

**CALIFORNIA COASTAL COMMISSION**

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**STAFF REPORT AND RECOMMENDATION****ON CONSISTENCY DETERMINATION**

Consistency Determination No. **CD-067-97**  
Staff: JRR-SF  
File Date: 5/21/1997  
45th Day: 7/5/1997  
60th Day: 7/20/1997  
Commission Meeting: 6/10/1997

**FEDERAL AGENCY: CORPS OF ENGINEERS****DEVELOPMENT****LOCATION:**

Surfside/Sunset Beach, Orange County (Exhibit 1).

**DEVELOPMENT****DESCRIPTION:**

Modification to previously approved beach replenishment project including relocation of discharge site, modification of discharge method, and extension of time (Exhibit 2).

**SUBSTANTIVE FILE DOCUMENTS:**

1. CD-027-89 and CD-028-97, Consistency Determinations by the Corps of Engineers for beach replenishment project at Sunset/Surfside beaches, Orange County.
2. ND-058-95, ND-003-97, ND-020-97, Negative Determinations by the Corps of Engineers for beach replenishment project at Sunset/Surfside beaches, Orange County.

## **EXECUTIVE SUMMARY**

The Corps of Engineers proposes to modify a previously approved beach nourishment project at Sunset/Surfside Beach in Orange County. The modifications include: 1) relocation of discharge site from the beach owned by the Naval Weapons Station, Seal Beach to the adjacent public beach; 2) excavation of a 600-foot settling pond with filter fabric sediment curtains at the outfall of the pond; 3) discharge of mined sand into the settling pond; and 4) extension of project termination date to July 31, 1997. The Commission staff originally approved a negative determination for the overall project in January 1997. The Corps modified that project in May to extend the project termination date and change the discharge method to reduce turbidity. The proposed modifications are necessary because routine monitoring demonstrated that the turbidity mitigation originally proposed was not effective and alternative mitigation is necessary.

The proposed project involves discharges into the marine environment during the least tern nesting season and the California grunion spawning season. A significant increase in turbidity could interfere with foraging of the tern and the spawning of the grunion. The Corps proposes the use of a settling pond and filter fabrics to minimize turbidity. Additionally, the Corps will station a biologist to monitor project effects on the tern and grunion. With these measures, the project is consistent with habitat policies of the CCMP.

The project involves excavation of a settling pond and discharge of sand on a public beach. The project will occur through the end of July, when recreational use of the beach is at its highest. Therefore, the project will interfere with recreational use of the coastal zone. Despite this impact, the project is consistent with the CCMP, because its beach nourishment benefits will significantly improve recreational uses. The project impacts to recreation are temporary and short term, where the benefits are more long lasting. Therefore, the project is consistent with the recreational policies of the CCMP.

## **STAFF SUMMARY AND RECOMMENDATION:**

### **I. Project Description.**

The Corps of Engineers proposes to modify a previously approved beach nourishment project at Sunset/Surfside Beach in Orange County. The modifications include: 1) relocation of discharge site from the beach owned by the Naval Weapons Station, Seal Beach to the adjacent public beach; 2) excavation of a 600-foot settling pond with filter fabric sediment curtains at the outfall of the pond; 3) discharge of mined sand into the settling pond; and 4) extension of project termination date to July 31, 1997. The Corps will use sand from the excavation of the pond as a berm around the pond and the sand

will remain on the beach. The Corps will restore the project site at the completion of the project.

## **II. Status of Local Coastal Program.**

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

## **III. Federal Agency's Consistency Determination.**

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

## **IV. Staff Recommendation:**

The staff recommends that the Commission adopt the following motion:

MOTION. I move that the Commission concur with the Corps of Engineers' consistency determination.

The staff recommends a YES vote on this motion. A majority vote in the affirmative will result in adoption of the following resolution:

### **Concurrence**

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

## **VI. Findings and Declarations:**

The Commission finds and declares as follows:

A. **Background.** Human activities have altered the natural shoreline sand transport processes in this area. The installation of flood-control structures on the Los Angeles, San Gabriel, and Santa Ana Rivers and the construction of the Los

Angeles/Long Beach breakwater system along with the Anaheim Bay jetties contribute to the erosional state of the Sunset/Surfside Beach area. Local beaches have been continually eroding since the 1940's. Congress mandates that the Corps conduct regular beach nourishment activities in this area to sustain both beach recreation opportunities and provide additional shoreline protection from storm damage.

The overall project consists of placing approximately 1.6 million cubic yards of sand on the beach area immediately downcoast of the Anaheim Bay east jetty (east jetty) for approximately 1.1 mile (ND-3-97). The Commission staff originally approved a negative determination for the current project in January 1997. The Corps modified that project in May to extend the project termination date and change the discharge method to reduce turbidity. The proposed modifications are necessary because routine monitoring demonstrated that the turbidity mitigation was not effective and alternative mitigation is necessary.

**B. Habitat Resources.** Section 30230 of the Coastal Act provides 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 30240(a) of the Coastal Act provides 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.*

The proposed project is within foraging habitat for the federally listed California least tern and spawning habitat for the recreationally significant California grunion. The tern forages in the offshore area near the proposed project. Since the tern uses sight to locate its small-fish prey, increases in water turbidity affect its ability to feed and to nourish its young. The grunion uses the beaches in this area to spawn. The grunion's unique spawning method requires the fish to come ashore during summer high tides and lay their eggs above mean high tide. The proposed project could affect the grunion in two ways: 1) the discharge of sand on the beach could cover eggs and 2) increases in turbidity could prevent the grunion from coming ashore.

The project is consistent with the Coastal Act because its purpose is to reduce the turbidity caused by the discharge of sand on the beach. The Corps proposes to discharge sand into the 600-foot settling pond. Most of the sand from the project will settle into the

pond. The sediment curtains will trap any material suspended in the return water, and thus the return water will be "cleaned" of the remaining sediment. The Corps designed the pond to avoid direct impacts to grunion spawning habitat. Finally, as an extra measure of assurances, the Corps proposes to post a biologist to monitor the site for the remainder of the project. With these measures, the project will not significantly affect tern or grunion habitat. Therefore, the Commission finds the project consistent with the habitat policies of the CCMP.

**C. Recreational Resources.** Section 30210 of the Coastal Act provides that:

*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 30223 of the Coastal Act provides that:

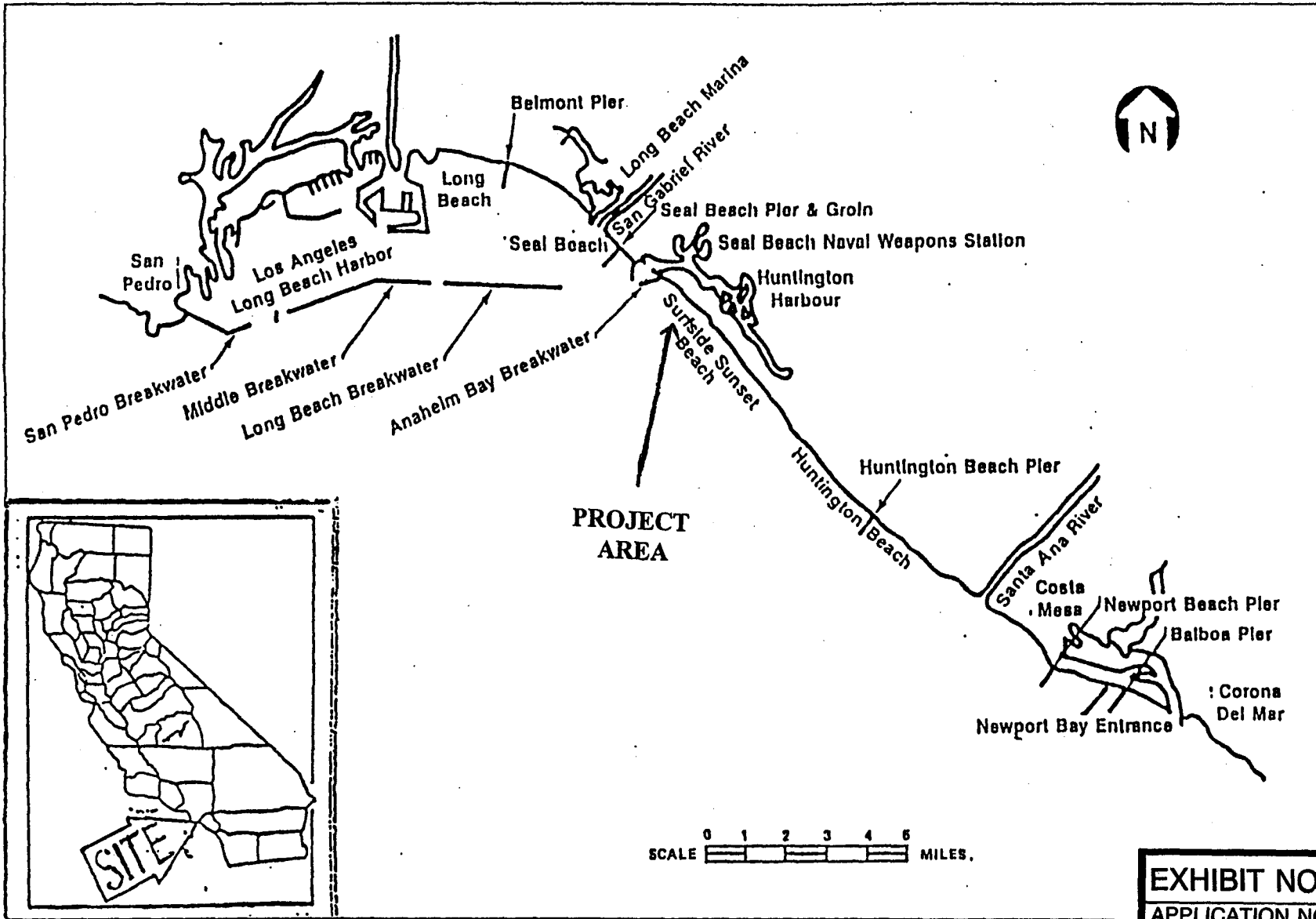
*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

The proposed project includes construction activities on the sandy beach. These activities include placement of pipeline, excavation of a settling pond, and disposal of sand. The effects from the placement of sand on the beaches include the following: construction noise, the unaesthetic appearance of recently dredged sand, possible bad odors associated with the newly dredged material, and the pipeline interfering with vertical access to the shoreline. Additionally, the excavation of a settling pond will use a portion of the beach that would otherwise be available for beach recreation use. Finally, because of potential safety concerns, the Corps will exclude the public from the disposal area during the operation.

The proposed project originally minimized these impacts by terminating before the peak recreation season. The first extension authorized by the Commission in May allowed discharge of sand during the peak recreation season, but minimized the impact to recreation by limiting its discharge to beaches owned by the Navy (Naval Weapons Station, Seal Beach), which are closed to public use. The proposed modification further extends the project into the peak recreation season and changes the discharge location from Navy beach to public beaches. As the settling pond fills in, the Corps will expand the pond to the south. The modified project could temporarily degrade public recreational use of 2000 feet of beach. Clearly, the project will adversely affect coastal recreational resources.

Despite this effect, however, the project is consistent with the recreation policies of the CCMP. The project will place 1.6 million cubic yards of sand on the beach. This sand will increase beach width and expand the area available for beach recreation. This project will result in long term benefits to this beach because the sand will stay in the littoral system for many years to follow. Additionally, because the sand will stay in the littoral system, it will benefit downcoast beaches. Finally, the project modifications are necessary to reduce turbidity to protect endangered and recreationally significant species.

On the other hand, the project impacts are temporary. The Corps will restore the beach to its original profile at the completion of the project, July 31, 1997. Additionally, the project will affect only a small portion of the beach, the construction site. Therefore, the Commission finds long-term regional benefits from the project outweigh its impact. In conclusion, the Commission finds that the project is consistent with the recreation policies of the CCMP.



PROJECT LOCATION MAP

FIGURE 1

EXHIBIT NO. 1
APPLICATION NO.
CO-67-97
California Coastal Commission



**DEPARTMENT OF THE ARMY**

LOS ANGELES DISTRICT, CORPS OF ENGINEERS

P.O. BOX 532711

LOS ANGELES, CALIFORNIA 90053-2325

May 21, 1997

EXHIBIT NO. 2
APPLICATION NO. CO-67-97
2 pages
California Coastal Commission

Office of the Chief  
Environmental Resources Branch

Mr. Peter Douglas  
Executive Director  
California Coastal Commission  
45 Fremont, Suites 1900 and 2000  
San Francisco, California 94105

Dear Mr. Douglas:

Concerns with the extent of turbidity at the Stage 10 Surfside-Sunset project site were discovered by Corps of Engineers Environmental Resources Branch staff through visual monitoring activities conducted between May 8 and May 13, 1997. Construction activities were terminated on May 14 pending implementation of functional mitigation measures as stipulated in the Surfside-Sunset Stage 10 Supplemental Environmental Assessment (SEA) dated November 1996, and subsequent coordination with your staff and the U.S. Fish and Wildlife Service (FWS) in March 1997. A representative from the FWS visited the project site on May 13 to view the project site conditions prior to termination of construction activity, and concurred with our concerns regarding the effect of turbidity on the endangered California least tern.

On May 15, 1997 the construction contractor submitted a proposal for reducing turbidity to acceptable limits, and Corps staff along with FWS staff met in the field to view the effectiveness of the measures and determine whether construction could proceed. The method employed by the contractor to reduce turbidity involved the excavation of an approximately 600 foot-long settling pond, about 4 feet in depth, into which the dredged material was discharged at one end. Discharge pipes located at the far end of the pond released the water from disposal operations by gravity flow through a series of geotechnical filter fabric curtains. This method to date has been successfully employed to reduce turbidity significantly enough to allow construction operations to proceed. We do have a biological monitor on-site on a daily basis, however, to assure that these conditions are maintaining an acceptable condition so as to assure no adverse effect on the California least tern.

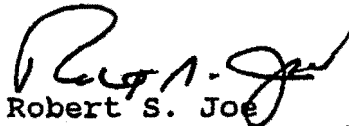
Implementation of these measures has resulted in the expansion of nourishment operations off Navy property, as stipulated in our last SEA, onto the public beach area in front of the homes at Surfside Colony. We anticipate that these operations will impact approximately 2000 feet of beach between the Navy property and Anderson Street through project completion.



operations will impact approximately 2000 feet of beach between the Navy property and Anderson Street through project completion. In addition, construction delays associated with high swell conditions and the impact on operations imposed by the turbidity reduction method have reduced the rate at which material is being placed on the beach, consequently impacting our anticipated date for project completion. Therefore, the Corps requests approval at the June Coastal Commission hearing for continuation of construction, including implementation of the turbidity reduction method currently being employed, through the end of July, 1997. A Consistency Determination will be prepared and submitted to the Coastal Commission for the June hearing.

We appreciate your prompt action and inclusion of our request on the June Coastal Commission agenda. If you have any questions, please contact Ms. Pam Castens, Chief, Environmental Planning Section, at 213-452-3851. Thank you for quickly expediting this matter.

Sincerely,



Robert S. Joe  
Chief, Planning Division