STATE OF CALIFORNIA -- THE RESOURCES AGENCY PETE WILSON, *Governor*

CALIFORNIA COASTAL COMMISSION
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STAFF REPORT AND RECOMMENDATION ON CONSISTENCY DETERMINATION

Consistency Determination No.	**CD-104-96**
Staff:	JRR-SF
File Date:	8/28/96
45th Day:	10/12/96
60th Day:	10/27/96
Commission Meeting:	10/8/96

FEDERAL AGENCY: Corps of Engineers

DEVELOPMENT LOCATION: Ventura Harbor (Exhibit 1)

DEVELOPMENT DESCRIPTION: Repairs and modifications to an existing breakwater (Exhibits 2-8)

SUBSTANTIVE FILE DOCUMENTS:

1. Draft Environmental Assessment for Maintenance Dredging, Breakwater Repair and Modifications, and Emergency Repairs

2. CD-017-89, Ventura Harbor breakwater and jetty improvements

EXECUTIVE SUMMARY

The Corps of Engineers proposes to repair and modify the existing breakwater protecting Ventura Harbor. The repairs involve replacing stones on damaged areas of the breakwater restoring it to its design dimensions. The proposed modifications include the construction of a sill between the existing detached breakwater and the north jetty spur and the extension of the breakwater toe in several locations. The Corps completed the construction of the rock sill prior to the submittal of this consistency determination. The Corps initiated this part of the project pursuant to its emergency authority.

The proposed repairs and modifications are consistent with the shoreline structure policy of the CCMP (Section 30235 of the Coastal Act) for two reasons: 1) the project maintains an existing breakwater that protects berthing for recreational boating and commercial fishing; and 2) the project will not change the effect from the existing breakwater on local sand supply. The dredging and fill required by this project is consistent with Section 30233 of the Coastal Act for the following reasons: 1) it is serves a port, Ventura Harbor, and a coastal-dependent industry, commercial fishing; 2) it is the least damaging feasible alternative; and 3) it will not adversely alter habitat and does not require additional mitigation. Finally, the project is consistent with the recreation policies of the CCMP because it supports recreational boating and will not interfere with existing recreation uses of the harbor and nearby areas.

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description.

The Corps of Engineers proposes to repair and modify the existing breakwater protecting Ventura Harbor. The repairs involve replacing stones on damaged areas of the breakwater restoring it to its design dimensions (Exhibits 2 and 3). The proposed modifications include the construction of a sill between the existing detached breakwater and the north jetty spur (Exhibits 2, 5, 6 and 7). The Corps constructed the sill in 1995 pursuant to its emergency authority. The sill is necessary because scour caused by severe winter storms threatened to undermine the breakwater. Finally, the Corps proposes to extend the toe of the breakwater in four locations, in order to provide additional support for the breakwater where slumping occurred (Exhibit 2 and 4). The Corps did not construct these toe extensions as part of the emergency project.

II. Status of Local Coastal Program.

The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the Commission certified the LCP and incorporated it into the CCMP, the LCP can provide guidance in applying Chapter 3 policies in light of local circumstances. If the Commission has not incorporated the LCP into the CCMP, it cannot guide the Commission's decision, but it can provide background information. The Coastal Commission has incorporated the San Buenaventura LCP into the CCMP.

III. Federal Agency's Consistency Determination.

The Corps of Engineers has determined the project to be consistent to the maximum extent practicable with the California Coastal Management Program.

IV. Staff Recommendation:

The staff recommends that the Commission adopt the following resolution:

A. Concurrence.

The Commission hereby **concurs** with the consistency determination made by the Corps of Engineers for the proposed project, finding that the project is consistent to the maximum extent practicable with the California Coastal Management Program.

V. Findings and Declarations:

The Commission finds and declares as follows:

A. Shoreline Structures. Section 30235 of the Coastal Act provides that:

> *Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

Section 30235 of the Coastal Act allows for construction and modifications of shoreline structures, including breakwaters, under certain conditions. Specifically, that section requires that the structure, among other things, serves coastal-dependent uses and mitigates for adverse effects on local sand supply. With respect to the need to serve the coastal-dependent uses, the breakwater protects Ventura Harbor, which supports recreational boating and commercial fishing.

Ventura Harbor is located on the California coast approximately 55 miles northwest of Los Angeles, within the city limits of San Buenaventura, Ventura County, immediately north of the Santa Clara River (Exhibit 1). The City of Ventura originally constructed the harbor in the mid 1960s. The harbor provides berthing and support for recreational boating and commercial fishing. The Corps describes the existing use of the harbor as follows:

> *Ventura Harbor provides important recreational resources for the regional and local area. The Ventura Harbor complex includes*

> *administration facilities, the marina center, a resort hotel, parking areas, boat ramps, a sport fishing center, a boat repair yard, restaurants, marina hardware, and a mobile home park. Its open water area, about 20 hectares (50 acres), provides for channels and turning basins. Mooring areas comprise an additional 28 hectares (70 acres). Approximately 1500 craft, including 10 sport fishing vessels and 73 commercial fishing vessels, are moored in Ventura Harbor. A commercial fish processing facility, offshore oil drilling support facility, the headquarters for the Channel Islands National Park, and two boat launching ramps for public utilization are in or based at Ventura Harbor.*

These uses are clearly coastal dependent. The proposed project provides necessary support to the offshore breakwater, without which could be severely damaged in a major storm event. Such damage could severely limit the capacity of the breakwater to protect the harbor. Therefore, the Commission finds that the project is necessary to support the breakwater, which serves coastal-dependent uses.

With respect to the second test of Section 30235, there is no question that the Ventura Harbor, including its protective structures, channels, and sand traps, has a major effect on local sand supply. There are beach erosion problems both up coast and down coast from the harbor, which are possibly related to the harbor.

The Harbor is protected by a two jetties. In its environmental assessment, the Corps fully describes the harbor as follows:

> *The North and South Jetty, entrance channel, and basin of Ventura Harbor were constructed in the mid-1960's by Ventura Port District. In 1972, the Corps took responsibility for the north and south jetty, and the entrance channel. At this time, the detached breakwater was constructed. Since then, the Corps has repaired the detached breakwater in 1987, 1992, and 1993.*
>
> *Historically, Ventura Harbor has been dredged on an annual basis. The most recent maintenance dredging operation was completed in 1996. In June 1989, a Feasibility Study and an Environmental Assessment (EA) were prepared to analyze the need for harbor modifications that would improve navigation conditions, and decrease the frequency of maintenance dredging (USACOE 1989, revised 1990). The project was authorized by Congress in the Water Resources Development Act of 1990, and construction was completed in August, 1994.*

> *The Ventura Harbor Navigational Improvements project (USACOE, 1990) included construction of the following features: (1) a 300-foot north jetty spur; (2) a 625-foot South Beach groin, approximately 1,000 feet downcoast of the south jetty; (3) deepening of the entrance channel to -40 feet MLLW; (4) a 200-foot extension of sand trap A, to the south; and (5) a 300-foot extension of the detached breakwater. In 1992, repairs to the detached breakwater were necessary to alleviate damage sustained from successive winter storms (USACOE, 1992).*

The Corps proposes to repair and improve the detached breakwater in a manner that maintains its existing level of protection. The proposed repairs include placement of rock in areas where winter storms have caused damage to the breakwater. These repairs will return the breakwater to its authorized dimensions. The Corps describes the repairs as follows:

> *Seven areas of significant damage have been identified: two on the breakwater spur, and five on the breakwater. On the breakwater spur, these areas extend from Station 0+070 to 0+080, and Station 0+091. On the breakwater proper, they extend from Stations 0+015 to 0+040, 0+090 to 0+110, 0+110 to 0+120, 0+205 to 0+225, and 0+250 to 0+260. A total of 5,380 metric tons (mt) (5,918 tons) of imported stone will be used to repair the damaged breakwater areas and to rebuild and extend the toe where necessary (3,530 (mt) "A-16" stone; 1,300 (mt) "B-2" stone; 550 (mt) "C" stone). In addition, 220 existing capstones will be reset at the crest of the breakwater where the toes have been extended.*

In addition to repairing the structure, the Corps proposes to extend the toe of the breakwater in several locations. The toe extensions will provide additional support to prevent slumping, provide a solid base to support the placement of rocks necessary for repair of the breakwater, and reduce the area subject to scour.

Finally, the Corps's consistency determination requests after-the-fact concurrence for the construction of an underwater sill located between the breakwater and the north jetty spur (Exhibit 2, 5, 6, and 7). That project includes the placement of rocks into the scour hole. The rocks prevent further scour at this location because they convert the sandy bottom into a rocky area. The Corps constructed the sill pursuant to its emergency authority, which allows immediate construction in response to an emergency with follow-up environmental and regulatory review.

The Corps believes that the improvements and repairs to the Ventura Harbor breakwater are necessary to return the structure to its design condition and to prevent further damage to the breakwater caused by slumping and scouring.

The sand supply effects from the Harbor have existed since its construction in the 1960s. The proposed project, which results in repairs and minor modifications, will not change the harbor's effect on shoreline processes. Additionally, the Corps mitigates for some of the adverse effects from its structures through its annual maintenance dredging. Material dredged from the channels and sand traps is placed on down-coast beaches. Thus the project maintains sand in the littoral system. Therefore, the Commission finds that the project will not have new effects on local sand supply nor will it effect the Corps dredging program, which partially mitigates existing effects to littoral processes.

In conclusion, the Commission finds that the project is necessary to serve Ventura Harbor and its coastal-dependent uses and will not have an adverse effect on local sand supply. Therefore, the Commission finds that the proposed project is consistent with the shoreline structure policy of CCMP.

B. Marine Resources. Section 30233 of the Coastal Act provides, in part, that:

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

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

...

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

The proposed project requires both dredging and the placement of rock into the marine environment. As such it must meet the three tests of Section 30233(a) of the Coastal Act. The first test identifies allowable uses for any dredging and filling of the marine environment. Section 30233(a)(1) allows for dredging and filling for expanded port facilities and coastal-dependent industries. The proposed project will maintain and expand the breakwater protecting Ventura Harbor, which supports both recreational boating and commercial fishing. Since this breakwater supports a harbor and a coastal-

dependent industry, commercial fishing, the Commission finds that the proposed project is an allowable use pursuant to Section 30233(a)(1).

The second test of Section 30233(a) requires that the Commission determine that the proposed project is the least damaging feasible alternative. The Corps did not provide any analysis of alternatives to the proposed breakwater repair and modifications. However, as described below, the marine impacts from this project are relatively minor, and the project is necessary to prevent collapse of the breakwater, which would result in significant impacts to recreational boating and commercial fishing. Additionally, if the breakwater were to collapse, the Corps would probably rebuild it, and the Commission would expect more significant environmental impacts from its collapse and subsequent repairs. Therefore, the Commission finds that the project is consistent with the least damaging feasible alternative test of Section 30233(a).

The final test of Section 30233(a) requires the Commission to consider mitigation for adverse impacts to the marine environment. The proposed project does not require mitigation because it will not adversely affect marine resources. The proposed project includes the placement of rock in the marine environment. This fill results in loss of sandy bottom habitat. However, it will create rocky subtidal habitat. In some case, the Commission has raised mitigation issues with respect to breakwater construction and modifications. In those cases, the projects resulted in a loss of habitat because of the partial conversion of marine habitat into upland rocky habitat, and thus a net loss of marine habitat. In this case, however, all of the rock placed the marine environment will remain submerged. Thus the project will convert subtidal sandy habitat to subtidal rocky habitat. Since most of the area near Ventura Harbor consists of subtidal sandy habitat and because the submerged rocks will provide rocky subtidal habitat, the Commission finds that the project will not significantly affect marine resources and no additional mitigation is necessary.

Finally, Section 30233(b) of the Coastal Act requires that, where feasible, dredging of sand material be disposed on the beach or where it will nourish sand supply. The proposed project requires removal sand for the construction of the toe extensions. The Corps will place the sand in the sand trap and will dredge it either during the current or the next dredging cycle. The Corps usually places material dredged from these traps on the beach for nourishment purposes. Therefore, the Commission finds that the Corps will use material dredged from the modifications for beach nourishment.

In conclusion, the project is consistent with the allowable-use, alternative, and mitigation tests of Section 30233(a). Additionally, the project is consistent with the beach nourishment policy of Section 30233(b). Therefore, the Commission finds that the project is consistent with the marine resource policies of the CCMP.

C. Recreational Resources and Commercial Fishing. Section 30224 of the Coastal Act provides that.

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

Section 30234 of the Coastal Act provides, in part, that:

> *Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. ...*

As described above, the proposed project provides for the repair and improvement of the breakwater protecting Ventura Harbor. Ventura Harbor serves both recreational boating and commercial fishing. The Coastal Act encourages the protection and improvement to facilities serving these industries. Therefore, the Commission finds that the project is consistent with the recreational boating and commercial fishing policies of the CCMP.

In addition, the Commission is also concerned about potential effects from the proposed project on other recreational resources in the area. The Corps describes this issue as follows:

> *The proposed breakwater repairs will not have a significant adverse impact upon public access to the harbor, local beaches, and associated recreational facilities. The contractor's staging area will be located within the harbor, at a site historically used for harbor construction activities. Possible impacts to public access will be limited to the temporary reduction in use of one launching ramp, owned by the Ventura Port District.*
>
> *Minor impacts to boat traffic, and possibly recreational fishing, are expected to occur during construction operations. During this period, the channel will continue to be navigable to recreational and commercial vessels, but some delays may occur due to transport activities from the staging area to the detached breakwater. Although the existing detached breakwater is legally off-limits to fishermen, local demand for*

recreational space has resulted in occasional use of the structure for anchoring fishing boats. The breakwater would be inaccessible to the public for such use during the period of construction. The proposed breakwater repair would not significantly reduce public access to the Ventura Harbor Marina. The breakwater represents a very minimal sphere of influence with respect to the available surrounding areas for public access to, and use of, coastal resources. The minor disturbances and restrictions resulting from this project will be of short duration and necessary for public safety.

Breakwater repairs and toe extension will be occurring offshore using a crane barge, with construction materials most likely obtained from the Catalina Island quarry site. For these activities, movement of construction crews and their support vehicles would be the only source of possible impacts to onshore transportation. Transportation and construction with rock from mainland sources, such as Lompoc or Riverside quarries, would require the use of multiple trucks, hauling quarry stone, and other construction support vehicles, resulting in increases in traffic volume for the Ventura Harbor. However, it is expected that delivery of construction materials will be distributed throughout the duration of the construction period, thereby avoiding a significant impact to local transportation.

...

Construction is scheduled, however, when recreational use in and adjacent to the beach area is minimal (September through March). Access to public use areas in and adjacent to the harbor facility will remain available to the public during construction.

As stated by the Corps, the proposed project may interfere with recreational use of the harbor. However, these impacts are not significant because they are temporary and will occur during the winter season, when recreational use of the area is at its lowest. Considering the recreational benefits from the project, any residual impact from construction is insignificant. Therefore, the Commission finds that the proposed project is consistent with the recreational resource and commercial fishing policies of the CCMP.

VENTURA HARBOR VICINITY AND LOCATION

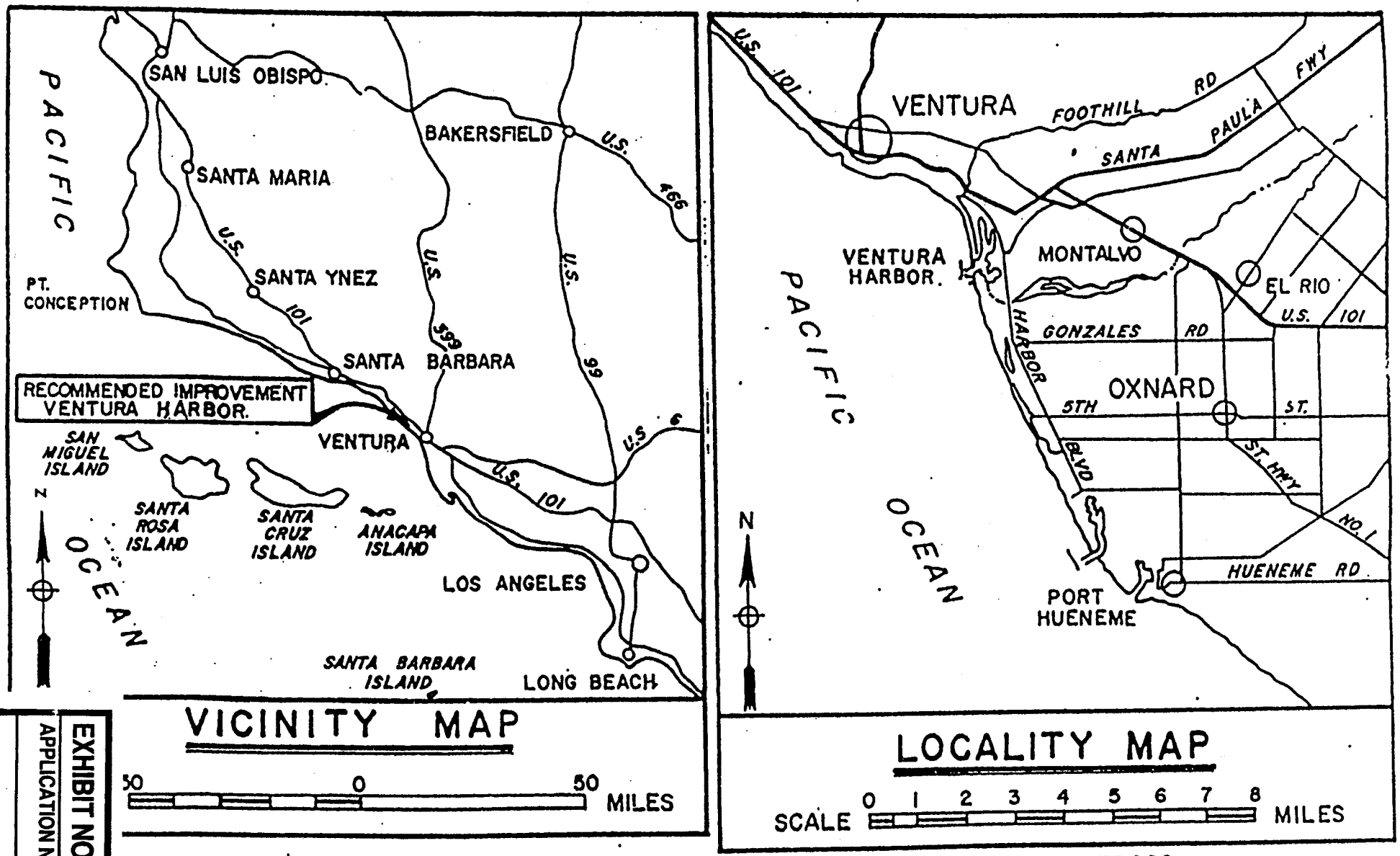
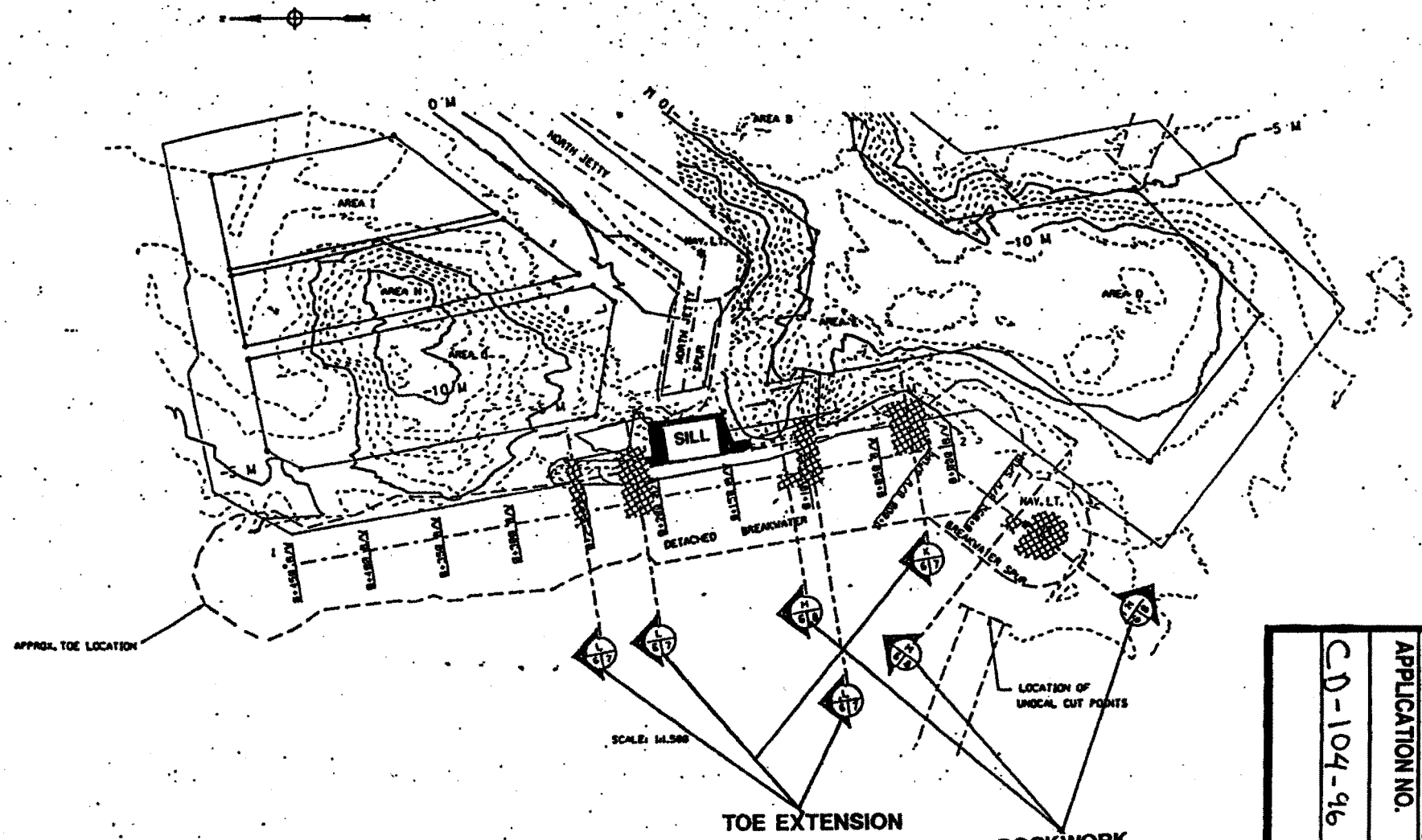


FIGURE 1 VENTURA HARBOR VICINITY AND LOCATION

EXHIBIT NO. 1
APPLICATION NO. CD-104-96

DETACHED BREAKWATER REPAIRS AND MODIFICATIONS



DETACHED BREAKWATER REPAIRS						
STRUCTURE	ESTIMATED AREA OF REPAIRS STA(m) TO STA(m)	TYPICAL SECTION	ESTIMATED QUANTITIES A-16 (t)	B-2 (t)	C-STONE(t)	PICKS (ea)
BREAKWATER	0+015 TO 0+040	SECTION K	500	200	125	40
BREAKWATER	0+090 TO 0+110	SECTION L	700	400	125	50
BREAKWATER	0+110 TO 0+120	SECTION M	300	N/A	N/A	20
BREAKWATER	0+205 TO 0+225	SECTION L	700	400	175	50
BREAKWATER	0+250 TO 0+260	SECTION L	300	200	75	30

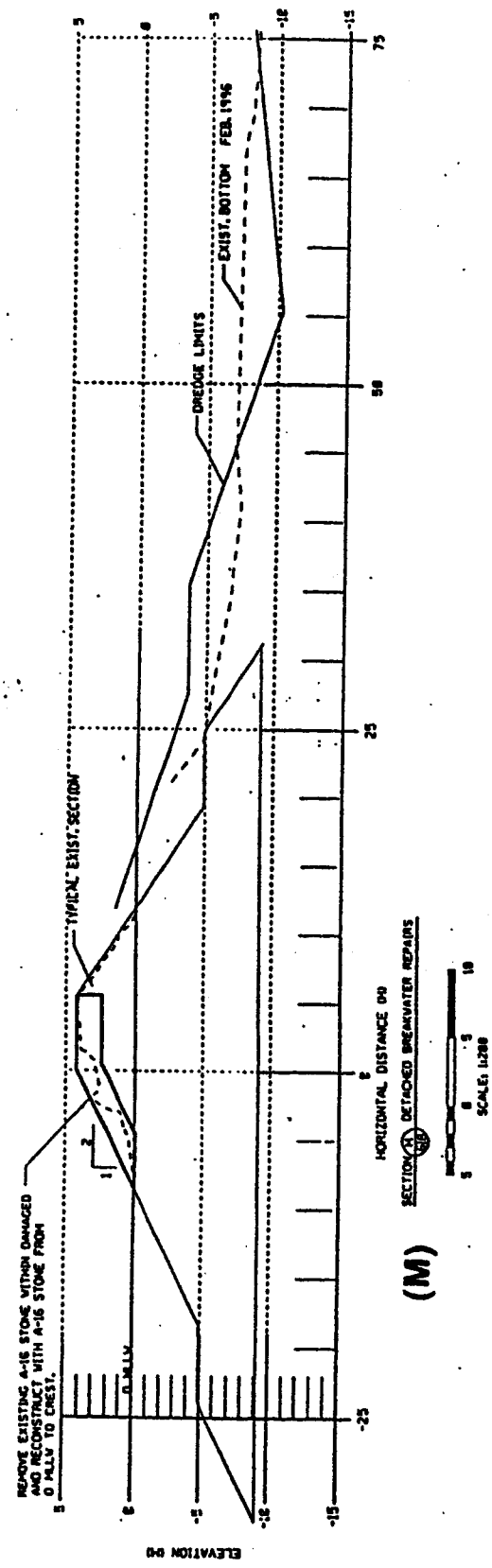
BREAKWATER SPUR REPAIRS				
STRUCTURE	ESTIMATED AREA OF REPAIRS STA(m) TO STA(m)	TYPICAL SECTION	EST. QUANTITIES A-16 (t)	PICKS (ea)
BREAK SPUR	0+070 TO 0+080	SECTION M	30	10
BREAK SPUR	0+091 TO 0+120	SECTION N	1,000	30

EXHIBIT NO. 2
APPLICATION NO. CD-104-96

NOTES

1. DEPTH CONTOURS IN METERS, INDICATE THE GENERAL CONDITION EXISTING ONLY AT THE TIME OF SURVEY - FEBRUARY 7 & 10-11, 1996.
2. ALL DIMENSIONS GIVEN ARE IN METRES UNLESS OTHERWISE INDICATED.

FIGURE 4



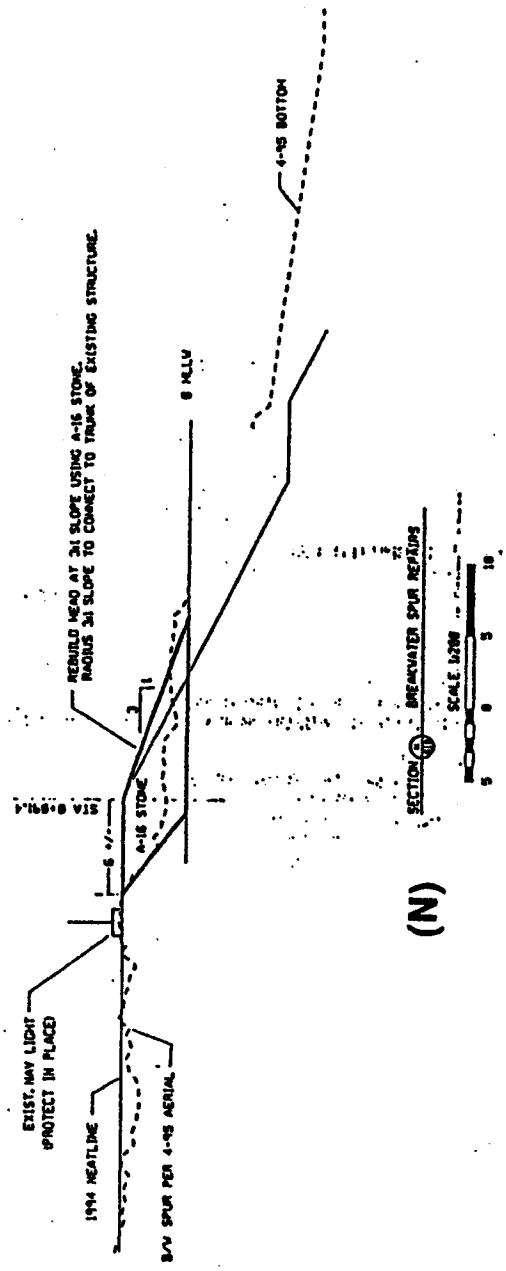


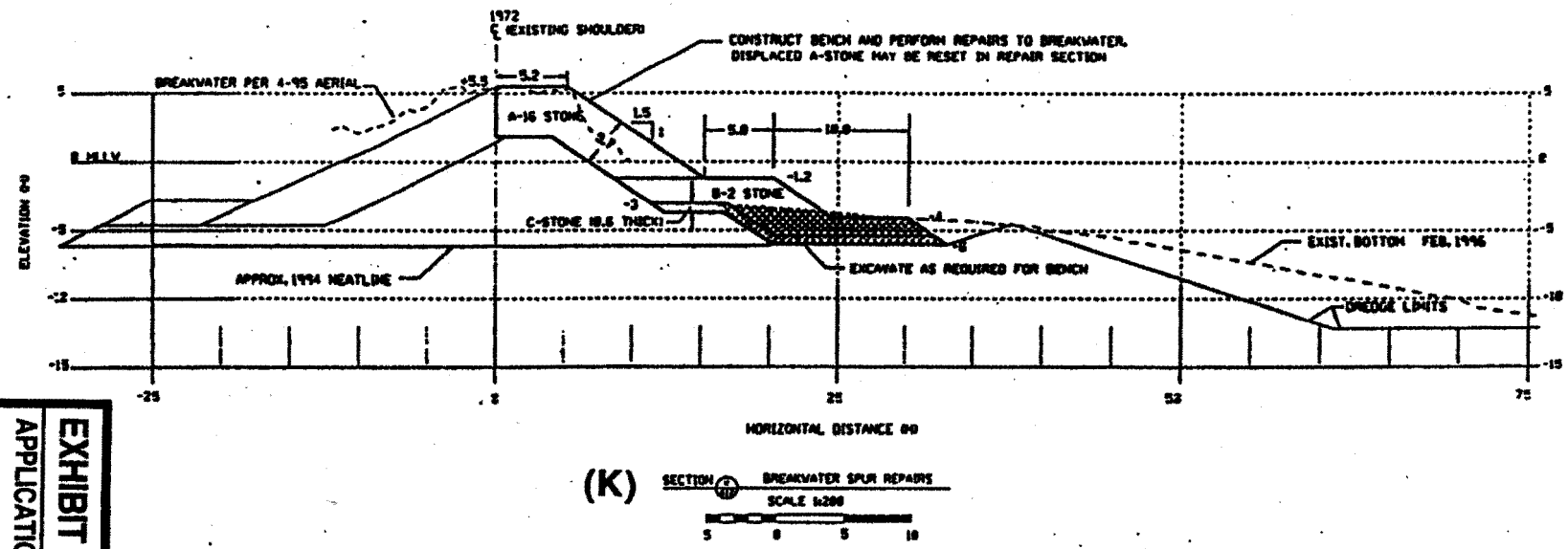
EXHIBIT NO. 3
APPLICATION NO.
CD-104-96

DETACHED BREAKWATER: ROCKWORK (M & N)

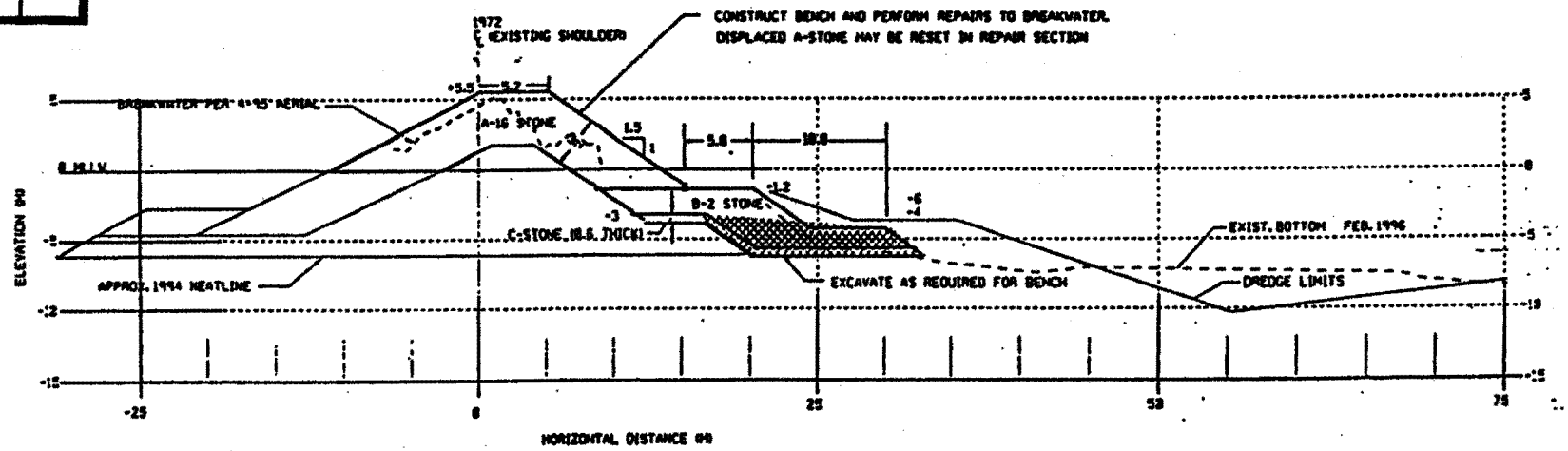
FIGURE

DETACHED BREAKWATER: TOE EXTENSION (K & L)

EXHIBIT NO. 4
APPLICATION NO. CD-104-96



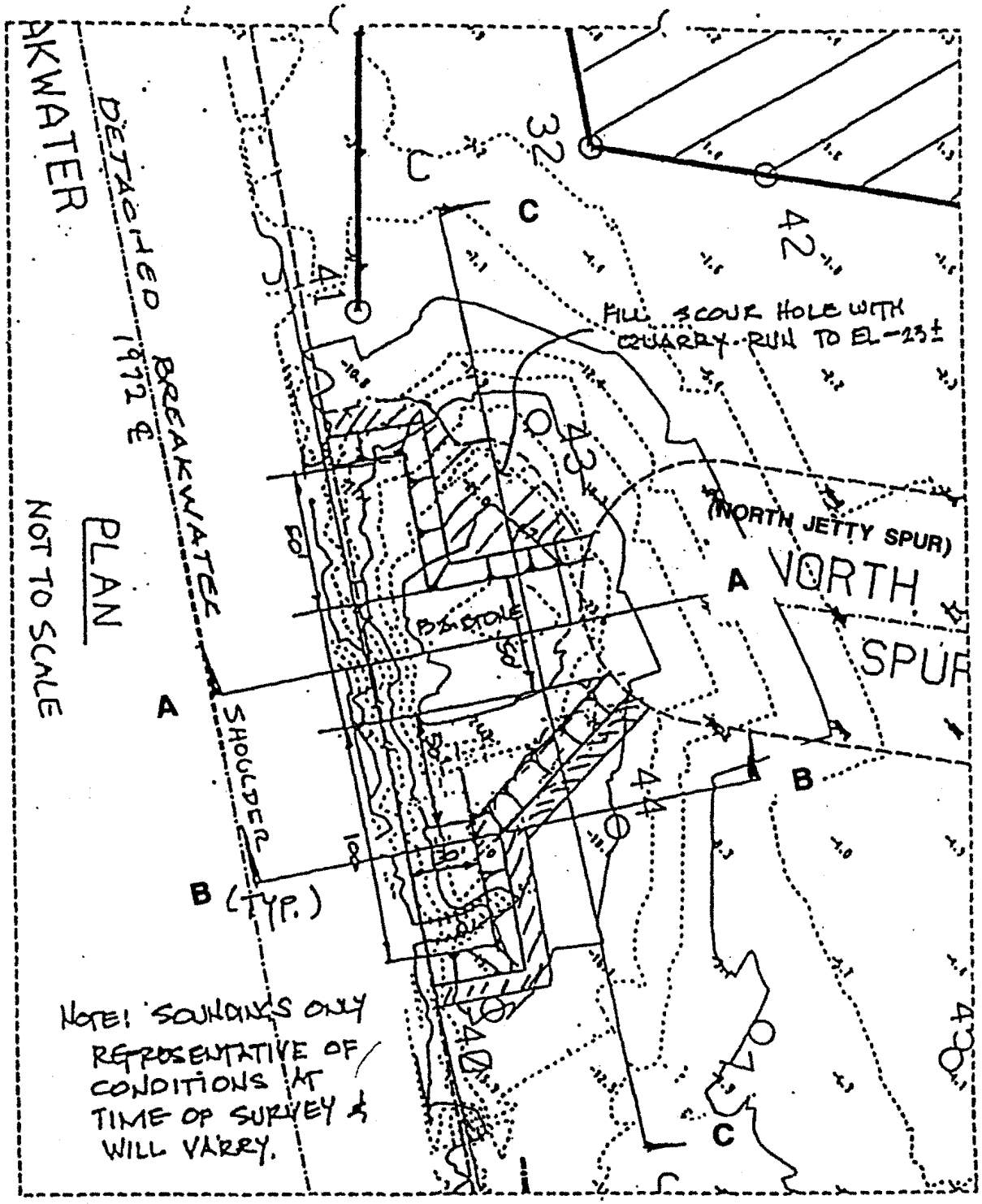
(K) SECTION ⊕ BREAKWATER SPUR REPAIRS
SCALE 1:200



(L) SECTION ⊕ DETACHED BREAKWATER REPAIRS
SCALE 1:200

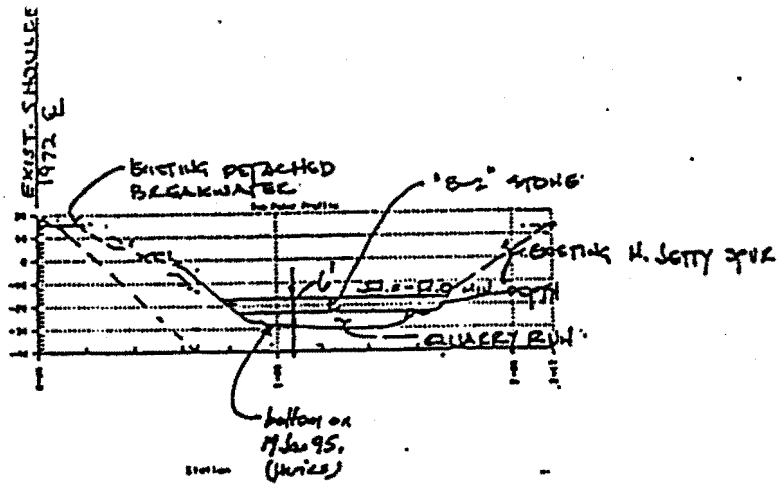
FIGURE (

EXHIBIT NO. 5
APPLICATION NO.
CD-104-96



SITE MAP: EMERGENCY REPAIRS AND SILL CONSTRUCTION

FIGURE



SECTION A-A

SCALE 1" = 50' HORZ & VERT

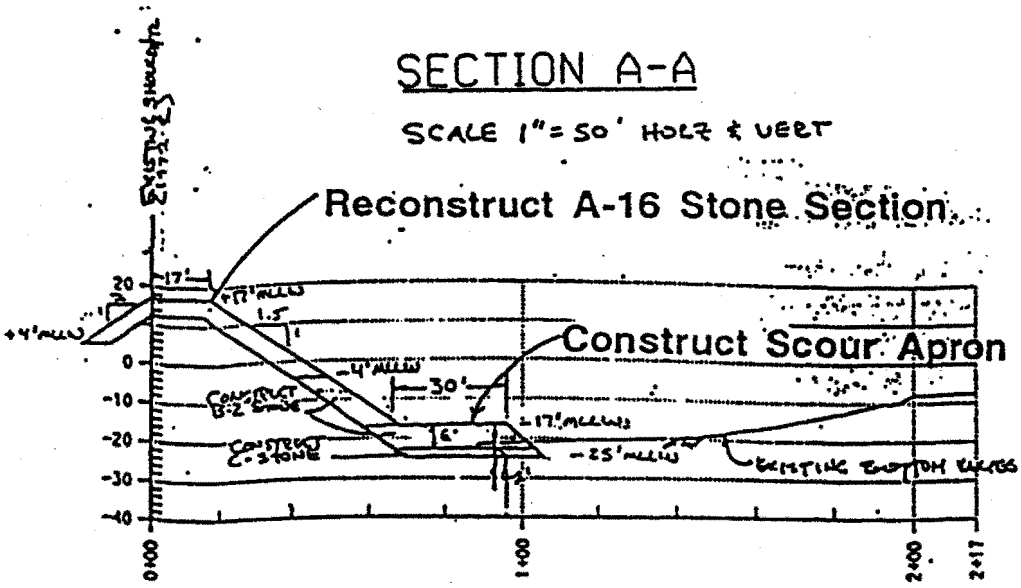
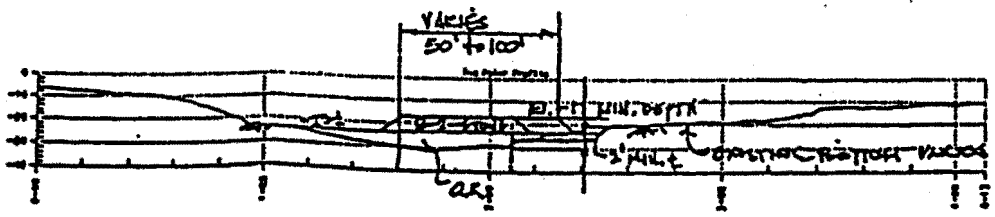


EXHIBIT NO. 6
APPLICATION NO.
CD-104-96

SECTION B-B

SCALE 1" = 30' HORZ & VERT



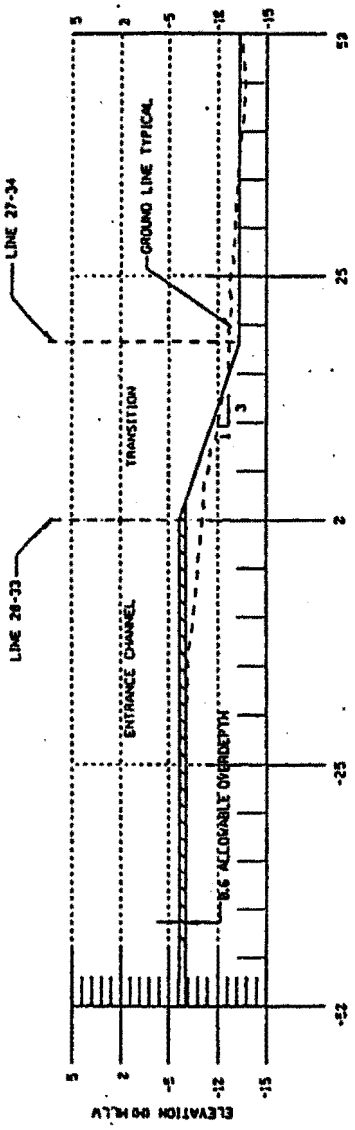
SECTION C-C

SCALE 1" = 50' HORZ & VERT

ROCK REPAIR AND SILL CONSTRUCTION

FIGURE 5

VALUE ENGINEERING PAYS



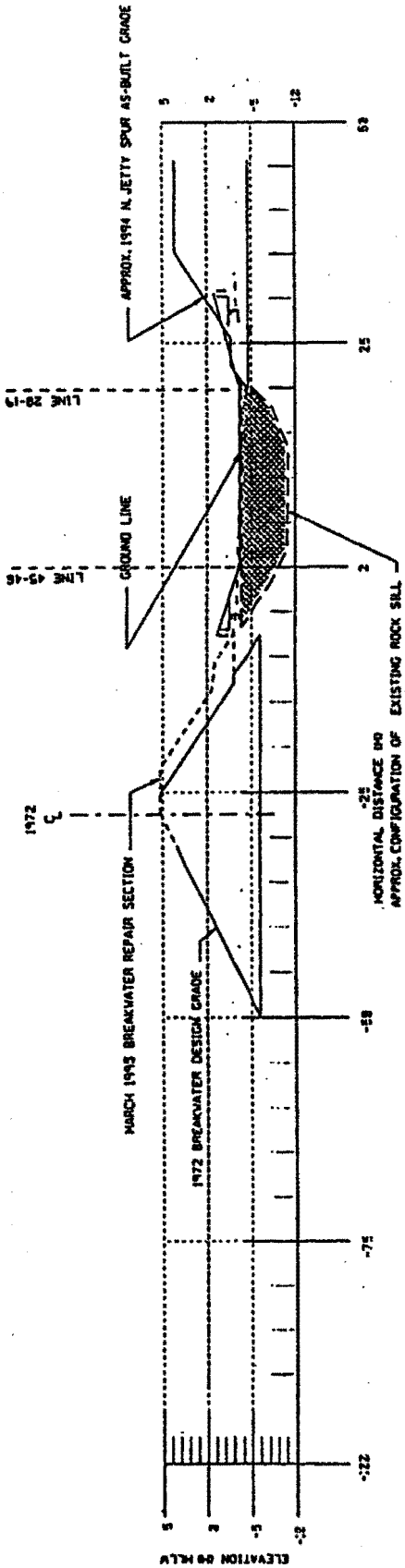


EXHIBIT NO. 7
APPLICATION NO.
CD-104-96

EMERGENCY REPAIRS: ENTRANCE CHANNEL DREDGING & ROCK SILL

FIGURE 1

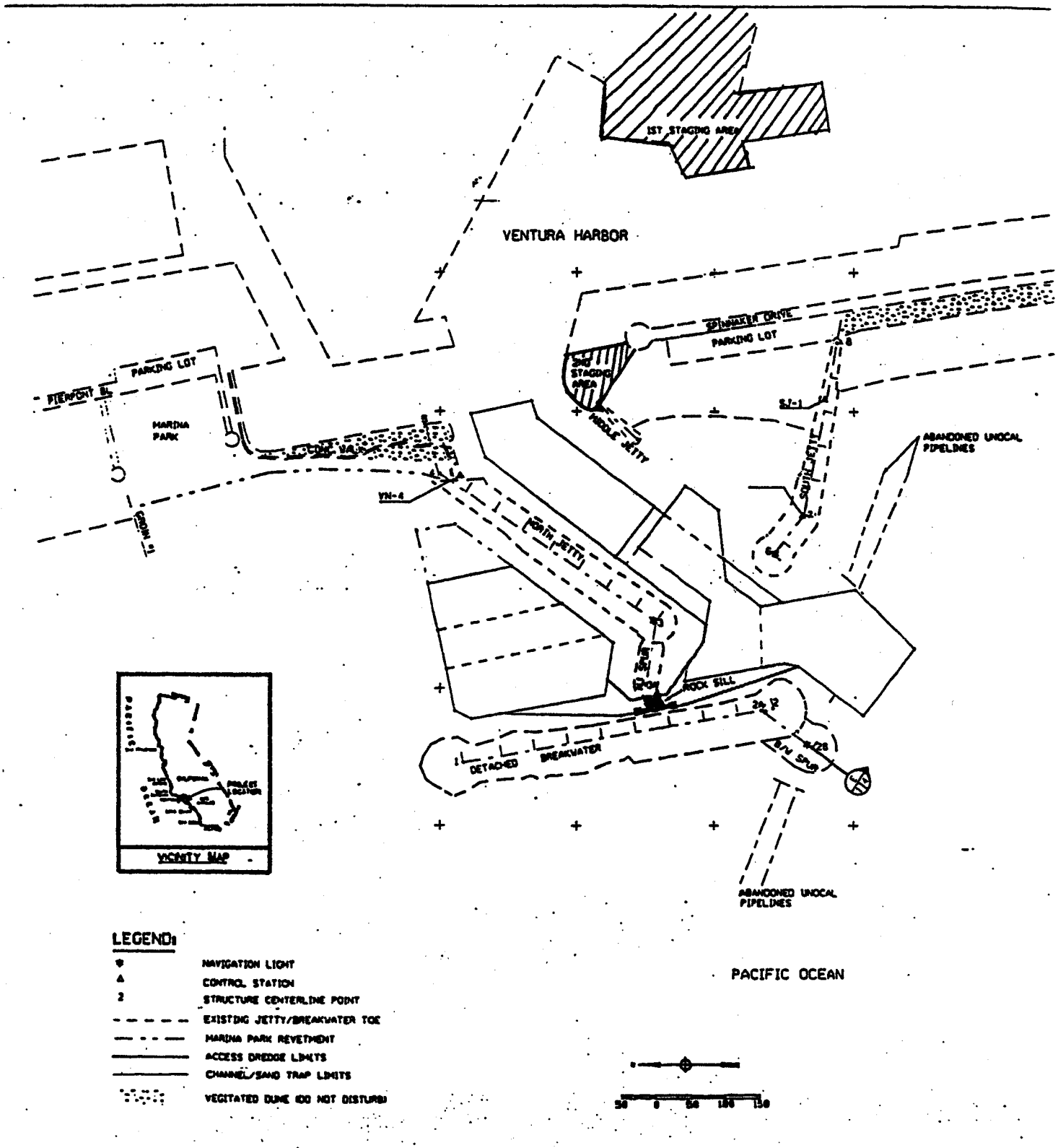


EXHIBIT NO. 8
APPLICATION NO.
CD-104-96

CONTRACTOR'S STAGING AREA

FIGURE