

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Staff: WNP-SD
Staff Report: 12/17/98
Hearing Date: 1/13-15/99

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-90-219-A6

Applicant: City of Carlsbad/
California Department of
Fish and Game

Agent: Tim Dillingham

Original

Description: Restoration/enhancement of Batiquitos Lagoon to create tidal marine habitat, including the following specific actions: up to 3.7 million cubic yards of dredging to reconfigure the lagoon to restore tidal flows and aid in maintaining an open lagoon mouth; disposal of suitable dredged materials on Encinas Creek Beach; construction of new inlet jetties at the mouth of the lagoon to create a permanently open lagoon mouth; demolition and reconstruction of southbound lanes of Carlsbad Blvd.; erosion-protection improvements to the Carlsbad Blvd., AT & SF Railway and Interstate Highway 5 bridges; creation of up to five California least tern nesting sites.

Proposed Amendment: Remove approximately 50,000 cu.yds. of beach quality sand from the western and central basins of Batiquitos Lagoon and place approximately 5,000 cubic yards on each of two existing least tern nesting sites located in the western basin of the lagoon, and place the remainder of the sand on the beach adjoining the ocean entrance to the lagoon.

Site: Batiquitos Lagoon, between the ocean and El Camino Real, Carlsbad, San Diego County.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed amendment with conditions to allow dredge of up to 50,000 cubic yards of lagoon bottom (sand) within the outer and central basins of Batiquitos Lagoon. The attached conditions of approval require final plans

which indicate the lagoon has been dredged consistent with the "as built" plans that were approved in the Batiquitos Lagoon Enhancement Plan, that placement of sand on area beaches shall occur outside of the summer season (Memorial Day through Labor Day) when beach attendance is at its lowest, that dredging can only occur between September 15 and February 15 to avoid potential impacts to the California least tern and western snowy plover breeding period, and that all other terms and conditions of the original approval of Coastal Development Permit #6-90-219 not specifically modified herein, shall remain in full force and effect. As conditioned, all potential adverse impacts on coastal resources are addressed to assure consistency of the development with Chapter 3 policies of the Coastal Act.

Substantive File Documents: City of Carlsbad Certified East Batiquitos Lagoon/Hunt Properties segment Batiquitos Lagoon Enhancement Project Final EIR/EIS (City of Carlsbad and U.S. Army Corps of Engineers); Batiquitos Lagoon Enhancement Project Draft Preliminary Design Report (February, 1988); Memorandum of Agreement to Establish a Project for Compensations of Marine Habitat Losses; CCC staff report on Inter-agency Agreement for Marine Habitat Enhancement at Batiquitos Lagoon; CDP #5-85-623A (Pactex); CDP #5-90-989 (L.A. County);

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit amendment for the proposed development, subject to the conditions below, on the grounds that the development, as amended, will be in conformity with the adopted Local Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Timing of Dredging and Beach Deposition. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final plans and implementation measures for deposition of the dredged material on Encinas Beach within the proposed disposal limits which incorporates the following:

- a. Evidence the Corps of Engineers has approved the proposed dredge spoils as suitable for deposition at the approved beach locations.
 - b. Final Plans which indicate the lagoon has been dredged consistent with the "as built" plans that were approved in the Batiquitos Lagoon Enhancement Plan.
 - c. Public Access/Timing. Placement of sand on area beaches shall occur outside of the summer season (Memorial Day through Labor Day) when beach attendance is at its lowest.
 - d. Sensitive Species/Timing. To avoid potential impacts to the California least tern and western snowy plover breeding period, dredging can only occur between September 15 and February 15.
2. Term of Permit. This coastal development permit authorizes a one time only dredging and disposal as approved herein.
 3. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-90-219 not specifically modified herein, including the required monitoring reports, shall remain in full force and effect.
 4. Other Permits. Prior to the commencement of construction, the applicant shall submit copies of all other required state or federal discretionary permits for the proposed project. Any mitigation measures or other changes for the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Purpose/History. The applicant proposes to dredge approximately 50,000 cu.yds. of beach quality sand from the western and central basins of Batiquitos Lagoon and place approximately 5,000 cubic yards on each of two least tern nesting sites located in the western basin of the lagoon, and place the remainder of the sand on the beach adjoining the ocean entrance to the lagoon. The purpose of the project is to maintain the tidal lagoon opening and restore the intended tidal prism.

The applicant proposes to complete the project outside the California least tern/Western snowy plover nesting season (February 15 – September 15) as the two disposal sites are nesting sites for the endangered avian species.

A suction dredge will be used to remove the accumulated sand and place it through a 10 or 16 inch discharge pipe, depending on the dredge used, onto the discharge sites. Discharge onto all sites will be accomplished through berming on either side of the discharge pipe and allowing the sediment laden water to flow across the site and deposit its sediment load onto the site. On the

tern/plover sites, the shell containing sand will be moved to form the dikes and allow the redeposition of this material across the newly placed sand. The discharge of material onto the beach will require the closure of that portion of the beach during the active discharge and preparatory periods, however, since this is occurring during the lowest use period for the beach, no significant impacts to public use are anticipated.

In CDP #6-90-219, the Commission approved the restoration of Batiquitos Lagoon, one of the 19 "high priority" wetlands as identified by the California Department of Fish and Game. The restoration of the lagoon began as an outgrowth of the "Pactex" project (CDP #5-85-623-A). As part of the approval of the Pactex application to dredge 11.28 million cubic yards of material in San Pedro Bay, the Commission found that the proposed dredge and landfill would result in significant adverse impacts to the marine resources of San Pedro Bay requiring mitigation. As the required mitigation, the applicants proposed a marine resource restoration project for Batiquitos Lagoon in San Diego County.

The project represents a major attempt at the restoration of Batiquitos Lagoon. The Commission found that the transport of sediment to Batiquitos Lagoon resulted in a diminution of biological resource values unless some intervention occurred. However, there was disagreement among interested parties as to what constitutes the proper restoration goals for the lagoon. The Final Environmental Impact Report/Final Environmental Impact Statement (FEIR/FEIS) for the project identified seven different alternative restoration projects. Although the initial proposal requested one specific alternative, Mitigated A, the Commission's review was not limited solely to that alternative. The entire range of projects identified in the FEIR/FEIS were studied and, subsequent to the approved amendment, Mitigated Alternative B was ultimately selected as the most appropriate restoration project under the policies of Chapter 3 of the Coastal Act.

The basic program of restoration for Batiquitos Lagoon is the restoration of a marine habitat regime in the lagoon. In order to create and maintain this marine habitat type, a permanently open lagoon mouth in the approximate location of the historic lagoon mouth is required. The creation of the open mouth restores continuous tidal action and restores the former marine ecosystem, without significant adverse impacts to established habitat values within the project limits. In addition, the permanently open lagoon mouth helps to control the sediment load remaining in the lagoon and by aiding in flood control.

The underlying premise for the project design is based upon the prediction that maintaining a permanently open lagoon mouth requires a minimum mean diurnal tidal prism of about 60 million cubic feet. In order to create such a tidal prism, significant amounts of material have been removed from the lagoon to create a new tidal channel within the lagoon. In CDP #6-90-219, the Commission approved between 2.2 and 3.1 million cubic yards of dredging, resulting in an increase in the mean diurnal tidal prism.

In order to maintain the permanently open lagoon mouth, a non-navigable inlet structure was constructed, consisting of two jetties of approximately 170 feet in length. The jetties do not extend past the surf zone; consequently, shoreline processes (littoral movement of sand along the shoreline) are unaffected.

Additionally, a minimum of 34 acres of California least tern nesting areas in multiple sites were created as part of the project. Two of the sites are located in the west basin, and are proposed for repair with the subject amendment.

Although the City of Carlsbad has a certified local coastal program, because the project would take place within Batiquitos Lagoon and above the mean high tide line, the project is within the Commission's original jurisdiction and the standard of review is Chapter 3 policies of the Coastal Act.

2. Sensitive Resources. Sections 30230, 30231 and 30233 of the Coastal Act apply to the proposal and state in part:

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, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233.

(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:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

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

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins,

necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

Section 30233 requires that dredging of open coastal waters shall only be permitted when there is no feasible less environmentally-damaging alternative, where feasible mitigation measures have been provided to minimize adverse environmental effects, and where such dredging is one of the permitted uses cited. In the case of the subject amendment, the Commission found that the Batiquitos Lagoon Enhancement Plan represented a restoration project for the lagoon. The Commission analysed a number of restoration alternatives and found that the preferred alternative, Mitigated Alternative B, provided the best habitat values with respect to creating a marine resource restoration project; therefore, it was approved as the least environmentally damaging alternative. Finally, a number of mitigation measures were approved to ensure that restoration habitat values would be improved and enhanced without adversely impacting the remaining habitat values of the lagoon and its environs. The Commission also found that dredging of the lagoon was necessary to assure that the restoration goals could be achieved and as such represented a permitted use under Section 30233 of the Coastal Act. Because the proposed project is necessary to assure the continued success of the restoration of Batiquitos Lagoon, it can also be found as a permitted use under Section 30233. The Commission also finds that the proposed dredging represents the least environmentally damaging alternative.

With respect to the proposed dredging of the lagoon in this amendment, the applicant states there should not be impacts to the existing restoration efforts. The proposed dredging is to the "as built" depth the Commission approved in its original action. As such, the proposed dredging will only occur within previously dredged areas and no new impacts will occur to sensitive habitat areas covered by the restoration plan.

As noted, a number of endangered bird species reside and overwinter in the lagoon. According to the applicant, the majority of species which use the staging areas and discharge sites have immediately adjacent sites for loafing and feeding, and because of the timing of the project, no birds are expected to require the sites for nesting. Mammals are only found on site for foraging purposes and also have adjoining sites for that purpose. Vegetation on the two nesting sites has been recently controlled and the habitat for reptiles is now outside the area slated for sand placement.

The basins of Batiquitos Lagoon also contain eelgrass beds, a protected resource under Section 30240 of the Coastal Act. Eelgrass provides habitat for many fish and invertebrates. The applicant has indicated that no eelgrass is expected to be impacted by this project. Previous inspections during data collection did not turn up any eel grass sites within the proposed dredge site.

In its original approval the Commission required a restoration plan for the lagoon requiring a 4:1 ratio for all coastal salt marsh vegetation displaced to maintain the overall habitat value of Batiquitos Lagoon. The restoration plan requires that a number of different types of wildlife habitat be created, including tidal marine environment, shallow open water, non-tidal flats, coastal salt marsh and transition areas. In order to determine the amount of mitigation that would be required, a pre-construction survey of all coastal salt marsh areas was required as well as a detailed monitoring program for the lagoon. Additionally, "as-built" plans and a tidal monitoring study was required to assure that the dredged lagoon matched the proposed slopes and predicted habitats. Finally, compilation of a data base of the lagoon was required to provide both the information necessary to determine if the restoration action is, in fact, a success and also to allow for the greatest flexibility determining appropriate responses to failures in the restoration and revegetation of the lagoon. Special Condition #3 requires that all other terms and conditions of the original approval of Coastal Development Permit #6-90-219 not specifically modified herein, shall remain in full force and effect.

In summary, the proposed amendment is necessary to restore tidal prism to Batiquitos Lagoon to assure success of previously approved restoration efforts. The proposed dredging is a permitted use under Section 30233 of the Coastal Act and as conditioned, no adverse impacts to sensitive coastal resources is anticipated. Therefore, the Commission finds the proposed amendment, as conditioned, is consistent with Section 30230, 30231 and 30233 of the Coastal Act.

3. Beach Replenishment/Public Access. The subject proposal involves dredging the outer and central basins of Batiquitos lagoon, including placement of dredged spoils on the adjacent Carlsbad State Beach, also known as Encinas Beach. There are several provisions of the Coastal Act, which are applicable to the proposed project, which encourage use of suitable material to supply the region's littoral zones with sand. Such deposition of beach quality material on the region's shoreline will create and protect coastal recreational areas for use by the general public, consistent with Coastal Act policies as follows:

Coastal Act Section 30233 addresses placement, within the littoral zone, of dredge spoils. Section 30233 (b) states:

(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.

In addition, Section 30604(c) of the Act requires that a specific access finding be made in conjunction with any development located between the nearest public road and the sea to assure

conformance with the public access recreation policies of the Coastal Act. Many other provisions of the Coastal Act also address public access and recreation, including the following:

Section 30210

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 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Providing as much sandy beach area as possible for use by the public is consistent with the intent of Sections 30210 and 30212.5 which require that public access and recreational opportunities be maximized in order to protect any one natural resource area, i.e. shoreline or park, from overuse. Providing additional recreational area, through placement of sand along a useable shoreline, will result in less crowding and provide an alternative to existing resource areas which are highly utilized by the public due to the availability of sand.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred....

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

The above language in Section 30233 clearly suggests the benefit of restoring the region's beaches through use of material that would otherwise reach the shoreline, but for man's intervention by development and flood control projects. Therefore, the Commission finds when dredge material is compatible with and suitable for use as beach sand along the region's shoreline, it should be transported to the shoreline for such use, consistent with the public access and recreation policies of the Act.

The San Diego Association of Governments (SANDAG) has adopted the Shoreline Preservation Strategy (Strategy) for the San Diego region and is currently working on techniques towards its implementation. The shoreline is recognized as a valuable asset to the environment and economy of the San Diego region and the State. It is also considered a resource of national significance. The Strategy identifies that beaches in the San Diego area have been steadily eroding for the past decade, and increasing beach loss and property damage have been projected for the future. The Strategy also emphasizes beach replenishment to preserve and enhance the environmental quality,

recreational capacity, and property protection benefits of the region's shoreline. Additional sand on the region's beaches will increase the amount of available recreational area for public use, and decrease the rate of beach erosion, thereby reducing pressure to construct shoreline protective devices, which can adversely affect both the visual quality of scenic coastal areas and shoreline sand supply.

Providing additional useable beach area can result in the provision of a lower cost visitor and public recreational facility. When it is feasible for dredge projects which involve excavation of large volumes of beach suitable material to deposit the dredged material on the region's beaches, such activity is consistent with Section 30213 of the Act. Creation of additional coastal areas, such as beaches, suited for water-oriented recreational activities, is also consistent with Section 30220.

Consistent with the Commission's original approval, the west and central basins were overdredged, with all suitable dredged materials being placed on area beaches for beach replenishment. This overdredge was proposed to facilitate a beach disposal of dredged materials. The east basin dredging placed materials placed in the west and central basins. The east basin materials consisted of a greater proportion of fine silty materials that are not suitable for disposal on a recreational beach. By removing a corresponding greater amount of beach quality sandy material from the west and central basins, the overdredge created an area for the disposal of the fine materials dredged from the east basin. Finally, a cap of sandy material was placed over the fine silts disposed of in the west and central basins. The dredging plan establishes a gently sloping lagoon bottom. The sloping bottom was proposed to duplicate the physical characteristics of intertidal zones similar to those found in other Southern California lagoons.

Batiquitos lagoon has been heavily impacted by sediment generated by development that has occurred upstream in the lagoon's watershed and from sand entering the lagoon through its ocean entrance. Studies have estimated that, even with the permanent lagoon mouth opening, sediment will build up in the lagoon at the rate of 0.2 cm/yr. In anticipation of the deposition of these sediments in the lagoon, the proposed project included overdredging to accommodate the anticipated sediment load.

At the time of the public hearing on the original project, additional testimony was given on the ability of the proposed overdredge to effectively trap coarse sediments and on the ability to effectively monitor and measure, in the short term, the effectiveness of the overdredge. It was found there are no means available to obtain any meaningful measurements of siltation in the east basin of the lagoon in the short term. As such, it was found that attempts to monitor siltation occurring in the first five to ten years after the implementation of the project and provide remedial measures if the projected siltation rates are exceeded were not practicable. If longer term monitoring (20 to 50 years) indicated that siltation rates were being exceeded, additional dredging would be required. It was found that the project, as designed, was anticipated to require remedial dredging about 50 years after completion of the project.

However, a subsequent monitoring report submitted for condition compliance entitled "long Term Monitoring and Pilot Revegetation Program for the Batiquitos Lagoon Enhancement Project", dated January - December 1997 identifies that "the lagoon is being shaped by natural processes including the shaping of shoreline edges, definition of tidal channels and drainage

patterns and establishment of accretion and erosion zones. The report notes that as anticipated in the design effort and environmental review, maintenance actions will be required to retain the existing values and continue development of new ones. Specifically, maintenance actions are required to address the accumulation of sand within the mid-channel shoals in the west and central basins, erosion along the shoreline of the W-2 nesting area, and the land formation of a land bridge at the E-3 nest island.

The report recommends that "prior to or coincident with this maintenance, it is critical that the physical monitoring program associated with on-going lagoon management be initiated to assess the volume and rate of sediment accumulation in the lagoon. It is also necessary to determine the degree of impact that the accumulated sand shoals have had on tidal circulation within the system and the degree to which predictions regarding physical site consolidation have become realized. This will aid in establishing an acceptable maintenance schedule for dredging of the channel shoals and will assist in understanding the need for other maintenance activities. A limited water quality and tidal monitoring program is proposed to be conducted in association with the biological monitoring program, this monitoring is directed at answering different questions from those regarding maintenance needs."

Regarding the maintenance dredging of the west and central basins, the report identifies that the primary maintenance activity is the need for dredging of sand deposits accumulated from beach sand transported into the system and limited scour occurring at flow constriction points. The report identifies that formation of shoaling areas within the west and central basins of the lagoon have become a serious problem and are in need of immediate dredging. Sand deposition has migrated from defined mid-channel depositional bars to areas in adjacent coves and other areas, thus making sediment recovery more costly and potentially impactful due to the greater footprint of the work areas and the thinner deposits to be removed from these peripheral areas. This work should be initiated in the fall of 1998.

As such, the applicant has requested approval to dredge the accumulated sand to the "as-built" conditions (as approved by the Commission) and place the dredged material on the beach. The proposed inner lagoon dredged material has been tested for grain size, total organic carbon, bulk sediment chemistry and compliance with State water quality standards. Results indicate that all material proposed for beach discharge is an acceptable grain size, consistent with the 'receiver' beach and does not contain any contaminants at levels of concern or that would exceed State water quality standards. Special Condition #1 requires evidence the Corps of Engineers has approved the proposed dredge spoils as suitable for deposition at the approved beach locations. Special Condition #4 requires that all other required state or federal discretionary permits for the proposed project be incorporated into the project. Any mitigation measures or other changes for the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit

The sand would be placed on the adjoining beach south of the south ocean entrance jetty for a distance of approximately 2,100 feet with an average width of 200 feet. The sand would be placed above the mean high tide line. Special Condition #1 also requires placement of sand on

area beaches shall occur outside of the summer season (Memorial Day through Labor Day) when beach attendance is at its lowest.

The applicant states that because this project is for the primary purpose of maintaining the lagoon tidal opening, a maintenance dredging waiver, or determination whether this action was previously required for the Batiquitos Lagoon Enhancement Project and would not need any further Commission action. Nothing in the Commission's original action provided for a waiver of future Commission review of maintenance dredging projects. Additionally, based on the preceding, the Commission cannot authorize approval for the applicant's request for more than the current dredge cycle. Absent the findings of the ongoing studies of the lagoon and because of possible changes to local environmental conditions which could affect the dynamics of the lagoon (El Nino, severe winter storms, beach nourishment on the Carlsbad shoreline from other projects), the Commission finds it is most appropriate to review and approve each individual dredge cycle for a suitable sand deposition site. Special Condition #2 notifies the applicant that this approval is limited to the winter 1999 dredge cycle only. Future dredge and beach deposition will require review and approval by the Commission through a separate coastal development permit.

Thus, the Commission finds the project is necessary maintenance dredging. The above conditions are proposed to insure that the subject amendment will be consistent with the required restoration plan and the Coastal Act. In summary, the proposed amendment is necessary to restore the tidal prism and assure success of the previously approved restoration efforts. Therefore, the Commission finds that the subject amendment, as conditioned, is consistent with all applicable public access and recreation policies of the Coastal Act.

4. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The Commission approved CDP #6-90-219 for enhancement of Batiquitos Lagoon. A critical key to success of the approved enhancement plan is to maintain an open lagoon mouth and specified tidal prism. Beach sands and sediments have accumulated within the west and central basins which now threaten the enhancement efforts due to the reduction in the tidal prism. Approval of the proposed project to remove these sediments/sands and place them on the beach is consistent with previous Commission action on the original project. Therefore, approval of the proposed amendment, as conditioned, is consistent with Chapter 3 policies of the Coastal Act and the resource protection policies of the certified Carlsbad LCP.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit or amendment to be supported by a finding showing the permit or permit amendment, 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 amendment has been conditioned to be found consistent with the resource protection and recreation policies of the Coastal Act and the Carlsbad LCP. Mitigation measures will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed amendment, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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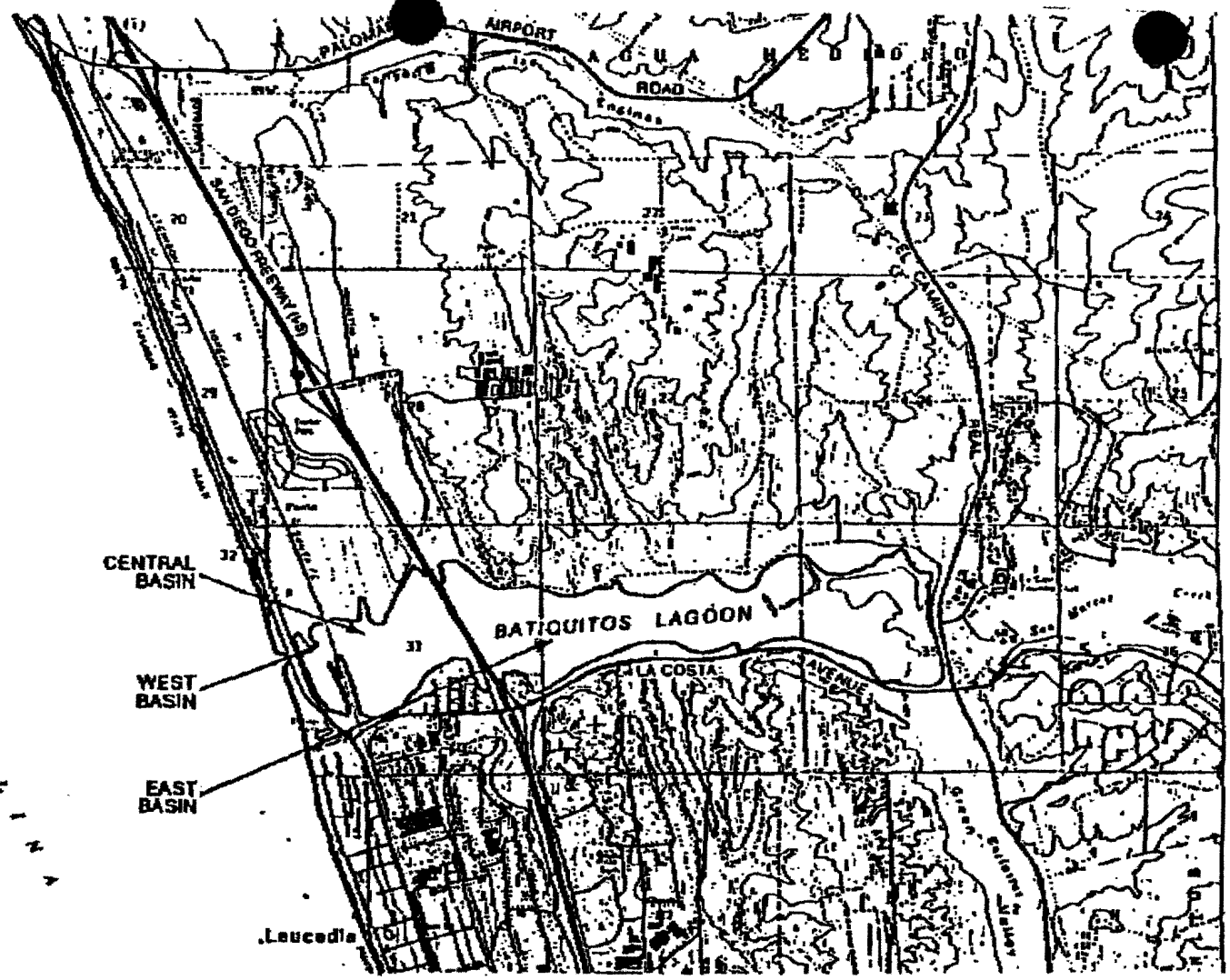
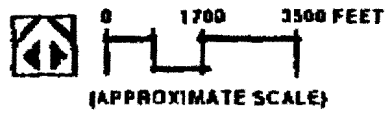


FIGURE S-1
Vicinity Map
 BATIQUITOS LAGOON
 ENHANCEMENT PROJECT EIR/ES
 City of Carlsbad
 U.S. Army Corps of Engineers

EXHIBIT NO. 1
APPLICATION NO.
6-90-219-A6
Location Map
California Coastal Commission



Based on USGS, Oceanside 15' Quadrangle, 1975.

S-2

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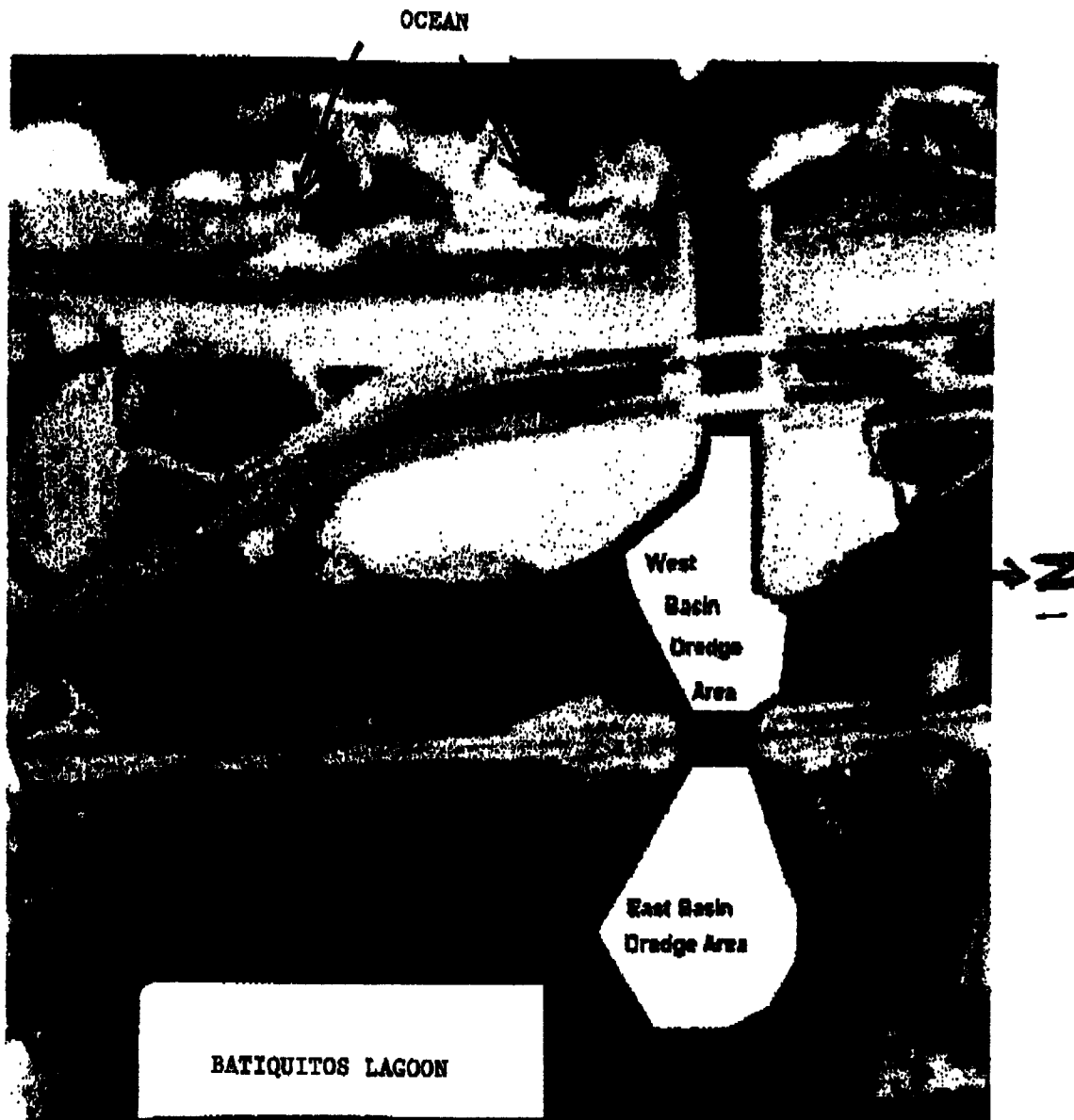


Figure 1. Dredge Areas

EXHIBIT NO. 2
APPLICATION NO.
6-90-219-A6
Dredge Locations
California Coastal Commission

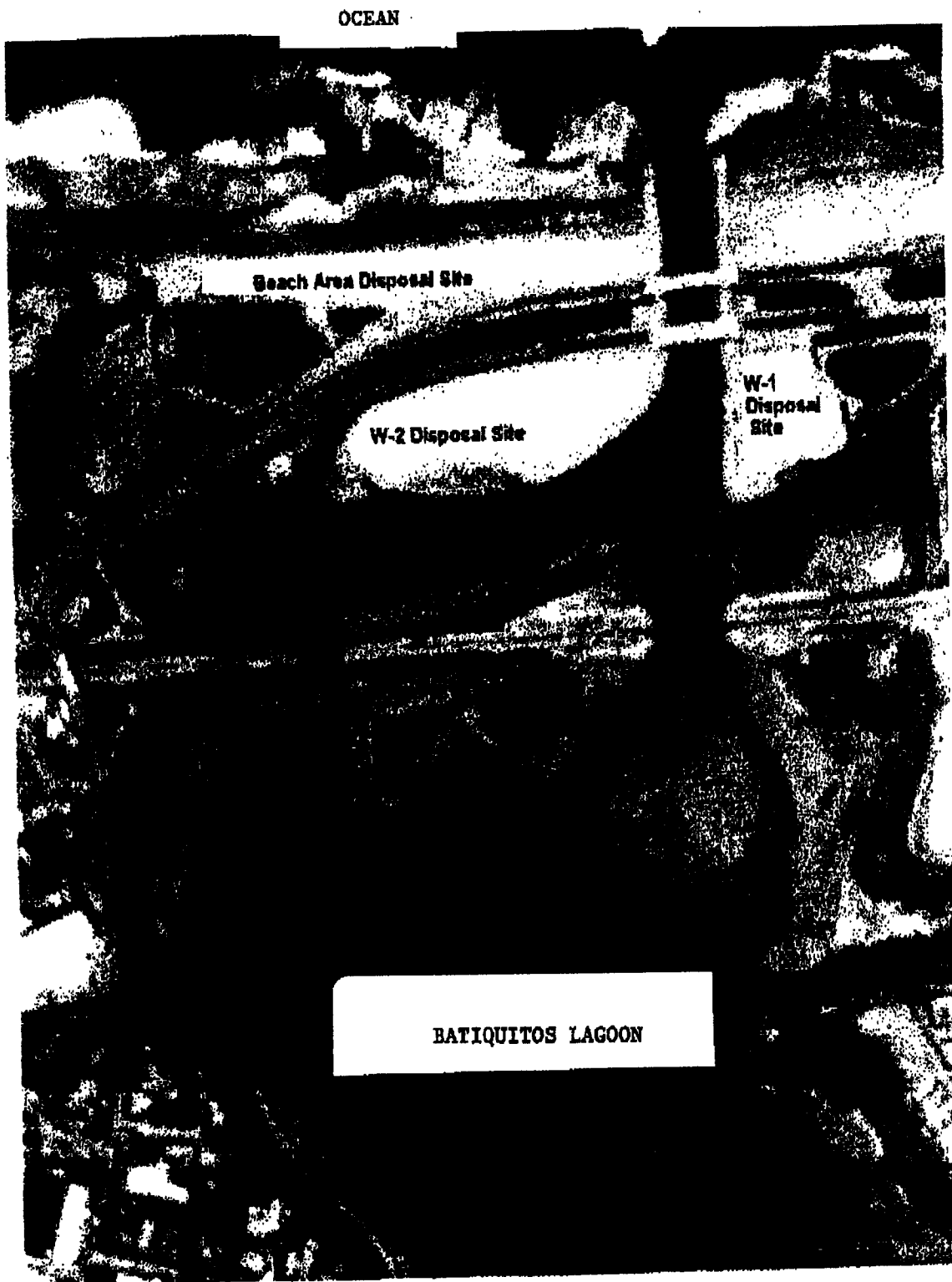


Figure 2. Disposal Locations

EXHIBIT NO. 3
APPLICATION NO.
6-90-219-A6
Disposal Sites
California Coastal Commission

