

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
9 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
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W7c.

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49th Day: 2/4/97
180th Day: 6/15/97
Staff: Carey
Staff Report: 1/15/97
Hearing Date: 2/4-7/97
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-96-192

APPLICANT: Ventura County Flood Control District

PROJECT LOCATION: The "J" Street Drain at the Ormond Beach Lagoon, City of Oxnard, Ventura County

PROJECT DESCRIPTION: Temporary permit for the installation of a submersible pump and 14-inch polyethylene pipeline, and pumping in order to maintain the water level of the Ormond Beach Lagoon at no greater than 5.5 feet MSL when the beach berm is closed.

LOCAL APPROVALS RECEIVED: N/A

SUBSTANTIVE FILE DOCUMENTS: Permit Applications G4-94-152, G4-95-197, G4-96-118 (Ventura County Flood Control District) Permit 3-92-15 (City of Santa Cruz), Permit 6-93-41 (City of Carlsbad), Draft North Ormond Beach Flood Control Management Plan, prepared for the Ventura County Flood Control District, by Impact Sciences, Inc., April 11, 1996.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed project with Special Conditions regarding the term of the permit, submittal of long-term management permit application, and resource protection measures. The proposed project will provide for interim flood protection while the applicant develops a long-term management plan for flood protection and habitat protection. The proposed project, as conditioned, is consistent with the marine resource protection policies of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. APPROVAL WITH CONDITIONS:

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development 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 the sea and the 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. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

1. Term of Permit.

This permit shall only be in effect until the end of the 97-98 rainy season, terminating on April 1, 1998. The work authorized hereby may only be implemented during this period. The pump and pipeline shall be removed by no later than June 1, 1998, with such time as may be granted by the Executive Director for good cause. Any further approvals necessary from the U.S. Army Corps of Engineers or any other regulatory agency shall be obtained.

2. Management Plan.

By accepting this permit, the applicant agrees to submit a complete permit application for a comprehensive long term lagoon and flood control management plan for Ormond Beach by no later than September 1, 1997, with such time as may be granted by the Executive Director for good cause.

3. Resource Protection Measures.

By accepting this permit, the applicant agrees to implement the following measures:

- a. The intake of the submersible pump shall be fitted with a minimum 1/8-inch mesh screen or other device, or positioned in a manner to prevent entrainment of tidewater gobies.
- b. All fish shall be induced to move away from the intake area of the pump prior to starting the motor during any instance of pumping. This inducement could be achieved by briefly starting the pump and shutting it off immediately or by disturbing fish near the intake in some other non-lethal manner.
- c. the rate of pumping shall not exceed 3,000 gallons per minute.
- d. The level of Ormond Beach Lagoon shall not be lowered below 5.5 feet msl.

IV. FINDINGS AND DECLARATIONS.

The Commission hereby finds and declares:

A. Proposed Development.

The Ventura County Flood Control District (District) proposes the installation of a submersible pump and a 14-inch polyethylene pipeline in the "J" Street Drain adjacent to the Ormond Beach Lagoon in the City of Oxnard. Exhibit 5 shows the proposed location where the pump and pipeline would be placed. The pump and pipeline would be used to drain water from the lagoon in order to maintain the water level at no greater than 5.5 feet mean sea level (msl). The pumping would be carried out during periods when the beach berm is closed and the water level of the lagoon exceeds

5.5 feet. Although these conditions do not occur every year, when they do, it is typically in late summer and fall.

While the applicant has previously determined that a lagoon level of 4.5 feet msl would be the most effective for maximum flood protection, they have compromised on the proposed level of 5.5 feet msl in order to minimize impacts to the lagoon as much as feasible. The applicant has determined that 5.5 feet is the maximum elevation that can be maintained in the lagoon while allowing some provision of flood protection. They assert that when water levels are in excess of 5.5 feet, there is insufficient capacity in the flood control facilities for the storm flow of even a 5-year rain event. Additionally, water can overtop or percolate through earthen channels, flooding adjacent property. Further, high water levels remaining in concrete-lined or earthen channels can cause damage to such facilities.

The District proposes that this development be carried out on an interim basis until the end of the rainy season in April, 1998. The District is currently preparing a management plan for the Ormond Beach Lagoon which will address alternatives for regulating the water level and water quality of the estuary for both flood control and habitat enhancement. The applicant anticipates completing the Draft Environmental Impact Report (DEIR) for the management plan within the next two months and releasing it for public review.

While the City of Oxnard does have a certified Local Coastal Program, the proposed project site for the placement of the pump and pipeline is within the Commission's post-LCP certification permit jurisdiction. As such, the proposed project must be reviewed for consistency with the policies of the Coastal Act.

B. Site Description.

The proposed project site is located in the southern area of the City of Oxnard, directly adjacent to the boundary with the City of Port Hueneme. Exhibit 2 shows the lagoon, Exhibit 3 shows adjacent development and Exhibit 4 shows existing flood control facilities. Three drainages feed the Ormond Beach wetlands: the Hueneme drain, the "J" Street Drain, and the Oxnard Industrial drain. These channels drain both residential and agricultural land. When the beach berm is open (primarily in winter), these drains convey water across the beach directly into the ocean. However, beginning in spring and continuing through summer, a beach berm begins to form. Coupled with reduced flows in the drains:

... sand is transported along the beach by relatively low wave action (combined with westerly to southwesterly prevailing winds) that moves sand up onto the upper beach, forming a high wide berm. The seasonal berm and semi-permanent dunes form a partially permeable barrier to the runoff flowing down the drainage channels. The fresh water builds up and inundates the low lying areas around and between the ends of the drains along the upper beach. Occasional high tides overtop the berm in the summer season, pouring sea water into the lagoon.¹

¹ Draft North Ormond Beach Flood Control Management Plan, prepared for the Ventura County Flood Control District, by Impact Sciences, Inc., April 11, 1996. Page 27.

The Ormond Beach wetlands support beach, dune and wetland habitats which include several rare and endangered species. In preparation for the development of a flood control management plan for the Ormond Beach Lagoon, the District's consultant, Impact Sciences, Inc. conducted field investigations of the area. This report states that: "Coastal wetlands that occur within the Ormond Beach study area are comprised of three marsh communities: southern coastal salt marsh, coastal brackish marsh, and coastal freshwater marsh... As their names denote, the three marsh types are distributed within the study area according to soil, water, and salinity regimes". Additional habitats include Southern Fore-dune, transitional marsh/dune, open water and disturbed or ruderal. The proposed placement site of the submersible pump and pipeline would be within an open water area within the "J" Street Drain.

The lagoon and surrounding area support several plants and animals which are federal and state listed endangered species. Salt marsh bird's beak (*Cordylanthus maritimus* ssp. *maritimus*) is an endangered plant which is found downcoast of the lagoon. The California least tern (*Sterna albifrons browni*) nests in the Ormond Beach area and a portion of the sand dunes in the area is a designated and partially fenced nesting refuge. "The Ormond Beach habitat serves as an auxiliary nesting area for least tern colonies at Point Mugu, and the terns appear to move between the areas (Wehtje, 1994). In some years, most least terns nest at Mugu, while in other years most nest at Ormond. Therefore, the Ormond Beach nesting site is considered a vital part of the habitat for this species in the region".² The least terns utilize the lagoon for foraging and as discussed below, the historical breaching of the beach berm at Ormond Beach lagoon had the potential to adversely impact the least tern by reducing the fish population available for food. The endangered brown pelican (*Pelecanus occidentalis*) and the threatened western snowy plover (*Charadrius alexandrinus nivosus*) also occur at the Ormond Beach lagoon.

Many species of fish are found in the lagoon, such as the California killifish, longjaw mudsucker, and arrow goby. "Estuarine topsmelt (*Atherinops affinis*) reproduce in the coastal lagoon and have special importance as food for nesting least terns".³ Additionally, the endangered tidewater goby (*Eucyclogobius newberryi*) is present in the Ormond Beach Lagoon. This species, which seems to spend all life stages in lagoons, has become rare on a statewide basis. In 1994, the goby was listed as endangered by the U.S. Fish and Wildlife Service. According to the Impact Sciences, Inc. report: "In the study area, tidewater gobies were found in the Hueneme Drain, J Street Drain, Oxnard Industrial Drain, East Hueneme channel, and the lagoon with the majority of gobies being found in the J Street Drain and lagoon areas".

C. Background.

Historically, the applicant mechanically breached the beach berm in order to lower the water level within the lagoon. This would effectively drain the lagoon water and most organisms into the ocean. In 1992, the District, in consultation with several resource agencies agreed to avoid breaching the lagoon from April 15 to October 1 each year to avoid affecting foraging habitat for

² Ibid., page 16.

³ Ibid., page 19.

the California least tern. In 1994, the tidewater goby, a listed endangered species, was detected in the Ormond Beach Lagoon. The U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers advised the District that breaching the lagoon at any time of year could adversely affect the tidewater goby. Since 1992, the District has not mechanically breached the lagoon.

In 1994, 1995, and 1996, water in the lagoon has reached high levels of 7 feet msl and over. These water levels have resulted in water backing up and remaining in the "J" Street drain and Oxnard Industrial drain for distances of approximately 1 to 1.5 miles upstream. Water overtopped and seeped through earthen channel banks to cause minor flooding on adjacent properties. Hydrostatic pressure forced water through the subgrade in the adjacent Perkins Road, resulting in cracking and damage to the curb, gutter, and pavement. The District anticipated that the high water levels could result in damage to the concrete lining in the portion of the "J" Street Drain that is lined and could lead to slope failures in the portions of "J" Street and Oxnard Industrial Drains which are earthen channels. Finally, the District anticipated that the lack of adequate capacity in the drains for storm flows could result in major flooding in certain circumstances when storm flows would overflow the drains before the lagoon could breach and drain.

The Executive Director has issued an Emergency Permit (Permits G4-94-152, G4-95-197, and G4-96-118) to the District each year since 1994 for pumping to lower the water level of the lagoon. However, in 1994, a rain storm caused the lagoon to breach on its own before the District could begin pumping. In 1995 and 1996, the District was unable to obtain other necessary permits to carry out the pumping before the lagoon breached on its own. As such, the District has not lowered the lagoon water level by pumping to date. The District did place the proposed pipeline in the "J" Street Drain in 1994 in preparation for the pumping. To date, the pipeline has not been removed.

On December 5, 1996, the Army Corps of Engineers granted the District a "provisional" permit under Section 10 of the Rivers and Harbors Act of 1899 to install the pump and pipeline and carry out pumping to maintain the lagoon water level at 5.5 feet msl. Fourteen special conditions were imposed by this permit. These conditions are shown in Exhibit 6. This permit will not be issued until the applicant receives a consistency certification or coastal development permit from the Commission.

The Commission has previously approved permits for water level control measures in lagoon areas. In Permit 3-92-15 (City of Santa Cruz), the installation of a gravity driven water level control structure consisting of a plastic pipe with flap gates to lower the water level of the San Lorenzo River Lagoon was approved. Permit 6-93-41 (City of Carlsbad) approved the installation of 10 eight-inch diameter pipes in the cobble berm at the mouth of Bataquitos Lagoon in San Diego county for the regulation of the lagoon water level.

D. Marine Resources.

The Coastal Act contains several policies that provide for the protection of marine resources, and environmentally sensitive habitat areas including estuarine areas like Ormond Beach Lagoon.

Section 30230 of the Coastal Act states that:

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 that:

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 30240 of the Coastal Act states that:

(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.

In addition to the above noted Coastal Act sections, Section 30233 restricts the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes to that necessary for certain allowable uses. This section are not applicable to the proposed project because the temporary placement of the submersible pump and pipeline does not constitute diking, filling or dredging.

Further, Section 30236 of the Coastal Act states that:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and shall be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Although the proposed project would be a flood control project to protect existing development and which is necessary for public safety, it does not involve channelization, a dam, or other substantial alteration of a river or stream (drainage). As such, the provisions of this section are not applicable.

The applicant proposes the installation of a submersible pump and a 14-inch polyethylene pipeline in the "J" Street Drain adjacent to the Ormond Beach Lagoon in the City of Oxnard. The pump and pipeline would be used to drain water from the lagoon in order to maintain the

water level at no greater than 5.5 feet msl. The pumping would be carried out during periods when the beach berm is closed and the water level of the lagoon exceeds 5.5 feet.

As described in the site description above, the Ormond Beach Lagoon is a valuable habitat area that supports diverse plant and animal populations, including rare and endangered species. It is then necessary to consider the proposed project's potential impacts on these resources and ensure that it complies with the provisions of Sections 30230, 30231, and 30240 of the Coastal Act. In addition to the Draft North Ormond Beach Flood Control Management Plan, staff has also considered the Army Corps' analysis of the proposed project as well as the comments of other agencies and groups provided to the Army Corps' permitting process.

Estuaries like the Ormond Lagoon are dynamic systems whose habitats and plants and animals are adapted to changing conditions, including changes in salinity, water temperature and water depth, both seasonally and from year to year. In drought conditions, for instance, less fresh water may be available, leading to lagoon conditions of increased salinity, and decreased water depth and extent. Conversely, higher water levels may develop over time as watersheds are urbanized and water is imported to serve development. Such higher water levels could result in decreased salinity and increased water depth, as well as inundation of areas which may have previously been wet only periodically. The proposed project, which would maintain the water level of the lagoon at no more than 5.5 feet msl could result in a decrease in maximum water level and areal extent of the lagoon from the level and extent that has developed in the lagoon for the last three years.

The California Department of Fish and Game found that the lowering of the water level to 5.5 feet is not likely to endanger or limit the existence of the endangered species in the lagoon. In fact, they found that maintaining the water level at 5.5 feet may benefit several species. The very high water levels experienced in the past years have the potential to flood nesting habitat areas for the endangered Belding's Savannah Sparrow (*Passerculus sandwichensis beldingi*). Additionally, populations of Salt Marsh Bird's Beak adjacent to the lagoon could be compromised by over inundation as a result of sustained high water levels. Finally, it is unknown what impacts the conversion of mudflat habitat important for wading or foraging to open water as a result of higher water levels may have on birds who use the lagoon. The Fish and Game Department concludes that maintaining a 5.5 foot water level is acceptable but that further lowering or breaching of the lagoon is not. They recommend that screening be incorporated to ensure that gobies or other fish are not entrained in the proposed pump.

The U. S. Fish and Wildlife Service have given the biological opinion that the proposed project is not likely to jeopardize the continued existence of the tidewater goby or the salt marsh bird's beak. Their report states that: "Potential impacts to tidewater gobies resulting from issuance of the permit and the subsequent lowering of the lagoon level include stranding of tidewater gobies as the water recedes, reduced area for foraging and breeding, and entrainment of fish in the pump". Tidewater gobies could be stranded in small ponds or on drying areas as the water level recedes as a result of pumping. However, the slower pumping of water may allow most fish to escape to the deeper areas of the lagoon. Lowering the water level may also result in reduced area available for foraging and breeding. On the other hand, the goby seems to select areas that are less than 100 cm. in depth so a

larger flooded area may prevent them from occupying the deeper areas of the lagoon. On the other hand, a greater areal extent of the lagoon may provide a larger area of more shallow depth. Entrapment of fish in the pump would result in the death of individuals. The Fish and Wildlife Service concluded that:

The Service believes the impacts described above are not likely to jeopardize the continued existence of the tidewater goby or the salt marsh bird's beak. We present this conclusion for the following reasons.

1. The proposed action would not result in the permanent loss of tidewater goby habitat or salt marsh bird's beak habitat in Ormond Lagoon, although it may alter the distribution of their habitats.
2. Tidewater gobies and the salt marsh bird's-beak have likely been present in Ormond Lagoon during previous episodes of breaching caused by both natural conditions and the District. The proposed action would likely have a reduced potential for adverse effects than an induced breaching.
3. The maintenance of a water level of approximately 5.5 feet MSL should provide tidewater gobies with sufficient area of suitable habitat to forage and breed.

The report makes recommendations regarding the rate of pumping, and the provision of screening on the pump in order to minimize impacts to the greatest extent possible.

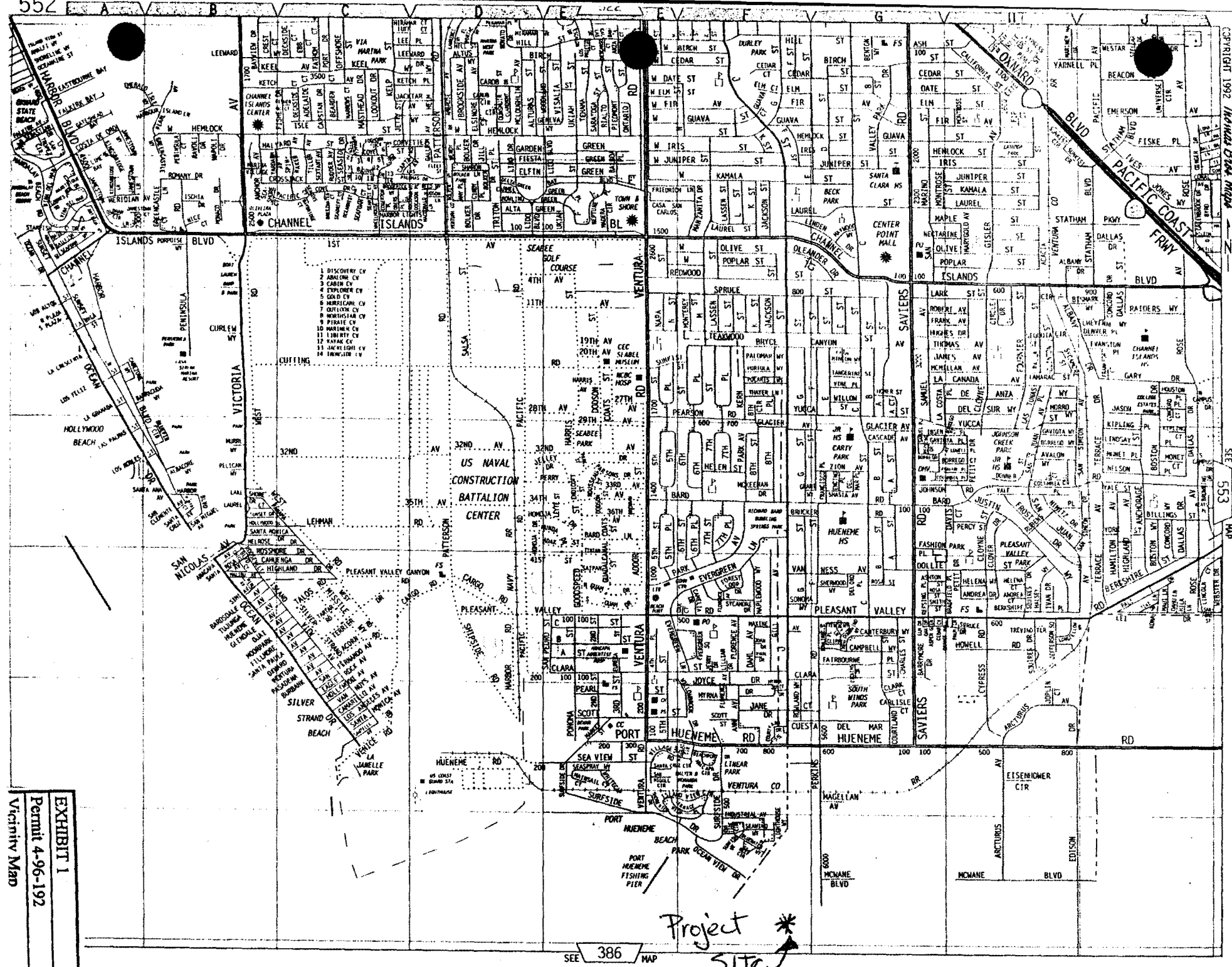
Based on the applicant's information and the recommendations of the resource agencies, the Commission finds that the implementation of the proposed project on an interim basis until the end of the 1998 rainy season will not adversely impact the lagoon. This will allow the District to provide flood protection while they are developing, obtaining permits and implementing a long-term plan. In order to ensure that the applicant continues to pursue development of a long-term water level management plan, the Commission finds it necessary to require the applicant to submit a-coastal development permit application for such a long-term management project by September, 1997. This plan shall identify management techniques that can increase flood protection while maintaining and enhancing wetland habitat. Further, in order to ensure that the potential impacts to the tidewater goby are minimized to the maximum extent feasible, the Commission finds it necessary to require the applicant to implement measures to prevent damage to the goby from the proposed use of the pump. The Commission finds that, as conditioned, the project is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

E. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications 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.

There will no negative impacts caused by the proposed development which will not be adequately mitigated by implementation of the conditions of approval. Therefore, the proposed project, as conditioned, is found consistent with CEQA and the policies of the Coastal Act.

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SEE 553 MAP

SEE 386 MAP

Project *
SITE

EXHIBIT 1
Permit 4-96-192
Vicinity Map

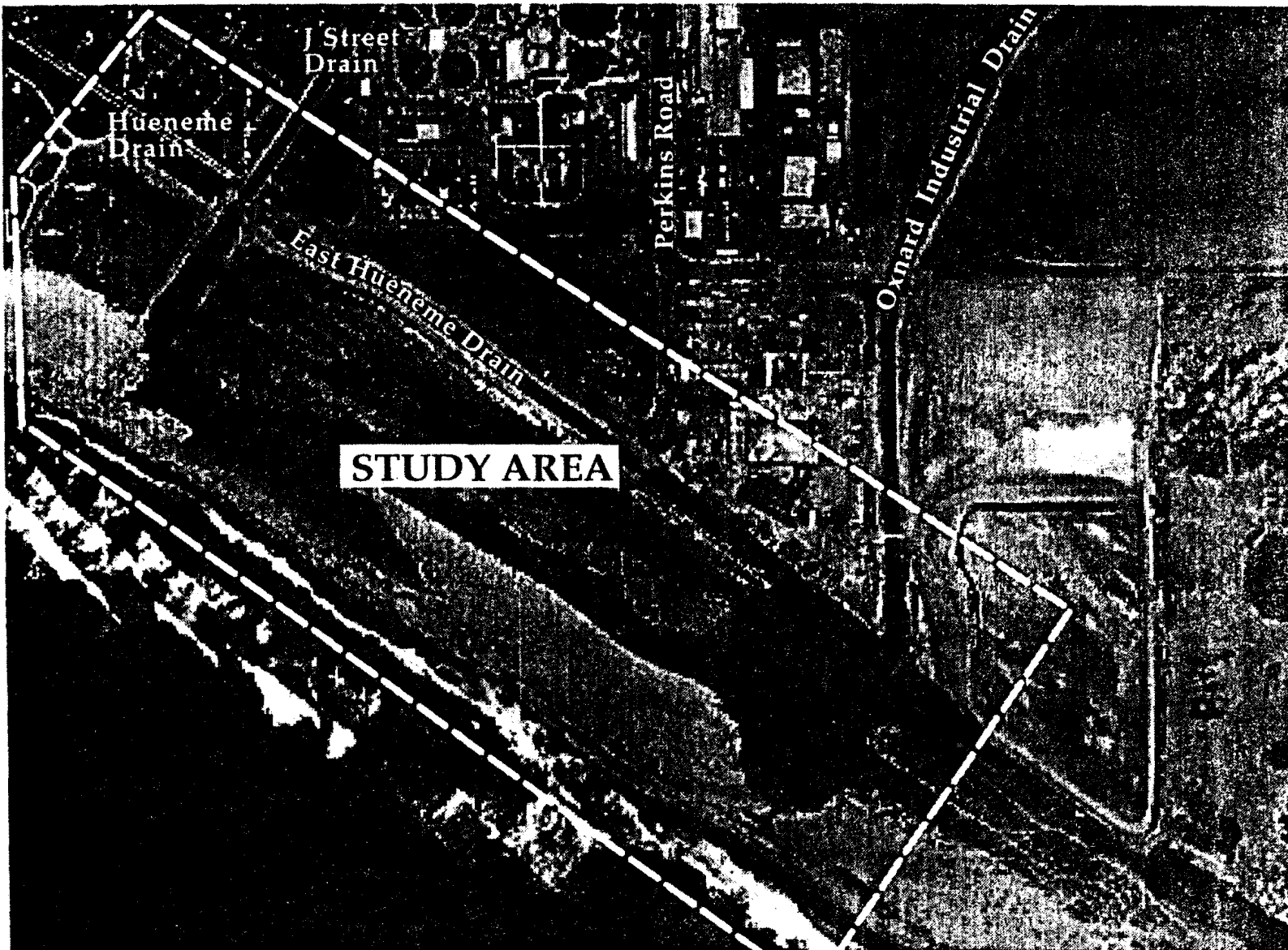


EXHIBIT 2
Permit 4-96-192
Airmhorn-lagoon area

Photo Source: Pacific Western Aerial Surveys, PW42655-1, 5-31-91.

Ventura County Flood Control District
North Ormond Beach Coastal Management Plan
North Ormond Beach Study Area

Not to Scale

FIGURE 1

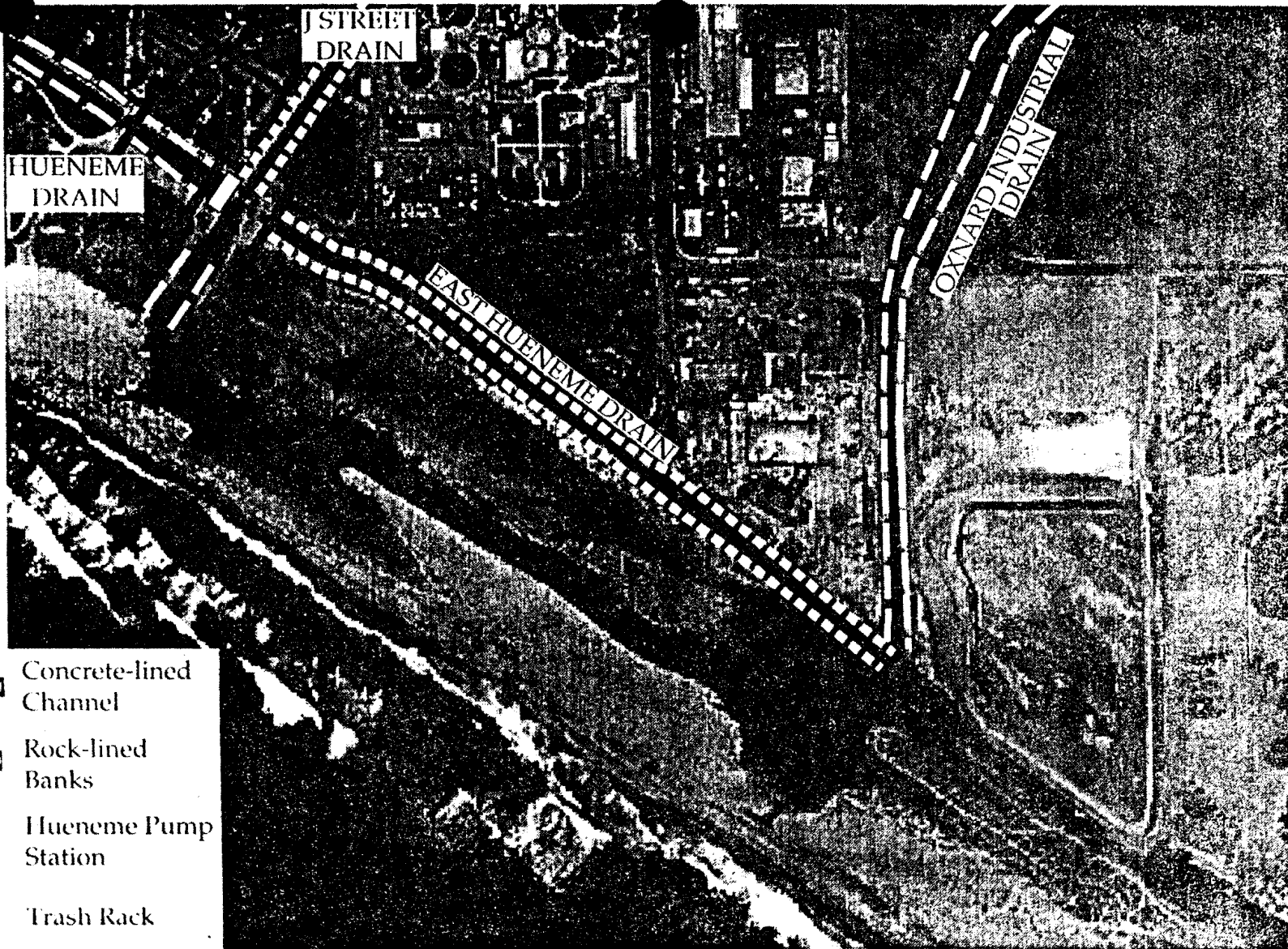


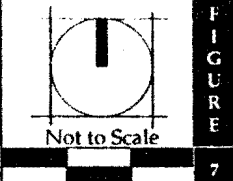
Photo Source: Pacific Western Aerial Surveys, PW42655-1, 5-31-91.



EXHIBIT 3
 Permit 4-96-192
 Flood Control Facilities

Ventura County Flood Control District
 North Ormond Beach Coastal Management Plan

Flood Control Facilities



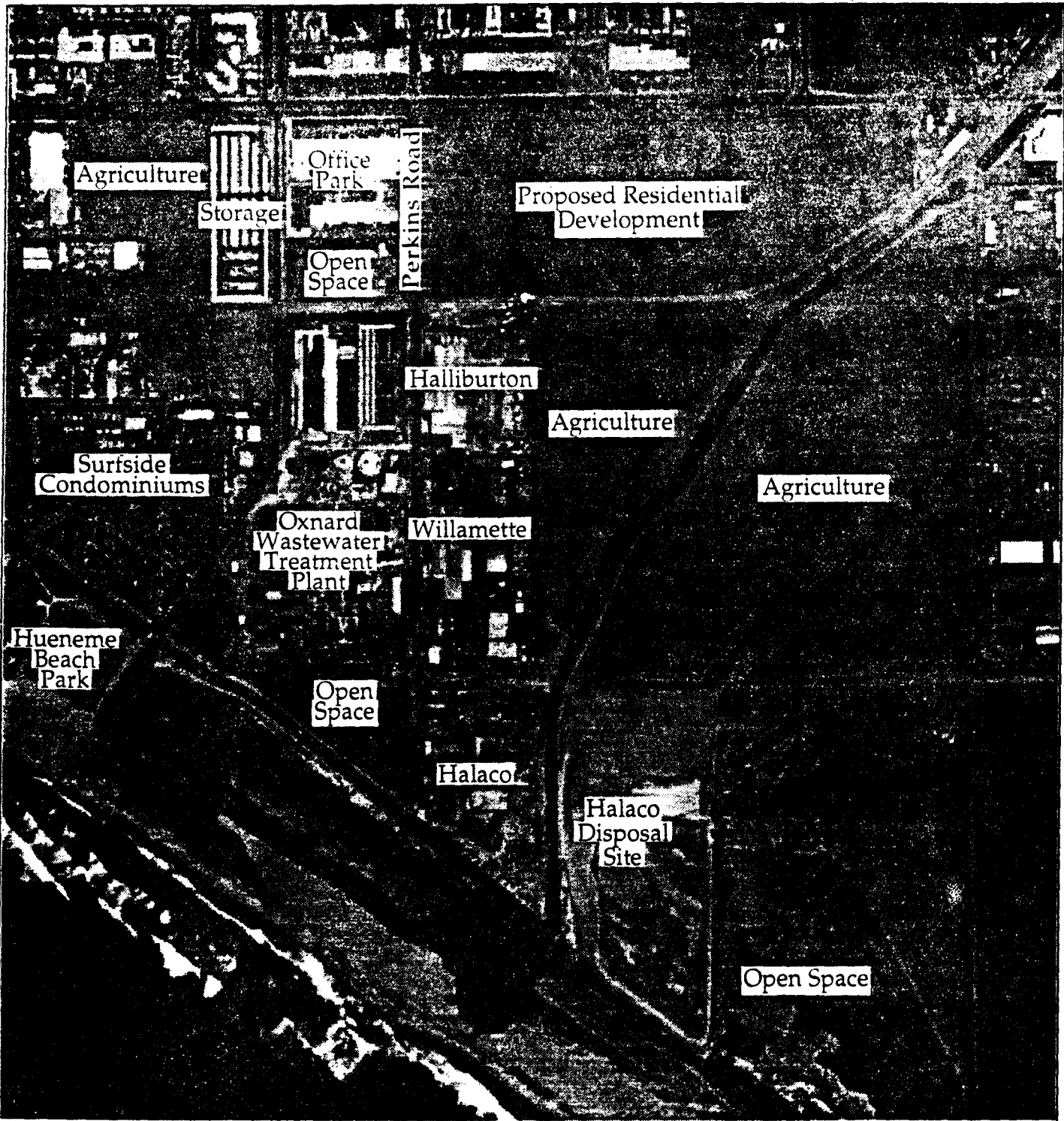
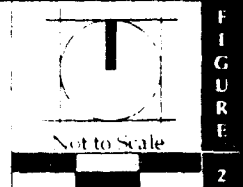


EXHIBIT 4
Permit 4-96-192
Vicinity Land Uses

Photo Source: Pacific Western Aerial Surveys, PW 42655-1, 5-31-91.

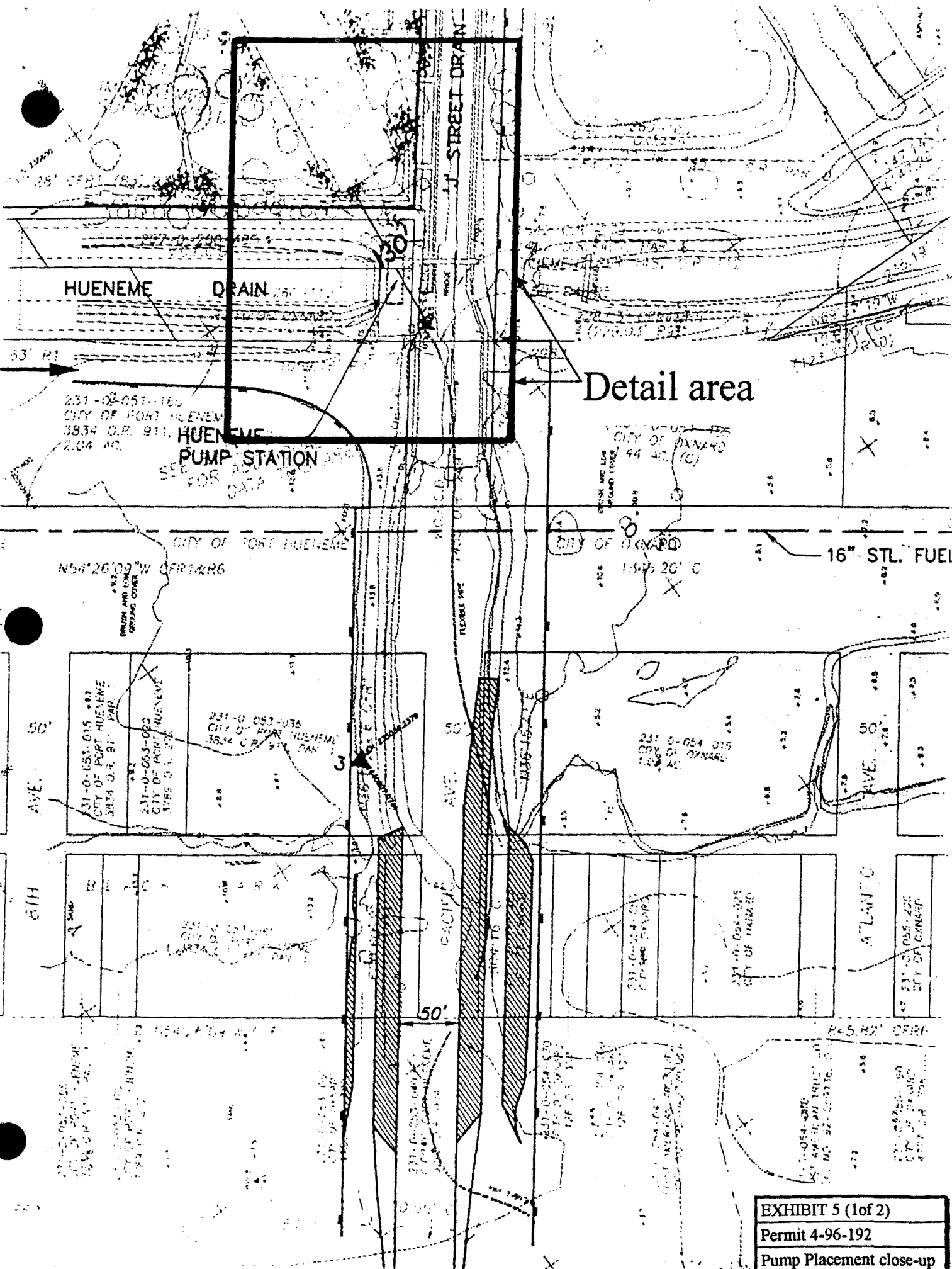
Ventura County Flood Control District
 North Ormond Beach Coastal Management Plan

Vicinity Land Uses



FIGURE

2



Detail area

231-0-051-165
 CITY OF PORT HUENEME
 3834 O.R. 911, 2.04 AC.
HUENEME PUMP STATION
 SEE FOR DATA

231-0-054-44
 CITY OF OXNARD
 44 AC. (10)

N54°26'09"W OF R1&R6

16" STL. FUEL

231-0-053-015
 CITY OF PORT HUENEME
 3834 O.R. 911 PAP

231-0-053-035
 CITY OF PORT HUENEME
 3834 O.R. 911 PAP

231-0-054-015
 CITY OF OXNARD
 1.08 AC.

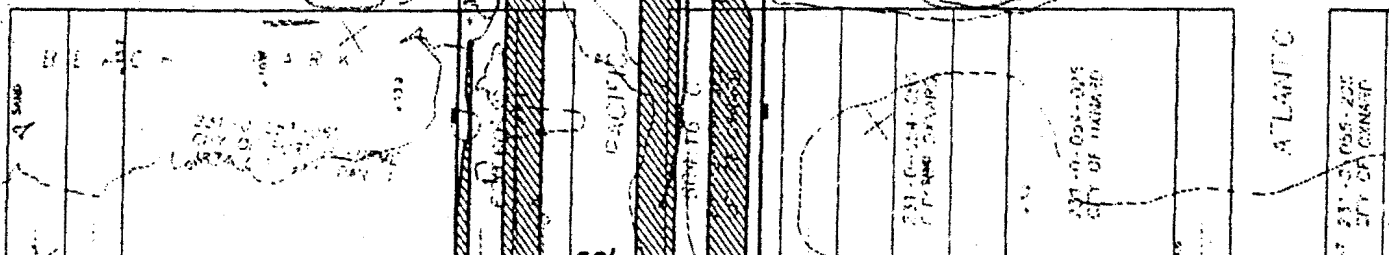
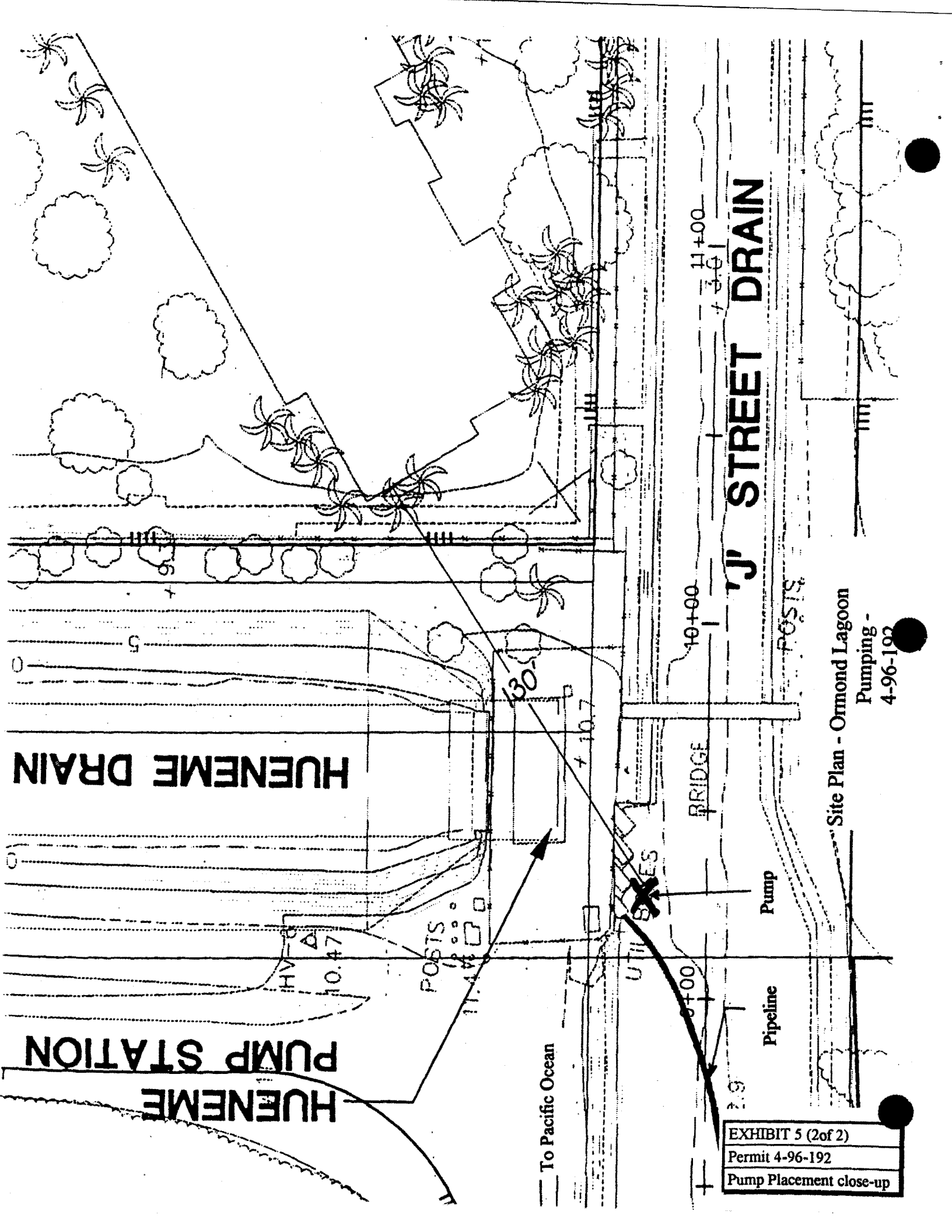


EXHIBIT 5 (1 of 2)
 Permit 4-96-192
 Pump Placement close-up



HUENEME DRAIN

HUENEME PUMP STATION

'J' STREET DRAIN

Site Plan - Ormond Lagoon Pumping - 4-96-192

EXHIBIT 5 (2of 2)
 Permit 4-96-192
 Pump Placement close-up

SPECIAL CONDITIONS FOR NO. 96-50357-LM

1. To minimize the adverse impacts associated with pumping to lower the water level in the lagoon and associated waterways, the permittee shall ensure that pumping is not initiated until and unless the water level in the lagoon reaches 5.5 feet msl. The water level of the lagoon and associated waterways shall not be lowered below 5.5 feet msl. In the event of natural breaches and reforming of the sandbar at the mouth of the lagoon, the water level shall be allowed to rise to 5.5 feet msl before pumping is resumed.
2. To minimize public safety impacts and aesthetic concerns, and to reduce the incentive to undertake the same activities to accomplish long-term reductions in water levels in the Ormond Lagoon complex, the proposed project shall be carried out for the duration of this year's rainy season only by ensuring that the temporary submersible pump and 14-inch polyethylene pipeline are removed from waters of the United States by June 1, 1997.
3. The permittee shall notify the U.S. Army Corps of Engineers Regulatory Branch, Ventura field office (Corps) at least 3 working days prior to project initiation (the first pumping effort following installation of the pump), to arrange for the Corps' project manager to be present when pumping is initiated in order to conduct a compliance inspection. This notification shall be by FAX (805-641-0230), followed by written notification by mail.
4. To minimize impacts to natural resources in the Ormond Lagoon wetlands complex, the permittee shall continue to pursue development of a long-term water level management plan. The plan shall focus on management actions that would reduce flooding of adjacent lands while maintaining optimal habitat for the biological resources of the lagoon complex, particularly federally listed threatened and endangered species. The permittee shall closely coordinate with the Corps and the U.S. Fish and Wildlife Service in developing the management plan.
5. To evaluate potential project-related impacts of lowering the water level on Salt Marsh Bird's Beak, a federally listed endangered species, the applicant shall ensure that surveys for this species are conducted by a qualified botanist during the next annual flowering period (1997, roughly July - September). The surveys shall include mapping of salt marsh bird's beak patches occurring within the Ormond Lagoon wetlands complex. The name and telephone number of the botanist, and the survey methodology, including the geographic scope of the survey, shall be submitted to the Corps' Ventura Office for approval prior to contracting for the surveys.
6. To evaluate the extent of dewatering of wetlands resulting from project implementation, the applicant shall ensure that aerial photographs of the Ormond Lagoon wetlands complex are taken when the water level is at 5.5 feet. The photographs shall be submitted to the Corps' Ventura office no later than May 1, 1996.
7. To minimize disturbance within the Ormond Lagoon and associated wetlands, the permittee shall ensure that staging and storage areas for equipment and materials, with the exception of the pump and pipe, are located on existing roadways.

8. To minimize impacts to the lagoon and associated wetlands, no debris, soil, silt, fill, sand, rubbish, cement or concrete, oil or petroleum products, shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into Ormond Beach Lagoon.

9. To minimize noise impacts, the permittee shall ensure that pump operation is conducted as described in the project description provided to the Corps by the applicant in the application package submitted on June 27, 1996, and completed with supplemental information on August 9, 1996. Specifically:

a. Pump operation shall be limited to Monday through Friday between the hours of 7:00 a.m. and 7:00 p.m.

The following special conditions are specifically intended to minimize project-related impacts to tidewater goby:

10. To monitor the effects of the project on tidewater goby, the applicant shall ensure that if any portion of the pump is below the water surface, a qualified fisheries biologist, with a valid Scientific Take permit from the U.S. Fish and Wildlife Service, is present during initiation of pumping activities and subsequent cleanings of the pump intake screen. The name and telephone number of the biologist shall be submitted to the Corps' Ventura office and the U.S. Fish and Wildlife Service Ventura Field Office for approval prior to initiation of pumping activities. During cleanings of the pump intake screen, the biologist shall identify and record any dead fish that are found. The applicant shall provide a written report summarizing the results of the fish identification efforts to the Corps and the U.S. Fish and Wildlife Service Ventura field office by May 1, 1997. The report shall describe and evaluate the success of these special conditions in reducing mortality to the tidewater goby.

11. All personnel involved with implementation of the proposed action shall be informed of the presence of the tidewater goby in Ormond Lagoon and its tributaries and the measures which are being implemented to conserve tidewater gobies during pumping activities.

12. To prevent tidewater gobies from becoming entrained in the pumps, the permittee shall ensure that the screens located on the inlets to the pump station from Bubbling Springs and Perkins drainages are inspected and, if necessary repaired so that they are in working order prior to initiation of pumping activities. The intake of the temporary submersible pump shall be fitted with a minimum 1/8-inch-mesh screen or other device, or positioned in a manner (to be approved by the Corps) to prevent entrainment of tidewater gobies.

13. All fish shall be induced to move away from the intake area of the pump prior to starting the motor during any instance of pumping. This inducement could be achieved by briefly starting the pump and shutting it off immediately before pumping water or by disturbing fish near the intake in some other non-lethal manner.

14. Pumping operations shall be conducted as described in the project description provided to the Corps by the applicant in the application package submitted on June 27, 1996, and completed with supplemental information on August 9, 1996. Specifically:

- a. The rate of pumping shall not exceed 3,000 gallons per minute;
- b. The level of Ormond Lagoon shall not be lowered below 5.5 feet msl;
and,
- c. The pump and pipeline will be removed following project completion,
no later than June 1, 1997.

