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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

## CALIFORNIA COASTAL COMMISSION

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Staff: John T. Auyong *John*  
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Commission Action:



### STAFF REPORT: REGULAR CALENDAR

**APPLICATION NO.:** 5-96-107

**APPLICANT:** County of Orange, Environmental Management Agency - Harbors, Beaches and Parks

**PROJECT LOCATION:** An approximately 1.328 acre triangular parcel at the northeasternmost corner of Sunset Harbour Aquatic Park/Marina, at 2901 Edinger Avenue, City of Seal Beach, County of Orange

**PROJECT DESCRIPTION:** Construction of an approximately 7,400 square foot, 16 foot high, one-story maintenance/office building, a 1,500 square foot workshop building, nursery area, dumpster area, perimeter chain link and wrought-iron fencing, and 37 paved parking spaces.

Lot area:	1.328 acres
Building coverage:	7,400 square feet
Pavement coverage:	35,000 square feet
Landscape coverage:	14,500 square feet
Parking spaces:	37
Height above grade:	16 feet

**LOCAL APPROVALS RECEIVED:** Final Environmental Impact Report No. 478 adopted by Orange County Board of Supervisors Resolution No. 94-966; City of Seal Beach Approval-In-Concept

**SUBSTANTIVE FILE DOCUMENTS:** Coastal Development Permits 5-82-430 (E.M.A. County of Orange); 1995 Coastal Commission Exemption #29 (County of Orange); "County of Orange Sunset Harbour Maintenance Facility Biological Surveys and Impact Analysis and Conceptual Mitigation Plan to Reduce Project Impacts" dated September 13, 1996, prepared by Rick Ware of Coastal Resources Management for the County of Orange (CRM Project #96011); U.S. Army Corps of Engineers Public Notice 96-00332-MFS; Letter dated May 8, 1996 from the U.S. Fish & Wildlife Service to Coastal Commission staff; Letter dated August 26, 1996 from the U.S. Fish & Wildlife Service to the U.S. Army Corps of Engineers; "Geotechnical Report for the Proposed Maintenance Building and Work Shop, Sunset Harbour, Orange County" dated May 22, 1996 prepared by the County of Orange David Dixon Memorial Materials Laboratory (Work Order No. EH07589).

### SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the proposed project because the project would be inconsistent with the provisions of Sections 30233(a) and 30240 of the Chapter 3 of the Coastal Act regarding wetland fill and development adjacent to environmentally sensitive habitat area, respectively.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. DENIAL OF PERMIT.

The Commission hereby denies a permit for the proposed development on the grounds that the development, located between the nearest public roadway and the shoreline, will not be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 including the public access and recreation policies of Chapter 3, will 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 have significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. FINDINGS AND DECLARATIONS.

A. Project Description

The subject site is an approximately 1.328 acre vacant triangular parcel at the northeasternmost corner of Sunset Harbour. On this site, the applicant is proposing to construct an approximately 7,400 square foot, 16 foot high, one-story maintenance/office building. The proposed building would serve as the operating base for the County of Orange's ("County") north coastal maintenance facility operations. Currently, the north coastal operations are based at a County facility on Newport Harbor which is currently shared with the Orange County Harbor Patrol. However, due to a reorganization of that facility, the Harbor Patrol will be expanding into the space currently occupied by the maintenance staff. Therefore, the maintenance staff needs a new facility, which would be the proposed facility.

As part of the proposed facility, the applicant is also proposing to build a 1,500 square foot, one-story, 12 foot high workshop building, plus a nursery area, dumpster area, perimeter chain link and wrought-iron fencing, and 37 paved parking spaces. The proposed nursery would be used to grow landscaping materials for various County parks. Also proposed would be 8,500 cubic yards of fill.

B. Overall Site Context

The subject site is part of the existing Sunset Harbour, which was previously known as Sunset Aquatic Park and then Sunset Marina Park. Sunset Harbour is a marine recreational facility owned by the County of Orange ("County") and operated by a lessee. The entire land area of Sunset Harbour has not yet been developed. Currently existing facilities include boat docks and related facilities immediately adjacent to the water at the southwestern side of Sunset Harbour. Future development plans call for additional facilities such as a recreational vehicle park.

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C. Wetlands

Section 30233 of the Coastal Act states, in relevant part:

(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.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

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

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

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

(7) Restoration purposes.

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

The subject site is a wetland. The proposed project would fill the wetland and create permanent "upland" so that the proposed structural development can be constructed. As a result of the proposed fill, the wetland would no longer exist.

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The loss of coastal wetlands is a significant issue. It is estimated that 75% of Southern California's coastal wetlands have been lost due to filling for development and other activities (Septh, 1969a,b; Dennis and Marcus, 1984). Up to 91% of the State of California's historic coastal wetlands have been lost (Dahl, 1990). Wetlands are important because they provide critical habitat for threatened and endangered species, habitat for native wildlife, and resting and feeding habitat for migratory waterfowl. In addition, wetlands provide valuable functions related to water quality, flood control, and nature study/passive recreation.

Therefore, preservation of the existing remaining coastal wetlands is important. This idea is affirmed in Governor Wilson's "California Wetlands Conservation Policy" which strives to "[e]nsure no overall net loss and achieve a long-term net gain in the quantity, quality, and permanence of wetland acreage and values in California in a manner that fosters creativity, stewardship and respect for private property."

1. Wetland Status of the Subject Site

The subject site is a portion of one of two adjacent pond type diked areas adjacent to the Anaheim Bay Wildlife Refuge. The County uses these two areas as desilting basins for the dewatering of spoils. The spoils are dredged from the nearby marina area of Sunset Harbour and the immediately adjacent Bolsa Chica Channel. The dredge spoils are placed in the basin which is not the subject site but rather is next to it. Water from the spoils flows from this basin through a pipe into the basin which contains the subject site.

The County had recently placed dredged spoils in the first basin. As a result, water has flowed from the first basin into the second basin which contains the subject site. Pursuant to Section 30610 of the Coastal Act, Commission staff issued Exemption #29 for the recent placement of the dredge spoils. Prior to this, the Commission approved coastal development permit 5-82-430 (E.M.A. County of Orange) for the previous disposal of dredged spoils at the site. Because the dredged material is not actually placed on the subject site but rather next to it in the adjacent basin, there is no actual wetland fill as a result of the dredged spoils disposal.

The definition of wetlands in Section 30121 of the Coastal Act is very broad, there are three types of indicators that can be used to confirm the existence of a wetland. Section 30121 of the Coastal Act defines a "wetland" as follows:

"Wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

These indicators are as follows (from Environmental Laboratory, 1987): (1) hydrology (basically the presence of water); (2) the existence of wetland vegetation (i.e. plants that can only exist in a wetland environment); and (3)

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hydric soils (i.e. soils that possess characteristics that are associated with reducing soil conditions). Based on the definition of the term "wetland" in Section 30121 of the Coastal Act, the presence of any one of the three indicators demonstrates the existence of a wetland.

The County as applicant has contracted with a consultant to perform a wetlands delineation and develop possible mitigation, based on the Commission's methodology. The results are contained in the "County of Orange Sunset Harbour Maintenance Facility Biological Surveys and Impact Analysis and Conceptual Mitigation Plan to Reduce Project Impacts" dated September 13, 1996, prepared by Rick Ware of Coastal Resources Management for the County of Orange (CRM Project #96011), hereinafter referred to simply as the "proposed project wetlands survey".

In addition, the various resources agencies have in writing indicated that the subject site is a wetland or contains wetland indicators. In a letter to Commission staff dated May 8, 1996, the United States Fish and Wildlife Services ("FWS") stated that the subject site ". . . is clearly 'wetland' in character . . ." (See Exhibit D1). The FWS also indicated in an August 26, 1996 letter to the United States Army Corps of Engineers ("ACOE") that the subject site constitutes isolated wetlands (see Exhibit D2). The ACOE itself has indicated in writing that the subject site constitutes isolated wetlands (see Exhibits E).

The California Department of Fish and Game ("DFG") sent a memo dated May 25, 1995 to the Commission (see Exhibit F1). The memo was in regards to coastal development permit exemption #29 (1995) for the placement of dredge spoils which currently exist in the pond adjacent to the subject site. This memo indicates that the clarifying pond which contains the subject site provided vegetated wetland habitat. The memo further indicated that two black-necked stilts had successfully fledged from the subject site that year.

a. Hydrology

The hydrology of coastal wetlands is marine dominated and driven by tidal processes throughout much of the year, except during the rainy season when rainwater predominates (Josselyn, 1983, Zedler, 1982). The proposed project wetlands survey indicates that "[t]he site is periodically inundated, which allows for some standing (pond) water during various times of the year." The proposed project wetlands survey further indicates that "[t]he basin retains some water following rainfall, and there is likely a small, but secondary source of water as a result of tidal influence through infiltration from the Bolsa Chica Channel. However, nearly all of the water is either from infiltration through the earth berm separating the two basins or from direct releases from the first to the second basin." The ACOE also indicates that, although the subject site is cut off from the Bolsa Chica Channel by a levee, the subject site nevertheless is tidally influenced ". . . and water infiltrates through the levee into and out of the ponds with the tidal cycle." Thus, the subject site is tidally influenced.

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The proposed project wetlands survey indicates that, at the time the biological survey was conducted on September 7, 1996 and September 10, 1996, "... a small hyper-saline pond is the only remnant of any standing water;". The saline pond area totalled approximately 0.01 acres, according to the proposed project wetlands survey.

However, the survey was taken near the end of summer, at a time when much of the existing water had evaporated. On July 1, 1996, when Commission staff and representatives of the applicant, FWS, and DFG visited the site, most of the entire site was covered with shallow water. The ACOE also confirms the recent existence of shallow water habitat on-site (See Exhibit E1). The applicant and FWS representatives indicated that the water was at even greater depths, as previously observed in a meeting prior to May 8, 1996 to which Commission staff was not a party.

Therefore, because of the tidal influence, the periodic inundation of the subject site with water due to the disposal of dredged spoils in the adjacent basin, and the ability of the site to hold rainwater, the Commission finds that the subject site exhibits hydrologic characteristics typical of wetlands.

**b. Vegetation/Associated Wildlife**

The proposed project wetlands survey indicates that 0.3 acres of pickleweed vegetation exists on-site both in dense stands (0.2 acres) and scattered stands (0.1) acre. The proposed project wetlands survey also indicates that there is "[a] drainage ditch supporting a denser growth of pickleweed and weedy species . . . and non-native grasses borders the northern edge of the site adjacent to the Seal Beach Wildlife Refuge." The proposed project wetlands survey further indicates that a small freshwater marsh consisting primarily of cattails is partially located within the subject site at the easternmost corner.

In addition, the proposed project wetlands survey indicates that the berms surrounding the site that retain the water in the basin contain pickleweed, alkali heath (*Frankenia salina*), and Suaeda (*Suaeda* sp). These three plants are species representative of salt marsh wetland habitat. Therefore, the subject site contains wetland vegetation. Exhibit B1 contains a map of the wetlands vegetation observed on-site. Section D below contains a discussion of wildlife which uses the habitat.

The environmental impact report ("EIR") No. 478 for the project also indicates the site to be a soils settling pit which was mudflat surrounded by middle intertidal salt marsh comprised mostly of pickleweed and ringed by terrestrial mudflat. This determination was made as part of the September 1989 draft EIR when the site was surveyed in December 1987.

In addition, as previously stated, the May 25, 1995 memo from the DFG to the Commission indicates that the subject site has vegetated wetland habitat (See Exhibit F1). The ACOE also indicates that the subject site contains sparse

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pickleweed flats (See Exhibit E1). Further, the FWS confirms that the site contains pickleweed flats (See Exhibit D2). Therefore, the Commission finds that, based on the evidence in the record, the subject site contains wetland vegetation.

c. Hydric Soils

Typically, soils which are temporarily saturated as a result of controlled flooding or irrigation are generally excluded from consideration as hydric soils. The proposed project wetlands survey indicates, however, that the periodic inundation of the subject site with water from dredged spoils and the subsequent evaporation of this water has left the soils on the site "... hyper-saline and conducive for establishment and growth of this species," a reference to the pickleweed observed on-site. The wetlands delineation did not include a color test of the soils which is often the most conclusive indicator of hydric soils. It is not clear, therefore, that the soils are hydric, although their salinity and conduciveness to the growth of pickleweed make it fairly likely that the soils are hydric.

d. Closing (Wetlands Status of Subject Site)

The evidence in the proposed project wetlands survey indicates that the subject site contains two (hydrology and vegetation), if not all, of the three diagnostic characteristics (indicators) of wetlands. In addition, the resources agencies have in writing confirmed the existence of wetland hydrology and vegetation on the subject site.

Therefore, based on (1) the information provide in the site-specific wetlands delineation/biological survey provided by the applicant which clearly indicates that the site exhibits two, if not all, of the three characteristics (hydrology, vegetation, and soils) to determine the presence of wetlands, and the Commission has usually only required the existence of one of the characteristics, and (2) the written testimony from other resources agencies as described above, the Commission finds that the subject site is a wetland.

Thus, the proposed development would have to meet the three requirements of Section 30233(a) regarding allowable use, that the proposed project is the least environmentally damaging feasible alternative, and the provision of mitigation measures.

2. Requirements of Section 30233(a)

Section 30233(a) allows the diking, dredging, and filling of wetlands only when three criteria are met: (1) for only eight types of uses; (2) where there is no feasible less environmentally damaging alternative; and (3) where there will be feasible mitigation measures.

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a. Allowable Use

The proposed development involves the construction of two buildings, parking spaces, and a nursery to serve as headquarters for the County's north coastal parks operations. As part of the proposal, the subject site would be filled with 8,500 cubic yards of fill material. Section 30233(a) only allows filling of a wetland for eight specific types of uses.

The proposed development would not be a port, energy, commercial fishing, or coastal-dependent industrial facility. The proposed development would not be a boating facility, a public recreation pier, or involve maintenance dredging of a boating facility. The proposed project does not involve mineral extraction, is not a wetlands restoration project, and is not a resource dependent activity such as nature study or aquaculture.

The proposed development is not fill of a wetlands for an incidental public service purpose such as maintenance of public utility facilities which result in only temporary impacts, such as burying pipes and cables. Digging up a wetland to bury pipes and cables results in adverse impacts. However, the impacts are temporary because once the pipe or cable is covered over, there once again is surface area which can then be restored back to wetland habitat. However, the same would not be true of the proposed development, because the development would pave over the surface area permanently, and thus there would be no surface area to restore back to wetland habitat.

Where there has been an existing roadway or bridge next to or in a wetland, the Commission has consistently limited the expansion of these existing roadbeds and bridges into the adjacent wetlands only when necessary as a public service purpose. The proposed project is not an existing development which is being expanded on a limited, necessary basis, however, but rather a brand new facility where none currently exists.

The Commission finds therefore that the proposed project is not one of the eight uses allowed under Section 30233(a). Thus, the Commission finds that the proposed project would be inconsistent with Section 30233(a).

b. Alternatives

Besides not being an allowable use, the proposed project does not meet the second criteria for permitted fill of a wetland. The second criteria is that a proposed project must be the least environmentally damaging feasible alternative. Section 30108 of the Coastal Act states that "'feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors". The County, as the applicant, has not demonstrated that the subject site is the only feasible alternative. There are potential environmentally superior alternative locations for the proposed project.



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For instance, portions of Sunset Harbour are not developed. The project EIR indicates that there are 26 undeveloped acres in Sunset Harbour. The proposed project could be located closer to the center of Sunset Harbour, next to existing development and away from the wildlife refuge. This would avoid the need to fill the wetlands at the proposed site, thus avoiding direct wetland impacts which is the preferred alternative. This would also increase the distance between the proposed development and the wildlife refuge, providing a greater buffer area. This would minimize adverse impacts on the adjacent wildlife refuge (as discussed in Section D below) resulting from the proposed development. This would also result in the subject site remaining vacant, thereby maintaining the existing view of the adjacent refuge as one drives into Sunset Harbour over the Edinger Avenue bridge.

Further, the County could consider sites elsewhere in north coastal Orange County not within Sunset Harbour or even within the coastal zone. The maintenance facilities to be housed in the proposed buildings would not be used solely for Sunset Harbour, but for all north county coastal recreation facilities. Other County facilities in the region, such as the proposed Upper Newport Bay Regional Park approved by the Commission by permit 5-93-382, Harriet Wieders Regional Park, the existing Talbert-Fairview Regional Park, or Newport Dunes Aquatic Park should be looked at as alternative sites.

In addition, the proposed project could be resited so that it avoided the pickleweed along the northern edge of the subject site. While such an alternative would still result in fill of pickleweed habitat at the southern edge of the subject site, less on-site wetland habitat would be impacted. Further, the project EIR indicates that the loss of the subject site and other undeveloped areas in Sunset Harbour for use as dredge disposal areas would increase the County's cost of dredge spoil disposal.

The County, however, indicates that because of long-term lease arrangements with the park lessee, relocating the project to another site within Sunset Harbour would not be possible. The County also indicates that the subject site is designated for a maintenance facility under its general development plan for Sunset Harbour. The County has not indicated why the proposed project could not be located at another County facility besides Sunset Harbour.

In addition, in their letter to Commission staff, the FWS states that "... it would be more protective of coastal wetland values if the maintenance facility were located away from the wetlands and nearer to the already developed portions of the park." (See Exhibit D1) Further, in their letter to the ACOE, the FWS has indicated that it is also their opinion "... that the County has not adequately demonstrated that there is no other practicable alternative to constructing the facility in another place which would avoid impacts to wetlands." (See Exhibit D2)

Thus, the proposed project is not the least environmentally damaging feasible alternative. Therefore, the Commission finds that the proposed project would

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not be consistent with the requirements of Section 30233(a) which requires that a project in a wetland be the least environmentally damaging feasible alternative.

c. Mitigation

Section 30233(a) requires mitigation as the third required criteria for permitted wetland fill. The proposed project wetlands survey discusses three possible off-site areas for potential mitigation in the vicinity of the Tern Island and the island itself at the west end of the existing Sunset Harbour park area, other areas within the adjacent wildlife refuge, and at Shellmaker Island at the Upper Newport Bay Ecological Reserve. The proposed project wetlands survey also "proposes two alternative mitigation plans; (1) to mitigate the loss of federally-identified vegetated wetlands (0.3 acre) at a mitigation ratio of 3:1, or (2) to mitigate the loss of CCC-identified vegetation and unvegetated flats (1.0 acre) at a mitigation ratio of 1:1." On-site mitigation is not proposed.

The proposed mitigation measures are not adequate as proposed. The Commission has regularly required mitigation ratios of 4:1 for wetland impacts. In addition, all mitigation proposed would be restoration of off-site areas, rather than preservation of existing on-site habitat. Restoration and creation of new wetlands is difficult and does not always have a high success rate, which is the reason for the Commission's historic use of mitigation ratios of more than 1:1. Therefore, preserving existing habitat and preventing wetland fill from occurring in the first place is preferable.

While elimination of an existing wetland due to fill is immediate, the establishment of a newly created wetland takes time. This interim period between the elimination of the existing wetland and the establishment of the mitigation wetland results in a temporary loss of wetland area. Also, wetland mitigation can result in a loss of biodiversity. These are other reasons the Commission has consistently required higher mitigation ratios for wetland impacts.

Further, the mitigation described is very generalized and does not contain detailed construction, management, and monitoring plans. In addition, the subject site does not comprise the entire second desilting basin, but rather occupies only the eastern two-thirds or so of the desilting basin in which the wetland habitat previously described has been observed. A portion of the western edge could be deed restricted to preserve the habitat. While this would technically be off-site mitigation, the habitat is part of the same habitat where the proposed development would be located (See Exhibit B1). Preservation of existing wetland habitat would be the environmentally superior and preferred alternative, rather than the creation of new wetland. Therefore, the Commission finds that the proposed mitigation does not meet the requirements of Section 30233(a).

3. Closing (Section 30233(a))

The Commission finds that the proposed project would be inconsistent with Section 30233(a) because the proposed project is not an allowable use that would result in the fill of a wetland, there are less environmentally damaging feasible alternatives, and the mitigation proposed is inadequate.

D. Environmentally Sensitive Habitat Area

Section 30240(b) of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on 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 30107.5 of the Coastal Act defines environmentally sensitive habitat area (ESHA) as:

. . . any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

1. Value of On-site Habitat

The EIR indicates that approximately 26 undeveloped acres of the park, including the spoils settling/retention ponds which contain the subject site, are not biologically significant and are unproductive. However, the EIR's scope was general in nature and focused on the broad impacts which would result from the overall General Development Plan for the future development of Sunset Harbour. The biological assessment conducted for the proposed development was a focused, site-specific survey based on a specific project.

The proposed project wetlands survey indicates that ". . . habitat on the site and the adjacent primary settling pond represent moderate to high quality habitat for foraging by Belding's savannah sparrow" primarily because of the on-site pickleweed vegetation. The Belding's savannah sparrow was listed by the DFG as endangered back in January 1974, according to the proposed project wetlands survey. The proposed project wetlands survey further indicates that the subject site would provide moderate quality foraging habitat for the California Least Tern, another species listed as endangered (since 1973). The proposed project wetlands survey also indicates that the subject site would provide marginal to moderate foraging habitat for the Western Snowy Plover, a species listed as threatened by the FWS in April 1993.

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In addition, both the ACOE and the FWS acknowledge that shorebirds have been seen on the subject site. Commission staff observed a least tern foraging on the subject site at the July 1, 1996 site visit with resources agency representatives.

Therefore, the subject site also supports habitat necessary for the continuance of endangered or threatened species. Elimination of the habitat due to wetland fill would disrupt these habitat values. In addition, the proposed development would not be a use dependent on the on-site habitat and thus should not be allowed in the habitat. Therefore, the Commission finds that the proposed development would not be consistent with Section 30240(a) of the Coastal Act.

## 2. Effects on Adjacent Wildlife Refuge

The subject site is located immediately adjacent to the Anaheim Bay National Wildlife Refuge. Designation as a national wildlife refuge indicates a valuable habitat worthy of protection. Thus, the adjacent refuge is an ESHA within the meaning of the Section 30701.5 of the Coastal Act. In addition, the adjacent refuge contains tidal wetlands according to the FWS (See Exhibit D1).

Adverse impacts to the adjacent refuge resulting from development on the subject site has been a concern to the various resources agencies. A March 2, 1983 memo from the DFG to the Commission expressed concern about adverse impacts on the adjacent refuge resulting from previously placed dredged spoils leaking into the refuge because of the inability of the dikes surrounding the subject site to contain the spoils (See Exhibit F2). Permit 5-82-430 was conditioned to prevent adverse impacts to the adjacent refuge resulting from leaking dredge spoils (See Exhibit I).

More recently, the FWS service has expressed concern about adverse impacts on the immediately adjacent refuge resulting from the proposed project to both the Commission and the ACOE (See Exhibit D). These adverse impacts include, for example, feral animals living in the proposed dumpster area which would prey on wildlife in the refuge, lighting from the proposed project affecting wildlife, and the lack of an adequate buffer between the subject site and the refuge.

In addition, non-native, invasive plants which may be grown in the proposed nursery would escape into the adjacent wetland, adversely impacting native, non-invasive plants. Further, the proposed project is sited so that it is within 100 feet of the edge of the refuge which contains wetlands. The Commission has historically found that a one hundred foot buffer is necessary to prevent adverse impacts on wetlands resulting from adjacent development. Therefore, the proposed project is not "... sited and designed to prevent impacts which would significantly degrade those areas ..." as required by Section 30240(b) of the Coastal Act.

The mitigation plan submitted by the applicant does not have specific measures, but rather generalized concepts, to mitigate these adverse impacts on the adjacent refuge. Therefore, the Commission finds that the proposed project would be inconsistent with Section 30240(b) of the Coastal Act because; (1) the proposed project is not a use dependent on the ESHA resources on the site, (2) the proposed project would significantly degrade and not be compatible with the continuance of the habitat of the ESHA in the adjacent refuge, and (3) inadequate mitigation is proposed to minimize adverse effects on the adjacent refuge.

#### E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a local coastal program ("LCP") which conforms with the Chapter Three policies of the Coastal Act.

On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

Regarding Sunset Harbour, the LUP did not contain provisions except to say that the City should coordinate with the County on the expansion of the aquatic park. At the time of the LUP's preparation, the County was also preparing an LCP for Sunset Harbour. The County has continued to work on a general development plan for Sunset Harbour which could be submitted as the LCP for the area one day. However, the general development plan has not been submitted to the Commission for action as an LCP item.

The Sunset Harbour General Development Plan as currently proposed by the County contains environmentally beneficial actions, such as preparation of a least tern nesting site and wetlands mitigation in Sunset Harbour, as acknowledged by the FWS (See Exhibits D). As part of the implementation of an overall planning effort that addresses all development impacts in Sunset Harbour, it may be possible to justify the proposed development in the context of a wetlands restoration and enhancement plan. However, as currently proposed, the proposed development would go forward in a piecemeal fashion separate from the rest of the Sunset Harbour General Development Plan, with no guarantee that the environmentally beneficial actions proposed under the Plan in the form of restoration and enhancement of wetlands would occur.

The proposed development would not be consistent with the Chapter Three policies of the Coastal Act, especially Sections 30233 and 30240 of the Chapter 3. Therefore, the Commission finds that the proposed development

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would prejudice the ability of the City to prepare a certified local coastal program consistent with the Chapter Three policies of the Coastal Act.

F. California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act to conform to CEQA.

7144F:jta

5-96-107 (County of Orange  
Environmental Management Agency  
Harbors, Beaches and Parks)  
Page 15

List of Exhibits

Exhibits A: Vicinity Maps

- A1 General Vicinity Map
- A2 Detailed Vicinity Map

Exhibits B: Vegetation Maps

- B1 Vegetation Map from Wetlands Delineation/Biological Survey (CRM Project #96011)
- B2 Vegetation Map from EIR No. 478

Exhibit C: Site Plan

Exhibits D: Letters from the U.S. Fish and Wildlife Service

- D1 Letter dated May 8, 1996 from Gail Kobetich of the U.S. Fish and Wildlife Service to Chuck Damm of the California Coastal Commission
- D2 Letter dated August 26, 1996 from Gail C. Kobetich of the U.S. Fish and Wildlife Service to Colonel Michal R. Robinson of the U.S. Army Corps of Engineers

Exhibits E: U.S. Army Corps of Engineers

- E1 Page 3 of U.S. Army Corps of Engineers Public Notice 96-00332-MFS
- E2 Letter dated June 24, 1996 from Mark Durham of the U.S. Army Corps of Engineers to the County of Orange

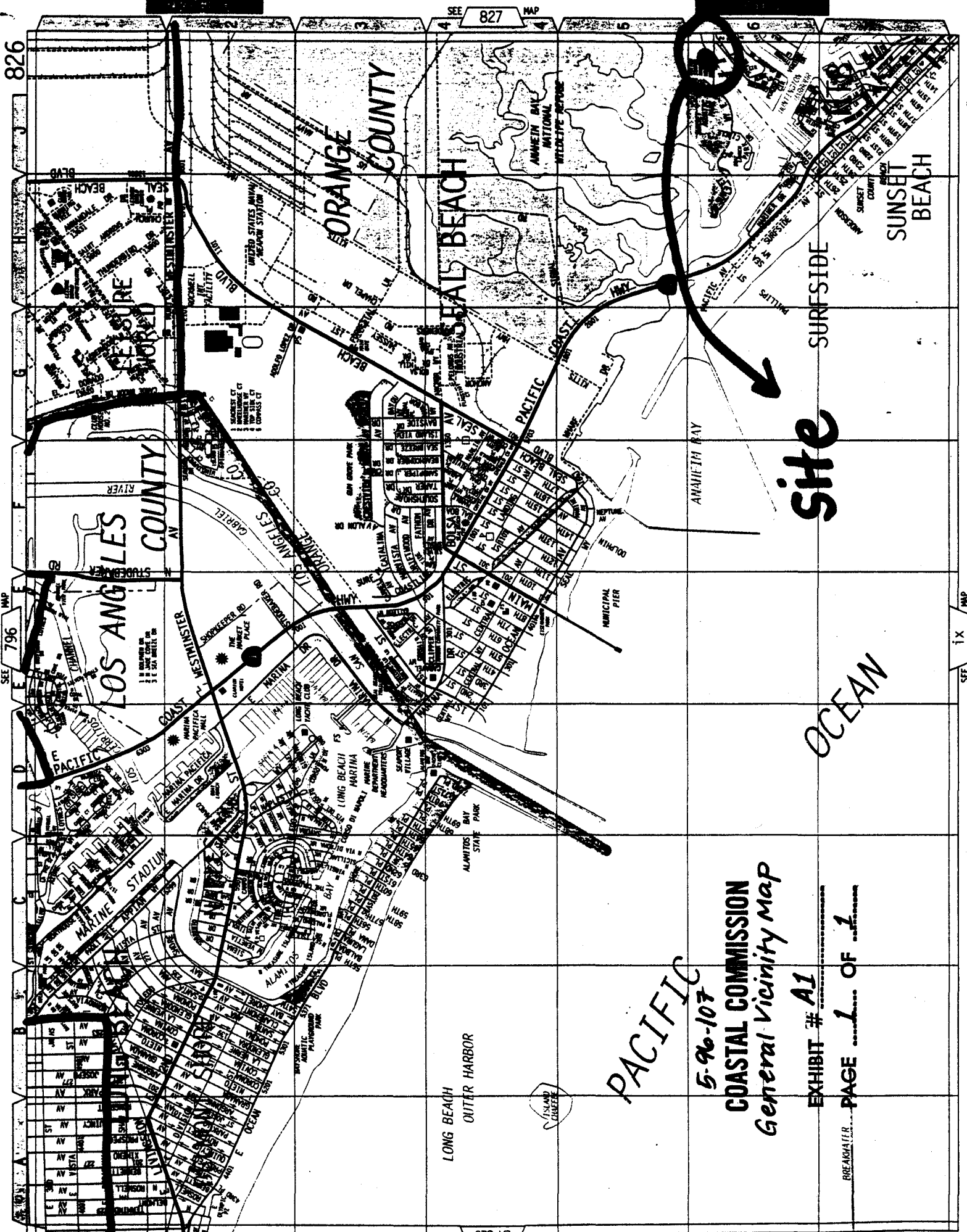
Exhibits F: Memoranda from the California Department of Fish and Game

- F1 Memorandum from Patricia Wolf to the Coastal Commission dated May 25, 1995
- F2 Memorandum from Fred A. Worthley Jr. to the Coastal Commission dated March 2, 1983

Exhibit G: Map of Long-Range Development Proposed under the Sunset Harbour General Development Plan

Exhibits H: Plans of the Development Proposed under Coastal Development Permit Application 5-96-107

Exhibit I: Coastal Development Permit 5-82-430 (E.M.A. County of Orange) and staff report exhibit



PACIFIC  
5-96-107  
COASTAL COMMISSION  
General Vicinity Map

EXHIBIT # A1

PAGE 1 OF 1

site

OCEAN

ORANGE COUNTY

LONG BEACH

SURF SIDE

SUNSET BEACH

LOS ANGELES COUNTY

LONG BEACH  
OUTER HARBOR



**Legend:**



Areas notified for  
Coastal Development  
Permit

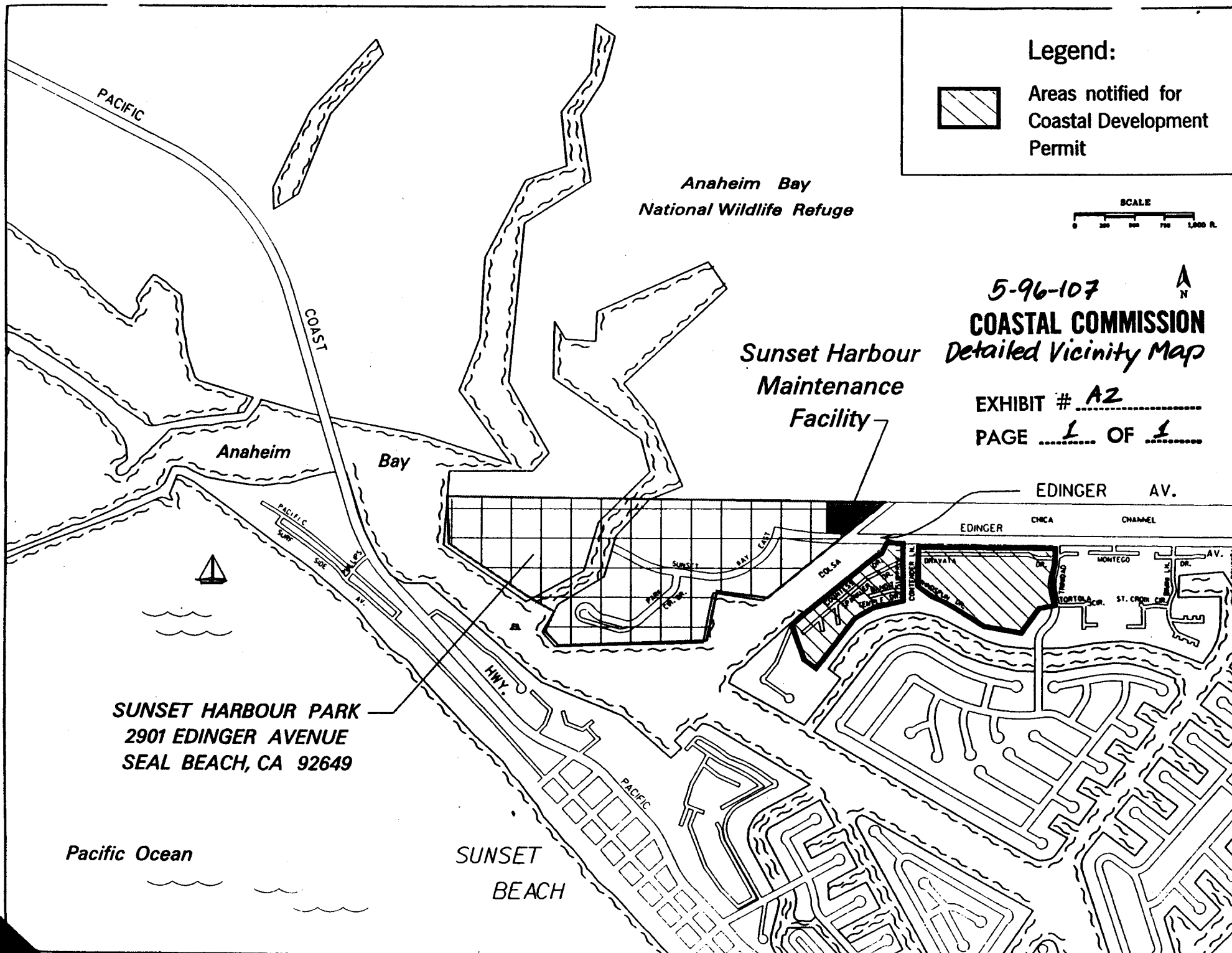


5-96-107

**COASTAL COMMISSION**  
*Detailed Vicinity Map*

EXHIBIT # A2

PAGE 1 OF 1



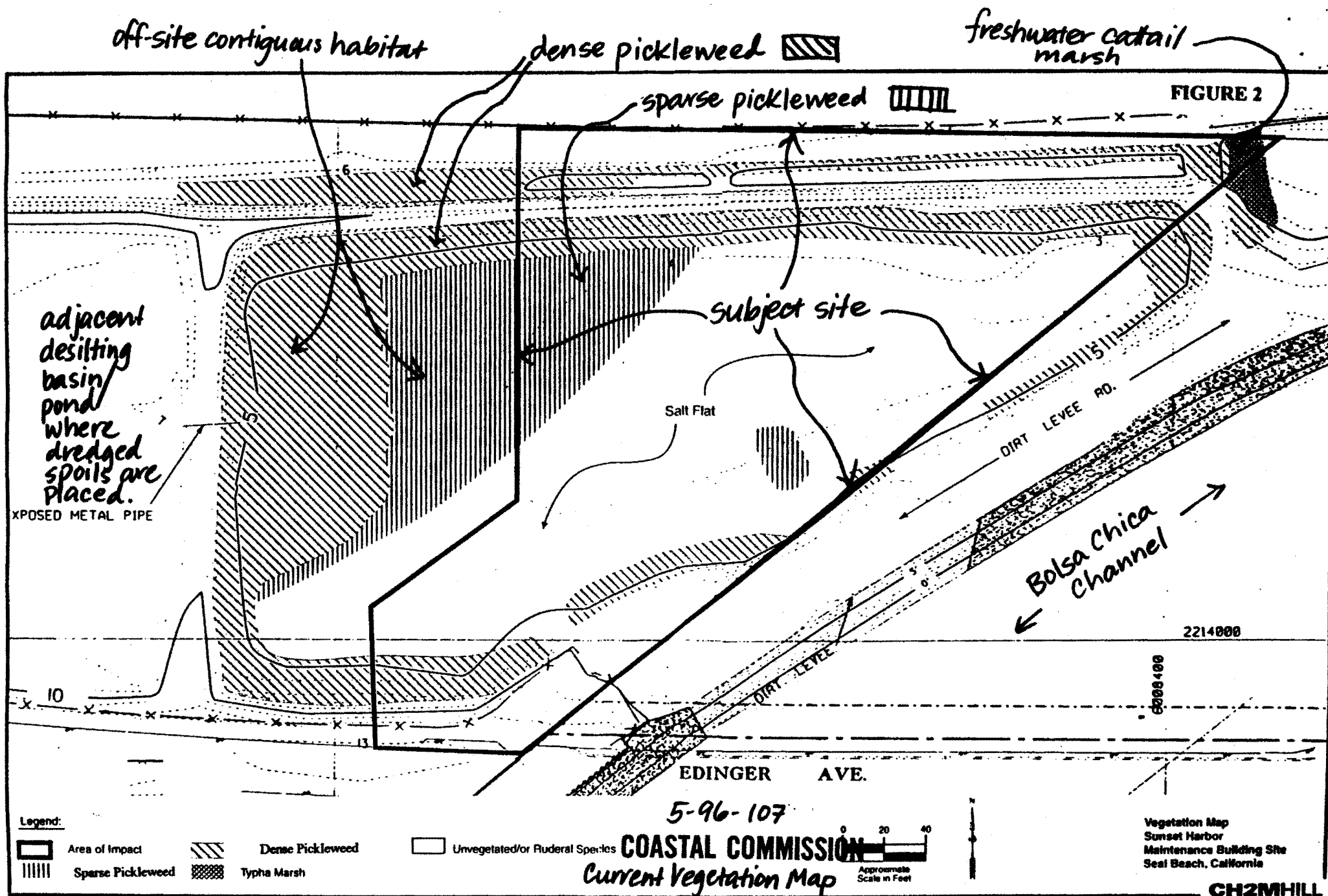
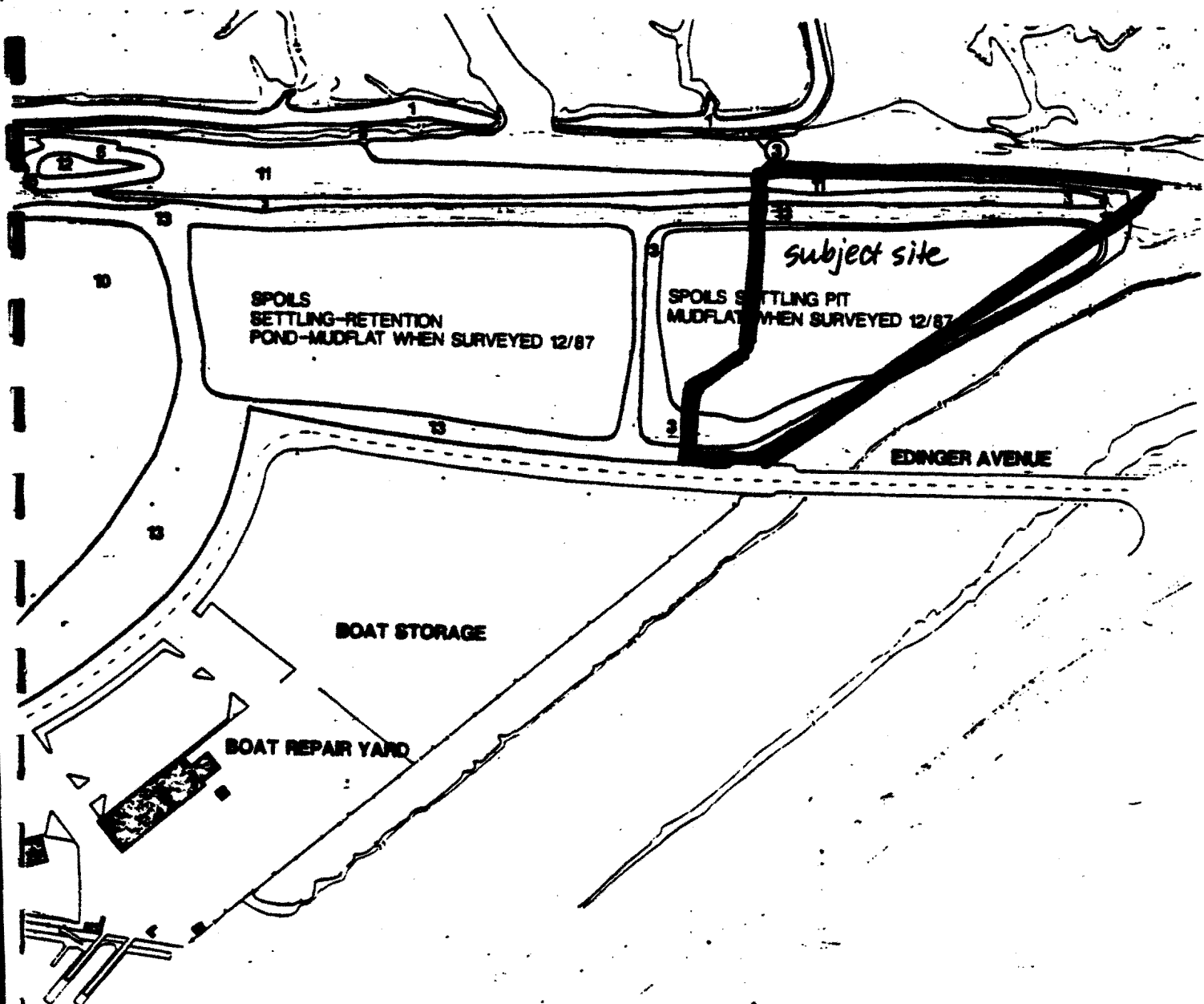


EXHIBIT # B1

PAGE 1 OF 1



3 = Middle Intertidal (Pickleweed Habitat)  
 13 = terrestrial mudflat

5-96-107  
 COASTAL COMMISSION  
 EIR Vegetation Map

EXHIBIT # B2  
 PAGE 1 OF 1

FIGURE 4-1  
 PLANT COMMUNITIES

**sunset  
 aquatic  
 regional park**  
 County of Orange  
 Environmental Management Agency



P&D Technologies

**ATTACHEMNT F.**



JUL 1 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT



United States Department of the Interior

RECEIVED

FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Field Office  
2730 Loker Avenue West  
Carlsbad, California 92008

MAY 13 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

5-96-107  
COASTAL COMMISSION

U.S.F.W.S. Letter to  
Coastal Commission staff

May 8, 1996

Mr. Chuck Damm  
California Coastal Commission  
245 W. Broadway, Suite 380  
P.O. Box 1450  
Long Beach, CA 90801-1450

EXHIBIT # D1

PAGE 1 OF 2

Re: County of Orange Proposed Maintenance Facility at Sunset  
Aquatic Park, Huntington Harbour

Dear Mr. Damm:

The Fish and Wildlife Service (Service) has been involved in the Orange County Harbors, Beaches, and Parks (OCHBP) planning for the "unimproved" portion of the Sunset Harbour Park. Most recently, we met onsite with their representatives to discuss the referenced proposal and examined the site plans they provided by letter dated April 24, 1996.

The easterly portion of the area had been used to dewater and stockpile sediments from Huntington Harbour maintenance dredging. The westerly portion has long been designated for preparation of the least tern nesting area, although through many years of inattention, it has become overgrown with nonnative plants, particularly pampas grass. Contiguous with the northerly border are the tidal wetlands of Anaheim Bay, the federal property of the Seal Beach Naval Weapons Station, managed as the Seal Beach National Wildlife Refuge.

The General Design Plan was adopted by the County years ago but, heretofore, no part of it had been implemented. The Sunset Harbour Park plan included the subject maintenance facility, passive park/public access, boat storage, marina expansion, California least tern nesting area preparation, and wetland mitigation. There seems to be no desire or intention of the County's tenant to proceed with any part of the adopted plan, at this time. There also is some suggestion that the tenant is considering submitting an amended plan proposal.

However, the County of Orange finds the need to proceed with only the maintenance facility and seems unable to consider other sites at Sunset Harbour Park for the maintenance facility. The Service is particularly concerned about the apparent indefinite postponements of the California least tern nesting area preparation. In addition, it would be more protective of coastal wetland values if the maintenance facility were located away from the wetlands and nearer to the already developed portions of the park.

Regarding the currently proposed site for the maintenance facility, preparation of the site for building construction will require the filling of a saline pond area. The pond is currently used to clarify dredge material tailwater before the water is discharged to the Bolsa Chica flood channel.

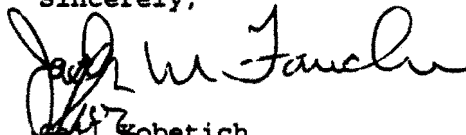
Although this area is clearly "wetland" in character, it is unclear whether it is subject to State or Federal jurisdiction, as such, due to its history of sediment management uses. If the proposed maintenance facility were relocated nearer to the existing boat launch ramp, there would be no direct impact to coastal wetlands.

→ Indirect impacts to adjacent wetlands could result from light pollution and attraction of undesirable wildlife to the trash handling facilities. In order to avoid further degradation of the adjacent wetlands, outdoor lighting of the maintenance facility should be the minimum necessary and shielded or oriented so as to avoid casting light toward the saltmarsh. In order to preclude the attraction of nuisance wildlife, such as crows or feral cats, that may also prey on the endangered species of the adjacent National Wildlife Refuge, the following measures are recommended. Dumpsters should be covered and closed at all possible times; dumpsters should be enclosed inside a shed or covering; the maintenance yard should be kept free of trash and debris; and temporary stockpiling of trash or debris should be minimized and removed as expeditiously as possible.

With implementation of these above recommendations, and resolution of the wetland jurisdiction issue, the Service would have no objection to the Coastal Development Permit for the referenced maintenance facility. The Service remains interested in participating in joint use of wetland interpretive/education facilities that may eventually be implemented at Sunset Harbour Park, as well as preparation and management of the least tern nesting area. In the hope of furthering the preparation of the nesting area, the Service recommends that the County be required to implement the least tern nesting area preparation measures within two years of the start of construction for the maintenance yard.

As the need may arise, you may contact Mr. Jack Fancher or Ms. Gina Shultz at (619) 431-9440.

Sincerely,

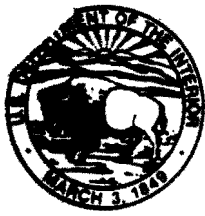
  
Bill Kobetich  
Field Supervisor

cc: OCHBP  
CDFG  
FWS, Refuges  
Corps of Engineers

5-96-107  
COASTAL COMMISSION

EXHIBIT # D1  
PAGE 2 OF 2

*U.S. Fish & Wildlife Service  
Letter to Chuck Damm of the  
Coastal Commission, dated May 8, 1996*



United States Department of the Interior 5-96-107

FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Field Office  
2730 Loker Avenue West  
Carlsbad, California 92008

COASTAL COMMISSION  
USFWS letter to  
ACOE

EXHIBIT # D2

PAGE 1 OF 2

August 26, 1996

RECEIVED  
5-96-107  
AUG 28 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

Colonel Michal R. Robinson  
District Engineer  
Los Angeles District  
U.S. Army Corps of Engineers  
P.O. Box 2711  
Los Angeles, California 90053-2325

Attn: Mark Sudol, Regulatory Branch

Re: Public Notice for Permit Application 96-00332-MFS, Isolated  
Wetlands Near Bolsa Chica Channel, City of Seal Beach, Orange  
County, California

Dear Colonel Robinson:

The Fish and Wildlife Service (Service) has reviewed the referenced Public Notice (PN), dated July 26, 1996 to construct the Sunset Harbor Maintenance Facility near Bolsa Chica Channel, City of Seal Beach, Orange County, California. These comments have been prepared under the authority, and in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401 as amended, 16 U.S.C. 661 et seq.), and other authorities mandating Department of Interior concern for environmental values.

The proposed project would involve filling approximately 1.32 acres of isolated wetlands adjacent to Bolsa Chica Channel in order to construct a county park maintenance facility. The proposed maintenance facility would be the headquarters for the northern Orange County beach maintenance operations. The facility would consist of a 110 feet by 60 feet building, a 50 feet by 32 feet maintenance workshop, a 37-space parking lot, and landscaping. The U.S. Army Corps of Engineers (Corps) has determined that the proposed project is a non-water dependent activity.

The wetlands proposed to be filled have been used in the past as a desilting basin for permitted dredging operations of Huntington Harbor. Habitat on-site consists of pickleweed flats along the shore and shallow water habitat in the ponds. The project site, which is directly adjacent to the Service's Seal Beach National Wildlife Refuge (Refuge), is utilized by numerous shore birds.

The Service has several concerns regarding the issuance of the proposed permit to allow construction of the proposed maintenance facility on an isolated wetland adjacent to the Refuge. The Service is primarily concerned with the necessity of constructing the maintenance facility on a wetland. Several years ago the applicant, Orange County Environmental Management Agency (County), adopted a plan for all of this park which

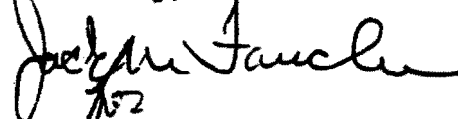
included environmentally beneficial actions as well as environmentally harmful ones. Now, however, the County proposes only to proceed with the maintenance facility without implementation of any of the beneficial actions. It appears that the proposed facility could be constructed in another location within the same park which would not result in direct impacts to wetlands. The Service believes that the County has not adequately demonstrated that there is no other practicable alternative to constructing the facility in another place which would avoid impacts to wetlands. The Service is also concerned with indirect impacts (e.g., light, noise, attraction of predators, etc.) to the Refuge and other adjacent wetlands.

According to the PN, the County is conducting a biological survey to determine impacts and recommend possible mitigation, and conducting a formal analysis of alternatives to the proposed project. The Service recommends that the permit not be issued until after all of this information has been submitted to the Corps, the Service, and U.S. Environmental Protection Agency for review. In addition, we request an opportunity to provide additional comments on this PN after reviewing the information.

In summary, because the applicant has not demonstrated that the proposed activity is the least damaging practicable alternative, in order to avoid impacts to wetlands and since the applicant has not proposed any mitigation to compensate for wetland losses, the Service recommends that the Corps deny issuance of the proposed permit. If the applicant can demonstrate that the proposed action is the only practicable alternative, the Service recommends that the applicant mitigate all direct and indirect impacts to wetlands and the Refuge. The Service would be willing to work with the applicant and the Corps in the preparation of a mitigation plan.

We appreciate the opportunity to comment on this PN. In light of our comments, please advise us of your intentions concerning this permit. If you have any questions regarding these comments please contact Gina Shultz of my staff at (619) 431-9440.

Sincerely,



Gail C. Kobetich  
Field Supervisor

cc: ACOE, San Diego, CA (Attn: Mark Sudol)  
EPA, San Francisco, CA (Attn: Becky Tuden)  
CDFG, Long Beach, CA (Attn: Troy Kelly)  
CCC, Long Beach, CA (Attn: John T. Auyong)

5-96-107  
COASTAL COMMISSION

*Letter dated August 26, 1996  
from the U.S. Fish & Wildlife  
Service to the U.S. Army  
Corps of Engineers*

EXHIBIT # D2  
PAGE 2 OF 2



formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

**Proposed Activity for Which a Permit is Required**

To fill approximately 1.32 acres of isolated wetland adjacent to Bolsa Chica Channel in order to construct the Sunset Harbor Maintenance Facility (Figures 1-4). The facility would be used in maintenance operations for North Orange County Beaches. The Corps has determined the proposed action to be a non-water dependent activity.

The isolated wetlands proposed to be filled have been used in the past as a desilting basin for permitted dredging operations of Anaheim Bay and the harbor mouth. There are two ponds connected by a 48" pipe (Figure 4) adjacent to Edinger Avenue and Bolsa Chica Channel. Habitat on site includes sparse pickleweed flats along the shore and shallow water habitat in the ponds. Although the ponds are cut off from Bolsa Chica Channel by a dirt levee, there are tidal influenced and water infiltrates through the levee into and out of the ponds with the tidal cycle. Numerous shore birds have been seen on site due to its proximity to the Anaheim Bay National Wildlife Refuge (Figure 5).

**Additional Project Information**

The proposed maintenance facility would be the headquarters for the Northern Orange County Beach maintenance operations. Two structures would be built on site (Figure 3): the main building approximately 110 feet by 60 feet and a maintenance workshop approximately 50 feet by 32 feet. The remainder of the property would be a 37 space parking lot and landscaping features. The proposed facility would replace an existing structure scheduled to be demolished in the summer of 1997. There are currently no other beach maintenance facilities within 20 miles of the proposed project. The applicant is conducting a formal analysis of alternatives to the proposed project.

**Proposed Special Conditions**

The applicant is currently conducting a biological survey of the proposed project site to determine impacts and recommend possible mitigation.

For additional information please call Mark F. Sudol of my staff at (213) 452-3418. This public notice is issued by the Chief, Regulatory Branch.

5-96-107  
COASTAL COMMISSION  
U. S. Army Corps of Engineers  
Public Notice # 96-00332-MFS  
EXHIBIT # E1  
PAGE 1 OF 1



DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
911 WILSHIRE BOULEVARD  
LOS ANGELES, CALIFORNIA 90017

REPLY TO  
ATTENTION OF:

June 24, 1996

Office of the Chief  
Regulatory Branch

RECEIVED  
5-96-107 D

JUL 1 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

County of Orange  
Environmental Management Agency  
Harbors, Beaches, and Parks  
c/o G. Derr  
P.O. Box 4048  
Santa Ana, California 92702-4048

Dear Sirs:

Reference is made to your application/letter (No. 96-00332-MFS) dated May 23, 1996 for a Department of the Army Permit to fill isolated wetlands near Bolsa Chica Channel, in Seal Beach, Orange County, California.

Based on the information furnished in your application/letter, we have determined that your proposed project does discharge dredged or fill material into a water of the United States or an adjacent wetland. Therefore, the project is subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is required from our office.

The receipt of your application/letter is appreciated. If you have any questions, please contact Mark F. Sudol of my staff at (213) 452-3418.

Sincerely,

*Mark Durham*

Mark Durham  
Chief, South Coast Section  
Regulatory Branch

5-96-107

COASTAL COMMISSION  
U.S.A.C.O.E. Letter

EXHIBIT # E2  
PAGE 1 OF 1

RECEIVED  
JUL 2 1996  
EMA

# Memorandum

**To :** California Coastal Commission  
South Coast Area  
245 W. Broadway, Suite 380  
P.O. Box 1450  
Long Beach, California 90802-4416

**Date:** May 25, 1995

5-96-107

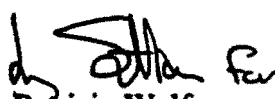
**From :** Department of Fish and Game - Region 5

**Subject :** Sunset Aquatic Park Maintenance Dredging - Coastal Development Permit 5-82-430

The Department of Fish and Game (Department) has reviewed the Department memorandum to the Coastal Commission (dated: March 2, 1983) regarding the subject project. In addition, Department staff has inspected the project site with Mr. Tom Rossmiller of the Orange County Environmental Management Agency (project proponent) on May 17, 1995.

The Department is satisfied with wetland protection measures put into place by the project proponent. Existing levees are being reinforced so no impacts to wetland vegetation will occur. The concerns of our previous memorandum (dated: March 2, 1983) no longer exist provided that the levees are maintained and no dredge spoil is introduced to adjacent wetlands. In fact, the clarifying pond (adjacent to disposal site) constructed by the project proponent currently provides vegetated wetland habitat. Two Black-necked stilts have successfully fledged from the clarifying pond this year.

Thank you for your cooperation in this matter. If you have any questions or comments, please contact Mr. Troy Kelly, Associate Wildlife Biologist at (714) 644-9612.

  
Patricia Wolf  
Acting Regional Manager  
Region 5

**cc:** Mr. Troy Kelly  
California Department of Fish and Game  
Newport Beach, California

Mr. Richard Nitsos  
California Department of Fish and Game  
Long Beach, California

Mr. Tom Rossmiller  
Orange County Environmental Management Agency  
Dana Point, California

5-96-107  
**COASTAL COMMISSION**  
D.F.G. Memo  
EXHIBIT # F1  
PAGE 1 OF 1

**Memorandum**

To : Mr. Praveen Gupta  
California Coastal Commission  
South Coast District  
245 W. Broadway  
Long Beach, California 90802

Date: March 2, 1983

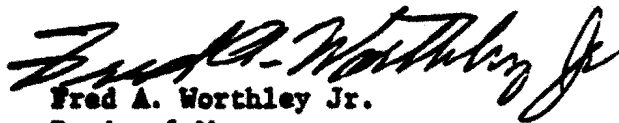
From : Department of Fish and Game  
Regional Manager - Region 5

Subject: Sunset Harbor Maintenance Dredging - Coastal Permit Application 5-82-430

Because of the close proximity of the disposal site to wetland habitats and the potential for environmental impacts from dredge materials, the Department has concerns with regard to this project. We visited the disposal site for the maintenance dredging at Sunset Harbor on February 25, 1983. At that time we noticed a small amount of material which had leaked through the disposal site dikes and into the wetlands at the adjacent Seal Beach National Wildlife Refuge. Also, on October 19, 1981, Department personnel observed dredge materials sloughing off and covering salt marsh vegetation (*Salicornia* spp.).

We believe that the dikes at the dredge disposal site must be well maintained. The County of Orange should avoid allowing any dredge material or associated runoff or other materials, including any material that may slough off of the dikes, from entering the wetlands.

We would like to commend the County for their consideration to the resource values of the project as shown by the preclusion of dredging of areas containing eelgrass.

  
Fred A. Worthley Jr.  
Regional Manager  
Region 5

cc: Bob Hoffman - National Marine Fisheries Service  
Jack Fancher - U.S. Fish and Wildlife Service

5-96-107  
COASTAL COMMISSION  
D.F.G. Memo

EXHIBIT # F2  
PAGE 1 OF 1

→ possible salt marsh and mudflat mitigation site for overall development in Sunset Harbour under the General Plan

subject  
site



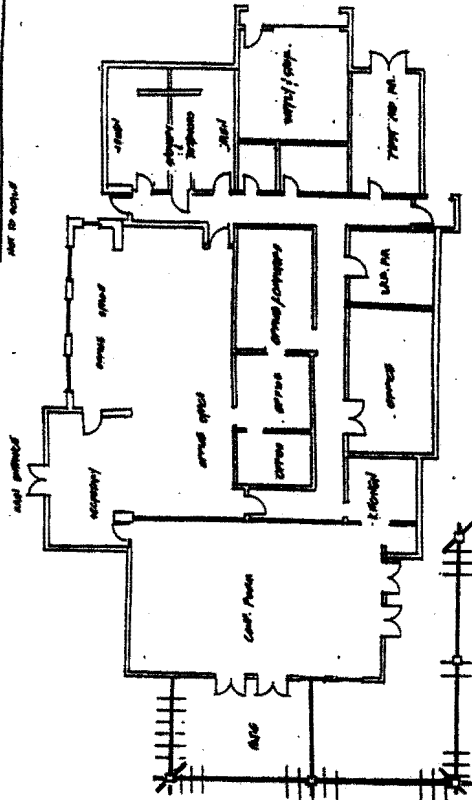
**County of Orange  
Environmental Management Agency  
Heritage Beaches and Parks**



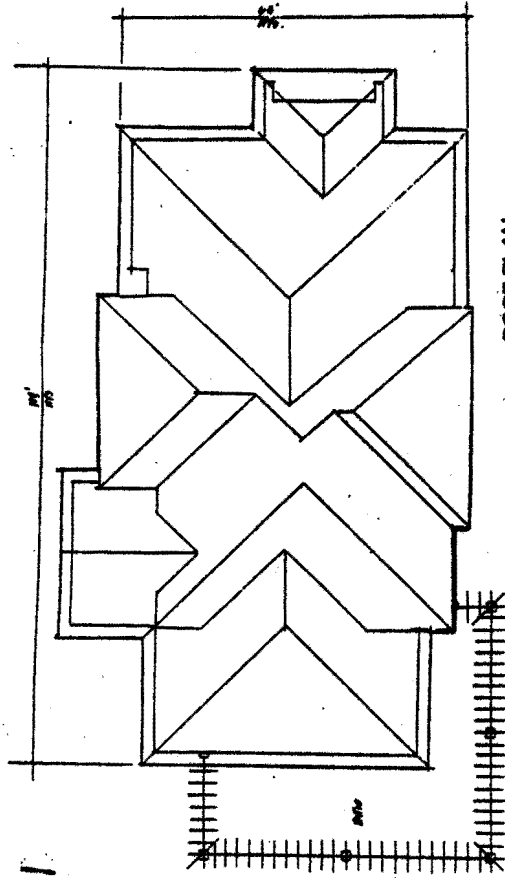
August 1944

5-96-107  
Exhibit G  
Sunset Harbour General Development Plan

FLOOR PLAN  
NOT TO SCALE



ROOF PLAN  
NOT TO SCALE



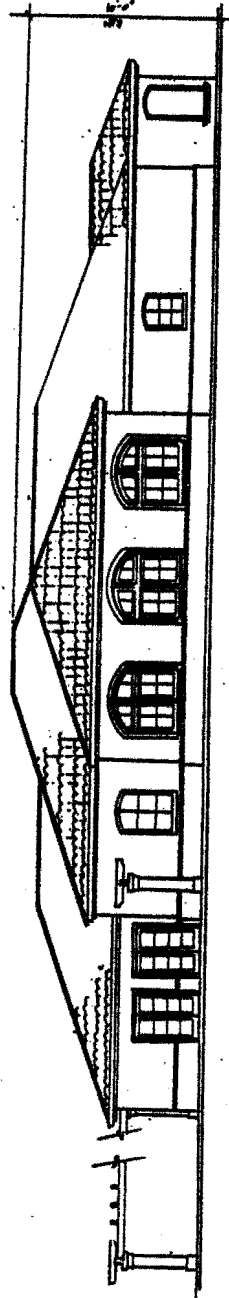
5-96-107

COASTAL COMMISSION  
Plans

EXHIBIT # H

PAGE 1 OF 3

WEST ELEVATION  
NOT TO SCALE



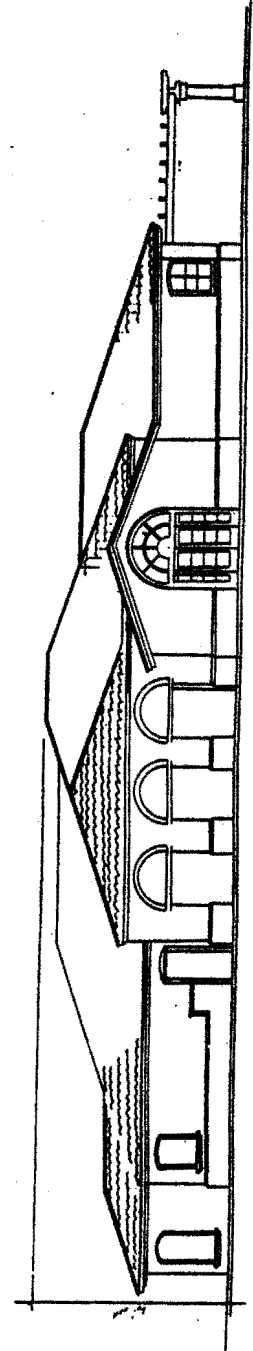
RECEIVED  
R 5-96-107

MAY 1 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH-QUARTER DESIGN

DATE	5/1/96
BY	John M. Brown
CHECKED	John M. Brown
APPROVED	John M. Brown
TITLE	Architect
COMPANY	John M. Brown
ADDRESS	John M. Brown
CITY	John M. Brown
STATE	John M. Brown
ZIP	John M. Brown
PHONE	John M. Brown
FAX	John M. Brown
E-MAIL	John M. Brown
WEBSITE	John M. Brown
PROJECT	John M. Brown
DESCRIPTION	John M. Brown
REVISIONS	John M. Brown
REVISION 1	John M. Brown
REVISION 2	John M. Brown
REVISION 3	John M. Brown
REVISION 4	John M. Brown
REVISION 5	John M. Brown
REVISION 6	John M. Brown
REVISION 7	John M. Brown
REVISION 8	John M. Brown
REVISION 9	John M. Brown
REVISION 10	John M. Brown

EAST ELEVATION  
NOT TO SCALE





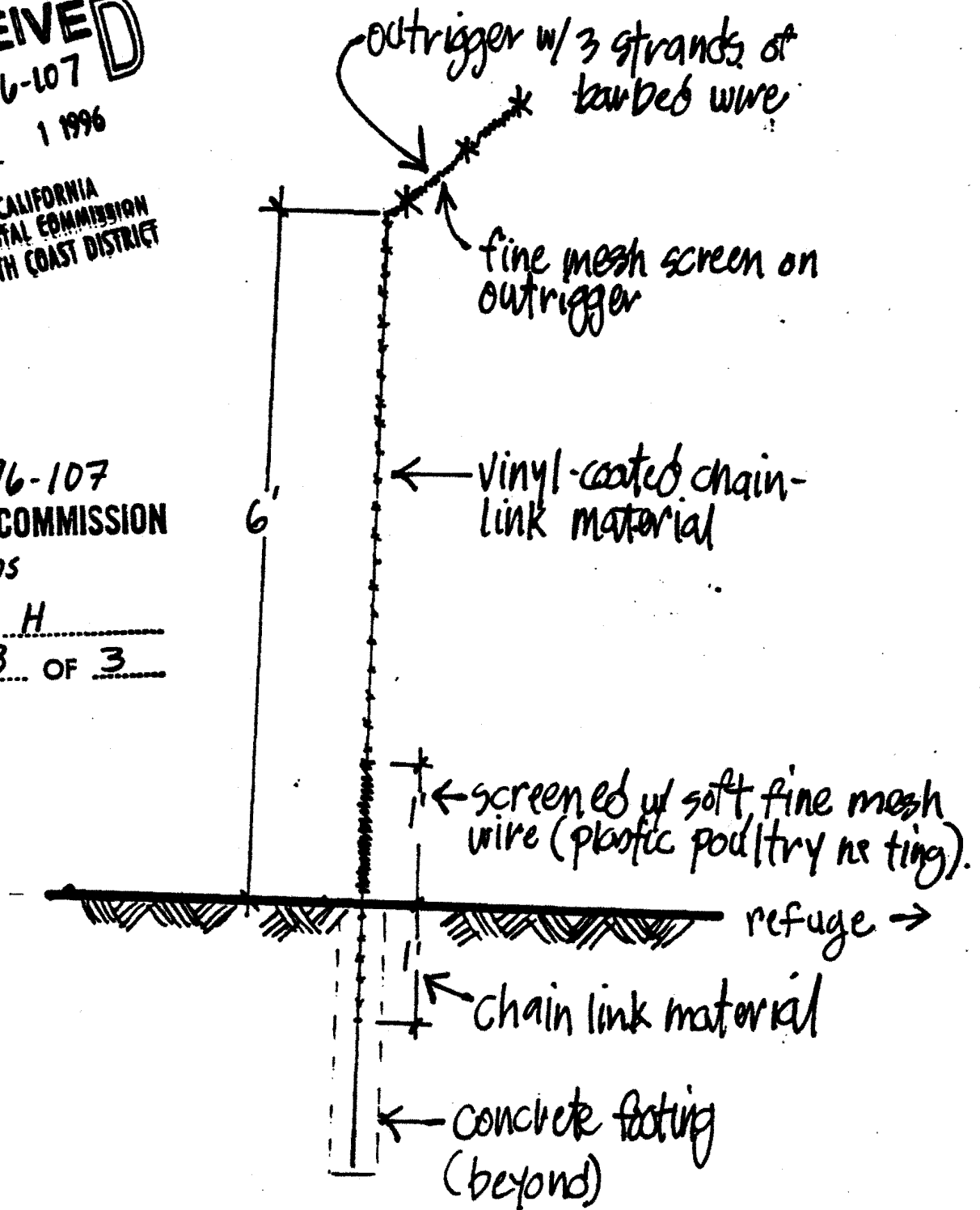
# ATTACHMENT 2

RECEIVED  
5-96-107  
JUL 1 1996

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT

5-96-107  
COASTAL COMMISSION  
Plans

EXHIBIT # H  
PAGE 3 OF 3



## CHAIN-LINK FENCE DETAIL



6/9/83

State of California, George Deukmejian, Governor

California Coastal Commission  
South Coast District  
245 West Broadway, Suite 380  
P.O. Box 1450  
Long Beach, California 90801-1450  
(213) 590-5071

COASTAL DEVELOPMENT PERMIT NO. ~~5-82-430~~

Page 1 of 2

On March 23, 1983, The California Coastal Commission granted to

E.M.A. County of Orange, P.O. Box 4048, Santa Ana

this permit for the development described below, subject to the attached Standard and Special conditions.

Deposition of 50,000 cu. yd. dredged material removed from a portio of the Huntington Harbor, on an existing disposal site in Sunset Aquatic Park.

SITE: ~~Seal Beach~~ Seal Beach

*5-96-107 file copy*

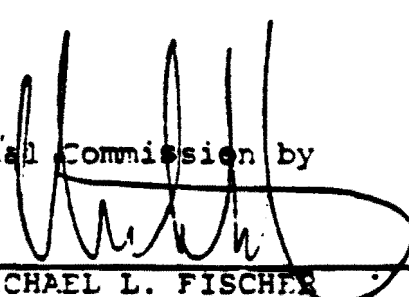
*5-96-107*  
COASTAL COMMISSION  
PERMIT *5-82-430*

EXHIBIT # *I*

PAGE *1* OF *3*

Issued on behalf of the California Coastal Commission by

**NOTICE: THIS PERMIT IS NOT VALID  
UNLESS AND UNTIL A COPY OF THE PERMIT  
WITH THE SIGNED ACKNOWLEDGEMENT HAS  
BEEN RETURNED TO THE COMMISSION OFFICE.**

  
MICHAEL L. FISCHER  
Executive Director  
and

*1*  PG/rm

#### ACKNOWLEDGEMENT

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

Date

Signature of Permittee

5/81

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction 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 construction 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 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.

SPECIAL CONDITIONS:

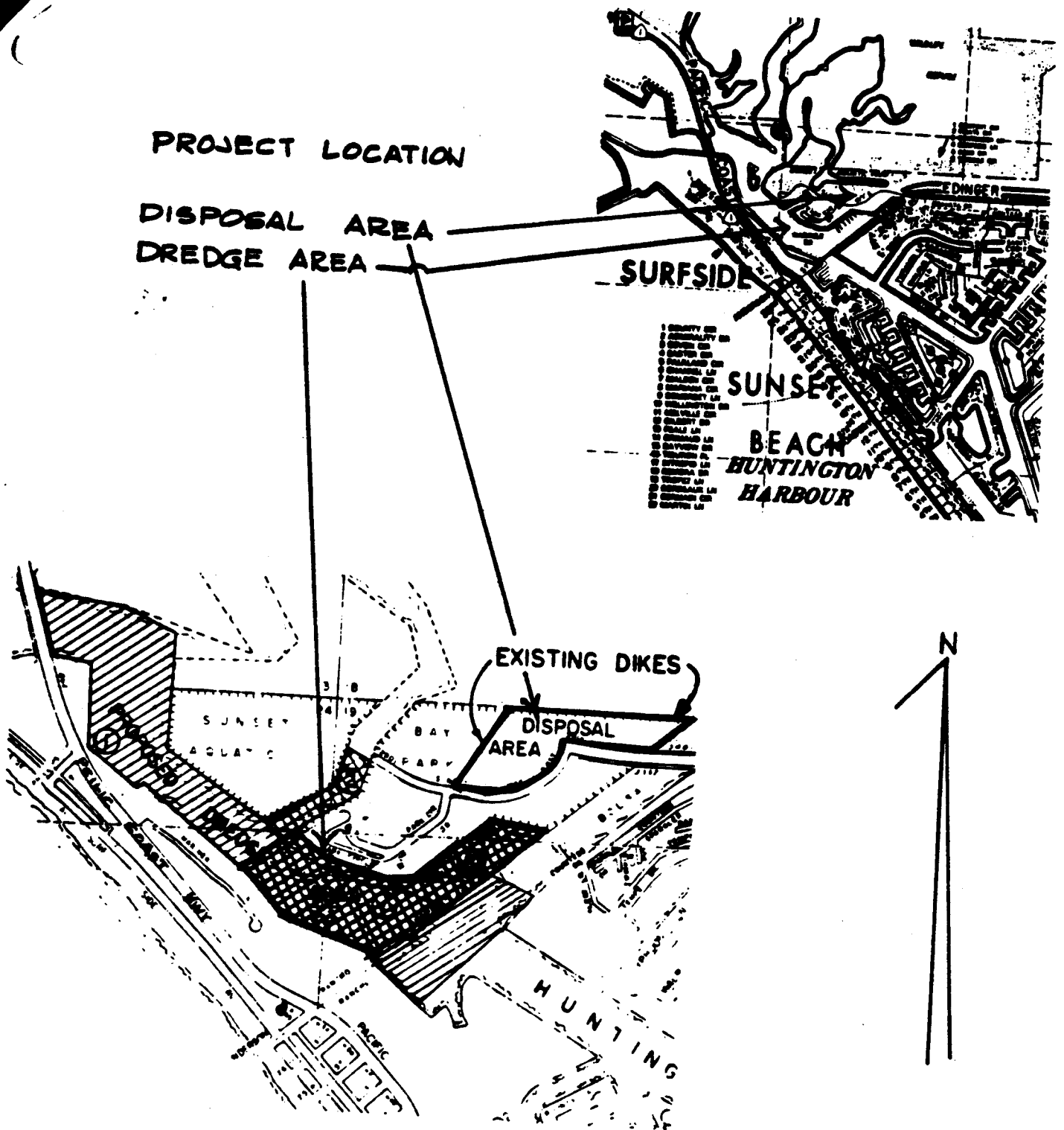
- A. Disposal Precaution. In order to avoid any overflow or sloughing of the dredged material into the adjacent march land on the north side of the disposal area, the applicant shall not deposit any shoal material within 10' of the northerly dike.
- B. Beach Replenishment. The applicant shall evaluate the quality of dredged material, and if found suitable for beach replenishment, the County shall put sediment into the shore-beach replenishment system. The location of the sediment shall be chosen in consultation with the California Department of Parks and Recreation.
- C. By accepting this permit the applicant agrees that the issuance of the permit and completion of the authorized development shall prejudice any subsequent assertion of public trust rights over the lands involved in the development.
- D. Prior to commencement of construction, the applicant shall obtain a written determination from the State Lands Commission that all permits required by the State Lands Commission have been obtained and they do not object to the project.

5-96-107

COASTAL COMMISSION  
permit 5-82-430

EXHIBIT # I

PAGE 2 OF 3



5-96-107

COASTAL COMMISSION  
 Staff report exhibit (permit 5-82-430)

EXHIBIT # I  
 PAGE 3 OF 3

# 5-82-430  
 SUNSET AQUATIC PARK

