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STATE OF CALIFORNIA—THE RESOURCES AGENCY

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CALIFORNIA COASTAL COMMISSION

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Commission Action:



STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 5-95-152-A
APPLICANTS: Ballona Lagoon Marine Preserve (BLMP), California State Coastal Conservancy, and City of Los Angeles
AGENT: Ken Johnson, Concept Marine Associates, Inc.
PROJECT LOCATION: Ballona Lagoon and lagoon buffer along the east bank, Venice, City of Los Angeles, Los Angeles County.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:

Restoration and enhancement of Ballona Lagoon including dredging of a deep water pool, public access improvements, revegetation of the lagoon buffer with native vegetation, and implementation of a five-year monitoring program. The following two lots are not included in the project area: Lot 3 Block 10, and Lot 1 Block 17 of Silver Strand. [Note: Approval of deep water pool is contingent upon approval of the current amendment request].

DESCRIPTION OF AMENDMENT REQUEST:

Amend previously approved Ballona Lagoon Enhancement Plan to include dredging of a deep water pool, minor grading and channelization in an existing intertidal area, removing a concrete platform structure from the lagoon, converting 0.13 acres of upland area to intertidal habitat area, using dredge materials for beach replenishment, and implementing a revised ten-year monitoring program.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed amendment, subject to the conditions below, is consistent with the Chapter 3 policies of the Coastal Act. The special conditions are necessary to protect and enhance sensitive habitat areas and water quality. The applicants agree with the recommendation.

SUBSTANTIVE FILE DOCUMENTS:

1. Coastal Development Permit application 5-95-152.
2. Coastal Development Permit A-266-77 (ILA) & amendment.
3. Ballona Lagoon Enhancement Plan, California State Coastal Conservancy & BLMP, August 1992.
4. Coastal Commission Conceptual Review CP-1-93 for Ballona Lagoon Enhancement Plan (Coastal Conservancy).
5. Ballona Lagoon Enhancement Plan, Phase 1 Implementation, October 20, 1993, California State Coastal Conservancy File No. 87-037.
6. Ballona Lagoon Enhancement Plan, Phase 2 Implementation, May 16, 1996, California State Coastal Conservancy File No. 87-037.
7. Negative Declaration (CEQA) for Ballona Lagoon Enhancement Plan, Phase 1, SCH# 93041063, 10/20/93.
8. Negative Declaration (CEQA) for Ballona Lagoon Enhancement Plan, Phase 2 SCH# 96021062, 3/29/96.
9. California Department of Fish & Game review letter, 7/16/96.
10. U.S. Fish & Wildlife Service review letters, 7/26/95 & 7/XX/96.
11. National Marine Fisheries Service review letter, 7/17/95.
12. California Regional Water Quality Control Board letter, 1/4/96.
13. U.S. Army Corps of Engineers Permit Application, 4/25/95.
14. Ballona Lagoon Enhancement Ten-Year Monitoring Plan, July 1996.
15. Results of Chemical and Physical Testing of Sediments for the Proposed Restoration and Enhancement Ballona Lagoon Marine Preserve, by Advanced Biological Testing Inc., March 13, 1995.
16. Birds of Ballona, by Dock & Schreiber in Biota of the Ballona Region, 1981.
17. Coastal Development Permit 5-86-641 (Lee) & amendments.
18. Coastal Development Permit 5-93-156 (Hughes)

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

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

In this case, the Executive Director has determined that the proposed amendment is a material change in the project description which also affects conditions required for the purpose of protecting coastal resources. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [14 California Code of Regulations 13166].

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, an amendment to the permit for the proposed development on the grounds that the development and the amendment, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Special Conditions

Note: Special conditions one, two, three and seven of Coastal Development Permit 5-95-152 have been replaced with special conditions one, two, three and seven of this amendment. Special conditions four, five and six and all standard conditions of Coastal Development Permit 5-95-152 remain in full force and effect and are unaltered by this amendment.

1. Sequence of Work

This condition replaces special condition one of Coastal Development Permit 5-95-152: The work necessary to complete the deep pool, minimum engineering alternative and removal of the concrete platform structure shall proceed prior to or simultaneous with the remaining work under the permit.

2. Monitoring Program Funding

This condition replaces special condition two of Coastal Development Permit 5-95-152: Prior to the issuance of the Coastal Development Permit, the applicants shall submit evidence, for the review and approval of the Executive Director, that demonstrates that the applicants have secured the funding necessary to monitor the development approved herein for a period of at least ten years consistent with the monitoring plan contained in the "Ballona Lagoon Enhancement Ten-Year Monitoring Plan, July 1996".

3. Monitoring Program Implementation

This condition replaces special condition three of Coastal Development Permit 5-95-152: All applicants shall be responsible for the

implementation of the Ballona Lagoon monitoring plan as it pertains to the development approved herein for a minimum period of ten years consistent with the standards contained in the "Ballona Lagoon Enhancement Ten-Year Monitoring Plan, July 1996" prepared for the BLMP and the Coastal Conservancy by MEC Analytical Systems, Inc, Philip Williams & Associates, Ltd., Agresearch, Inc., and Concept Marine Associates, Inc. The ten-year monitoring period shall commence upon completion of the first planting of the revegetation of the east bank within the project site. The applicants shall notify the Executive Director upon completion of the first planting of the revegetation of the east bank within the project site. Subsequent to the commencement of the required monitoring period, the applicants shall annually submit to the Executive Director a report which documents the implementation of the monitoring plan and documents the status of the project in relation to the performance standards contained in the "Ballona Lagoon Enhancement Ten-Year Monitoring Plan, July 1996." Any additional work or modifications to the proposed project which are necessary to meet the performance standards contained in the monitoring plan shall be submitted to the Executive Director. Any change in the approved project which the Executive Director determines to be significant shall require a permit amendment approved by the Commission.

4. California least tern

In order to avoid disruption of least tern foraging in Ballona Lagoon during the least tern nesting season, no dredging or other in-water development shall occur during the period commencing April 1 and ending September 15.

5. Turbidity Control

In order to minimize negative impacts on the marine environment, silt curtains, sand bags, or other forms of barriers shall be used during construction of the project to confine turbid water to the immediate areas of all dredging, excavation and deposition.

6. Previously Restored Lagoon Banks

In order to protect the previously restored east bank area situated between Via Marina and Westwind Mall (in and adjacent to the City Esplanade and Lots 1-5 of Block 16 and Lots 1-5 of Block 17 of Del Rey Beach Tract) which has already been revegetated with native vegetation pursuant to Coastal Development Permit 5-86-641 (Lee) as amended, work in the above stated east bank area shall be limited to enhancement activities (as approved and limited by Coastal Development Permit 5-95-152 as amended) conducted with hand tools only. No dredging equipment or other heavy machinery shall be allowed in this restored area.

7. Deposition of Materials in Coastal Zone

This condition replaces special condition seven of Coastal Development Permit 5-95-152: Prior to the deposition of any excavated or dredged materials onto Dockweiler Beach or Venice Beach for beach replenishment,

the applicants shall submit evidence for the review and approval of the Executive Director which demonstrates that the Los Angeles County Department of Beaches and Harbors has granted permission for such deposition. The deposition of any excavated or dredged materials onto any beach or coastal zone area other than Dockweiler Beach or Venice Beach shall require a permit amendment approved by the Commission.

8. Future Dredging

Coastal Development Permit 5-95-152, as amended, permits a one-time only dredging project in Ballona Lagoon. Any future dredging activities shall require a permit amendment or a new Coastal Development Permit.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description and Project History

The applicants have requested to amend the permit for the Ballona Lagoon Enhancement Plan in order to receive Commission approval for the components of the plan which were not included in the Commission's approval of Coastal Development Permit 5-95-152 on January 10, 1996.

The Ballona Lagoon Enhancement Plan was developed in 1992 by the California State Coastal Conservancy and the Ballona Lagoon Marine Preserve (BLMP), a non-profit group consisting of members of the local community, to restore and enhance the hydrology, marine habitats, and public recreational opportunities in and adjacent to Ballona Lagoon. The original 1992 plan was divided into two separate construction phases. The current proposal, however, is to construct both phases of the proposed project at the same time. The BLMP, the California State Coastal Conservancy, and the City of Los Angeles are co-applicants in the permitting process.

The components of the Ballona Lagoon Enhancement Plan which were not approved by the Commission on January 10, 1996, but are now part of the amendment request include the following: 1) dredging of a deep water pool at the south end of the lagoon, 2) minor grading and channelization in an existing intertidal area at the north end of the lagoon, 3) removing a 30'x30' concrete platform structure from the lagoon, 4) converting 0.13 acres of upland area on the lagoon's east bank to intertidal habitat area, 5) using dredge materials for beach replenishment, and 6) implementing a revised ten-year monitoring program.

The components of the Ballona Lagoon Enhancement Plan which are proposed in this amendment request were not approved by the Commission on January 10, 1996 for two reasons. The first reason is that in January the applicants did not have the legal ability to undertake any work on Lot R. Lot R comprises the northern portion of Ballona Lagoon where much of the currently proposed work is located (Exhibit #2, p.3). The City of Los Angeles has recently purchased

Lot R in order to facilitate the implementation of the Ballona Lagoon Enhancement Plan. Now that Lot R is owned by the City, it can be included in the approved project site so that the entire enhancement project can move forward and be implemented.

The other reason that the entire Ballona Lagoon Enhancement Plan was not approved on January 10, 1996 is that the plan for the proposed deep water pool at the south end of the lagoon (Lot C) would have resulted in the conversion of 0.8 acres of intertidal habitat to subtidal habitat up to a depth of -6 MSL (mean sea level). Commission staff and the U.S. Fish and Wildlife Service objected to the net loss of 0.8 acres of intertidal habitat and asked the applicants to reduce the amount of intertidal habitat that would be lost by converting it to subtidal habitat. As a result of the concerns of Commission staff and the U.S. Fish and Wildlife Service, the applicants agreed to redesign the proposed deep water pool in order to reduce the amount of intertidal habitat which would be lost as a result of the project. The plan proposed in this amendment request has reduced the net amount of intertidal habitat lost by conversion to subtidal habitat to 0.27 acres.

The submittal of this amendment request is consistent with the plan of action which was proposed by the applicants at the public hearing before the Commission on January 10, 1996. Acknowledging the need to come back before the Commission with a revised deep water pool plan after the escrow closed on Lot R, the applicants requested that the Commission approve the above water portion of the Ballona Lagoon Enhancement Plan with the following condition attached:

1. Revised Plans

Prior to the issuance of the permit the applicants shall submit to the Commission revised plans which shall include (1) plans for both the deep pool in Lot C and the minimum engineering alternative in Lot R, and (2) plans for the removal of the abandoned concrete oil structure. The revised plans shall be reviewed as an amendment to this permit by the Commission. No development under this permit shall proceed until the Commission has acted to approve the amendment. If the Commission should approve such an amendment, the work necessary to complete the deep pool, minimum engineering alternative and removal of the concrete oil structure shall proceed prior to or simultaneous with the remaining work under the permit.

With the Commission's approval of this amendment request, the first part of the above stated condition is satisfied. The last sentence of the above stated condition is now incorporated into special condition one of this amendment request which replaces special condition one of Coastal Development Permit 5-95-152.

This amendment request includes work both above and below the high water line which is elevation +2.7 mean sea level (MSL). The proposed in-water work involves the dredging of a deep water pool on Lot C located at the south end of the lagoon near the tide gate, minor grading and channelization in an existing intertidal area at the north end of the lagoon (minimum engineering alternative), and removing the 30'x30' concrete platform structure that sits

in the lagoon near Reef Mall (Exhibits #2-4).

In order to improve fish habitat by creating the proposed deep pool on Lot C, approximately 5,700 cubic yards of material is proposed to be excavated from the south end of the lagoon to a depth of -6 MSL (Exhibit #2, ps.2&3). In addition, approximately 2,000 cubic yards of material is proposed to be excavated from the north end of the lagoon in order to improve tidal flushing in that intertidal habitat area (Exhibit #2, p.8). Most of the material excavated from the north end of the lagoon is proposed to be used to create sand dunes and restore eroded areas along the east bank of the lagoon above the high water line. Up to 5,800 cubic yards of clean and suitable excavated material is proposed to be used for beach replenishment. The Results of Chemical and Physical Testing of Sediments for the Proposed Restoration and Enhancement Ballona Lagoon Marine Preserve, by Advanced Biological Testing Inc., March 13, 1995, have demonstrated that the material proposed to be dredged for the deep water pool contains no significant pesticides, PCB's, phthalates or PAHs and is suitable for use on the lagoon banks or as beach sand replenishment.

Work currently proposed above the high water line involves converting 0.13 acres of upland area around the concrete platform structure to intertidal habitat area to help offset the loss of intertidal habitat resulting from the dredging of the proposed deep water pool. Most of the 0.13 acres of new intertidal habitat will be created by removing the concrete platform structure and excavating the silt that has settled around the structure over the years forming a small peninsula in the lagoon. The proposed removal of the concrete platform structure from the east bank and the conversion of the surrounding landform to intertidal habitat will also improve the flow of water past this section of the lagoon. A new four-foot wide public sidewalk is also proposed at the north end of the lagoon between Via Dolce and the east bank (Exhibit #2, p.8).

Work previously approved by the Commission above the high water line includes habitat restoration on the east bank, drainage improvements, and the improvement of public access facilities including the construction of a new public viewing platform and walkway on top of the tide gate located at the south end of the lagoon adjacent to Via Marina. The previous Commission approval permits all non-native vegetation to be removed from the east bank in the portion of the lagoon buffer area situated between the existing public access path and the water. Improved drainage devices will be installed on the public access path and the east bank of the lagoon. The approved permit also includes the removal of abandoned pipelines, restoration of eroded areas, installation of protective matting, and finally, revegetation of the restored east bank with native vegetation. The proposed sequence of construction is attached as Exhibit #7. No work is permitted on Lot 3 of Block 10 and Lot 1 of Block 17 of the Silver Strand subdivision until permission is granted by the owners and the permit is amended to include these two lots.

In the original permit application, the applicants proposed to monitor and maintain the project for a five-year period. The applicants have now submitted a revised monitoring plan which includes the entire Ballona Lagoon Enhancement Plan, both previously approved and currently proposed portions, and which covers a time period extended from five years to ten years. The

revised monitoring plan is entitled, "Ballona Lagoon Enhancement Ten-Year Monitoring Plan, July 1996." The revised monitoring plan is part of this amendment request.

B. Ballona Lagoon

Ballona Lagoon is located in the Venice Peninsula area of the City of Los Angeles, adjacent to the Marina Del Rey entrance channel (Exhibit #1). The lagoon is an artificially confined tidal slough connecting the Venice Canals to the Pacific Ocean via the Marina del Rey harbor entrance channel. The lagoon is approximately 4,000 feet long and 150-200 feet wide (Exhibit #2). The area of open water and wetland within the lagoon is approximately 16 acres.

The tidal regime in Ballona Lagoon is restricted by an automated tide gate located at the south end of the lagoon. The Los Angeles County Department of Beaches and Harbors operates the tide gate. Three seven-foot diameter pipes connect the lagoon to the waters of the Marina del Rey entrance channel. At present, however, only the central pipe is fitted with an automated tide gate. The outer two pipes are kept closed. The automated tide gate limits the peak tidal elevation in Ballona Lagoon to approximately 2.65 feet above MSL. The low water level (MLLW) in the lagoon is recorded as -1.88 MSL.

The parts of the lagoon situated below the low water level of -1.88 MSL are referred to as subtidal habitat areas because they are habitat areas which are always under water. The parts of the lagoon which are sometimes covered by water, but are exposed when the water is at its lowest level, are referred to as intertidal habitat areas. Intertidal habitat areas, like sand bars and the mudflats located on the east and west banks of the lagoon, are exposed during the lowest tides and are underwater during the highest tides. Upland areas are located above the high water line (+2.65' MSL) and are always dry (except when it rains).

According to the 1992 Ballona Lagoon Enhancement Plan, the water depths in the lagoon vary from zero to six feet depending on the tide level and the location of measurement. The deepest bottom elevations of the lagoon vary from -3.5 to -2.0 feet MSL over most of the length, with the lowest point occurring in a depression immediately below the tide gate culvert at the south end.

The banks of the lagoon are remnants of coastal sand dunes. The banks are generally steep, varying from 1:1 to 1:2, and are comprised primarily of sandy silt soils. Because of the steepness and composition of the banks, erosion is a significant problem, especially where street and path drains run into the lagoon.

Within the southern end of the lagoon, the submerged area (Lot C) located between Topsail Mall and Via Marina is owned by the Summa Corporation (Exhibit #2, ps.2&3). The Summa Corporation has granted to the City of Los Angeles a permanent conservation/open space easement over Lot C. This easement allows for subtidal and intertidal habitat maintenance and the preservation of the natural and scenic character of the easement.

The submerged area within the northern two-thirds of the lagoon is Lot R (Exhibit #2, ps. 3-8). Lot R extends north from Topsail Mall to the Grand Canal and has recently been purchased by the City of Los Angeles. This amendment request adds Lot R to the approved project site which also includes the submerged lands located on Lot C at the south end of Ballona Lagoon, and the east bank of the lagoon between the water and the inland side of the existing public access path from Via Dolce to the tide gate located adjacent Via Marina (Exhibit #2).

Ballona Lagoon is surrounded by a highly urbanized area of single and multiple family residential development. The properties which adjoin the east and west banks of the lagoon are developed with single-family residences.

On the east bank of the lagoon, a public access path and lagoon buffer area, both required by Coastal Development Permit A-266-77 (ILA), separate the residential development from the waters of the lagoon. An undeveloped City owned area (Esplanade) comprises part of the forty foot wide lagoon buffer on the east bank. The remainder of the forty foot wide lagoon buffer is comprised of front yard setbacks and 24 to 30 foot wide portions of the lagoon fronting lots which have been dedicated as open space and public access easements. Pursuant to Coastal Development Permit A-266-77 (ILA), each lagoon fronting lot owner on the east bank, as a condition of individual permits for developing their property, is required to offer to dedicate a 24 to 30 foot easement for habitat protection and public access as part of the forty foot wide lagoon buffer.

No work is proposed on the west bank of the lagoon where there are approximately fifty privately owned lots. Approximately half of these lots have been developed with single family residences. On the lagoon side of these lots there is an undeveloped City area (Esplanade) for public access. However, due to bank erosion the majority of the length of the City Esplanade is submerged or within the intertidal area of the lagoon. Many of the lots on the west bank are very narrow allowing insufficient area for the dedications necessary to create a forty foot wide lagoon buffer similar to the buffer on the east bank. Therefore, in past permit actions the Commission has required 25 foot wide buffers between the easterly edge of the Esplanade and the development to ensure that adequate area exists for future public access and habitat protection. However, because of the limited amount and scattering of new development on the west bank of the lagoon, the dedicated areas are for the most part noncontiguous. The City of Los Angeles is currently in the process of obtaining several lots comprising approximately one-third of the west bank.

The north end of Ballona Lagoon connects to the Grand Canal, which is part of the Venice Canals system (Exhibit #2, p.8). The Venice Canals and the Grand Canal are connected by five three-foot diameter pipes which under Washington Street. All five pipes have slide gates on the north side of Washington Street which are operated by the City of Los Angeles to allow flushing of the Venice Canals.

C. Marine Resources

The Coastal Act contains policies which address development in or near coastal waters. The proposed project is located in and adjacent to the coastal waters of Ballona Lagoon. The Ballona wetlands system, including Ballona Lagoon, is habitat for many species of marine biota including the state and federally listed endangered least tern. The Commission has found that Ballona Lagoon is a sensitive habitat area that must be protected from negative impacts associated with development. Sections 30230, 30231, 30233 and 30240 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act states, in 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:
 - (7) Restoration purposes.
 - (8) Nature study, aquaculture, or similar resource dependent activities.
- (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.

- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...

Section 30240 of the Coastal Act states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Ballona Lagoon is a wetland which is protected under the Coastal Act policies stated above. Ballona Lagoon and the attached Venice Canals system is an Environmentally Sensitive Habitat Area (ESHA) as defined by Section 30107.5 of the Coastal Act. In addition to being important wetlands, the lagoon is a critical habitat area for the California least tern, Sterna antillarum browni. The California least tern is a State and Federally listed endangered species. The lagoon is a critical habitat area because the California least tern feeds on topsmelt and other small fish while nesting at the protected nesting site on Dockweiler Beach located less than 2,000 feet west of Ballona Lagoon.

Sections 30230 and 30231 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of Ballona Lagoon be maintained and restored by controlling runoff and maintaining natural vegetation buffer areas.

According to the applicants, the objective of the proposed project is to clean up and enhance Ballona Lagoon for wildlife, fisheries, and people by improving tidal flushing, removing sediment, garbage and other pollutants, enhancing fisheries habitat, restoring native vegetation, and by improving public access facilities. This objective is consistent with Sections 30230 and 30231 of the Coastal Act and previous Commission actions.

Ballona Lagoon and its banks are a complex marine environment consisting of several associated but different types of habitats. The applicants propose to enhance the existing wetland habitat which consists of aquatic habitat, intertidal (mudflats) habitat, and upland coastal dune habitat. The approximately 16 acres of open water and wetlands which comprise the lagoon area which lies below the high water line consists primarily of shallow water aquatic habitat and intertidal mudflat habitat. The banks of the lagoon above the high water line provide upland coastal dune habitat consisting of upland coastal strand terrestrial vegetation. Many diverse species of flora and fauna utilize the resources provided by the habitats found in and adjacent to Ballona Lagoon.

The Ballona Lagoon Enhancement Plan documents two native vegetation regimes which are found in and along the lagoon. The two native vegetation regimes associated with the lagoon are upland terrestrial vegetation and intertidal salt marsh vegetation. The intertidal salt marsh exists within a narrow band around the lagoon with upland vegetation occupying the majority of the available surface area on the lagoon banks. The intertidal salt marsh vegetation consists of pickleweed, jaumea, salt grass and alkali heath. Although identified as an historic native coastal strand community, recent surveys show that the terrestrial vegetation is now dominated by exotic plant species, such as ice plant, castor bean, and fennel. Native plants include alkali weed and sand verbenas.

The Ballona Lagoon Enhancement Plan also documents several aquatic species and migratory shorebirds which are known to inhabit the valuable habitat provided by Ballona Lagoon. The various bird species utilize the open water, mudflats, and upland habitat areas throughout the lagoon. The habitats used by waterbirds in Ballona Lagoon are mainly the mudflats and open water. The California least tern, a State and Federally endangered species, forages for small fish in the open waters of the lagoon during its spring and summer residency in the area. The mudflats, which are exposed along the margins of the lagoon at low tide, are used extensively by foraging and roosting shorebirds. The most extensive mudflats are found at the extreme north and south ends of the lagoon.

Various surveys conducted by different groups between 1979 and 1989 observed between 35 and 50 different species of birds. The number of birds using the lagoon varies seasonally, with peak number of species and individuals occurring in the winter. The importance of the mudflats was demonstrated by the very low number of birds seen by researchers on days when low tide did not occur during their survey. [Ballona Lagoon Enhancement Plan].

Documented fish species in Ballona Lagoon include sculpin, arrow goby, topsmelt, jacksmelt, California killifish, bay pipefish, longjaw mudsuckers, bat ray, California halibut, and diamond turbot. The plan also documents many marine invertebrates including sea hares, fiddler crabs, California hornshells, and several species of barnacles, mussels, clams, snails, and crabs. [Ballona Lagoon Enhancement Plan].

The proposed amendment of the permit for the Ballona Lagoon Enhancement Plan includes the following work in and adjacent to the ESHA that is Ballona Lagoon: 1) dredging of a deep water pool at the south end of the lagoon, 2) minor grading and channelization in an existing intertidal area at the north end of the lagoon, 3) removing the concrete platform structure, 4) converting 0.13 acres of upland area on the lagoon's east bank to intertidal habitat area, 5) using the dredge materials for beach replenishment, and 6) implementing a revised ten-year monitoring program.

The proposed dredging of a deep water pool at the south end of the lagoon is to create a deep water habitat up to six feet below MSL for spawning fish (Exhibit #2, ps.2&3). Approximately 5,700 cubic yards of material is proposed to be excavated to deepen the south end of the lagoon to a depth of -6 MSL (Exhibit #3). According to the proposed plan, a depth of -6 MSL will provide a minimum water depth of 1.5 feet during low spring tides. The proposed deep

water pool would extend approximately 750 feet from the tide gate connecting to the Marina Del Rey entrance channel. The proposed dredging would result in the conversion of approximately 0.4 acres of existing intertidal mudflat habitat to new subtidal habitat in the proposed deep water pool.

The proposed dredging of a deep water pool is subject to the requirements of Section 30233 of the Coastal Act. Section 30233 of the Coastal Act allows dredging and filling in coastal waters and wetlands only under very limited circumstances. Under this section, any approved dredging of open coastal waters must be for an allowable use and mitigation measures must be provided to minimize adverse environmental effects. The approved project must also be found to be the least environmentally damaging alternative.

According to Section 30233 of the Coastal Act, dredging and grading for restoration purposes is an allowable use. The proposed dredging for the deep water pool will improve and restore fish habitat which is a foraging area for the State and Federally listed endangered least tern and other species. Therefore, the proposed dredging is an allowable use pursuant to Section 30233(a)(7) of the Coastal Act.

However, in order to be approved the proposed project must also be the least environmentally damaging alternative. In January 1996, the Commission staff recommended that the previously proposed deep water pool was not the least environmentally damaging alternative because it would have resulted in the elimination of approximately 0.8 acres of relatively rare intertidal mudflat habitat. Staff's recommendation was based on the U.S. Fish and Wildlife Service review letter dated July 26, 1995 in which the U.S. Fish and Wildlife Service recommended that the estimated loss of 0.8 acres of intertidal habitat caused by the proposed dredging of the deep pool should be offset as part of the proposed project so that there is no net loss of intertidal mudflat habitat (Exhibit #6). At that time the applicants did not propose to offset the loss of 0.8 acres of intertidal mudflat habitat.

The mudflats, which are exposed along the margins of the lagoon at low tide, are used extensively by foraging and roosting shorebirds including several species of migratory birds. The most extensive mudflats are found at the south end of the lagoon where the dredging is proposed and at the extreme north end. While the creation of the deep water pool would benefit fish and some bird species including the least tern, it is very important to protect the last remaining mudflat areas the Venice area for other species. Intertidal mudflat habitat areas are relatively rare compared to deep water habitats in the area around Ballona Lagoon. Therefore, staff recommended that the amount of intertidal mudflat habitat area converted to subtidal habitat area be reduced so that the proposed enhancement plan would be the least environmentally damaging alternative.

Acknowledging the need to come back before the Commission with a revised deep water pool plan, the applicants have submitted the current deep water pool plan which was developed in cooperation with Commission staff, the Department of Fish and Game, and the U.S. Fish and Wildlife Service (Exhibit #2). The current proposal has reduced the amount of intertidal habitat area proposed to be converted to subtidal habitat area to approximately 0.4 acres. In addition, the applicants have proposed to partially offset the loss of the 0.4

acres of converted intertidal habitat area by creating 0.13 acres of new intertidal habitat area. The proposed 0.13 acres of new intertidal habitat area will be created by converting upland area on the lagoon's east bank to intertidal habitat area by removing the concrete platform structure and its surrounding landform from the lagoon. Therefore, the net loss of intertidal habitat area has been reduced from the previously proposed 0.8 acres to 0.27 acres. The 0.27 acres of intertidal habitat area is not actually lost, but is converted to subtidal habitat.

The Department of Fish and Game and the U.S. Fish and Wildlife Service have reviewed the current proposal and have determined that the conversion of 0.27 acres (net) of intertidal habitat to subtidal habitat is an acceptable amount given the benefits expected from the implementation of the Ballona Lagoon Enhancement Plan (Exhibit #5). Therefore, the Commission finds that the deep water pool proposed in this amendment request is the least environmentally damaging alternative.

Also proposed in this amendment request is the removal of approximately 2,000 cubic yards of material from the intertidal area located at the north end of the lagoon (Exhibit #2, p.8). According to the applicants, this component of the proposed Ballona Lagoon Enhancement Plan (the "minimum engineering alternative") is necessary to improve tidal flushing in this large intertidal mudflat area. Much of this area near the Grand Canal has silted up and is above water most of the time. The proposed plan calls for lowering the mudflat elevation by six to eight inches and contouring the area with a one percent slope toward the west and the main channel. A small channel is also proposed to be created in order to increase tidal flushing in this area (Exhibit #2, p.8) The bottom of the proposed channel would be about at the low water elevation (-2.0 to -1.88 feet). Therefore, there will be no loss of intertidal habitat area as a result of this portion of the proposed project.

According to Section 30233 of the Coastal Act, dredging and grading for restoration purposes is an allowable use. The proposed grading for the "minimum engineering alternative" will restore the existing intertidal mudflat habitat to a more productive state by improving circulation and water quality. According to Michael Josselyn of Wetlands Research Associates, the proposed regrading of the mudflats at the north end of the lagoon will improve the existing intertidal mudflat habitat and enhance the growth of pickleweed. As proposed in the plan, sandbags and levees will be used to prevent turbid waters from entering the lagoon during grading. Therefore, the proposed grading is an allowable use pursuant to Section 30233(a)(7) of the Coastal Act and is also the least environmentally damaging alternative.

Most of the material excavated from the north end of the lagoon is proposed to be used to create sand dunes and restore eroded areas along the east bank of the lagoon above the high water line. Up to 5,800 cubic yards of clean and suitable material excavated for the deep water pool is proposed to be used for beach replenishment. The Results of Chemical and Physical Testing of Sediments for the Proposed Restoration and Enhancement Ballona Lagoon Marine Preserve, by Advanced Biological Testing Inc., March 13, 1995, have demonstrated that the material proposed to be dredged for the deep water pool contains no significant pesticides, PCB's, phthalates or PAHs and is suitable for use on the lagoon banks or as beach sand replenishment.

Section 30233(b) of the Coastal Act states that "Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems". The applicants have proposed to deposit up to 5,800 cubic yards of clean and suitable excavated material onto Dockweiler Beach (Exhibit #1). Dockweiler Beach is managed and operated by the Los Angeles County Department of Beaches and Harbors. The applicants have requested permission from the County to place the materials on the beach but have not yet received a response. Another suitable site for beach replenishment is Venice Beach (Exhibit #1). Venice Beach is also managed and operated by the Los Angeles County Department of Beaches and Harbors. However, the feasibility of transporting the materials from Ballona Lagoon to Venice Beach has not been studied.

The Commission finds the the proposed use of suitable materials for beach replenishment is consistent with and encouraged by Section 30233(b) of the Coastal Act, but that the applicants must first receive permission from the County to do so. Therefore, a condition of the amendment requires that prior to the deposition of any excavated or dredged materials onto Dockweiler Beach or Venice Beach for beach replenishment, the applicants shall submit evidence for the review and approval of the Executive Director which demonstrates that the Los Angeles County Department of Beaches and Harbors has granted permission for such deposition. The deposition of any excavated or dredged materials onto any beach or coastal zone area other than Dockweiler Beach or Venice Beach shall require a permit amendment approved by the Commission.

Another component of the proposed amendment is the removal of the concrete platform structure from the lagoon (Exhibit #4). The 30'x30' concrete platform structure, located partly in the water and partly on the east bank of the lagoon between Reef Mall and Spinnaker Mall, was formerly believed to be an abandoned oil well platform. However, the applicants now state that A.E. Schmidt Environmental Consultants and the State Division of Oil, Gas and Geothermal Resources agree that there is no well or well components present beneath the concrete structure. Therefore, there is no risk of oil or gas contaminants involved with the proposed removal of the structure.

The proposed plan calls for removing the concrete structure to 24 inches below the existing lagoon bottom, and then adding dredge material to the resulting hole or holes to create new intertidal habitat area to mitigate the intertidal habitat lost by the creation of the proposed deep water pool at the south end of the lagoon. The demolished concrete platform structure will be disposed of outside of the coastal zone.

Work proposed as part of this amendment above the high water line on the lagoon's east bank involves creation of 0.13 acres of new intertidal habitat and construction of a public sidewalk along the north end of the lagoon. The proposed four-foot wide public sidewalk is located within the public right-of-way of Via Dolce and is located at an elevation approximately ten feet above the high water line (Exhibit #2, p.8). The proposed sidewalk extends the public access path northward along the edge of the lagoon for approximately 250 feet. It does not extend or encroach into Ballona Lagoon. Therefore, the proposed sidewalk will not have any negative impacts on coastal resources.

The proposed 0.13 acres of new intertidal habitat area will be created by removing the concrete platform structure from the lagoon and converting the upland area around the concrete platform structure to intertidal habitat area. The proposed creation of 0.13 acres of new intertidal habitat area will partially offset the 0.4 acres of intertidal habitat converted to subtidal habitat in the area of the proposed deep water pool. The upland area proposed to be converted to intertidal area does not currently have a high resource value because it is covered by a concrete structure and invasive non-native vegetation. Because the the proposed creation of 0.13 acres of new intertidal habitat area is an important component of the restoration project which will increase the amount of relatively rare intertidal habitat area, it is consistent with the marine resource policies of the Coastal Act.

The applicants have proposed to reduce any adverse impacts associated with the proposed project by monitoring and maintaining the project and measuring its success against the specific performance standards contained in a monitoring plan. In the original permit application, the applicants proposed to monitor and maintain the project for a five-year period. The applicants have now submitted a revised monitoring plan which includes the entire Ballona Lagoon Enhancement Plan, both previously approved and currently proposed portions, and which covers a time period extended from five years to ten years. The revised monitoring plan is entitled, "Ballona Lagoon Enhancement Ten-Year Monitoring Plan, July 1996." The revised monitoring plan is part of this amendment request.

The revised ten-year monitoring plan includes provisions for the monitoring and maintenance of water quality, tide gate operation, water levels, bathymetry, topography, erosion, revegetation, wildlife, and the public access facilities. As required by the Coastal Conservancy, the applicants propose to maintain and monitor the proposed project for a period of at least ten years.

In order to ensure that the proposed performance standards are met and the monitoring plan is implemented as proposed, the amendment is conditioned to require that the applicants demonstrate that they have secured the funding necessary to monitor and maintain the development approved by Coastal Development Permit 5-95-152, as amended herein, for a period of at least ten years consistent with the "Ballona Lagoon Enhancement Ten-Year Monitoring Plan, July 1996." This condition replaces special condition two of Coastal Development Permit 5-95-152.

Special Condition three of this amendment replaces special condition three of Coastal Development Permit 5-95-152. Special Condition three specifies that the applicants are responsible for the implementation of the Ballona Lagoon monitoring plan for a minimum period of ten years consistent with the standards contained in the "Ballona Lagoon Enhancement Ten-Year Monitoring Plan, July 1996". The minimum ten year monitoring and maintenance period shall commence upon completion of the first planting of the revegetation of the entire east bank within the project site. Annual reports are required which document the implementation of the monitoring plan and document the status of the project in relation to the performance standards contained in the "Ballona Lagoon Enhancement Ten-Year Monitoring Plan, July 1996." Any additional work or modifications to the proposed project which are necessary to meet the performance standards contained in the monitoring plan shall be

submitted to the Executive Director in order to determine whether an amendment to the permit is required.

The Coastal Act requires that mitigation measures be provided to ensure that the proposed project is the least environmentally damaging alternative. Sections 30230 and 30231 of the Coastal Act require protection of, and encourage the restoration of, areas of special biological significance like Ballona Lagoon. Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters and maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. Section 30231 requires that water quality be protected and enhanced in order to maintain the biological productivity of all coastal waters. Pursuant to these requirements of the Coastal Act, the amendment request is conditioned in order to require that special protection be provided to protect water quality and sensitive coastal resources during all proposed construction.

Special condition four is required in order to avoid disruption of least tern foraging in Ballona Lagoon during the least tern nesting season. The California least tern is a State and Federally listed endangered species which nests in a protected area less than 2,000 feet west of Ballona Lagoon. This condition is consistent with the recommendation of the U.S. Fish and Wildlife Service in its July 25, 1995 letter (Exhibit #6). The condition states that no dredging or other in-water development shall occur during the least tern nesting season commencing April 1 and ending September 15.

Special condition five is required in order to minimize impacts on the marine environment caused by the proposed dredging, deposition, grading, and excavation of the concrete structure. Special condition five requires the applicants to install and use silt curtains, sand bags, or other forms of barriers during construction of the project in order to protect the water quality of the lagoon and the Venice Canals by confining turbid waters to the immediate area of work. The applicants have already proposed to use sandbags and levees during the proposed construction.

In addition, in order to protect the area of the Ballona Lagoon east bank which has been restored and revegetated with native vegetation pursuant to Coastal Development Permit 5-86-641 (Lee) as amended, special condition six requires that all work in the east bank area situated between Via Marina and Westwind Mall (in and adjacent to the City Esplanade and Lots 1-5 of Block 16 and Lots 1-5 of Block 17 of Del Rey Beach Tract) shall be limited to enhancement activities (as approved and limited by Coastal Development Permit 5-95-152 as amended) conducted with hand tools only. No dredging equipment or other heavy machinery shall be allowed in this restored area containing native coastal strand vegetation established by a previous restoration project.

Special condition four of Coastal Development Permit 5-95-152 restricts the work that can be done on another east bank area located between Union Jack Mall and Voyage Mall. Work is restricted in the east bank area located between Union Jack Mall and Voyage Mall because a concurrent restoration project has already been permitted in this east bank area pursuant to Coastal Development Permit 5-93-156 (Hughes). Special condition four of Coastal

Development Permit 5-95-152 is not altered by this amendment. It states:

4. Concurrent Buffer Restoration Project

The applicants shall not interfere with the buffer restoration work required by Coastal Development Permit 5-93-156 (Hughes) on the five lots and lagoon buffer area located on the east bank of Ballona Lagoon between Union Jack and Voyage Mall without prior review and written approval from the permittee (Hughes) or the permittee's successor in interest and the Executive Director. If the Coastal Development Permit 5-93-156 permittee (Hughes) or the permittee's successor in interest and the applicants agree to coordinate their lagoon buffer restoration responsibilities as required by Coastal Development Permits 5-93-156 and 5-95-152, all permittees or the permittees' successors in interest shall consult the Executive Director to determine if amendments to Coastal Development Permits 5-93-156 and 5-95-152 are required.

Finally, in order to clearly establish the limits of development permitted by Coastal Development Permit 5-95-152 as amended herein, special condition eight states that this action permits a one-time only dredging project in Ballona Lagoon and that any future dredging activities shall require a permit amendment or a new Coastal Development Permit. This condition means that if the applicants desire to re-dredge the lagoon at a future date in order to maintain the bottom depths of the deep pool permitted by this action, those future dredging activities shall require a permit amendment or a new Coastal Development Permit.

As conditioned, the proposed development and amendment is consistent with the marine resource policies of the Coastal Act and will not have any significant adverse impacts on the environment.

D. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project must conform to the public access and recreation policies contained in Chapter 3 of the Coastal Act. The proposed project is consistent with the following Coastal Act policies which encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected,

encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

A public access path currently exists along the east bank of Ballona Lagoon. A fence separates the public access path from the sensitive habitat and flora and fauna of Ballona Lagoon. This public access path provides excellent public access along the side of the lagoon while protecting the sensitive habitat and flora and fauna of Ballona Lagoon. The approval of coastal Development Permit 5-95-152 in January 1996 permitted the improvement and maintenance of the existing public access path and fence. Also approved by the Commission in January 1996 was the construction of a new public viewing platform on top of the tide gate and pipes located at the south end of the lagoon adjacent to Via Marina (Exhibit #2 p.2). The proposed public viewing platform (overlook) will include interpretive displays and regulatory signs regarding trail use, habitat protection, domestic pets, littering, etc.

The applicants now propose as part of this amendment request, to construct a new four-foot wide public sidewalk near the north end of the lagoon between Via Dolce and the east bank (Exhibit #2, p.8). The proposed sidewalk will extend and improve the Ballona Lagoon public trail system, and will provide the public with an extended low (free) cost recreational improvement. Therefore, the Commission finds that the proposed amendment is consistent with the public access and recreation policies of the Coastal Act.

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 which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The Venice area of the City of Los Angeles does not have a certified Local Coastal Program. The proposed development and amendment, as conditioned, is consistent with the habitat, access, and recreation policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development and amendment, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(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.

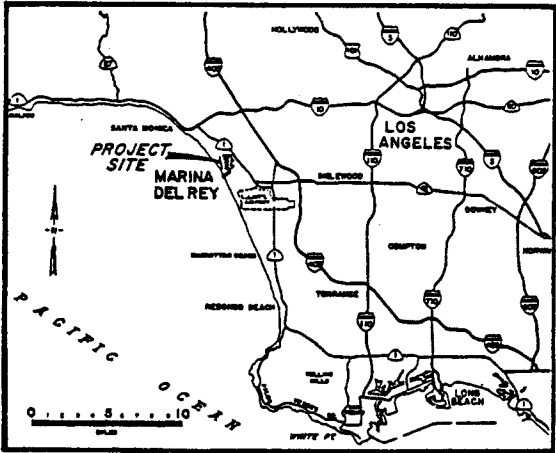
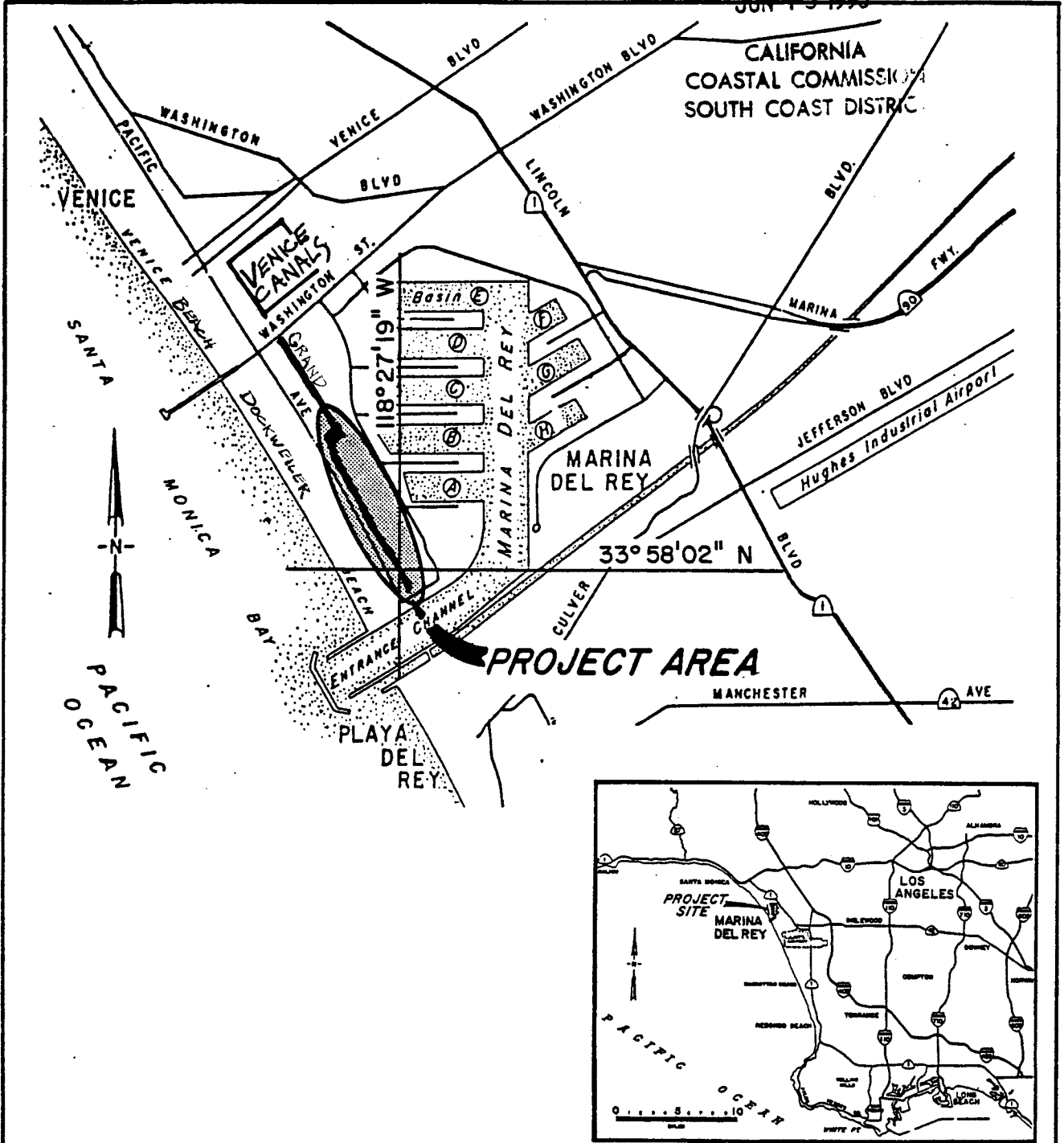
Two Negative Declarations for the two phases of the Ballona Lagoon Enhancement Plan considered project alternatives and were certified by the California State Coastal Conservancy on October 20, 1993 and March 29, 1996. The Negative Declarations state that the proposed project will not have a significant effect on the environment.

The Commission's conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project as amended. All adverse impacts have been minimized and there are no additional 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 and amendment, as conditioned, is consistent with the requirements of the Coastal Act to conform to CEQA.

5-95-152

RECEIVED

JUN 15 1995



PURPOSE: WETLAND RECLAMATION

DATUM:

ADJACENT PROPERTY OWNERS:
SEE ATTACHED LIST

VICINITY MAP



BALLONA LAGOON MARINE PRESERVE
P.O. BOX 9244
MARINA DEL REY, CA. 90295

IN: MARINA DEL REY
AT: BALLONA LAGOON
COUNTY OF: LOS ANGELES
APPLICATION BY: BALLONA LAGOON
MARINE PRESERVE

SHEET 1 OF 7 APRIL 19, 1995

COASTAL COMMISSION

5-95-152-A

EXHIBIT # 1

PAGE 1 OF 1

BALLONA LAGOON MARINE PRESERVE

BALLONA LAGOON ENHANCEMENT PROJECT

MARINA DEL REY, CALIFORNIA

SITE PLAN

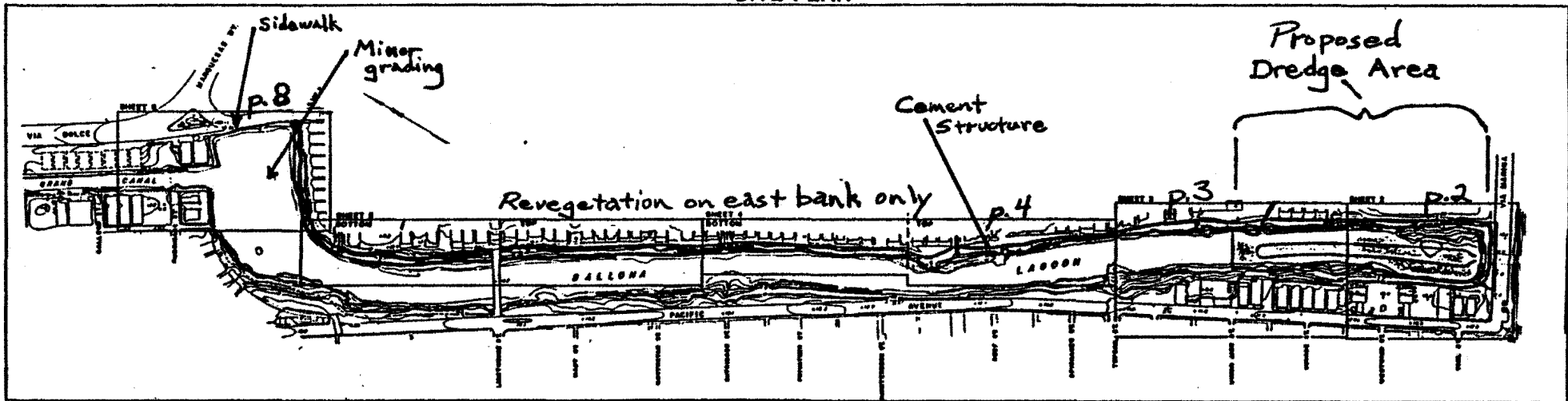


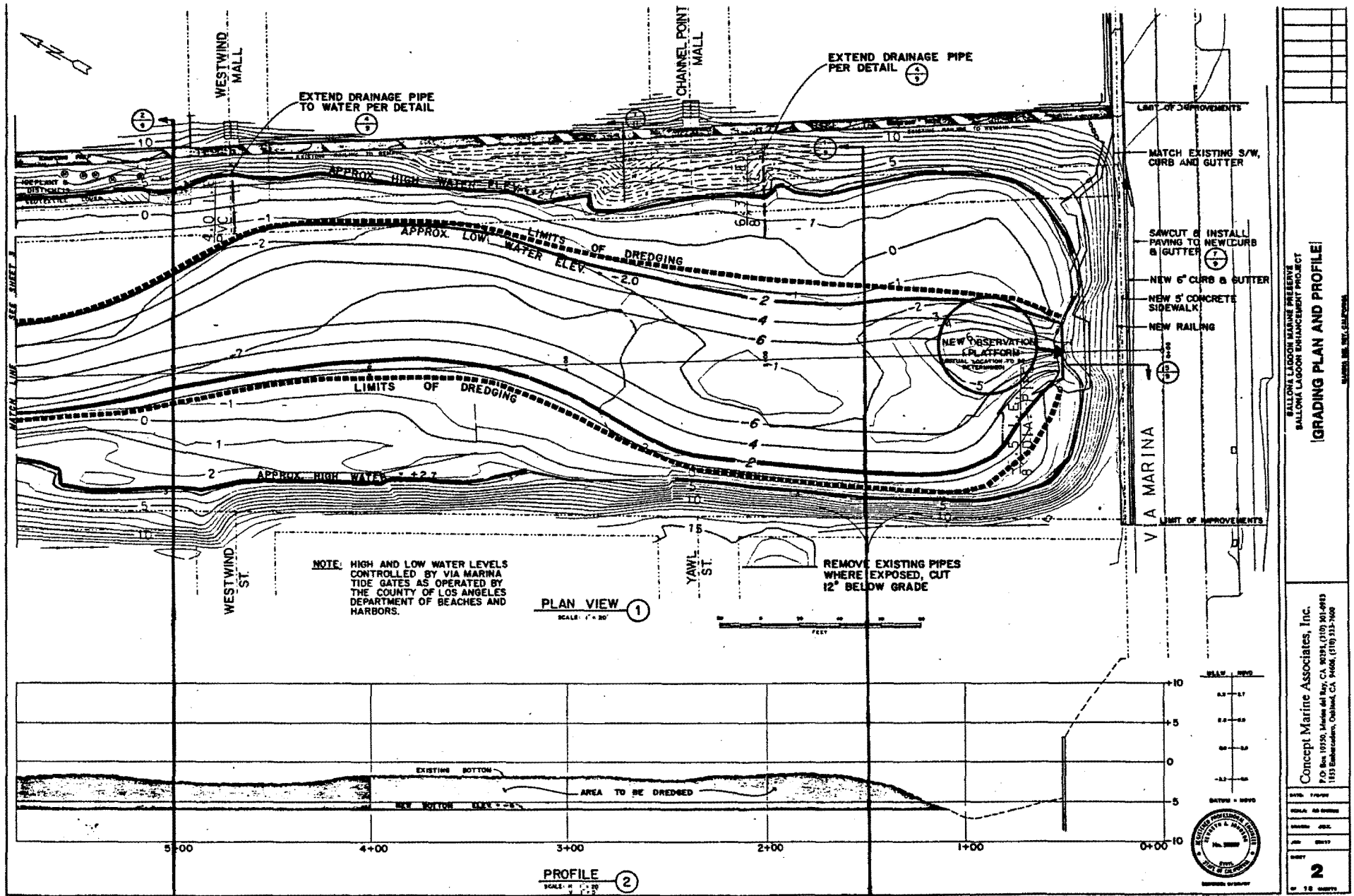
Exhibit #2

COASTAL COMMISSION

5-95-152-A

EXHIBIT # 2

PAGE 1 OF 8



Section ②
See Exhibit #3

Section ①
See Exhibit #3

COASTAL COMMISSION

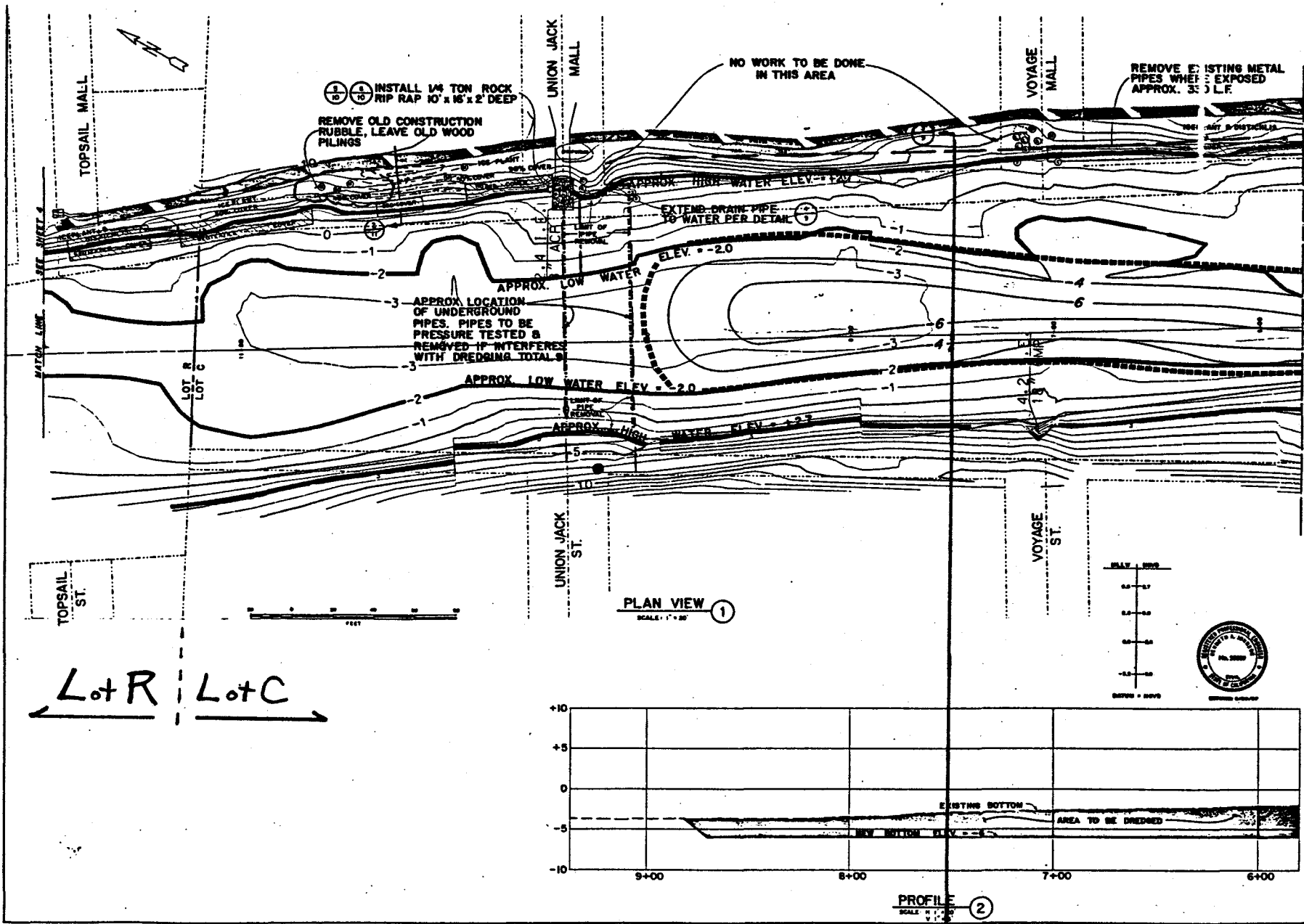
EXHIBIT # 2
PAGE 2 OF 8

BULLOCK LAGOON MARINE FREIGHT
 BULLOCK LAGOON ENHANCEMENT PROJECT
GRADING PLAN AND PROFILE
 SHEET NO. 001, SECTION 1

Concept Marine Associates, Inc.
 P.O. Box 10750, Irvine, CA 92614, (714) 941-9493
 1133 Balboa Station, Oakland, CA 94604, (415) 332-7600

DATE	PROJECT
SCALE	BY
DATE	BY
DATE	BY

2



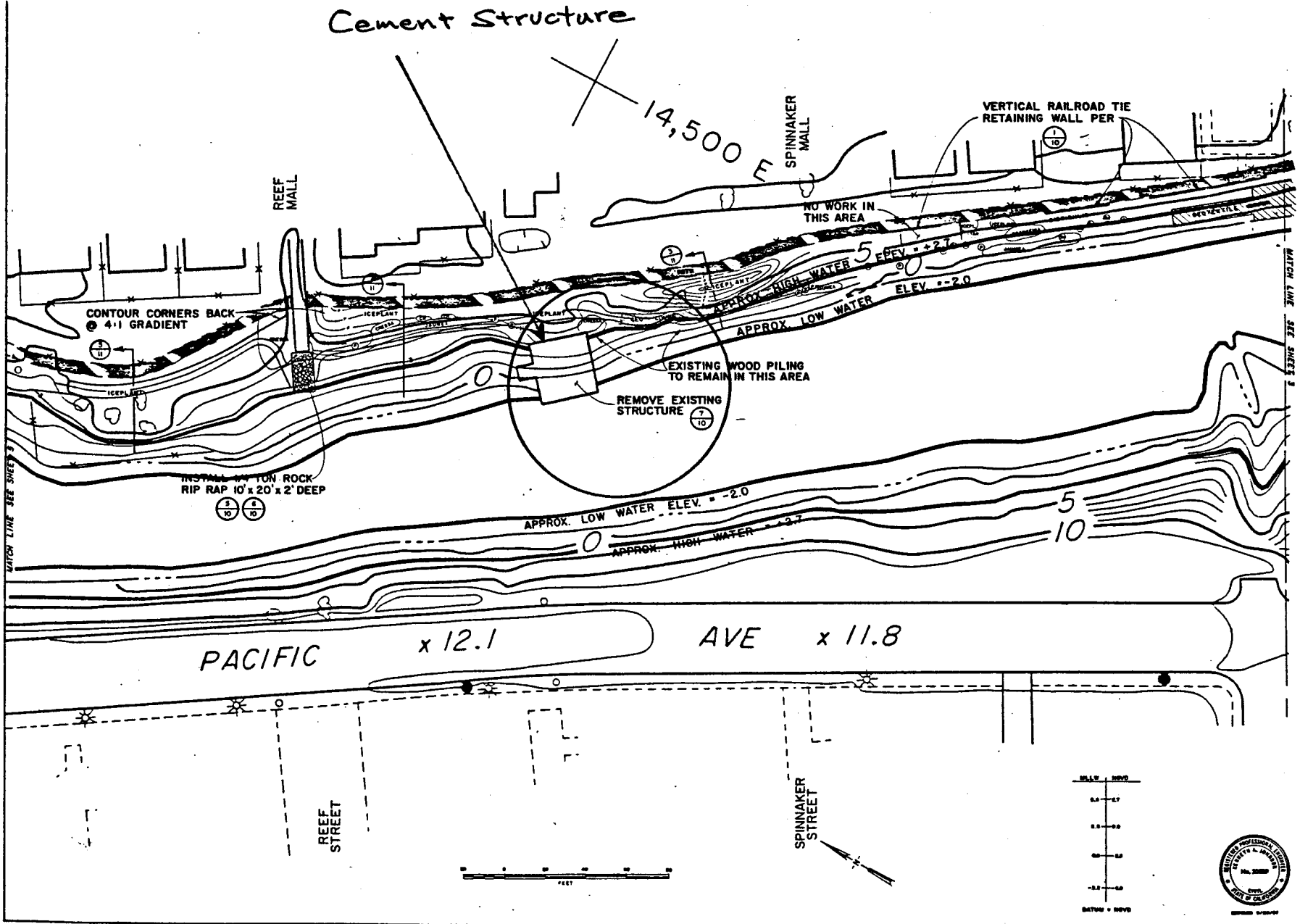
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BALLONA LAGOON MARINE PRESERVE BALLONA LAGOON ENHANCEMENT PROJECT	
GRADING PLAN AND PROFILE	
Concept Marine Associates, Inc. P.O. Box 10130, Marina del Rey, Ca. 90291, (310) 341-0883 1127 Wilshire Blvd., Culver City, Ca. 90230, (310) 312-1400	
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COASTAL COMMISSION

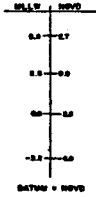
Section (3)
See Exhibit #3

EXHIBIT # 2
PAGE 3 OF 8



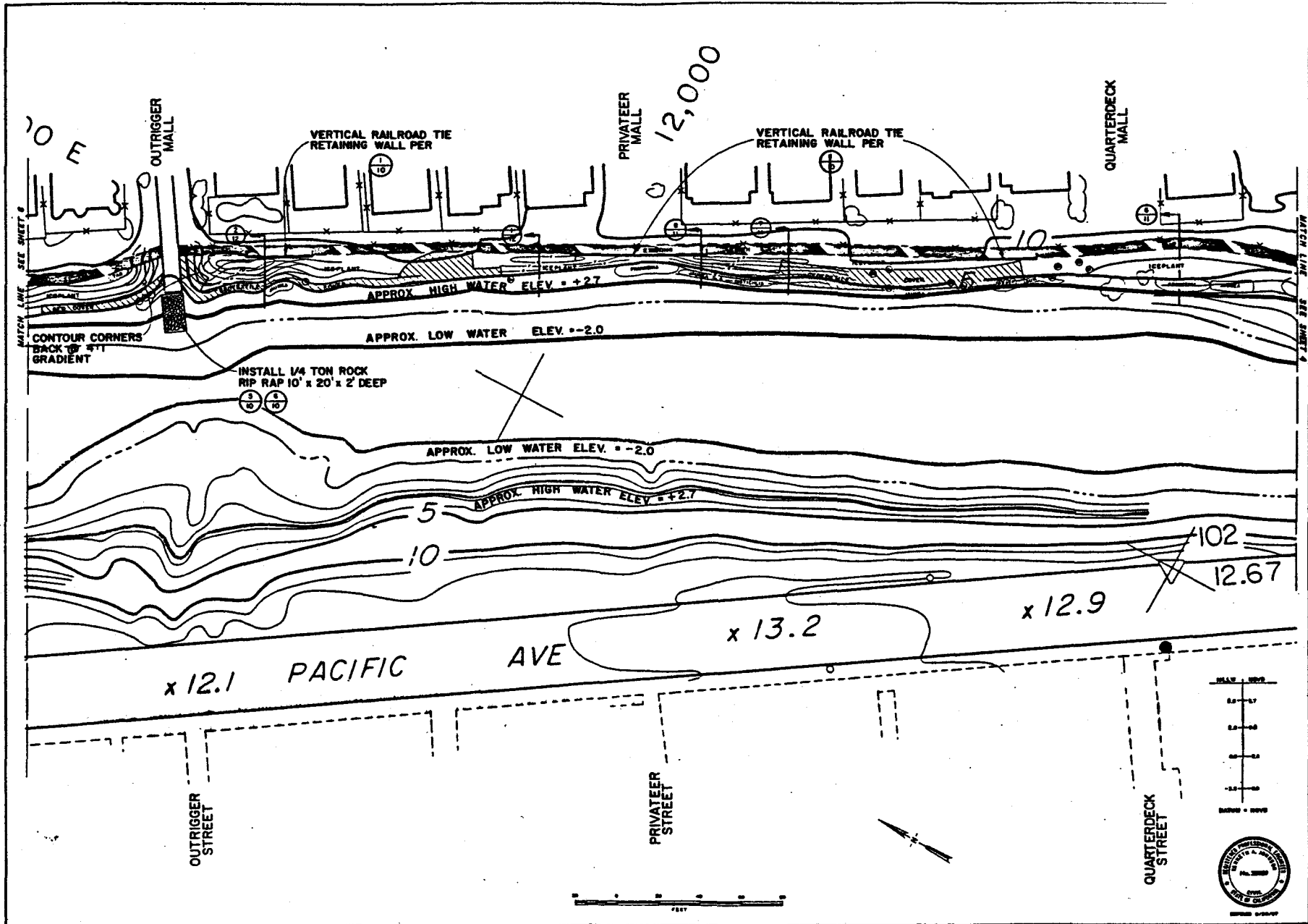
BALLONA LAGOON MARINE PRESERVE
 BALLONA LAGOON ENHANCEMENT PROJECT
GRADING PLAN
DATE: 08/11/09 BY: JAL/CB/M

Concept Marine Associates, Inc.
 P.O. Box 10199, Marina del Rey, CA 90291 (310) 307-0940
 1017 Balboa Island, Oceanside, CA 91966 (619) 331-7666



COASTAL COMMISSION

EXHIBIT # 2
 PAGE 4 OF 8



BALLONA LAGOON MARINE PRESERVE
 BALLONA LAGOON ENHANCEMENT PROJECT
 GRADING PLAN

Concept Marine Associates, Inc.
 P.O. Box 10150, Marina del Rey, CA 90293, (310) 391-4983
 1103 Embarcadero, Oakland, CA 94612, (510) 531-1600

NO.	DATE	BY	CHECKED	APPROVED	REVISION

COASTAL COMMISSION

EXHIBIT # 2
 PAGE 5 OF 8

BALONA LAGOON ENHANCEMENT PROJECT
GRADING PLAN

MATCH LINE SEE SHEET 5

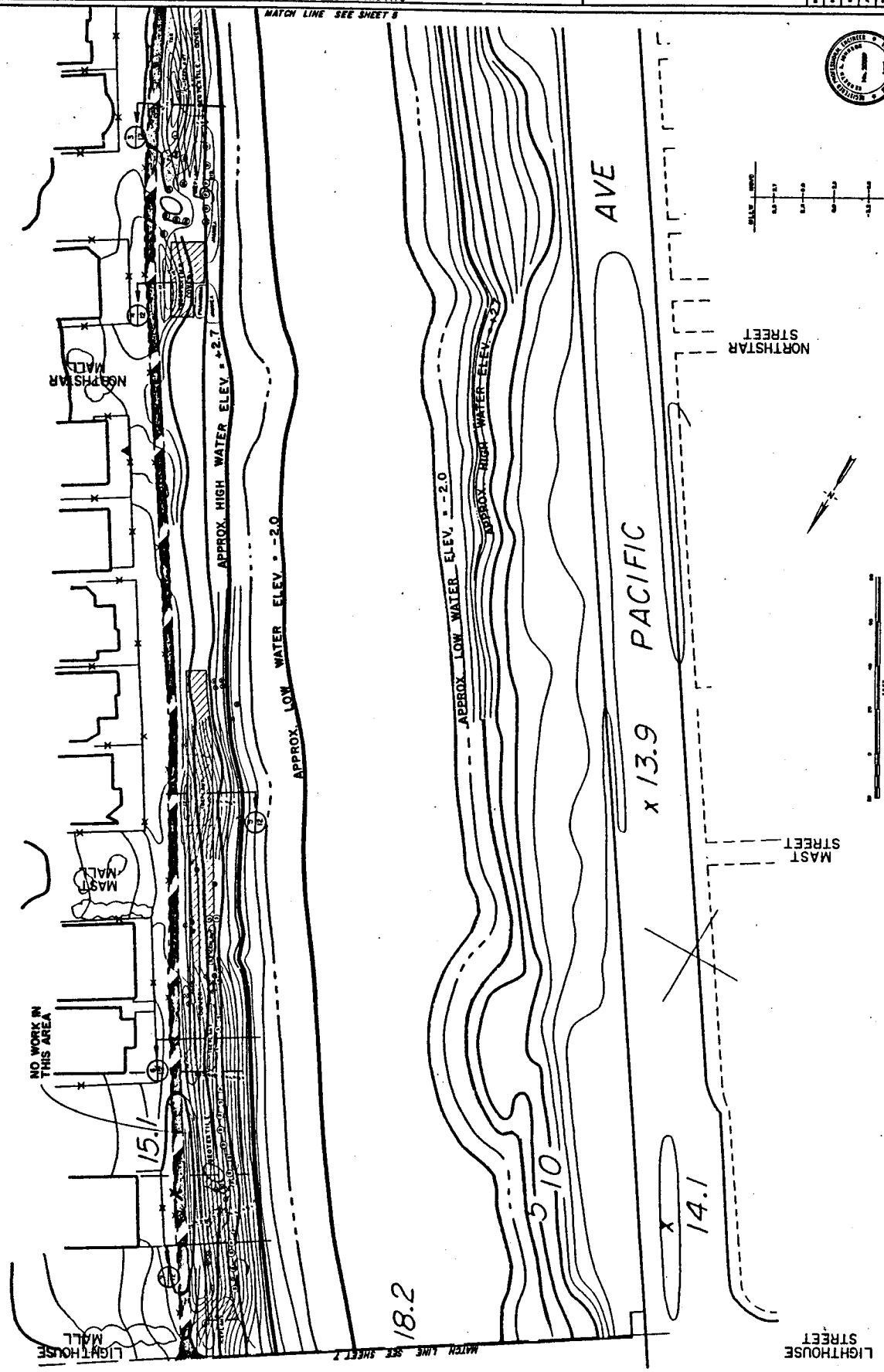
Concept Marine Associates, Inc.
P.O. Box 10350, Marina del Rey, CA 90293, (310) 301-0983
1873 Embury, Oakland, CA 94608, (510) 331-7600

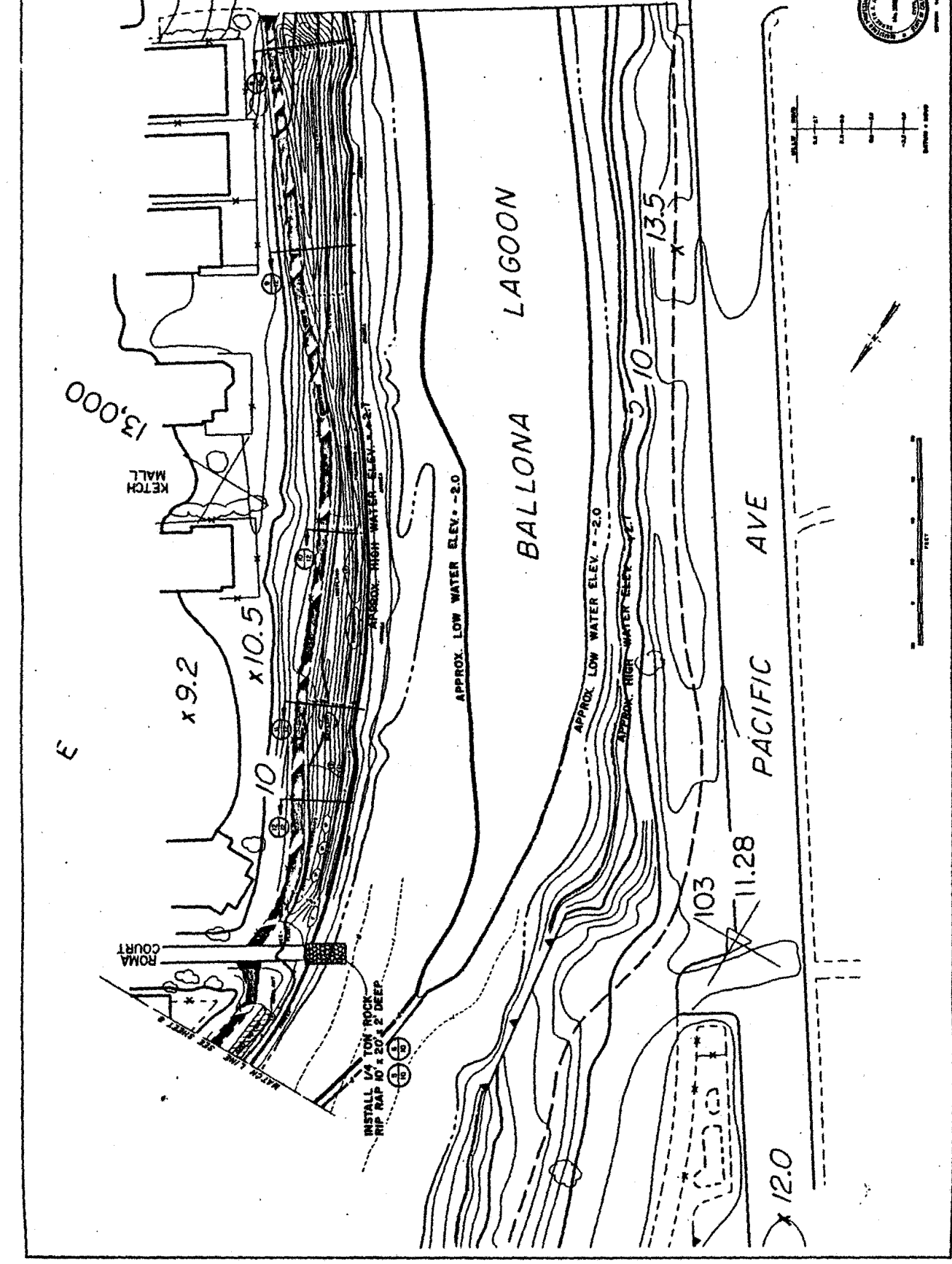
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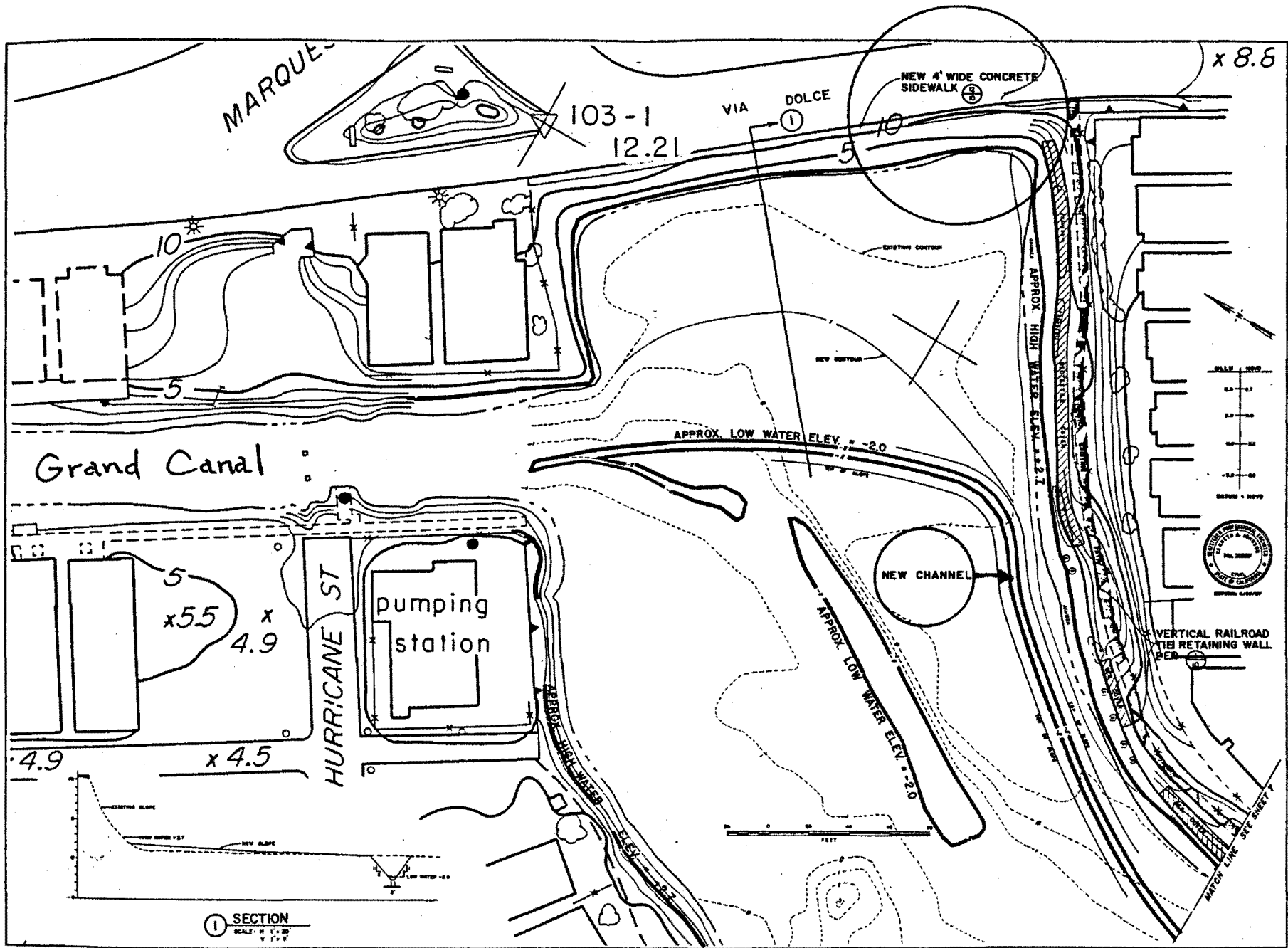
COASTAL COMMISSION

EXHIBIT # 2
PAGE 6 OF 8





COASTAL COMMISSION



(1) SECTION
SCALE: 1" = 10'
V. 10'

x 8.6

REVISION	BY

BALLONA LAGOON MARINE PRESERVE
BALLONA LAGOON ENHANCEMENT PROJECT
GRADING PLAN

Concept Marine Associates, Inc.
P.O. Box 10594, Marina del Rey, CA 90295 (310) 341-4969
1871 Balboa Terrace, Culver City, CA 90230 (310) 231-7696

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DATE	10/11/97
SHEET	8

COASTAL COMMISSION

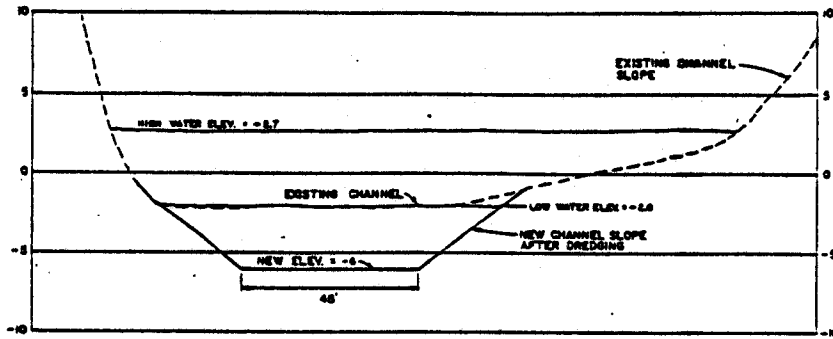
EXHIBIT # 2

PAGE 8 OF 8

Sections - Deep Pool

see Exhibit #2

①

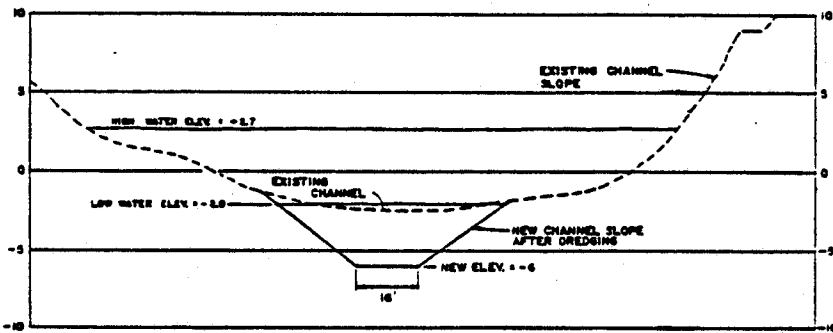


STATION 1+50

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V 1" = 5'

①

②

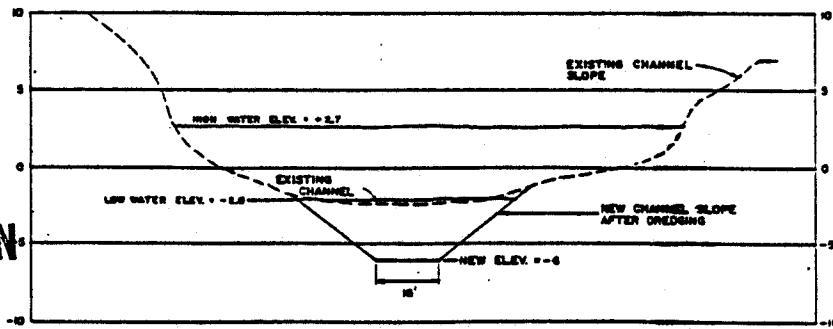


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②

③



STATION 7+50

SCALE: H 1" = 20'
V 1" = 5'

③

COASTAL COMMISSION

5-95-152-A

EXHIBIT # 3

PAGE 1 OF 1



REVISIONS	BY

BALLONA LAGOON MARINE PRESERVE
BALLONA LAGOON ENHANCEMENT PROJECT

SECTIONS AND DETAILS

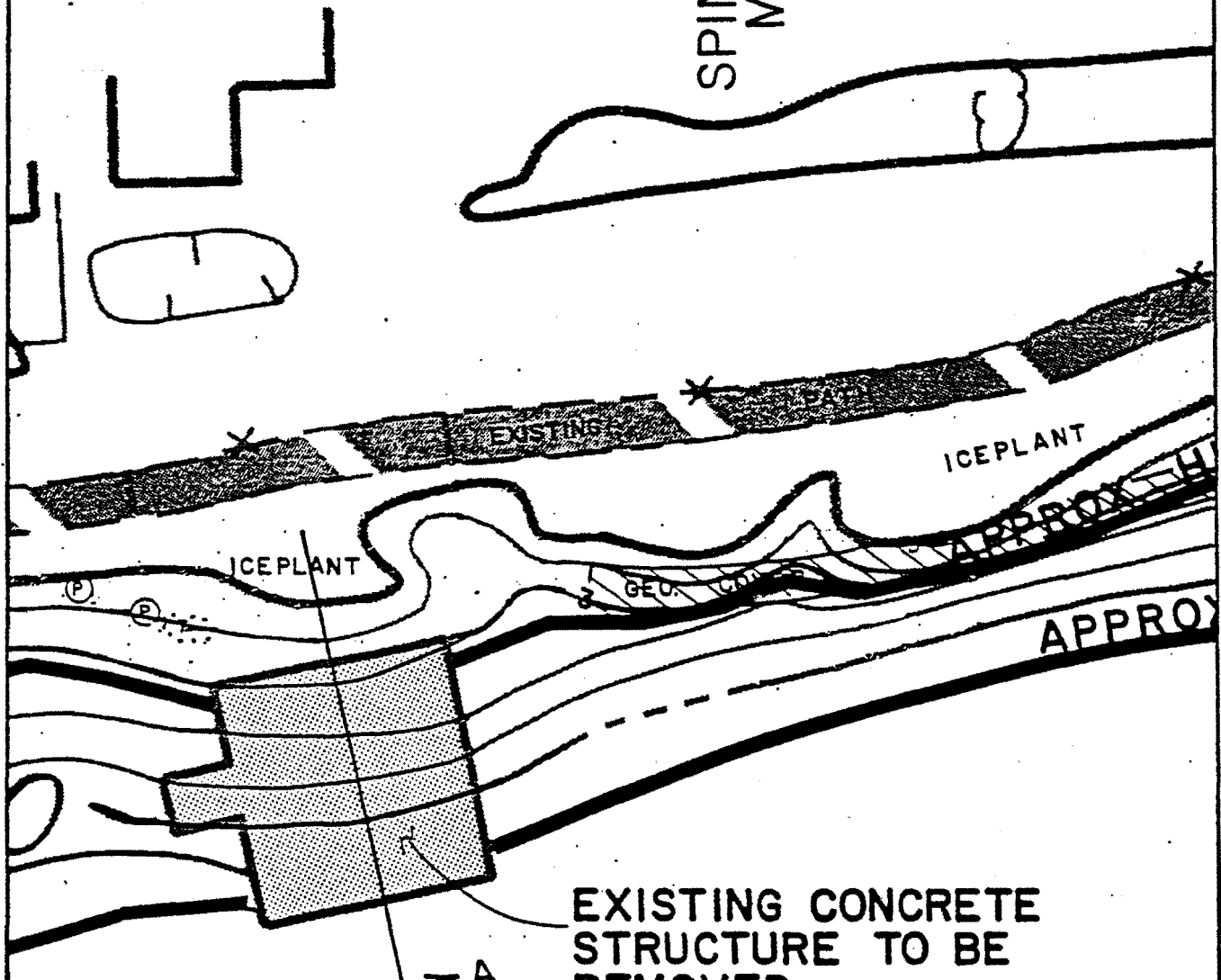
MARINA DEL DELTA, CALIFORNIA

Concept Marine Associates, Inc.
P.O. Box 10150, Marina del Rey, CA 90295, (310) 301-0903
1833 Embarcadero, Oakland, CA 94606, (510) 333-7600

DATE	7/8/88
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DRAWN	J.A.P.
CHKD	DB/17
NO.	9
OF	18 SHEETS

SCALE: 1" = 20'

SPINNAKER MALL



**EXISTING CONCRETE
STRUCTURE TO BE
REMOVED**
(APPROX. 30' x 30')

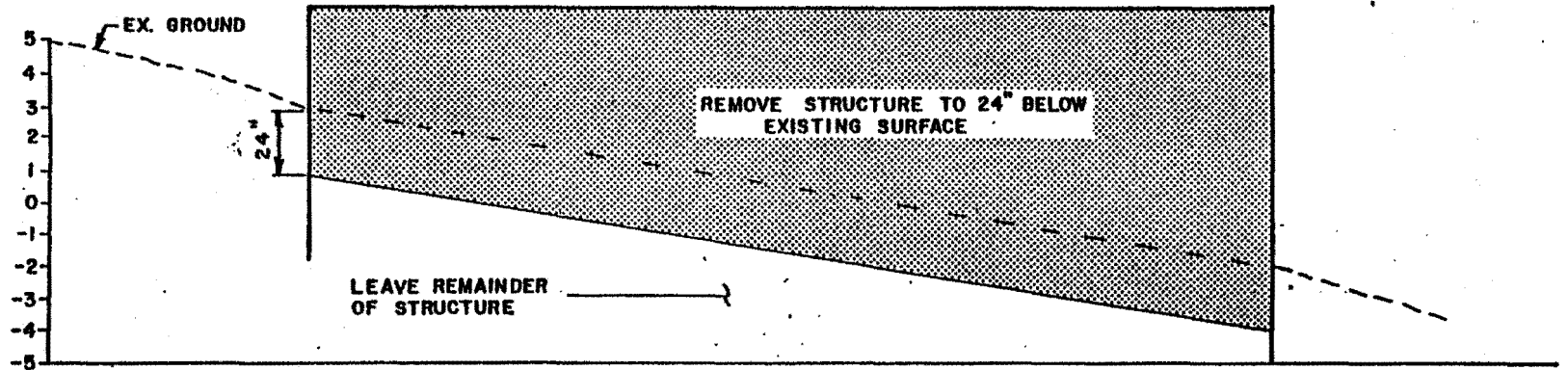
1. REMOVE STRUCTURE TO 24" BELOW EX. SURFACE
2. ADD DREDGED MATERIAL TO BRING TO GRADES SHOWN

BALLONA LAGOON MARINE PRESERVE
BALLONA LAGOON ENHANCEMENT
PROJECT

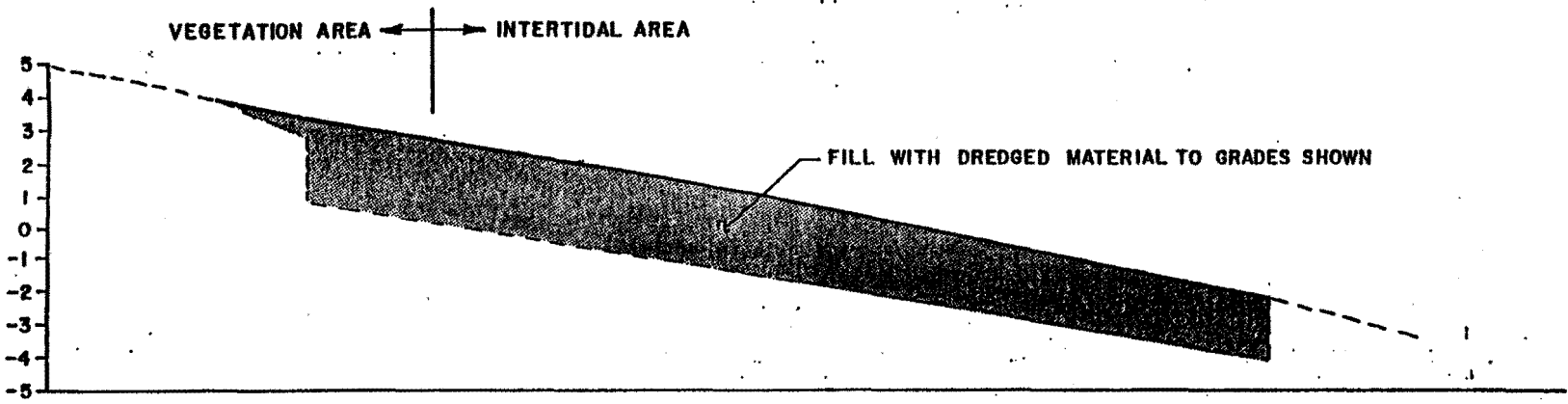
PLAN

CONCEPT MARINE ASSOCIATES
JOB No. 29417 DECEMBER 4, 1995

COASTAL COMMISSION
5-95-152-A
EXHIBIT # 4
PAGE 1 OF 2



SECTION A₁
SCALE: 1" = 5'



SECTION A₂
SCALE: 1" = 5'

**BALLONA LAGOON MARINE PRESERVE
BALLONA LAGOON ENHANCEMENT
PROJECT**

SECTIONS:

CONCEPT MARINE ASSOCIATES
JOB No. 29417, DECEMBER 4, 1995

COASTAL COMMISSION

5-95-152-A

EXHIBIT # 4

PAGE 2 OF 2

DEPARTMENT OF FISH AND GAME

1416 Ninth Street
P.O. Box 44209
Sacramento, CA 94224-2090
(916) 653-4875

RECEIVED



July 16, 1996

JUL 22 1996

Mr. Charles Posner
California Coastal Commission
245 West Broadway, Suite 380
Long Beach, California 90802

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

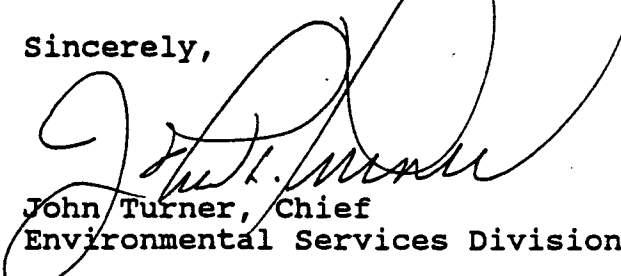
Dear Mr. Posner:

Department of Fish and Game personnel have reviewed the July 1, 1996 revisions to the Ballona Lagoon Enhancement Plan which reduces the modification of intertidal habitat within the lagoon. The revision will result in a modification of 0.40 acre of existing intertidal habitat to shallow subtidal (-2 to -6 feet Mean Lower Low Water) habitat. The proposed plan will also create 0.13 acre of intertidal habitat from existing uplands and remove an existing concrete structure within the lagoon.

Because the overall enhancement plan could result in an improvement to existing habitat conditions within Ballona Lagoon the Department would not object to the issuance of a Coastal Permit for the project as proposed.

Should you have any questions, please contact Mr. Richard Nitsos, Environmental Specialist, Environmental Services Division, Department of Fish and Game, 330 Golden Shore, Suite 50, Long Beach, California 90802, telephone (310) 590-5174.

Sincerely,


John Turner, Chief
Environmental Services Division

cc: Mr. Richard Nitsos
Department of Fish and Game
Long Beach

Mr. John Konecny
U.S. Fish and Wildlife Service
Carlsbad

Mr. Chris Kroll
California Coastal Conservancy
Oakland

COASTAL COMMISSION
5-95-152-A

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

RECEIVED
JUL 2 1995

July 26, 1995

Charles Posner
California Coastal Commission
245 W. Broadway, Suite 380
Long Beach, California 90802-4416

CALIFORNIA
COASTAL COMMISSION
SOUTH COAST DISTRICT

re: Ballona Lagoon Enhancement Plan (Phase I), Los Angeles County, California

Dear Mr. Posner:

The U.S. Fish and Wildlife Service (Service) has reviewed the enhancement plan for the Ballona Lagoon and supports the general concept goals of improving water quality and tidal flushing; reducing sediment and pollution; maintaining and expanding habitat values for the Federal and State listed endangered California least tern (*Sterna antillarum browni*), shorebirds, and marine fisheries. The enhancement plan also would restore native vegetation adjacent to Ballona Lagoon and is proposed to be implemented in two phases.

Phase I of the enhancement plan includes: (a) excavating a deep pool near the Via Marina tide gates including off-site disposal of excavated material, (b) upgrading and improving the operational function of tide gates at Via Marina, (c) revegetating the east bank of the lagoon, (d) installing two storm water catch basins on the east bank of the lagoon, (e) constructing public access improvements at the south end of the lagoon, and (f) monitoring and maintaining these improvements. Phase II of the enhancement plan proposes minimal grading to prevent recirculation and local ponding of water which have contributed to algal blooms. Implementation of phase II is reliant on future granting or selling of properties presently held by several land owners.

Ballona Lagoon provides foraging area for the California least tern (tern) which nest at Venice Beach located immediately west of the lagoon. Venice Beach is one of the largest and most productive tern nesting sites within southern California. The Service believes the enhancement of fisheries resources within the lagoon will benefit the tern. However, in order to avoid impacts to this species during implementation of the restoration plan, the Service recommends that enhancement activities and future maintenance dredging do not take place during the tern nesting season which extends from April 1 to September 15.

In addition to protecting and enhancing least tern foraging areas, the Service is interested in the re-establishment of the Federally listed endangered El Sugundo blue butterfly (*Euphilotes bernardino allyni*) (butterfly). Ballona Lagoon is within the historic range of this species. The Service recommends that all non-native vegetation be removed from the east and west banks of the lagoon. These areas could be planted with local native coastal dune vegetation such as yellow and pink sand verbena (*Abronia maritima* and *A. umbellata*) and ocean buckwheat (*Eriogonum parvifolium*). Ocean buckwheat is an important food plant for the butterfly. The natural areas should be

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Charles Posner

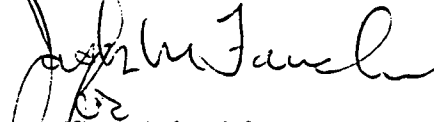
2

appropriately cordoned off in an effort to protect any native vegetation planted. The Service would like the opportunity to review and comment on any proposed revegetation plan for the lagoon. In addition, the Coastal Conservancy should consider entering into a conservation agreement with the Service that will allow the introduction of the butterfly to the site once the numbers of its ocean buckwheat and other plant species essential to the butterfly have become established.

During implementation of phase I of the project, approximately 0.8 acres of mudflat habitat will be lost. Intertidal mudflats provide important foraging areas for resident and migratory shorebirds. The Service recommends that the loss of habitat type be offset during implementation of phase I of the project so that there would be no net loss of mudflat acreage within Ballona Lagoon. This is an important point given that intertidal mudflat habitat has been greatly reduced along the southern California coast, particularly in Los Angeles County.

We appreciate this opportunity to comment on the proposed restoration plan. Any questions concerning the above comments should be directed to Doreen Stadlander of my staff at (619) 431-9440.

Sincerely,



Gail C. Kobetich
Field Supervisor

cc: CDFG Long Beach, CA (attn: R. Nitsos)
NMFS Long Beach, CA (attn: B. Hoffman)
CCC San Francisco, CA (attn: C. Kroll)

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5-95-152

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Ballona Lagoon Enhancement Project
Phase II

SEQUENCE OF CONSTRUCTION

1. Dredging of Deep Pool.
 - A. Dredging operation with pumping of excess material to Dockweiler Beach.
 - B. Grading of shoreline areas in Deep Pool area (Lot "C").
 - C. Relocation on-site and drying of dredged material to be used on-site.
2. Grading for Minimum Engineering Alternative.
 - A. Regrading of intertidal area at north end of lagoon.
 - B. Grading of junction of Ballona Lagoon and Grand Canal. Grading of high spots in lagoon bottom throughout Lot "R" area.
 - C. Construction of bird refuge island.
 - D. Relocation on-site and drying of excess excavated material.
3. Removal of concrete structure.
4. Removal of exotic vegetation.
5. Grading of mounds in accordance with plans for planting, using dredged and excavated material stored on-site.
6. Planting of native materials.
7. Construction of overlook structure at south end.
8. Construction work along path, including header and fence.
9. Construction of improvements at Via Marina.

This construction operation will take 2-1/2 to 3 months to complete. It should be noted that each operation noted above does not necessarily need to be complete for others to start or be ongoing. The project would be best done during the driest time of the year to make all the grading operations easier.

Coastal Conservancy
February 5, 1996

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