from the underwater park, the Crystal Cove General Plan requires that access to the underwater park is limited to the Crystal Cove Historic District and Moro Cove. Limiting avenues of access to the underwater park should sufficiently limit potential disruption of intertidal habitats resulting from scuba diver activities.</p> <p>⇒ Special Condition No. 1 requires that the CDPR avoid disruption of subtidal reefs and place the concrete trail markers exclusively on the sandy ocean bottom.</p> <p>Thus, significant adverse impacts to marine resources of the coastal zone are not expected as a result of implementation and operation of the underwater trails project.</p>
Cumulative Impacts	<p>Underwater trails do not currently exist at Crystal Cove State Park. No other subtidal development exist or is planned at this time within the boundaries of the underwater park. Implementation of the underwater trails project will facilitate increased use of the underwater park and increase the potential for impacts to marine resources. However, the creation of two trails within the underwater park is not expected to result in significant cumulative impacts to coastal resources.</p> <p>⇒ The public education component of the interpretive trail system should facilitate resource management and protection by making the park users aware of the various marine life and habitats of the underwater park.</p> <p>⇒ Special Condition No. 2 provides that any physical expansion of the trail facilities will require the submission of a new coastal development permit application or an application for a permit amendment.</p> <p>Thus, activities associated with implementation and operation of the underwater trails project are not expected to result in significant cumulative impacts to coastal zone resources.</p>
Recreation and Public Access	<p>The Crystal Cove Underwater Park was created for the management and preservation of marine resources, while encouraging public use, enjoyment, and education. Approval of this CDP will allow the CDPR to develop the Crystal Cove Underwater Trails project.</p> <p>⇒ Public access and parking is provided at the existing terrestrial portion of Crystal Cove State Park.</p> <p>⇒ The project will result in the construction and use of two underwater trails by both novice and experienced recreational scuba divers. The introduction of underwater trails to Crystal Cove State Park will facilitate public access and use of the underwater park for water-oriented recreational activities.</p> <p>Thus, implementation of the underwater trails project is expected to enhance coastal access and public recreational opportunities; significant adverse affects to recreation and public access are not expected.</p>
Visual Resources	<p>When completed the underwater trails project will not be visible from the shoreline. The project will be located on the sandy ocean floor at a depth of approximately 35 feet. Twelve (12) concrete trail markers (30" x 20" x 15") will be visible to scuba divers visiting the site. The trail markers are shaped as fish and should offer a degree of aesthetic compatibility with the underwater park theme. Visual impacts associated with the underwater trail markers will be negligible.</p> <p>Thus, significant adverse impacts to visual resources of the of the coastal zone are not expected as a result of project implementation and operation.</p>

1.0 STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

APPROVAL WITH CONDITIONS

The Commission hereby grants a coastal development permit, subject to the conditions below, for the California Department of Parks and Recreation underwater trails project on the grounds that the underwater trails project, as conditioned, will be in conformity with the Recreation, Public Access and Marine Environment policies contained in Chapter 3 of the California Coastal Act, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program (LCP) conforming with the provisions of Chapter 3 of the Coastal Act, and as conditioned, will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act (CEQA).

2.0 STANDARD CONDITIONS See Appendix B.

3.0 SPECIAL CONDITIONS

The California Coastal Commission grants this permit subject to the following conditions:

1. The CDPR shall use special care during the placement of the fish shaped concrete trail markers. The trail markers shall be placed on the sandy ocean bottom only to minimize disruption of the benthic habitat and avoid impacts the subtidal reefs in the project area.
2. Any physical expansion of the Crystal Cove Underwater trails program shall require the submission of a new Coastal Development Permit Application or an application for a permit amendment.

4.0 FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

4.1. Project Description

The California Department of Parks and Recreation (CDPR) proposes to develop two underwater trails at Crystal Cove State Underwater park. The trails will be developed by placing fish shaped concrete trail markers (30" x 20" x 15") onto the ocean floor at a depth of no greater than 35 feet (Exhibit 3). The concrete trail markers will not be anchored to the ocean floor, but will be held in place by their weight (approx. 125 lbs. each). Six trail markers will be used for each trail. The concrete fish markers on the one trail will be linked at various distances with a 3/8 inch diameter yellow polypropylene line. The other trail is proposed as a compass course trail; the concrete markers will stand alone at various locations along the trail alignment.

4.2. Background

California's underwater coastline contains a variety of natural, cultural, scenic and recreational resources. In 1968, recognizing the need and potential for expanding coastal park system units beyond the mean high tide line, and to take advantage of the quality and quantity of these various resources, the California Department of Parks and Recreation established the Underwater Parks Program.

On July 1, 1982, the State Lands Commission (SLC) issued a Public Agency Use Lease to the CDPR on 1,150 subtidal acres for the purpose of an underwater park at Crystal Cove State Park in Orange County. Crystal Cove Underwater Park is managed by CDPR under a forty-nine year lease for public use and benefit. Crystal Cove State Park Underwater Park is bounded to the north by a line extending seaward of the Cameo Shores Subdivision and to the south by a line extending seaward of Abalone Point. The seaward boundary of the underwater park extends approximately 600 feet to the 120 foot depth contour line in the Pacific Ocean (Exhibit 3). The Underwater Park is intended for the management and preservation of marine resource values, while encouraging public use, enjoyment, and education.

The Crystal Cove Underwater Park, from the high tide line to 600 feet out to sea, and the length of the coastal portion of the park, is designated by the California Department of Fish and Game (CDFG) as the Irvine Coast Marine Life Refuge. The marine refuge designation at Crystal Cove was established for protection of specific forms of marine wildlife from human consumptive uses and developments. Fishing is allowed only for certain types of marine life within the refuge.

The California State Parks System Underwater Parks Master Plan provides the guidelines for development of underwater parks in California. The CDPR underwater parks program emphasizes: 1) preserving the best examples of natural underwater resources found in coastal and inland waters; 2) providing a variety of underwater recreational opportunities; 3) preserving scenic underwater resources; and 4) preserving significant cultural underwater resources.

The California State Park System Underwater Parks Master Plan seeks to encourage the use of this underutilized resource. The goal of the CDPR underwater parks is threefold: 1) carry out a continuing program of reasonable protection of significant underwater resources; 2) provide safe, convenient, and attractive recreational opportunities; and 3) develop interpretive programs explaining fresh and marine water environments to educate and entertain park visitors.

4.3. Existing Setting

Crystal Cove State Beach is a long sandy beach interspersed with scattered rocky outcroppings, below sandstone bluffs. The beach consists of beach sands which come from the sediment loads of streams and the eroding sandstone bluffs. The intertidal substrate consists of coarse sand beaches and surf-washed rocks. The surf-washed rock form the base of tide-pools which are an important resource for intertidal species.

The subtidal substrate of the underwater park consists of a mix of rock and sandy sediment with fragments of invertebrate skeletons; coralline algae is common below depths of 20 feet. Although sand is the principle substrate in the underwater park area, subtidal reefs are interspersed throughout the area, especially at depths shallower than 40 feet. These moderately developed reefs consist of vertical

rock walls with many cracks, caves and parallel fissures. In many cases these reefs support small stands of kelp and a diverse assemblage of associated biota. The reefs are separated by accumulations of sediment which continue to remain course for a few hundred feet seaward.

4.4. Coastal Act Issues

4.4.1. Marine Environment

Coastal Act Section 30230 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 such 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.

This permit will allow the CDPR to develop the Crystal Cove Underwater Trails project. The project will result in the construction and use of two underwater trails for scuba divers. The underwater trails will be delineated by the placement of molded concrete fish trail markers which will be linked together by yellow polypropylene rope. The underwater trails project is expected to increase the use of the existing underwater park by both novice and experienced scuba divers. The introduction of underwater trails to Crystal Cove State Park has the potential to disrupt the intertidal zone, increase water turbidity, and degrade the immediate vicinity of the trail by facilitating concentration of scuba diver activities. The potential impacts associated with the underwater trails project include impacts to 1) the intertidal substrate; and 2) the benthic habitat in the immediate vicinity of the trail(s).

Potential impacts to marine resources and coastal waters are evaluated against the resource protection standards of Coastal Act Sections 30230. Coastal Act Section 30230 calls for the protection of the quality of coastal waters. Coastal Act Section 30230 additionally calls requires that use of the marine environment 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.

As discussed in Section 4.2 of this report, the underwater area of the Crystal Cove State Park is designated by the CDFG as the Irvine Coast Marine Life Refuge. The marine refuge designation at Crystal Cove was established for protection of specific forms of marine wildlife from human consumptive uses and developments. The protection of the marine refuge resources are facilitated by the implementation of the policies contained in the Crystal Cove State Park General Plan and the CDPR Administrative Regulations. Title 14, Chapter 7, Section 4664, Underwater Activities, of the CDPR Administrative Regulations (c) limits entry into an underwater park unit through established points of entry, and (d) prohibits the taking or disturbance of any marine plant or geologic features within the boundaries of an underwater park.

In order to reduce the impacts to the intertidal zone associated with the entry and exit of the divers from the underwater park area, the Crystal Cove General Plan requires that the access to the underwater park area is limited to the Crystal Cove Historic District and Moro Cove. This access provision of the Park General Plan, assures compliance with section 4664(c) of the CDPR regulations.

Limiting access to the underwater park area should sufficiently limit potential disruption of intertidal habitats resulting from scuba diver activities.

The underwater park trail system should increase the interpretive potential of the underwater park area, thereby facilitating greater resource management and protection through education. Additionally, implementation of the trails project should not result in significant disruption of the ocean floor. The fish shaped concrete trail makers will not be anchored to the ocean floor, but will be held in place by their weight (approx. 125 lbs. each). Special Condition No. 1 requires that trail markers shall not be placed on the subtidal reefs that are dispersed throughout the area, but be placed on the sandy ocean bottom. Further, section (d) of the CDPR Regulations prohibits the taking or disturbance of any marine plant or geologic features within the boundaries of an underwater park.

The Commission has adopted the Special Conditions contained in Section 3.0 of this report to ensure that potentially adverse impacts to the marine environment resulting from the CDPR project are addressed. Special Condition No. 1 requires that the CDPR avoid the subtidal reefs and place the concrete trail markers exclusively on the sandy bottom. Special Condition No. 2 provides that any physical expansion of the trail facilities will require the submission of a new Coastal Development Permit application or an application for a permit amendment.

Thus, the Commission finds that the CDPR Underwater Trails project, as conditioned, is consistent with the Marine Environment policies of the Coastal Act.

4.4.1.1 Cumulative Impacts Associated the Underwater Trails Project

The California Environmental Quality Act (CEQA) requires the Commission to exercise its discretionary authority under Section 30230 of the Coastal Act in a manner that considers both direct and cumulative impacts. Cumulative impacts, as defined by Section 30105.5 of the Coastal Act, refers to the change in the environment which results from the incremental impacts of a project when added together with closely related past, present, and reasonable foreseeable future projects. Cumulative impacts can result from individually minor, but collectively significant projects taking place over a period of time.

As discussed in Section 4.2, Background, of this report, California's underwater coastline contains a variety of natural, cultural, scenic and recreational resources. California's Underwater parks Program was established by the CDPR to take advantage of the quality and quantity of the various resources and to encourage public use of these areas. The Crystal Cove Underwater Park is intended for the management and preservation of marine resource values, while encouraging public use, enjoyment, and education.

Underwater trails do not currently exist at Crystal Cove State park. No other subtidal development exist or is planned at this time within the boundaries of the underwater park. Implementation of the underwater trails project will facilitate increased use of the underwater park and increase the potential for impacts to marine resources. However, the creation of two trails within the underwater park is not expected result in significant cumulative impacts to coastal resources. Additionally, the public education component of the interpretive trail system should facilitate greater resource management and protection by making the park users aware of the various marine life and habitats of the underwater park.

An expansion of the CDPR Underwater Trails Program at Crystal Cove has the potential to result in significant impacts to coastal resources. In order to address the potential for significant cumulative impacts to coastal resources, Special Condition No. 2 provides that any physical expansion of the trail facilities will require the submission of a new coastal development permit application or an application for a permit amendment.

4.4.2 Recreation and Public Access

Coastal Act Section 30210 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.

Coastal Act Section 30220 states:

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

The Crystal Cove State Park Underwater Park was created for the management and preservation of marine resource values, while encouraging public use, enjoyment, and education. Approval of this CDP will allow the CDPR to develop the Crystal Cove Underwater Trails project. Public access and parking is provided at the existing terrestrial portion of Crystal Cove State Park. The project will result in the construction and use of two underwater trails by both novice and experienced scuba divers. The introduction of trails to Crystal Cove Underwater Park will facilitate public access and use of the underwater park for water-oriented recreational activities.

Thus, the Commission finds that the CDPR Underwater Trails project, as proposed, is consistent with the Public Access and Recreation Policy Sections 30210 and 30220 of the Coastal Act.

4.4.3 Visual Resources

Coastal Act Section 30251 states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

When completed the underwater trails project will not be visible from the shoreline. The project will be located on the sandy ocean floor at a depth of approximately 35 feet. Twelve (12) concrete trail markers (30" x 20" x 15") will be visible to scuba divers visiting the site. The trail markers are shaped as fish and should offer a degree of aesthetic compatibility with the underwater park theme. Visual impacts associated with the underwater trail markers will be negligible.

Thus, the Commission finds that the CDPR Underwater Trails project, as proposed, is consistent with Visual Resource Policy Section 30251 of the Coastal Act.

4.4.4. California Environmental Quality Act (CEQA)

California Public Resources Code. Section 21080.5(d)(2)(i) states:

The rules and regulations adopted by the administering agency shall require that an activity will not be approved or adopted as proposed if there are feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

Thus, CEQA requires the consideration of feasible alternatives and mitigation measures to lessen any environmental impacts of the project to a level of insignificance.

Special Conditions are recommended in Section 3.0 of this report to mitigate potential impacts associated with project implementation. Special Condition No. 1 includes guidelines for the placement of the concrete fish trail markers to avoid the disruption of sensitive marine habitat of the subtidal reefs and rocky outcrops along the trail alignment. Special Condition No. 2 provides that any physical expansion of the trail facilities will require the submission of a new coastal development permit application or an application for a permit amendment.

The project, as conditioned, meets the mitigatory requirements of Section 21080.5 (d)(2)(i) of the CEQA. The Commission finds no feasible less environmentally damaging alternatives or additional feasible mitigation measures, other than those identified herein, that would substantially lessen any significant adverse impact which the activity may have on the environment.

Appendix A

Substantive File Documents

Correspondence

Letter to Mr. Kirk Marshall, Ranger, Crystal Cove State Park, from Mr. Darryl Rance, California Coastal Commission, July 6, 1995.

Memorandum to Mr. Darryl Rance, California Coastal Commission, from Mr. Alan K. Tang, California Department of Parks and Recreation, Environmental Design Division, July 26, 1995.

Letter to Mr. Kirk Marshall, Ranger, Crystal Cove State Park, from Mr. Darryl Rance, California Coastal Commission, August 3, 1995.

Letter to Mr. Kirk Marshall, Ranger, Crystal Cove State Park, from Mr. Gary Steward, Chief, Regulations Section, California Regional Water Quality Control Board, Santa Ana Region, September 13, 1995.

Letter to Mr. Darryl Rance, California Coastal Commission, from Mr. Richard J. Schubel, Acting Chief, Regulatory Branch, Army Corps of Engineers, October 2, 1995.

Other

State Lands Commission General Permit, Public Agency Use Lease, No. PRC 6204.9; California Department of Parks and Recreation, Crystal Cove Underwater State Park, July 1, 1982 - June 30, 2031.

Crystal Cove State Park General Plan, State of California, The Resources Agency, Department of Parks and Recreation, May 1982.

California State Parks System Underwater Parks Master Plan, State of California, The Resources Agency-- Department of Parks and Recreation, October 1984.

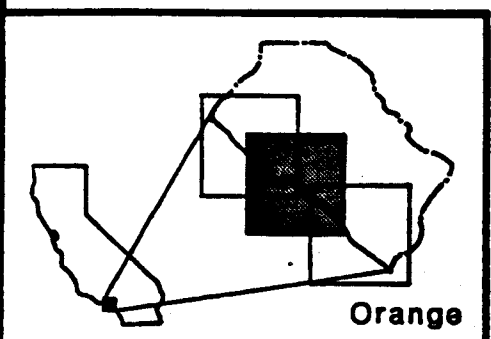
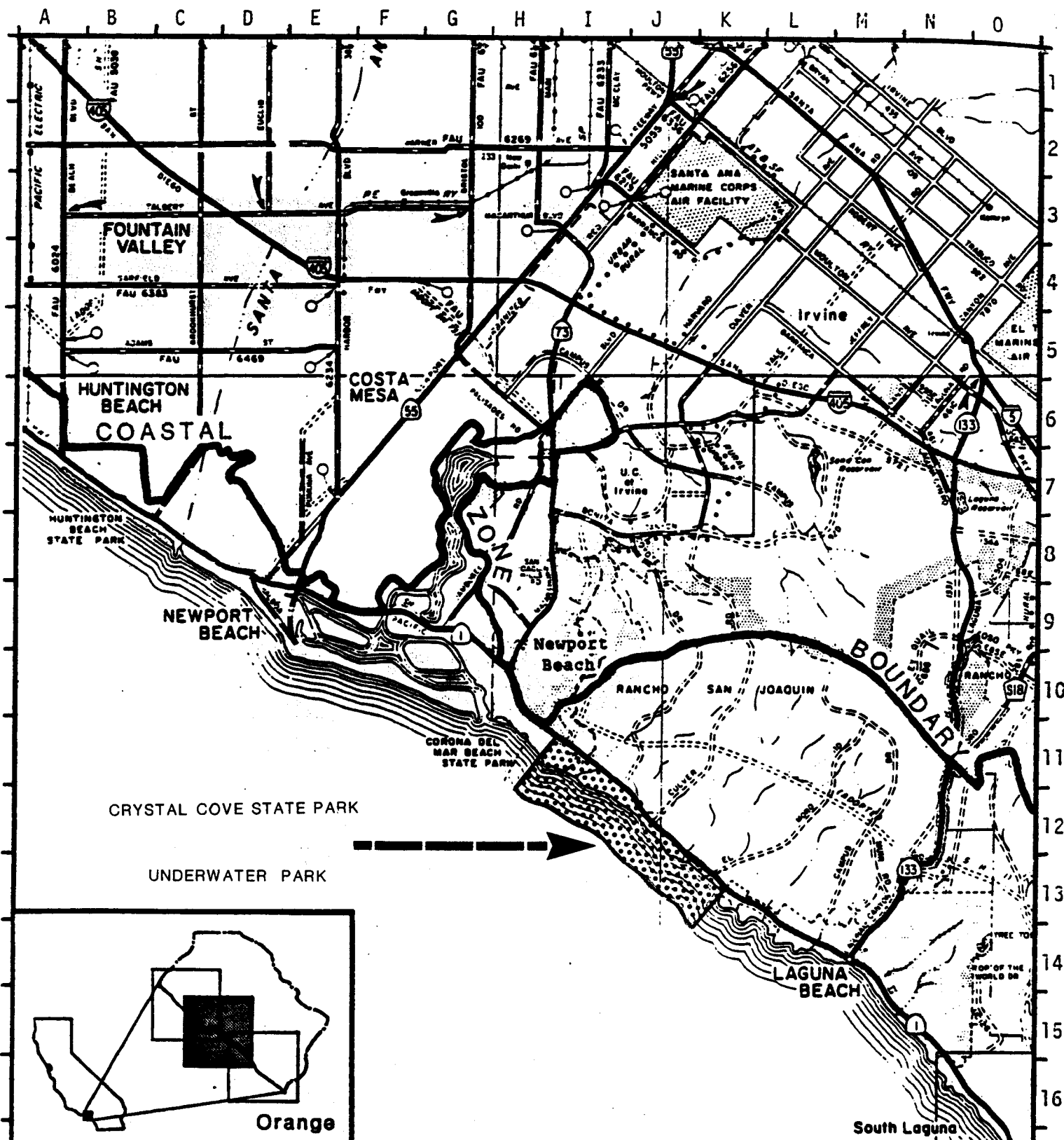
Crystal Cove State Park Interpretive Plan, Bienes, Hare, Hook et. Al., July 1984

Crystal Cove Underwater Research Project, California Department of Parks and Recreation; Joseph J. Valencio, Professor Marine Science and Technology, Saddleback Community College, Circa 1985.

Appendix B

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If Development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions as 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 question of intent of 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 development during construction, 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.



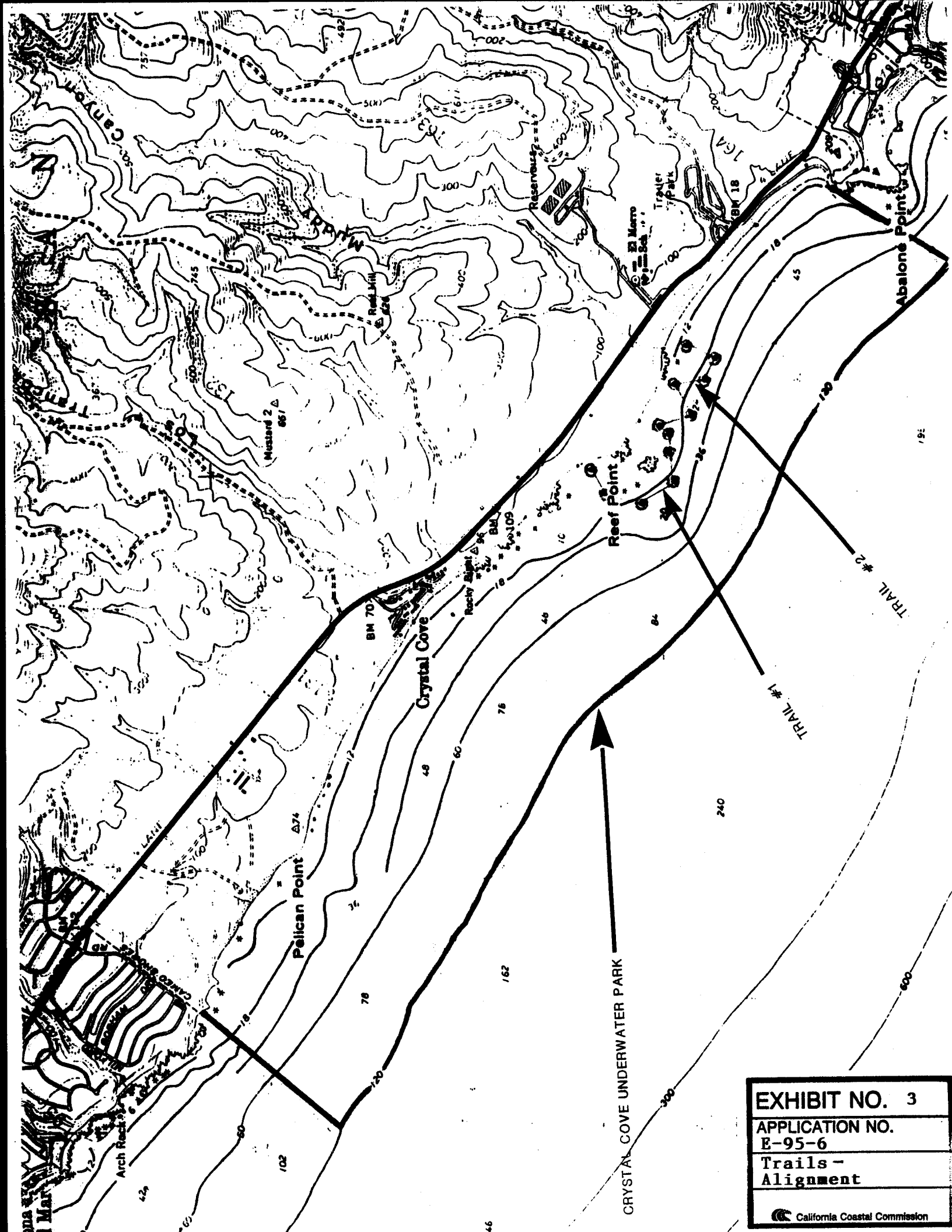


EXHIBIT NO. 3
APPLICATION NO.
E-95-6
Trails -
Alignment



EXHIBIT NO. 4

**APPLICATION NO.
E-95-6**

**Fishtrail
Marker**

