

CALIFORNIA COASTAL COMMISSION

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STAFF RECOMMENDATION
ON CONSISTENCY DETERMINATION

Consistency Determination No.	CD-64-98
Staff:	MPD-SF
File Date:	6/5/1998
45th Day:	7/20/1998
60th Day:	8/4/1998
Commission Meeting:	7/10/1998

FEDERAL AGENCY: **U.S. Army Corps of Engineers**

DEVELOPMENT
LOCATION:

Ventura Harbor and adjacent beaches to the south,
Ventura County (Exhibits 1-4)

DEVELOPMENT
DESCRIPTION:

Six-Year Maintenance Dredging Program consisting of the annual maintenance dredging of 500,000 cubic yards of sand from existing Ventura Harbor navigation channels and sand traps, with disposal of material on McGrath State Beach (including surf and/or nearshore zones) and South Beach (under emergency conditions only).

SUBSTANTIVE FILE
DOCUMENTS:

1. Army Corps of Engineers Ventura Harbor Consistency and Negative Determinations:
 - a. CD-54-94 - Maintenance dredging and beach/nearshore disposal
 - b. ND-35-92 - Harbor improvement plan modifications
 - c. CD-53-91 - Six-year dredging plan modifications
 - d. CD-17-89 - Harbor improvement plan
 - e. CD-42-88 - Maintenance dredging and surf zone disposal
 - f. CD-51-86 - Maintenance dredging and beach disposal.

EXECUTIVE SUMMARY

The U.S. Army Corps of Engineers ("Corps") is proposing a Six-Year Maintenance Dredging Program to maintain existing navigation channels and sand traps at Ventura Harbor. Approximately 500,000 cu. yds. of sandy material would be dredged annually, with disposal as beach replenishment south of the Harbor, at one or more of the following sites: (1) beach, surf zone, and/or nearshore disposal at McGrath State Beach (i.e., south of the of the Santa Clara River mouth); and, possibly, (2) nearshore disposal at South Beach (i.e., north of the Santa Clara River mouth), if needed either during (a) periods of flood flows in the Santa Clara River when the disposal pipeline is unable to safely cross the river, and/or (b) between March 15 and March 31 (in the event the contingency disposal plan to protect nesting plovers is implemented at McGrath Beach).

The dredging program is similar to previous Commission-authorized Corps dredging and beach disposal projects at Ventura Harbor. As it has been previously, the major issue raised is the need to assure that dredging and disposal activities minimize impacts to sensitive habitat resources, primarily, grunions, least terns, and snowy plovers. Impacts to these species can be avoided by completing dredging and disposal within the Sept. 15-March 15 time period. When unforeseen contingencies (e.g., late winter storms or mechanical failures) extend dredging beyond March 15, the Corps has committed to using diked, single-point beach disposal to minimize turbidity and grunion smothering, and resolves least tern and grunion issues. For the remaining sensitive species, the Corps has committed to a specific snowy plover contingency plan. Under this plan: (1) the Corps will coordinate with the Coastal Commission staff and other "resource" agencies in the event post March 15 disposal appears imminent; (2) disposal will be limited to diked or single-point disposal to reduce turbidity; (3) a qualified biologist will survey and map the area for potential snowy plover nesting activity, and will perform field operations to determine potential impacts; (4) if any adverse impacts to the plover nests would occur, dredging will stop; (5) in no event will disposal extend beyond March 31; and (6) materials (e.g., the pipeline and dikes will not be removed unless the removal will not affect snowy plovers).

With these measures, the project is consistent with the dredging, marine resources and sensitive habitat policies (Sections 30230, 30231, 30233, and 30240) of the Coastal Act because the project: (1) is an allowable for dredging and disposal; (2) complies with all applicable water quality standards; (3) provides for avoidance, monitoring, and mitigation measures to protect marine resources and other environmentally sensitive habitat; and (4) provides for beach replenishment of suitable sandy material. Finally, by replenishing public beaches and avoiding dredging during the peak recreational season, the project would improve recreation and is consistent with the public access and recreation policies (Sections 30210-30212) of the Coastal Act.

STAFF SUMMARY AND RECOMMENDATION

I. Project Description. The Corps proposes to conduct a Six-Year Maintenance Dredging Program at Ventura Harbor. The dredging is needed to maintain existing navigation channels and sand traps. The program includes the annual removal of up to 500,000 cubic yards (approximately 370,400 cubic meters) of sandy material from the entrance and navigation channels, and from the sand trap areas adjacent to the channels (Exhibit 3). Dredging is normally scheduled to occur between September 15 and March 15 each year (1998 through 2004). The dredging will likely be performed using a cutterhead hydraulic (pipeline) dredge, although a hopper or clamshell dredge (or a combination of dredge platforms) may also be used. Disposal of the sandy material, which is suitable for beach replenishment, will occur at one or more of the following disposal sites (Exhibit 4): (1) beach, surf zone, and/or nearshore disposal (in waters no deeper than -30 feet MLLW) along McGrath State Beach, beginning 200 feet south of the mouth of the Santa Clara River and extending south for 4,300 feet; and (2) nearshore disposal at South Beach, which is located between Ventura Harbor and the Santa Clara River, during periods of either: (a) flood flows in the Santa Clara River (which prohibit the disposal pipeline from crossing the river south to McGrath State Beach); and/or (b) between March 15 and March 31, if post-March 15 dredging is necessary and snowy plover nests are present.

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 LCP has been certified by the Commission and incorporated into the CCMP, it can provide guidance in applying Chapter 3 policies in light of local circumstances. If the LCP has not been incorporated into the CCMP, it cannot be used to guide the Commission's decision, but it can be used as background information. The San Buenaventura City LCP has been certified by the Commission and has been incorporated into the CCMP.

III. Federal Agency's Consistency Determination. The Corps of Engineers has determined the project 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 (CCMP).

V. Findings and Declarations:

The Commission finds and declares as follows:

A. Habitat/Marine Resources. The Coastal Act provides:

Section 30230. 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. 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....

Section 30233. (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: ...

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. ...

(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.

Section 30240. (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.

The Corps proposes to annually dredge and dispose approximately 500,000 cubic yards of sandy material, between September 15 and March 15 each year, for the next six-year period. Ventura Harbor has historically been dredged on an annual basis. The proposed dredging is necessary to maintain and restore previously dredged navigation channels and sand traps at Ventura Harbor. The Corps' program is consistent with past uses of the proposed sites for dredging and disposal, and the Commission has previously authorized similar dredging and disposal in the manner proposed by the Corps in its review of past Corps consistency determinations (see CD-54-94, CD-53-91, CD-42-88, CD-51-86, CD-30-85, and CD-2-83).

Section 30233(a) of the Coastal Act imposes a three-part test on dredging and filling projects: (1) the allowable use test; (2) an alternatives test; and (3) a mitigation test. As the Commission found in reviewing the dredging cases listed in the previous paragraph, Corps Ventura Harbor maintenance dredging with beach disposal of sandy material at downcoast beaches complies with these tests because: (1) maintenance dredging of existing channels is an allowable use under Section 30233(a)(2); (2) when the material is suitable for beach disposal, and when habitat and access issues have been adequately addressed, there is no less damaging feasible alternative; and (3) with the avoidance and monitoring measures addressing environmentally sensitive habitat needs (discussed further below), temporary disruption of the marine environment from dredging and disposal does not trigger the need for additional mitigation.

The above-cited previous Commission reviews have established that the major issue raised by this project is the need to assure that disposal operations minimize impacts to habitat resources. Prior to the listing of the western snowy plover as a threatened species in 1993, in these past reviews, avoidance measures focused on avoiding the March 15-September 15 period whenever possible, and when unforeseen contingencies (e.g., late winter storms or

mechanical failures) extended dredging beyond March 15, using only diked, single-point disposal to minimize turbidity. After the snowy plover was listed under the Endangered Species Act, habitat contingency measures needed to be expanded to assure that snowy plover nesting would not be disturbed. Accordingly, the Corps revised its commitments to implement a snowy plover contingency plan (in the event the dredging extends beyond March 15), as follows:

Western Snowy Plover. ... Specific measures will be taken to avoid impacts to nesting and wintering plovers, if beach disposal occurs. These measures include: completion of all beach disposal activity by March 15; and restriction of pipeline placement, vehicle use, and other activities. ... With the inclusion of these measures, beach (or surf zone) disposal will not affect this species. These measures would also protect spawning grunion, by limiting the area and season of impact.

If beach or surf zone disposal occurred, and operations (including pipeline, dike and berm removal) were not concluded by March 15, the following contingency plan would be initiated:

a) Coordination with resource agencies (USFWS and CDFG), [and including the Coastal Commission staff] would be re-initiated if and when it appeared that operations might continue beyond March 15.

b) If the USFWS believed the time extension was significant, and that further operations might impact the plover, operations would not proceed beyond March 15 until the following conditions were met:

1) A qualified biologist, ornithologist, or other plover expert examined the entire length of the pipeline and equipment corridor for evidence of active plover nesting. If no active nests were found and it was determined that the pipeline could be removed without impacts to the plover, all sections of pipe would be removed from McGrath State Beach.

2) If additional disposal was necessary, it would occur on South Beach. When this was concluded, additional plover surveys would be conducted to determine if the pipeline on South Beach could be safely removed. At this time, all berms shall be removed.

c) If, at any time, it was determined that active nesting prohibited the removal of pipeline, or the disposal of material, the COE [Corps] would instruct the contractor to immediately stop operations. Resource agencies, the California Coastal Commission, and the State Department of Parks and Recreation would be consulted to determine the best course of action. Options would include:

- (1) Pipeline burial, with removal after August 15;*
- (2) Narrowing the corridor of operations;*
- (3) Initiation of alternative methods of discharge;*
- (4) Monitoring by a qualified biologist, ornithologist, or other plover expert;*
- (5) Fencing of one or more corridors between the dunes and the surf to provide protected habitat for the plover; and, or*
- (6) Initiation of formal consultation with the USFWS, pursuant to Section 7 of the Endangered Species Act. All attempts would still be made to avoid harm or destruction of the nests.*

d) The Corps of Engineers would invite resource agencies to attend on-site inspections of post-March 15 beach disposal at the discretion of the COE and agencies. The COE Contracting Officer or representative would attend these inspections. If inspections revealed adverse impacts to grunion spawning, or the plover, reasonable alternative disposal methods and/or remedial measures would be evaluated and implemented by the COE.

e) Implementation of this contingency plan would allow an extension of operations only through March 31 of any year. If operations (including the removal of berms, and pipeline) are not completed by March 31, the Corps will initiate Section 7 consultation with the USFWS. (Note that these agencies may informally concur that the additional delay is not expected to impact any listed species, and that formal consultation is not required.)

In monitoring its past dredging projects in the region for impacts to plovers, the Corps notes:

The Corps of Engineers has conducted several beach and surf zone disposal operations within plover habitat, during both nesting and roosting seasons, without negative impact. Several years of beach disposal activities in Santa Barbara have not resulted in noticeable impacts to roosting or foraging plovers. In fact, monitoring revealed that the plovers tend to congregate near the disposal site, perhaps due to limited public access at that point (USACOE, 1993). The 1992-1993 beach disposal operation in Ventura was followed by the first plover nesting in that area in recent years. This, of course, is not conclusive evidence of a beneficial result, but it does support the contention that winter beach disposal does not have a negative impact on nesting success.

*Finally, surf zone disposal occurred on the Morro Bay Sand Spit from February to June 1987. Plovers and nests were closely monitored during disposal activities, and through the rest of the nesting season. Plovers were observed using the entire length of the ocean beach for roosting and foraging. The clutch-hatching rate could not be accurately determined, but estimates were comparable to, or significantly higher than, those at other plover nesting locations. There was no evidence that the dredging operation (including pipeline removal) decreased the snowy plover's breeding success at the sand spit (Hutchinson *et al.* 1987).*

The Corps also notes that:

These measures would also avoid possible impacts to the least tern, from beach disposal. Nearshore disposal will not occur beyond April 15, unless acceptable measures can be developed in coordination with the USFWS, to protect the least tern's foraging ability....

Finally, during one of the past Ventura Harbor dredge sessions an issue was raised concerning disposal of material adjacent to the mouth of the Santa Clara River, because the disposal occurred too close to the river mouth, potentially affecting spawning and juvenile steelhead trout and other sensitive habitat within the Santa Clara River estuary. The Corps has therefore committed in this consistency determination that disposal will not occur within 200 feet of the river mouth, and, further, that the disposal pipe outlet on the beach will be directed south, away from the river. This commitment will assure that fisheries and estuarine habitat associated with the Santa Clara River will not be adversely affected by the disposal.

With the contingency and avoidance measures discussed above, which are similar to previous commitments the Commission determined were adequate, the Commission concludes that the project is consistent with the dredging, marine resources, and environmentally sensitive habitat policies of the Coastal Act because it: (1) is an allowable use under and otherwise complies with Section 30233(a); (2) complies with all applicable water quality standards; and (3) contains avoidance, monitoring and mitigation measures adequate to protect marine resources and environmentally sensitive habitat. The Commission therefore finds the proposed project consistent with Sections 30230, 30231, 30233 and 30240 of the Coastal Act.

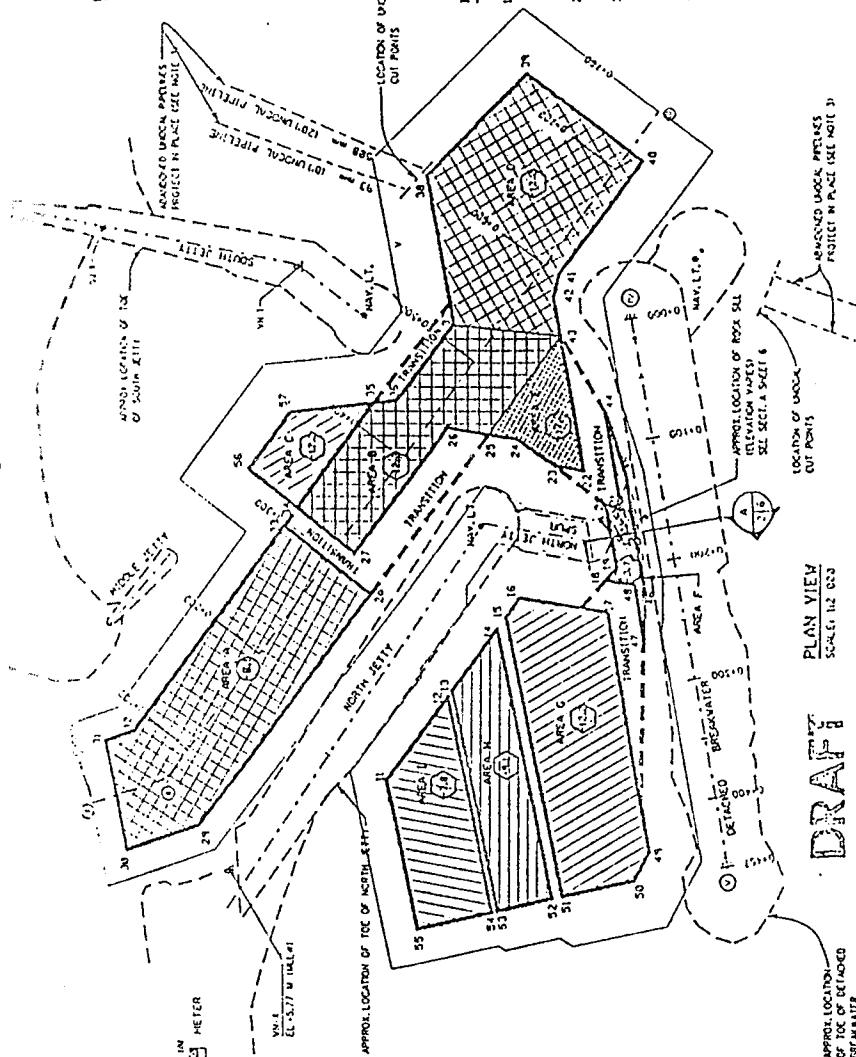
B. Sand Resources. Section 30233(b) of the Coastal Act (quoted on page 5) provides, in part, that where dredge material is suitable, it should be used to replenishment beaches or be placed within littoral sand systems. Physical testing by the Corps has re-established the compatibility of this littoral material with the proposed disposal sites, and confirmed that it is composed of at least 80% sand. Thus, the material proposed is suitable for beach replenishment. The Commission therefore finds that the proposed beach, surfzone, or nearshore disposal at McGrath State Beach and South Beach (under emergency conditions) is consistent with the sand resource policy (Section 30233(b)) of the Coastal Act.

C. Access and Recreation. Sections 30210-30212 and 30234 of the Coastal Act provide for the maximization of public access and recreation opportunities and the protection of recreational (and other) boating facilities. The proposed project will enhance access and recreation both at the dredging site, by maintaining channels needed for boating, and, at the disposal site, by replenishing beaches used for recreation. Furthermore, disposal operations will not occur during the peak recreational season. Therefore, while some access and recreation impacts will occur, such as public use restrictions within the dredging area and the immediate disposal area, and while the pipeline across the beaches will to a minor degree diminish recreation, these recreational impacts have been minimized and are short term. Overall, the project will improve access and recreation opportunities. The Commission therefore finds the project consistent with the applicable public access and recreation policies (Sections 30210-30212 and 30234) of the Coastal Act.

- LEGEND**
- GEODETIC AREA BOUNDARIES AT MAXIMUM DEPTH
 - TRANSITION OR CHANNEL BOUNDARIES
 - DREDGE TEMPLATE DAYOUT OF 31 SLOPESIDES
 - INDICATES CHANGED DEPTHS
 - INDICATES MAX. ADVANCE HEIGHT DEPTHS
 - EXISTING ROCK SILL
 - NAVIGATION LIGHT
 - SURVEY MONUMENT

DRAFT

- NOTES**
1. DREDGE BOUNDARIES AT MAXIMUM DEPTH DO NOT INDICATE THE ENTIRE LIMIT OF AREA TO BE DREDGED. TRANSITION AREAS 101 SLOPES FROM MAXIMUM DEPTH FOR 10% OF CHANNEL DEPTH.
 2. COORDINATES ARE BASED ON THE LARGEST OF CALIFORNIA SPACES 83 VERTICAL.
 3. UNION OIL COMPANY PIPELINES WERE REMOVED BETWEEN CUT POINTS BY LOCAL PRIOR TO 1943 DREDGING. LOCATION OF REMAINING PORTIONS OF PIPELINES IS SHOWN BY DASHED LINES. PROJECT-IN-PLACE REMAINING PORTIONS OF THE PIPELINES.
 4. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE INDICATED.



PLAN VIEW
SCALE: 1:12,000

DRAFT

BLANKY CONTROL

PT	NORTH	EAST	REMARKS
101	503 973.47	1 002 107.49	CHANGEL
102	503 973.47	1 002 107.49	CHANGEL
103	503 973.47	1 002 107.49	CHANGEL
104	503 973.47	1 002 107.49	CHANGEL
105	503 973.47	1 002 107.49	CHANGEL
106	503 973.47	1 002 107.49	CHANGEL
107	503 973.47	1 002 107.49	CHANGEL
108	503 973.47	1 002 107.49	CHANGEL
109	503 973.47	1 002 107.49	CHANGEL
110	503 973.47	1 002 107.49	CHANGEL

VERTICAL CONTROL USE NH-4 (ELEV. +5.77 METERS MSL)

PRINT CONTROL LIMITS

PT	NORTH	EAST	ELEV.	REMARKS
101	503 973.47	1 002 107.49	1 002 107.49	CHANGEL
102	503 973.47	1 002 107.49	1 002 107.49	CHANGEL
103	503 973.47	1 002 107.49	1 002 107.49	CHANGEL
104	503 973.47	1 002 107.49	1 002 107.49	CHANGEL
105	503 973.47	1 002 107.49	1 002 107.49	CHANGEL
106	503 973.47	1 002 107.49	1 002 107.49	CHANGEL
107	503 973.47	1 002 107.49	1 002 107.49	CHANGEL
108	503 973.47	1 002 107.49	1 002 107.49	CHANGEL
109	503 973.47	1 002 107.49	1 002 107.49	CHANGEL
110	503 973.47	1 002 107.49	1 002 107.49	CHANGEL

BOUNDARY AT MAX. DEPTH

DREDGE AREAS

AREA A

AREA B

AREA C

AREA D

AREA E

AREA F

AREA G

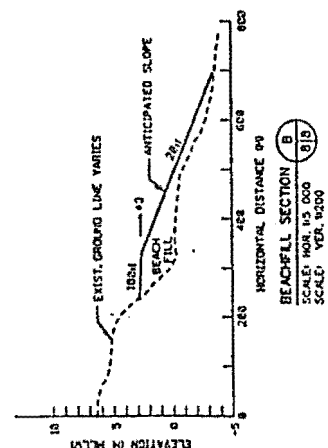
AREA H

AREA I

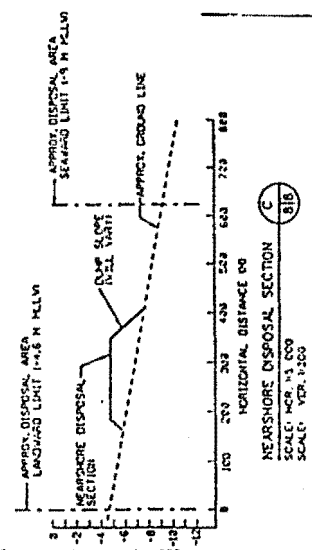
EXHIBIT NO. 3
APPLICATION NO.

CD-64-98

EXHIBIT NO.	4
APPLICATION NO.	
CD-64-98	
DISPOSAL SITES	



South Beach

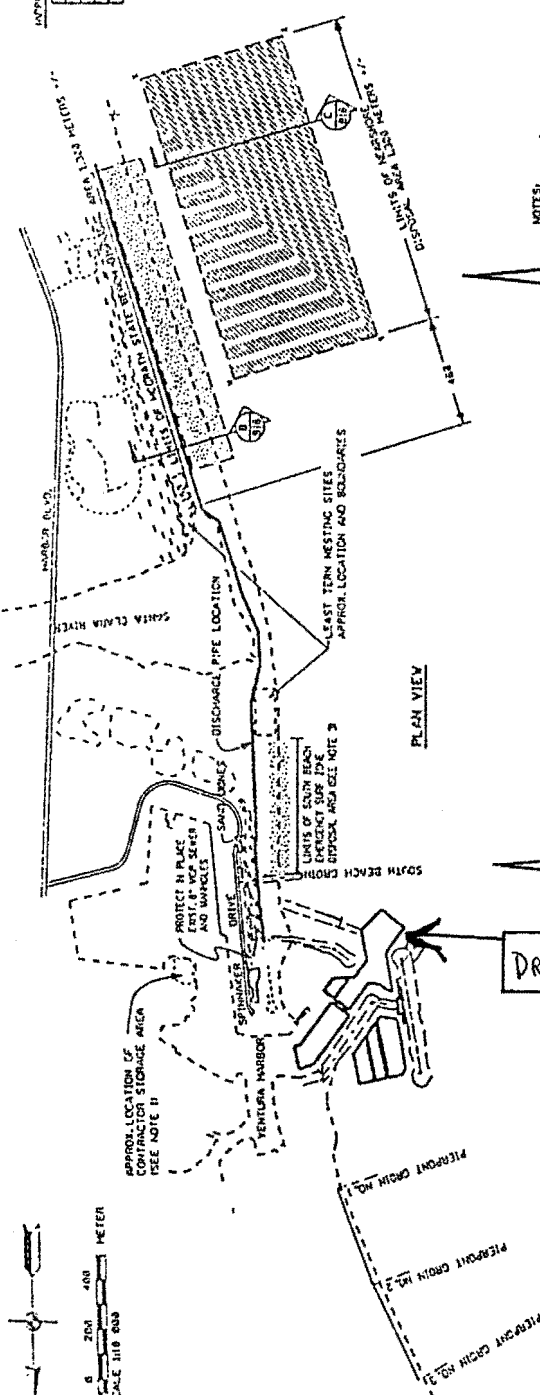


McGrath State Beach

SHEET FIVE

DREDGING

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NOTES:

1. APPROXIMATE LOCATION OF CONTRACTOR STORAGE AREA SHOWN. EXACT LOCATION TO BE DETERMINED BY VENTURA PORT DISTRICT OFFICIALS.
2. LENGTH AND WIDTH OF DISPOSAL AREAS SHOWN ARE APPROXIMATE.
3. SOUTH BEACH DISPOSAL AREA IS AN EMERGENCY SURF ZONE DISPOSAL SITE. SEE SPECIFICATIONS SECTION 02200 DREDGING FOR DETAILS.
4. NEARSHORE DISPOSAL MOUND HARDEN ELEVATION SHALL NOT EXCEED SAFE DRAFT AND SAFETY CLEARANCE LIMIT FOR HOPPER DREDGE.
5. COORDINATES ARE CALIFORNIA LAWRENCE ZONE 1 (DIPS 1983) VERTICAL.
6. DIMENSIONS ARE IN METERS UNLESS OTHERWISE INDICATED.

LEGEND:

- BEACH DISPOSAL AREA
- NEAR SHORE DISPOSAL AREA
- VEGETATED AREA, DUNE
- DREDGE AREA

THIS PROJECT WAS DESIGNED BY THE LOS ANGELES DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS. THE PLANS OR ANY PARTS THEREOF OR ANY INFORMATION CONTAINED THEREIN ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE DISTRICT ENGINEER. THE DISTRICT ENGINEER IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY RESULTING FROM THE USE OF THESE PLANS.

TABLE OF COORDINATES

POINT	NORTHING	EASTING
1	1000.000	1000.000
2	1000.000	1000.000
3	1000.000	1000.000
4	1000.000	1000.000
5	1000.000	1000.000
6	1000.000	1000.000
7	1000.000	1000.000
8	1000.000	1000.000
9	1000.000	1000.000
10	1000.000	1000.000

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