

## CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

45 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071



Th8j.

Filed: 06-23-98

49th Day: 08-11-98

180th Day: 12-20-98

Staff: RMR-LB

Staff Report: July 21, 1998

Hearing Date: August 11-14, 1998

Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-98-153

APPLICANT: Tennis Estates Homeowner Assoc. AGENT: Ralph Ardia/Cash &amp; Assoc.

PROJECT LOCATION: Harbor side of intersection of Humbolt Dr. & Saybrook Lane  
Huntington Beach, Orange County

PROJECT DESCRIPTION: Placement of 2-4 cubic yards of concrete grout under 50 linear feet of an existing seawall and placement of 400 yards of polypropylene fabric and 90 cubic yards of rock over 650 linear feet at the base of the 960 foot long seawall. Fill consists of 90 cubic yards of rock.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval of the proposed development with a special condition regarding construction responsibilities and debris removal. No objections to this application have been received and there are no known issues to be resolved. The applicant does not object to the special condition.

STAFF RECOMMENDATION:

The Staff recommends that the Commission adopt the following resolution:

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, 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 effects on the environment within the meaning of the California Environmental Quality Act.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Manhattan Beach Certified Local Coastal Program.
  2. Local Coastal Development Permit (Resolution) No. PC 5386.
- 

STAFF NOTE:

The Commission received a Notice of Final Local Action on May 27, 1998 (Exhibit C). The appellant filed an appeal in a timely manner on June 2, 1998, within 10 working days of receipt by the Commission of the notice of final local action (Exhibit E).

Pursuant to Section 30621 of the Coastal Act, a hearing on a Coastal Development Permit appeal shall be set no later than 49 days after the date on which the appeal is filed with the Commission. An appeal on the above described decision was received in the Commission office on June 2, 1998 (Exhibit C). The 49th day falls on July 21, 1998. The only Coastal Commission hearing scheduled between the date the appeal was filed and the 49 day limit is July 7-10, 1998.

In accordance with Section 13112 of the California Code of Regulations, staff requested on June 2, 1998, that the City of Manhattan Beach forward all relevant documents and materials regarding the subject permit to the Commission's South Coast Office. The City must transmit all relevant documents within five working days of their receipt of a Notice of Appeal. Those documents were not received until June 15, 1998. Consequently, a full analysis of the appealed project by Commission staff, which is necessary to prepare a staff report and recommendation for the July hearing, was not possible.

Therefore, pursuant to Section 13112 of the California Code of Regulations, the Commission opened and continued the Substantial Issue Hearing at the July meeting.

I. APPELLANT'S CONTENTIONS

On May 19, 1998, the City Council of the City of Manhattan Beach approved Local Coastal Development Permit No. PC 5386 to allow the City of Manhattan Beach to increase the fees for on-street parking meters in the downtown area from \$0.25 per hour to \$0.50 per hour. Subsequently, the appellant, Harry Ford, submitted an appeal of the City's approval of that coastal permit. In the appeal, the appellant's basic contention is that the increase in fees is not necessary and it will have an adverse impact on the downtown businesses. The appellant further contends that the City did not follow its LCP procedures for issuing coastal development permits.

### III. Special Condition

#### 1. Construction Responsibilities and Debris Removal

The applicant agrees not to store any construction materials or waste where it is subject to wave erosion and dispersion. In addition, no machinery will be allowed in the intertidal zone at any time. The permittee shall remove from the intertidal zone any and all debris which results from the construction period.

### IV. FINDINGS AND DECLARATIONS

#### A. Project Description

The proposed development consists of the repair of an existing 690 foot "L"-shaped bulkhead in the Christiana Bay portion of Huntington Harbour. There are existing voids under the bulkhead at the corner of the "L" shaped bulkhead and harbor muds and silt have been eroded away from the base of the seawall along approximately 650 linear feet. The applicant is proposing to repair the bulkhead by placing 2-4 cubic yards of concrete grout under 50 linear feet of an existing seawall and placing 400 yards of polypropylene fabric and 90 cubic yards of rock over 650 linear feet at the base of the seawall. Fill consists of 90 cubic yards of rock.

The proposed development is located in the Christiana Bay portion of Huntington Harbour (see Exhibit 1). To the north is Edinger Ave. and the Seal Beach Bay National Wildlife Refuge. To the southeast is residential development and then Warner Ave. and the Bolsa Chica Wildlife Refuge. To the southwest is the main channel of Huntington Harbour and then Pacific Coast Highway. The proposed development is located on a side channel northeast of the main channel.

The proposed development is a private community located in Huntington Harbour. Huntington Harbour is an 860-acre residential development oriented around a network of man-made water channels. The waterways provide significant opportunity for boating, which is the major recreational use of the harbour. The channel system within the harbor covers a surface area of 225 acres. All of the channels are fully bulkheaded with the exception of a few areas that are reserved for beach frontage. There is one entrance channel through Anaheim Bay. The entrance is located at the northwest end of the harbor and passes under a bridge at Pacific Coast Highway.

Although there is eelgrass in the main channel of Huntington Harbour, none was identified in the immediate vicinity of the seawall.

#### B. Marine Environment

Policies in the Coastal Act pertaining to the marine environment concern construction of shoreline protective structures (30235), protection of marine resources and protection of marine water quality.

1. Shoreline Protective Devices

a. Coastal Act Policy

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

b. Project Description/Analysis

The proposed development involves the repair of a seawall necessary to protect a 63-unit condominium development. Twenty-five of the condominiums are located along the seawall and are at risk if the seawall fails.

There are two elements to repairing the seawall. First, the corner of the seawall has become undermined and there are voids beneath the bottom of the keyway or cutoff wall extending inland behind the seaward face of the seawall (see Exhibit 3 and 5). Exhibit 3 shows that the mudline has been eroded away from and under the seawall footing so that any wood is exposed to seawater and burrowing creatures. Under a worse case scenario, if the erosion continues, the soils behind the seawall will continue to migrate seaward, causing settlement and damage to the existing residences. The applicant is proposing to fill those voids with concrete (see Exhibit 3). In addition, the applicant is proposing to place a vinyl sheet pile one foot seaward of the existing footing and three feet deep into the harbor bottom. The vinyl sheet pile would extend from the top of the footing to three feet into the harbor bottom. Concrete would be poured in the one foot space between the footing and the vinyl sheet pile. In a previous permit (5-96-023, Bahia Corinthian Yacht Club), the Commission has not required mitigation for fortifying the toe of a seawall.

The second part of the project concerns the loss of mudline along the seawall away from the corners. Exhibit 4 is a typical cross section of the development proposed for 650 feet of the seawall. The exhibit shows that the mudline has been eroded to the point where the footing is almost undermined. Exhibits 5, 6 and 7 show where the mudline is in relation to the seawall footing.

The divers conducted specific measurements of the seawall and the mudline to determine where support was needed. Cash and Associates determined in consultation with the divers that the mudline needed to be +6 inches above the bottom of the footing. The results of the diving investigations are shown in Exhibits 6 and 7. Exhibit 6 shows the southeast portion of the seawall. Exhibit 7 is the western portion of the seawall.

Exhibits 6 and 7 contain a linear schematic and a cross section schematic. The linear schematic of exhibit 6 shows the 348 foot section of the southeastern seawall. There are a row of positive numbers from 0 to 210 and a row of negative numbers underneath. The positive numbers represent diver

benchmarks, not actual linear distance. The negative numbers reflect diver measurements. The divers measurements are from the top of the footing (+18) to the bottom of the footing (0) to the bottom of the keyway (-18), as shown in Exhibit 5.

The diver measurements in Exhibit 6 range from -18" to -3". Looking at Exhibit 5, negative numbers mean that the mudline is "x" number of inches below the bottom of footing. It is 18" from the bottom of the footing to the bottom of the keyway or cutoff wall.

The southeast portion of the bulkhead has all negative numbers which means that the bottom of the footing is exposed along all 348 feet of this section of the seawall. The erosion is worse at the corner and decreases to the east. This means that the contractor proposes to place plastic fabric and rock to raise the level of +6" above the bottom of the footing (see Exhibit 5).

Exhibit 7 shows the northwestern segment of the wall. This segment is 614 feet long. The diver measurements on this section range from -10" at the corner to +11" at the far west. The contractors will place rock along the base of this wall until the +6" mark. This represents approximately 300 linear feet. Again, the upper row of positive numbers reflects diver benchmarks and not linear distance.

A comparison of the diver measurements in exhibits 6 and 7 show that the erosion is more severe in Exhibit 6 (southeast) than it is on Exhibit 7 (western side). The worst erosion is occurring at the corner.

The proposed development consists of repairs to an existing seawall which has suffered erosion of the harbor bottom muds resulting from the recent winter storms. The Commission has approved similar repairs for other seawall projects in Huntington Harbour and Newport Harbor. Consultants, marine engineers and local planners believe that because of the age of existing seawalls and the severity of recent storms, more and more seawall repair projects will be submitted for Coastal Commission review.

The applicant's consultants (Cash and Associates) submitted a letter dated June 23, 1998 in which they discussed alternatives to placement of filter fabric and rock. They note that placement of dredged materials at the base of the seawall would contribute to turbidity and dispersion of the dredged materials. In other words, it would be difficult to confine the dredged material to the precise location you want it to go. Rock, however, will not disperse in the water column, will not contribute to turbidity and does not need to be dredged.

The consultants also looked at the alternative of placing sheetpile adjacent to the wall. This alternative was dismissed because the current design of the seawall with a four foot overhanging deck makes it impractical (see Exhibit 3). In addition, mechanized equipment cannot be taken to the seawall because of the housing.

#### c. Coastal Act Consistency

The proposed development consists of repairs to an existing seawall which is endangered by erosion. Twenty-five condominiums are situated behind the seawall. These structures are at risk if the situation is not corrected and erosion continues unchecked. Therefore, the Commission finds that the

proposed development is consistent with Section 30235 of the Coastal Act and previous Commission actions in the Huntington Harbour area.

## 2. Marine Habitat

### a. Coastal Act Policies

There are several Chapter 3 policies pertaining to protecting and enhancing marine resources.

Section 30230 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 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.

### b. Project Description/Analysis

The subject site is located in the waters of Huntington Harbour. Except at extreme low tides, the proposed project would be underwater. The divers' reports and the letter from the Regional Water Quality Control Board confirm that there is no eelgrass in the immediate area. Eelgrass is found in the main channel, which is several hundred feet away from the project site. Further, the subject site is not designated in the certified local coastal program as an environmentally sensitive habitat area.

Staff contacted the Department of Fish and Game concerning the proposed development. Fish and Game personnel indicated that a letter was sent concerning a similar project at Trinidad Island in Huntington Harbour (5-97-223, Shea/Albert). In this letter (see Exhibit 9), Fish and Game stated:

The DFG recognizes that placement of rip-rap at the newly installed bulkhead at 3301 and 3312 Venture Drive would result in an initial loss of existing vegetation and some ecological benefits to associated species. However, the loss would likely be short-term, as the vegetation would reestablish itself on the rip-rap. Therefore, we continue to believe that placement of rip-rap at the project site would not have a significant impact on the marine environment, and do not object to the project going forward...

There is no eelgrass at the site. The project consists of the repair of an existing seawall and placing vinyl material and rock where harbor muds have been eroded away from the toe of the seawall. The applicant has submitted a letter of approval from the Regional Water Quality Control Board. Staff obtained verbal approval from representatives of the California Department of Fish and Game for this specific project and has included a letter from the California Department of Fish and Game approving a similar project in Huntington Harbour.

c. Coastal Act Consistency Findings

The project does involve construction and placement of construction materials in harbor waters. In order to ensure that excess materials do not end up in the harbor the Commission has included a special condition requiring that all construction materials are removed from the site following completion of the site. Only as conditioned does the Commission find that the proposed development is consistent with Section 30230 and 30231 of the Coastal Act.

C. Public Access

1. Coastal Act Policies

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The proposed development is located between the sea and the first public road.

Section 30210 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30211 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 30212 of the Coastal Act states, in relevant part:

- (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:
  - (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
  - (2) adequate access exists nearby, or,

- (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

...

- (4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

Section 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

## 2. Project Description/Analysis

The proposed development is a private community located in Huntington Harbour. The channel system within the harbor covers a surface area of 225 acres. All of the channels are fully bulkheaded with the exception of a few areas that are reserved for beach frontage. There is one entrance channel through Anaheim Bay. The entrance is located at the northwest end of the harbor and passes under a bridge at Pacific Coast Highway.

Although much of the recreational opportunity in Huntington Harbour is private, there are a number of public access amenities. Exhibit 8 is a map of the harbor from the certified LUP. As can be seen from this exhibit there is a public beach and a public park in the vicinity of the site. In addition, there is a public boat launch site adjacent to Warner Ave. off of the main channel. Finally, Sunset Aquatic Park is located to the northwest and Bolsa Chica State Beach is located to the south, both within one-half mile. Sunset Aquatic Park is a County of Orange facility with 260 boat slips and a large boat launching ramp.

## 3. Coastal Act Consistency

The project is located between the first public road and the sea. No public access to the harbor currently exists across the proposed site, which was constructed prior to the Coastal Act. The public has not acquired the right to access the project site by use or by historic legislation. However, there are public recreational facilities within the harbor, as noted above. The harbor is inland of Pacific Coast Highway and does not provide direct access to the beach. In any event, the nearby beach is Bolsa Chica State Beach, a public beach.

A public access dedication can be required pursuant to Section 30212 only if it can be shown that the proposed development is "new" development and is not one of the exceptions in 30212(b)(1-5). The proposed development consists of the repair of an existing seawall by fortifying the toe of the corner and 650



feet of the seawall with rock. The proposed development does not extend the seawall seaward and thus is not considered "new" development under Section 30212(b)(4). Therefore, public access is not required and the Commission finds that the proposed development is consistent with Sections 30210, 30210 and 30212 of the Coastal Act.

D. Local Coastal Program

The City of Huntington Beach Local Coastal Program (LCP) is effectively certified. However, the proposed project is located seaward of the mean high tide line and thus is within the Coastal Commission's original permit jurisdiction area. Therefore, pursuant to Section 30519 of the Coastal Act, the LCP does not apply to the proposed project. However, the certified LCP may be used for guidance in evaluating the proposed project for consistency with the Chapter 3 policies of the Coastal Act.

E. Consistency with the California Environmental Quality Act

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the amendment to the coastal development permit, 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)(A) 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 effect which the activity may have on the environment.

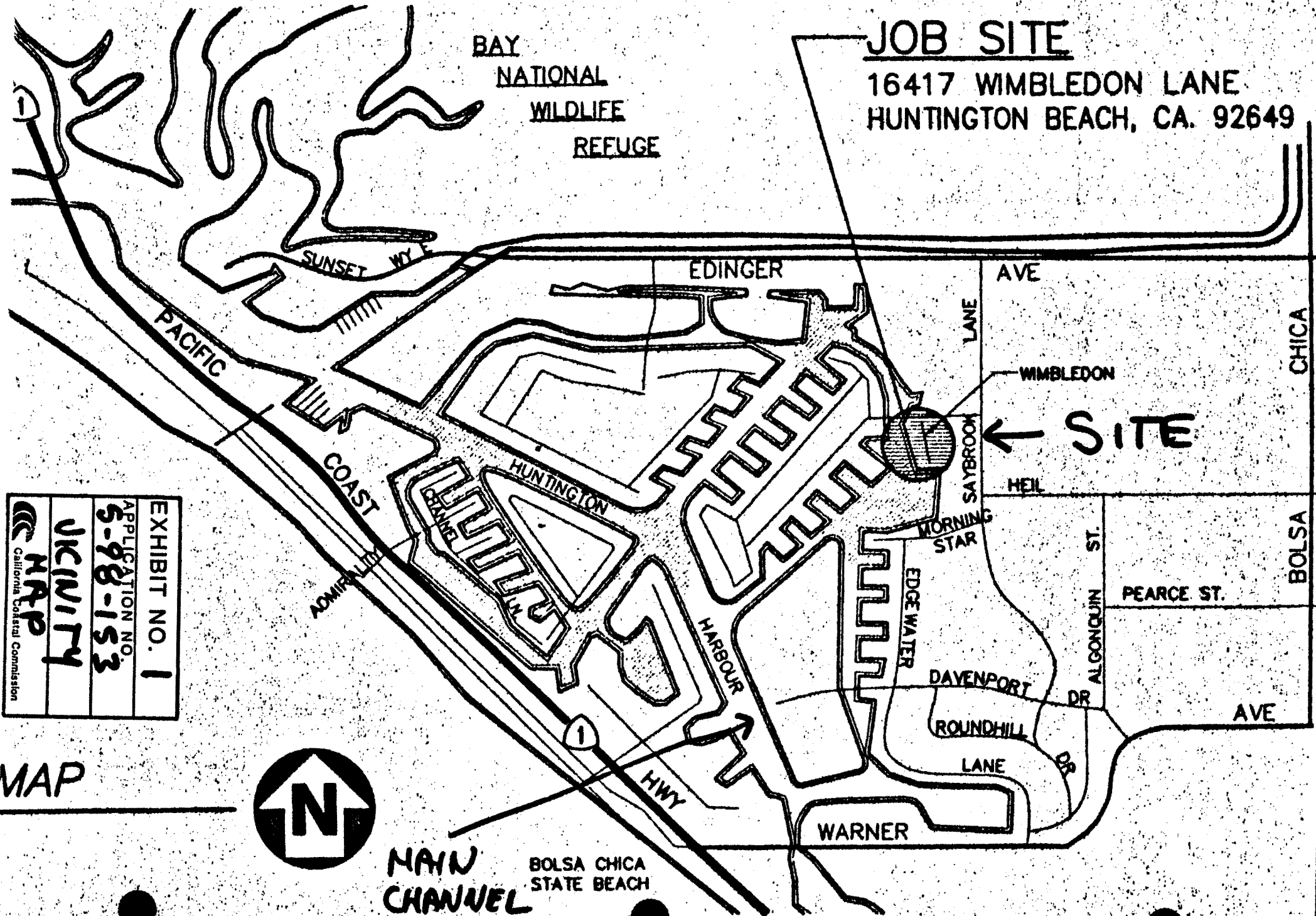
The proposed project has been conditioned in order to be found consistent with the flooding and geologic stability policies of Section 30253 of the Coastal Act. A mitigation measure; a special condition requiring removal of construction debris, will minimize all adverse effects. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

0893G

BAY  
NATIONAL  
WILDLIFE  
REFUGE

# JOB SITE

16417 WIMBLEDON LANE  
HUNTINGTON BEACH, CA. 92649




MAP



MAIN  
CHANNEL

BOLSA CHICA  
STATE BEACH

 California Coastal Commission	vicinity
	APPLICATION NO. 5-98-153
	EXHIBIT NO. 1

348'

348'-0" ± (SECT 3) TO E

2  
TYP

DATUM: MLLW

SEAWALL  
TILTED

DATUM → 25'-0" NTS

PROJECT  
NUMBER  
123.03  
RING NUMBER  
T-1

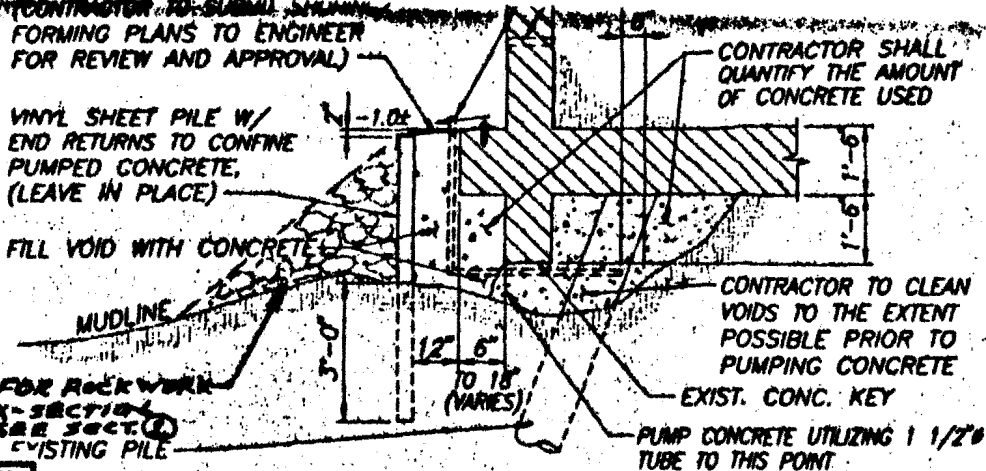
EXHIBIT NO. 22  
APPLICATION NO.  
5-98-153  
EASTERN  
SEAWALL  
California Coastal Commission

(CONTRACTOR TO SUBMIT DRAWING  
FORMING PLANS TO ENGINEER  
FOR REVIEW AND APPROVAL)

VINYL SHEET PILE W/  
END RETURNS TO CONFINED  
PUMPED CONCRETE,  
(LEAVE IN PLACE)

FILL VOID WITH CONCRETE

FOR ROCKWORK  
X-SECTION  
SEE SECT. ①  
EXISTING PILE



## SECTION AT VOIDS - CORNER CONDITION

SCALE: 3/8" = 1'-0"

WITHIN 25 FEET FROM CORNER  
(TOTAL LF  $\approx$  50.0 FT.)

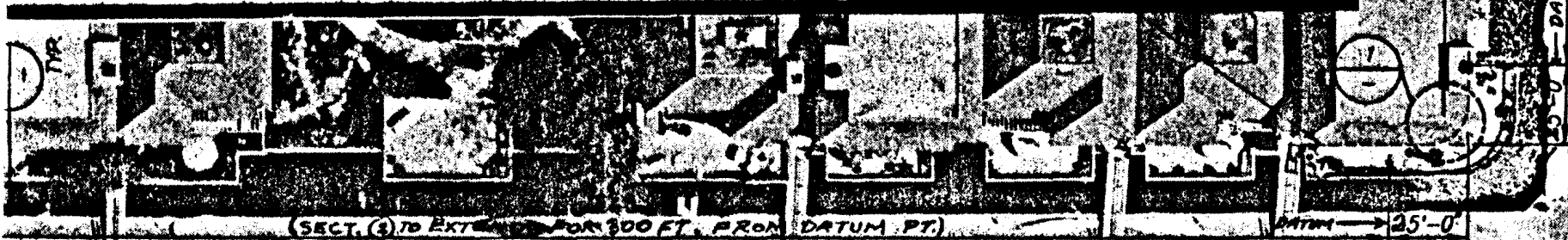
1

EXHIBIT NO. 26  
APPLICATION NO.  
5-98-153  
WESTERN  
Seawall  
California Coastal Commission

614'

DATUM: MLLW

EXTENT OF SEAWALL  
BELOW CANTILEVERED  
DECK, TYP.



(SECT. ③ TO EXTEND FOR 300 FT. FROM DATUM PT.)

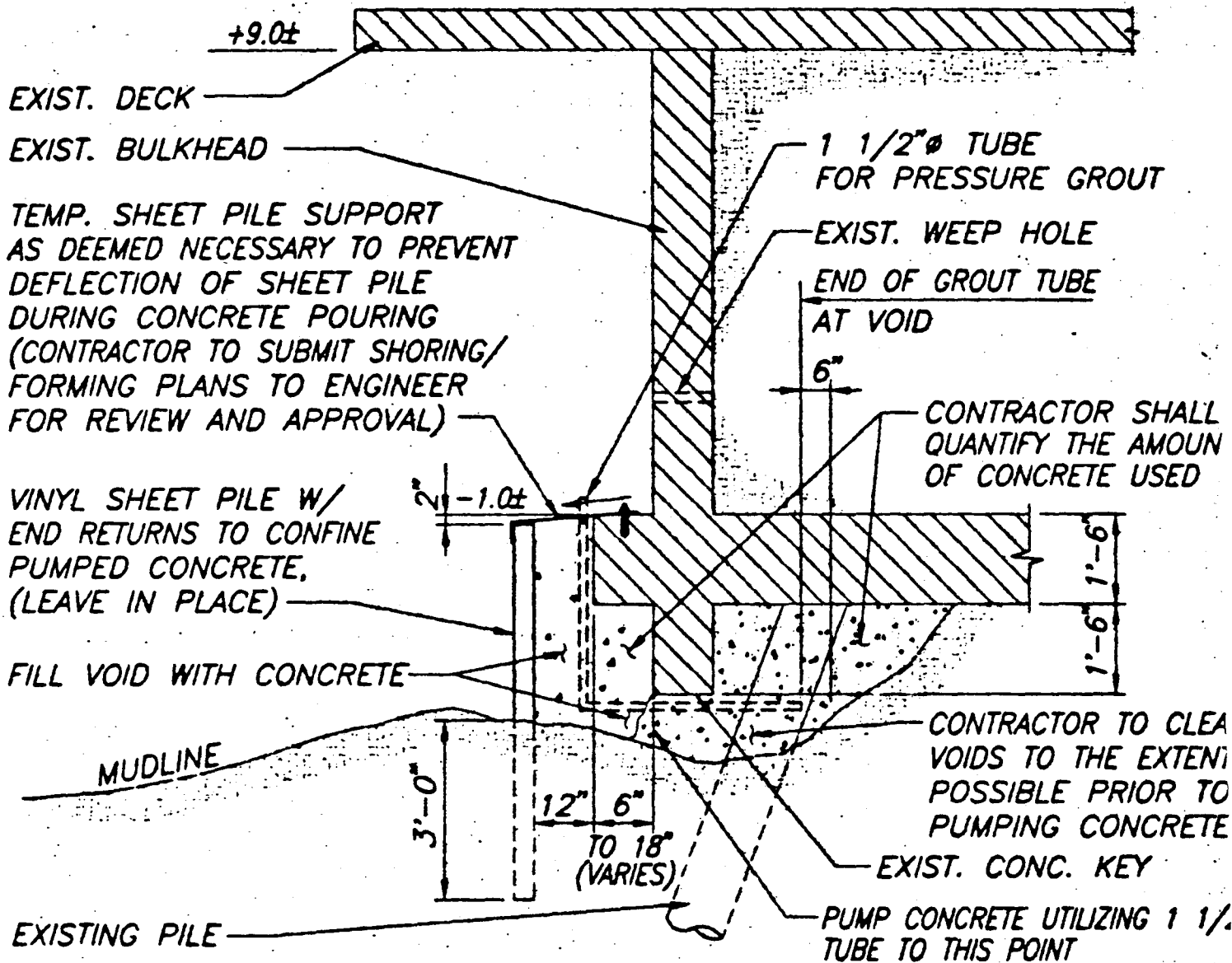
25'-0"

ENGINEER RHM

SEAWALL

AS NOTED



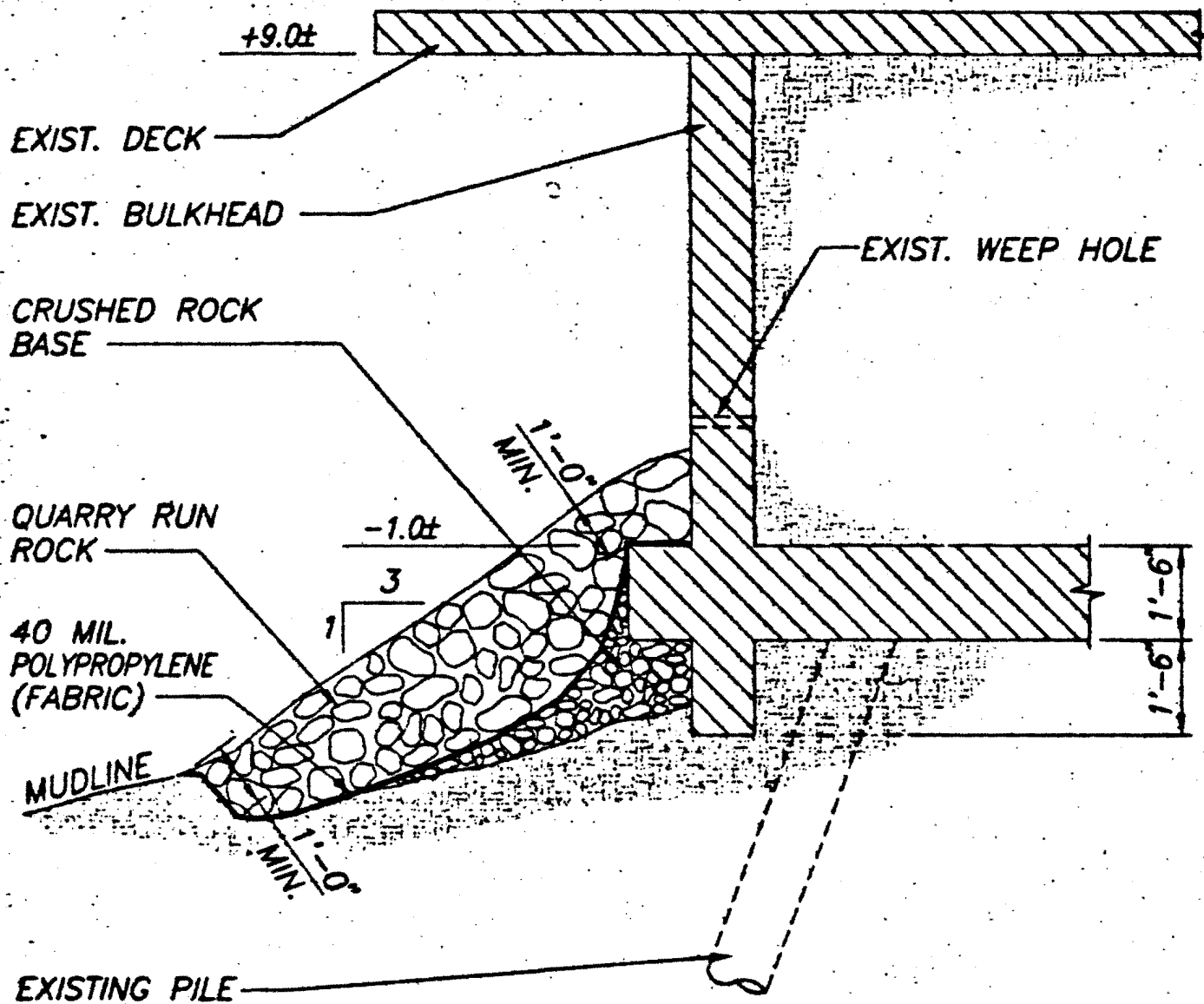


## SECTION AT VOIDS - CORNER CONDITION

SCALE: 3/8" = 1'-0"

WITHIN 15 FEET FROM CORNER  
(TOTAL LF ≈ 25.0FT.)

1



## SECTION AT BULKHEAD

SCALE: 3/8" = 1'-0"

BALANCE OF BULKHEAD

2

EXHIBIT NO. 4
APPLICATION NO. 5-98-153
ROCK SECTION
California Coastal Commission

# SEAWALL WITH FOOTING

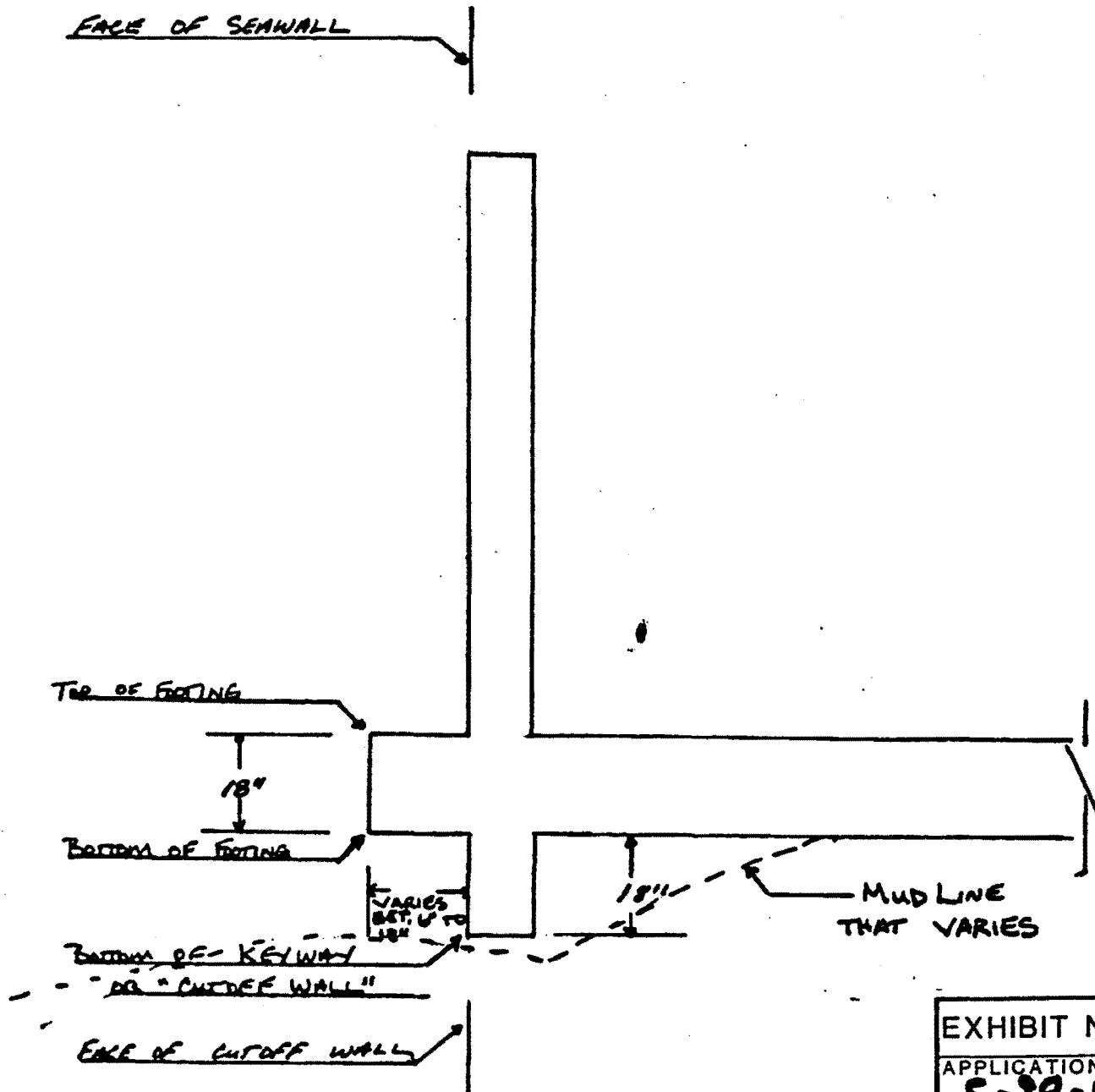


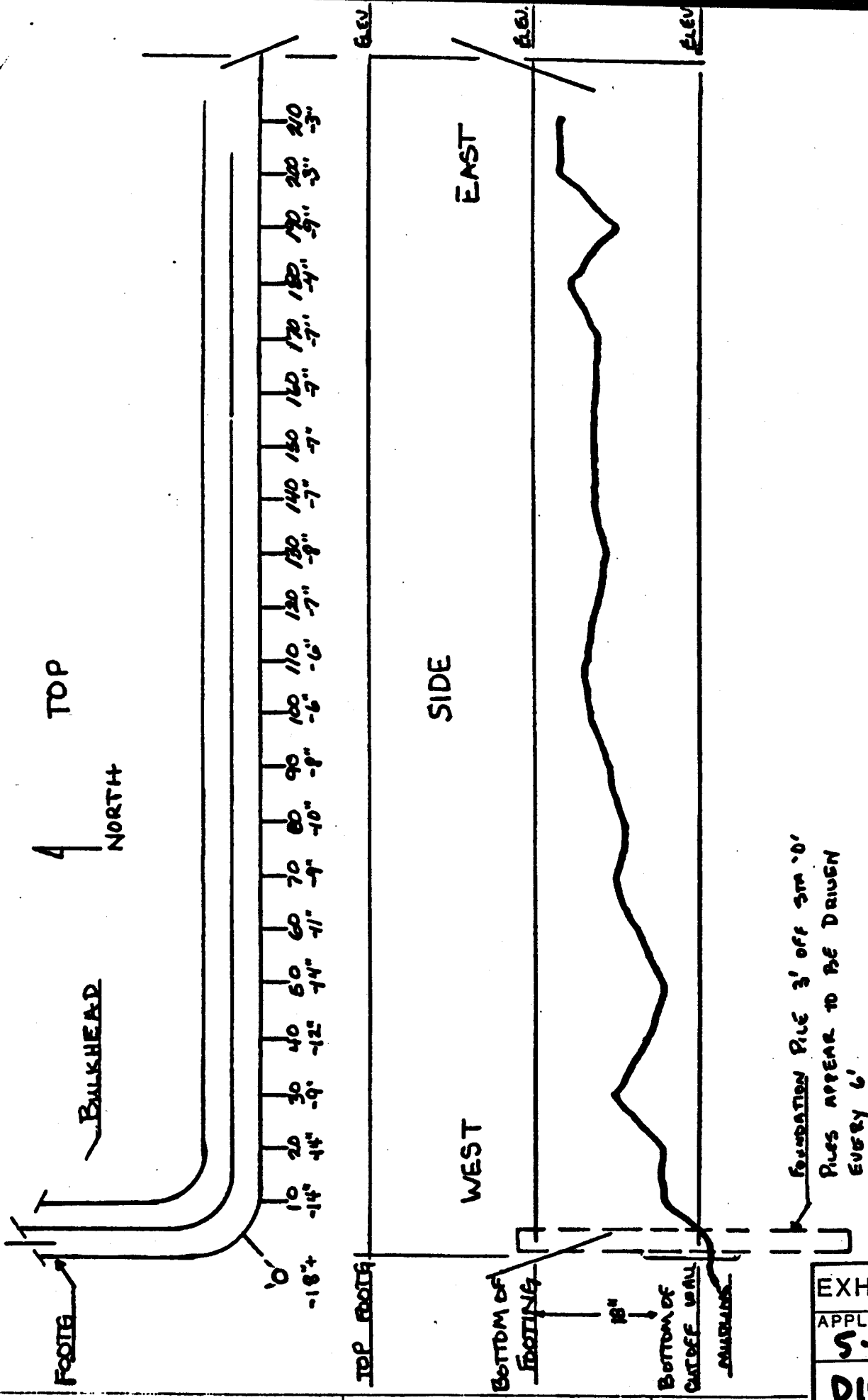
EXHIBIT NO. 5

APPLICATION NO.

5-78-153

SEAWALL

SECTION  
California Coastal Commission



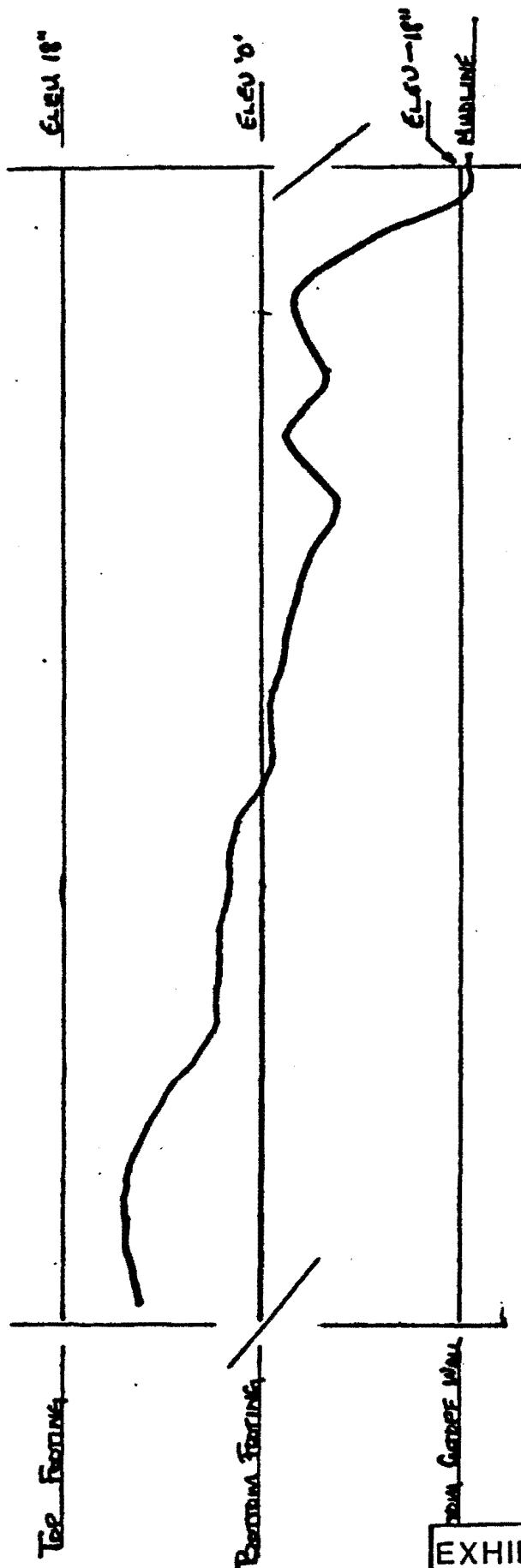
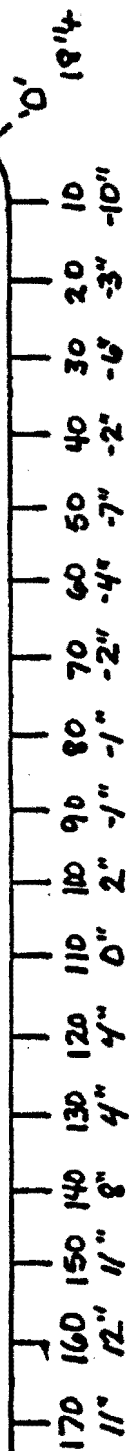
Foundation Pile 3' off 3m '0'  
 Piles appear to be driven  
 every 6'

EXHIBIT NO.	6
APPLICATION NO.	5-98-153
DIVER FINDINGS	
California Coastal Commission	

1. Name of the person or organization that conducted the investigation  
 2. Date of the investigation  
 3. Name of the person or organization that conducted the investigation  
 4. Date of the investigation  
 5. Name of the person or organization that conducted the investigation  
 6. Date of the investigation  
 7. Name of the person or organization that conducted the investigation  
 8. Date of the investigation  
 9. Name of the person or organization that conducted the investigation  
 10. Date of the investigation



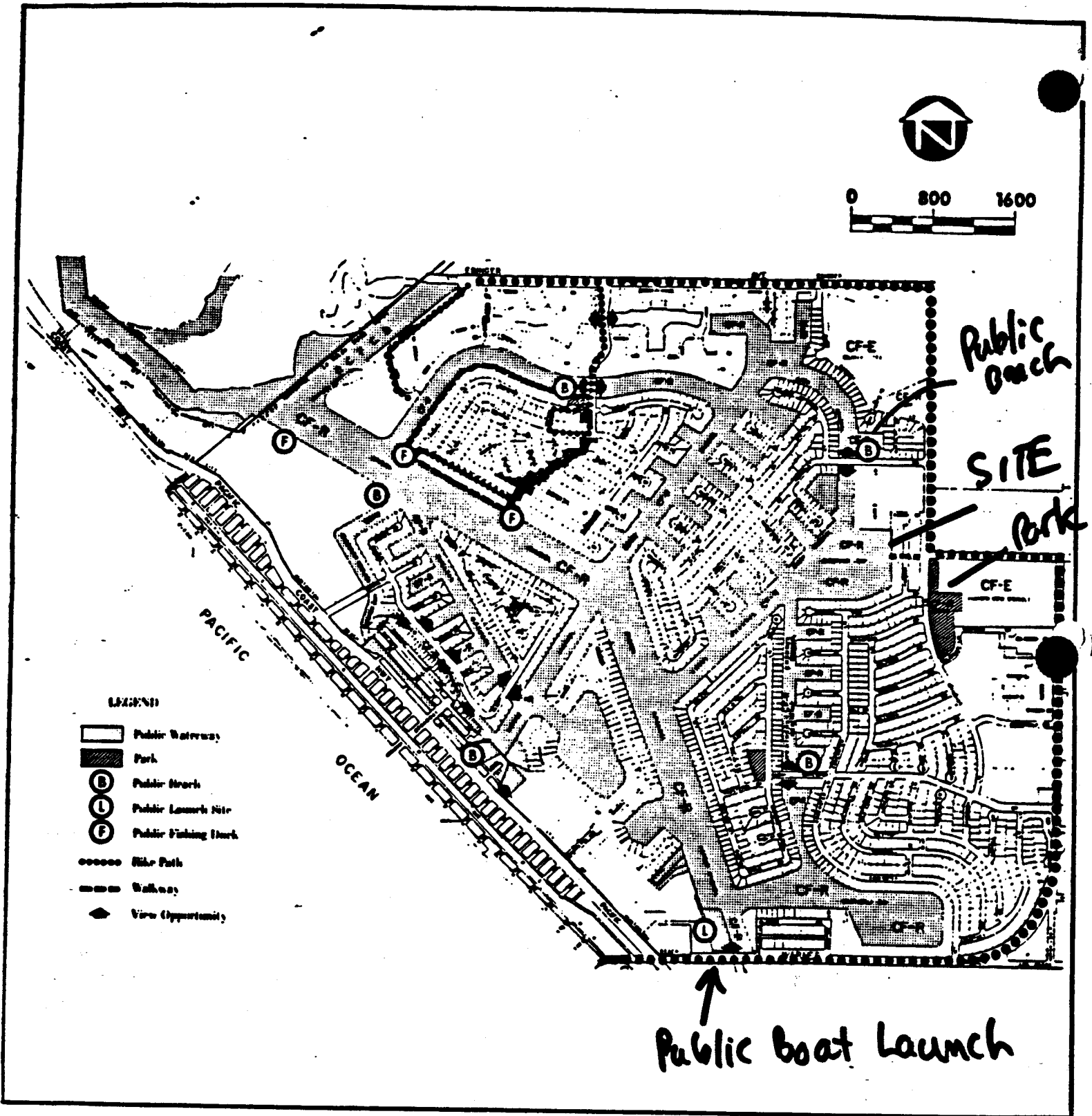
# SOUTH



47-343	100 SHEETS EYE EASE	9 SQUARE
47-344	200 SHEETS EYE EASE	9 SQUARE
47-345	100 RECYCLED WHITE	9 SQUARE
47-346	200 RECYCLED WHITE	9 SQUARE

Model no. 9 8.4

## FINDINGS



HUNTINGTON BEACH CALIFORNIA  
PLANNING DIVISION

Hu  
Recreation

EXHIBIT NO. <b>8</b>
APPLICATION NO. <b>5-98-153</b>
<b>HARBOR</b>
California Coastal Commission

Figure 2.2

## DEPARTMENT OF FISH AND GAME

411 BURGESS DRIVE  
MENLO PARK, CA 94025  
(415) 688-6340



January 15, 1998

5-97-223  
RECEIVED  
JAN 21 1998CALIFORNIA  
COASTAL COMMISSION

Ms. Susan Brodeur  
Moffatt & Nichols Engineers  
250 West Wardlow Road  
P.O. Box 7707  
Long Beach, CA 90807

Dear Ms. Brodeur:

The Department of Fish and Game (DFG) has previously reviewed and commented upon (November 12, 1997, letter to California Coastal Commission [CCC]) a proposal to repair an existing bulkhead located at 3302 and 3312 Venture Drive, Trinidad Island, Huntington Harbor (Coastal Development Permit Application 5-97-223-G). The repair included placement of rip-rap in front of a bulkhead to minimize erosion. The DFG concluded that the project, as proposed, would not have a significant impact upon marine resources or their habitats. This letter is in response to your request for additional information concerning "seaweed" habitat and some associated fish species that may be affected by the rip-rap.

It is well documented that eelgrass (*Zostera marina*) provides forage, cover, reproductive opportunities, and other benefits to various fish species, and may be used by these species as permanent residence or nursery habitat. However, Mr. Ware's report (November 5, 1997, letter from Mr. Rick Ware, Coastal Resources Management) indicated that no eelgrass was found seaward of the repaired area, nor was there evidence that eelgrass had existed prior to the repair. Therefore, placement of rip-rap would not appear to impact existing eelgrass habitat. Other types of "seaweed" habitat (e.g., brown algae) found at the project site do, nevertheless, provide similar benefits and, therefore, serve a similar ecological function. Additionally, subtidal rip-rap provides cover and protection, as well. Opaleye (*Girella nigricans*), barred sand bass (*Paralabrax nebulifer*), and spotted sand bass (*P. maculatofasciatus*) are popular recreational species which were found associated with the "seaweed" habitat located on the rip-rap slope in front of Lot 74 (December 2, 1997, letter from Moffett & Nichols to the CCC). Creating additional "seaweed" appears unnecessary. The toadfish in question (*Porichthys* sp.) is neither a recreationally nor commercially important species. However, it is DFG policy to maintain sufficient populations of all species of aquatic organisms to insure their continued existence. Based on information provided, the DFG does not believe that the proposed project would significantly impact toad

EXHIBIT NO. 9

APPLICATION NO.

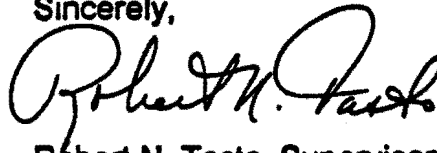
5-98-153

F&amp;G. Letter

The DFG recognizes that placement of rip-rap at the newly installed bulkhead at 3301 and 3312 Venture Drive would result in an initial loss of existing vegetation and some ecological benefits to associated species. However, the loss would likely be short-term, as the vegetation would reestablish itself on the rip-rap. Therefore, we continue to believe that placement of rip-rap at the project site would not have a significant impact on the marine environment, and do not object to the project going forward as described in the original permit application provided to the CCC.

As always, DFG personnel are available to discuss our comments and concerns in greater detail. To arrange for a discussion, please contact Ms. Marilyn Fluharty, Environmental Specialist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (619) 467-4231.

Sincerely,



Robert N. Tasto, Supervisor  
Marine Project Review and Water Quality Program

cc: Ms. Marilyn Fluharty  
Department of Fish and Game  
San Diego, California 92123

Mr. John Auyong  
California Coastal Commission  
Long Beach, California 90802