

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



Filed: April 21, 1999
49th Day: June 9, 1999
180th Day: October 18, 1999
Staff: DL-SD
Staff Report: April 22, 1999
Hearing Date: May 11-14, 1999

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-12

Applicant: San Diego County Parks & Recreation Agent: Doug Gibson

Description: Multiple openings of the mouth of San Elijo Lagoon over a period of five years with removal of sand and cobbles as necessary to maintain tidal flow and protect and enhance the biological productivity of the lagoon.

Zoning Open Space
Plan Designation Open Space

Site: Mouth of San Elijo Lagoon, west of Highway 101 at Cardiff State Beach, Encinitas, San Diego County.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); Certified City of Encinitas LCP, San Elijo Lagoon Enhancement Plan; CDP Nos. 6-87-624; 6-88-463, 6-89-109, 6-89-241, 6-90-128, 6-90-250, 6-91-3, 6-91-258, 6-93-12, 6-93-194, 6-94-15, 6-95-32; 6-96-120.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, 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. Term of Permit. This permit is valid for a period of five years from the date of Commission action. Future lagoon mouth openings beyond this date will require a coastal development permit from the California Coastal Commission or its successor in interest.

2. Timing of Work. As proposed, lagoon openings shall only occur with the authorization of the State Department of Fish and Game that the dredging, on the date proposed, will not cause adverse impacts on sensitive or endangered species or the biological productivity of the area, and shall adhere to the following criteria:

- a. No maintenance dredging may occur 14 days before a holiday or scheduled beach event.
- b. No equipment shall be stored on the beach or in the public parking lot overnight, and all equipment must be removed from the beach by Friday.
- c. No work shall occur during the two-week period spanning Easter of any year.
- d. Commission staff shall be notified in prior to commencement of any dredging.

Openings during the summer months shall be avoided if possible; however, if openings are necessary during the summer, the following additional requirements will be met:

- e. No work shall occur on Fridays, weekends or holidays during the summer months of any year (Memorial Day weekend to Labor Day).

3. Monitoring Report. On an annual basis by April 1 of each year, the applicant shall submit for the review and written approval of the Executive Director, a monitoring report for the project. The report shall summarize the impacts of the multiple openings, including the project's impacts on public access and recreation, and the biological productivity of the lagoon, any changes in the tidal prism caused by external factors (such as upstream development impacts, extreme storm conditions, unusual tides, etc.) which may have contributed to the need for the lagoon mouth openings, and shall include recommendations for any necessary changes or modifications to the project. In addition, the annual report shall include the following information for each of the openings that occur over the subsequent years:

a. The date of the opening(s) which occurred, along with the date of each subsequent closure.

b. Any noted adverse impacts on lagoon resources or adjacent public beach or park and recreation areas resulting from each mouth opening, and recommendations to avoid or mitigate these impacts with future openings.

The report shall be submitted annually beginning the first year after Commission approval of the permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project involves multiple openings of the mouth of San Elijo Lagoon as needed to maintain a tidal flow to enhance the health and biological productivity of the lagoon. The project site is located at the mouth of San Elijo Lagoon, just west of Highway 101 at Cardiff State Beach in the City of Encinitas. All work would occur on the beach west of Highway 101, or on freshly drifted sand in the channel east of the bridge; no vegetated areas would be impacted. The County has indicated that their goal is to maintain the mouth of the lagoon open year-round; however, due to funding constraints, there may be times when dredging will not be able to take place and the lagoon mouth will close.

The amount of dredged material will vary, but most openings would involve the removal of approximately 8,000-12,000 cubic yards of sand and cobble material. The dredged material would be deposited on the adjacent public beach south of the State Park campground, in or within reach of the surf line for natural distribution into the littoral cell. However, in consultation with the California Department of Parks and Recreation, some sand could be placed on higher beach elevations for direct public recreational use.

The Commission has a long history of permit review for work in San Elijo Lagoon which includes permits for one-time openings of the lagoon mouth and dredging of the lagoon's main tidal channel (ref. CDP Nos. 6-88-463, 6-89-109, 6-89-241, 6-90-128, 6-90-250, 6-91-3, 6-91-258, 6-93-12 and 6-93-194). These openings were proposed based on certain criteria being met related to salinity, dissolved oxygen and other water chemistry conditions as indicators for determining appropriate times to open the lagoon mouth. More recently, the Commission approved a number of permits and amendments for opening the lagoon mouth that were proposed as experiments to allow the lagoon mouth to remain open for a longer period of time, and involved the removal of a more substantial amount of material both in the lagoon mouth and in the inlet channel east of the Highway 101 bridge (ref. CDP Nos. 6-91-3-A, 6-94-15, 6-95-32, 6-95-142). In some instances the work was proposed to occur whether or not the previously proposed criteria were present. The openings conducted under these permits allowed the mouth to remain open for several months longer than the previous openings had accomplished.

In January 1997, the Commission approved a permit for multiple openings of the lagoon over a 2-year period (ref. CDP No. 6-96-120). The intent of the project was to keep the lagoon mouth open as long as possible—continuously, if possible under the applicant's funding constraints. As proposed, the same criteria regarding salinity, dissolved oxygen and water level as had been proposed in the past had to be met in order for the openings to occur. At that time, the County indicated that it would be reviewing the criteria in the future to set new standards to allow dredging to occur before the lagoon resources were imminently or actively distressed.

In response to these concerns, the subject project does not propose that specific biological criteria be reached prior to implementation of dredging. Rather, the applicant is proposing to open the lagoon mouth whenever it closes (subject to monetary constraints), in accordance with the following:

- No maintenance dredging to occur 14 days before a holiday or a scheduled beach event
- No operations on weekends during summer months, winter weekends only if absolutely necessary
- During summer months, the lagoon inlet channel must be less than two weeks from closing, as demonstrated by the lagoon inlet channel west of Highway 101 narrowing to less than 20 feet in width

In addition, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, the California State Parks and Recreation Department and the Commission would be notified prior to the commencement of dredging.

The proposed development is located within the City of Encinitas; however, it is located within the Commission's area of original jurisdiction and as such, the standard of review is Chapter 3 policies of the Coastal Act, with the City's LCP used as guidance.

2. Sensitive Habitats. Section 30231 of the Coastal Act states, in part:

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...

Section 30233 of the Act states, in part:

- (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:

- (7) Restoration purposes.

- (8) Nature study, aquaculture, or similar resource dependent activities.
- (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.
- (c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division....

In addition, Section 30240 (b) of the Coastal Act states:

- (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 subject site is located at the mouth of San Elijo Lagoon, an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. In addition, San Elijo Lagoon is one of the 19 priority wetlands listed by the State Department of Fish and Game for acquisition. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds that include the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. As such, the potential adverse impacts on sensitive resources as a result of activity in and around the lagoon could be significant.

The proposed development involves the removal of sand and cobble material from the mouth of San Elijo Lagoon. Under the Coastal Act, dredging of lagoons and/or open coastal waters is severely constrained. To be allowable under Section 30233, the proposed development must qualify as restoration, be the least environmentally damaging feasible alternative, incorporate feasible mitigation measures for any associated adverse impacts and either maintain or enhance the functional capacity of the wetland system.

Information received from the various resource agencies (U.S. Department of Fish and Wildlife and State Department of Fish and Game) regarding past proposals to open the lagoon indicate that the biological resources of the lagoon have been continually stressed due to the almost permanent closure of the lagoon mouth. The San Elijo Lagoon

Enhancement Plan, which has been adopted by the County of San Diego, documents that the biological resources of San Elijo have degraded over the years because of the lack of tidal influence to the lagoon. Lack of tidal action has a number of adverse effects on the lagoon environment. The lagoon water becomes stagnant, reducing the oxygen levels in the water. Reduced oxygen can lead to eutrophication, the condition where a closed body of water can "turn over", where large amounts of methane and hydrogen sulfide gas are released at the bottom and absorbed into the water, leading to fish and benthic invertebrate kills. Another problem facing the lagoon environment is the salinity levels of the water. Together, lack of tidal influence and low levels of freshwater inflow increase the salinity and temperature of the water, stressing both the plant and wildlife of the lagoon. Conversely, decreased salinity caused by the combination of high levels of freshwater inflow and lack of tidal action allows for the establishment and growth of freshwater vegetation such as willows, cattails and tules in areas formerly entirely covered by salt marsh vegetation.

The Enhancement Plan identifies dredging to maintain a tidal flow into the lagoon as important part of an overall management strategy to enhance the biological productivity of the lagoon. The proposed project would implement a portion of the Enhancement Plan by allowing the County to open the lagoon mouth on an as-needed basis and restoring tidal flushing to the lagoon. The proposed sand and cobble removal will allow the mouth to remain open longer to flush out stagnant water, replace low-salinity water and allow for the reestablishment of estuarine and marine invertebrates, fish and plant species. As proposed, the project does not involve any alteration or impact to existing habitat. The subject development will restore and enhance the functional capacity of the lagoon and, thus, is restorative in nature and is a permitted use under Section 30233 of the Act.

As stated in the previous section, the County of San Diego has received approval by the Commission on numerous occasions for one-time openings of the lagoon, or a number of openings over a set period of time, such as 30 days or 120 days. In its actions on these permits, the Commission found that, although no overall management program had been prepared for San Elijo Lagoon at that time, conditions requiring the opening of the lagoon mouth would continue to occur. As such, the County proposed and the Commission approved an number of criteria as factors necessary to warrant the opening of the lagoon mouth. These factors related to salinity levels, oxygen levels and water levels. When any one of the proposed criteria was met, the County opened the lagoon mouth by digging out a small pilot channel and allowing the lagoon to "blow out" an opening. However, because of the presence of the cobble berms, the lagoon mouth rarely remained open for more than a few days. The more recent permits attempted to address this problem by removing a greater amount of cobbles, and by allowing a series of openings to occur within a set time period to maintain the lagoon mouth open for a longer period. As previously noted, these openings have been relatively successful, and the lagoon mouth has on several occasions remained open for months at a time.

Under the previously approved 2-year permit, the County was permitted to open the lagoon whenever needed, based on the same factors used in the past for determining the need to open the lagoon mouth. However, these criteria require that the lagoon resources

reach a state of active distress prior to implementation of dredging activities. The proposed project would allow openings whenever deemed necessary by the County over the next five years, with several additional restrictions placed on openings during the summer season to limit impacts to recreational beach use (see 3. Public Access/Recreation, below).

The monitoring reports submitted for the recently expired two-year permit for multiple lagoon determined that the openings had a positive impact on the health of the lagoon resources. The lagoon was artificially opened six times in the last two years, three times in 1997 and three times in 1998. Several of these openings were in response to sewage spills in the lagoon. The amount of time the mouth stayed open in response to the dredging varied widely, from as little as seven days to long as 69 days, but overall, the lagoon mouth was open 141 days in 1997 and 216 days in 1998. The reports determined that water quality remained good for most of the summer months, a time when alga blooms and fish kills are most likely to occur. The number of salt marsh species present in October 1998 was nine, compared to three at the same time five years ago. No adverse biological impacts were encountered.

Dredging the lagoon mouth is a relatively inexpensive means of increasing tidal flushing and improving the biological productivity of the lagoon in a manner that has the least impact on the lagoon and surrounding environment. The U.S. Department of Fish and Wildlife Services has reviewed the proposed 5-year opening project, and has indicated their support for the project. The Commission's biologist has also reviewed the proposed project, and determined that no significant impacts to biological resources are expected to occur as a result of the project. Thus, the proposed project would carry out the goals of the resource protection policies of the Coastal Act. However, to ensure the work continues to be reviewed by the appropriate resource agencies, Special Condition #2 requires that the proposed work be coordinated with the State Department of Fish and Game, and that the Commission be notified of the dredging operations.

In addition, the applicant has proposed a monitoring program to notify the Commission each time dredging is required, to documents the need for the opening and the work performed. Special Condition #3 specifies that yearly monitoring reports be submitted that contain information on the number and dates of each opening, the particular reason which prompted each opening, weather and tide conditions which may have contributed to the described criteria and any adverse impacts on the lagoon and the adjacent beach resulting from the opening(s). The report must document the openings over the year, summarizing what, if any, impacts on the lagoon resources occurred as a result of the project, and provide recommendations on how such impacts could be mitigated in the future should such a project be contemplated again in the future. As conditioned, the project will have a positive impact on the natural resources of the lagoon. Therefore, the Commission finds the proposed project, as conditioned, is consistent with Sections 30231, 30233 and 30240 of the Coastal Act.

3. Public Access/Recreation. The proposed project is located between the first public road and the sea. Sections 30210-30214 of the Coastal Act state that maximum

access and recreation opportunities be provided, consistent with, among other things, public safety, the protection of coastal resources, and the need to prevent overcrowding.

Section 30211 of the 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.

The project site is the mouth of San Elijo Lagoon, which empties into the Pacific Ocean at Cardiff State Beach in Encinitas. Cardiff State beach, which provides the only formal day-use facilities for beach visitors between Sea Cliff County Park (approximately 1.5 miles to the north), and Fletcher Cove (about one mile to the south), serves as an important recreational resource of region-wide importance. In addition, adjacent to and north of the lagoon mouth opening is San Elijo State Beach Campground, a very popular State Park facility. As the proposed development will occur on the beach, the potential for adverse impacts on public access and recreational opportunities exists.

As discussed in the previous section, all the various resources agencies, lagoon managers, local coastal wetland experts, and the Commission's biologist, have agreed that the opening the lagoon mouth is beneficial to the lagoon environment. However, there are a number of concerns related to public access and recreation associated with the project.

Based on the experience of previous lagoon mouth openings, for a short period after the lagoon mouth is opened, bacteria levels (fecal and total coliform counts) in the water exiting the lagoon are usually above health standards in the mouth and surfzone surrounding the mouth. As a result, County Public Health officials have had to post the surrounding beaches with signs prohibiting any body contact with the water because of potential health hazards caused by the high bacteria counts. Although this has always been a known concern, in permitting previous lagoon mouth openings, the Commission has not found this to be a significant impact on public recreational opportunities as the lagoon mouth openings generally occurred in the non-summer months and the high bacteria levels only last a few days to a week.

Based on data collected from monitoring previous lagoon mouth openings, it can be anticipated that after an initial opening, bacterial counts will exceed water quality standards and body contact with the water in the general area of the lagoon mouth will be prohibited. However, these reports indicate that within a short period of time, that "bacterial water quality in the surfzone should meet the recreational standard as seawater dilution of the Lagoon occurs and after contaminated water in the west basin of the Lagoon has flowed out." In addition, the openings permitted most recently have involved dredging larger amounts of materials resulting in the lagoon staying open for longer periods of time. Because bacteria levels deteriorate quickly once tidal flow is established, the longer the lagoon stays open, the less often the area surrounding the mouth has to be closed. However, if the lagoon does close and is then reopened, resulting in high enough bacterial counts that the beach must be closed, the proposed

development could significantly impact public recreational opportunities during high use periods such as weekends or holidays during the summer months.

As proposed by the applicant, every effort would be made to avoid an opening during the period between Memorial Day and Labor Day, when beach use is at its peak. No dredging would occur 14 days before a holiday or a scheduled beach event, no operations would occur on weekends during the summer months, and on weekends in the winter only if necessary. In addition, dredging during the summer would only occur if the lagoon inlet appeared to be less than two weeks from closing, based on the width of the lagoon inlet channel west of 101 narrowing to less than 20 feet. The maximum width of the channel at this location is 150 feet.

Monitoring reports submitted for the last two years indicate that the lagoon was manually opened three times in 1997 and three times in 1998. The three 1998 openings were in response to two sewage spills and one natural closure. None of the 1997 openings occurred during the summer months. Only one of the 1998 closures occurred in the summer, on July 20, 1998. The beach was posted with contamination signs until final water testing was cleared through the San Diego County Health Department, and the beach was closed for three days. The beach was closed for an additional two days in September 1998 when the lagoon was opened as a result of a second sewage spill. Thus, as a result of the dredging, the beach area surrounding the lagoon mouth was closed to public use for three summer days in two years. It is important to note that the beach closures were necessary largely as a result of openings associated with sewage spills, and not with the "regular" openings.

The applicant also monitored the positive recreational impacts of the dredging, specifically, the creation of new beach area from deposition of the dredged material. The report indicates that the July 1998 summer opening, while it did result in a three-day beach closure, also created a sandy beach area in an area that previously consisted only of cobbles, a beach area which was immediately used by the public. No complaints regarding the openings or the impact on public access have been received by the Commission since the permit was granted in 1997.

The purposed of the proposed project is to keep the lagoon mouth open as long as possible for the health of the lagoon resources. Keeping the mouth open for as long as possible also reduces potential recreational impacts, as the beach closures from poor water quality are most likely to occur when the lagoon mouth is first opened after a long period of being of being closed. Thus, eliminating the strict biological criteria required to trigger a lagoon opening may reduce the frequency of beach closures. In addition, the criteria proposed by the applicant to reduce impacts to beach-goers during summer, (restricting work on weekends and prior to holidays and beach events), reduces the potential that the public beach will be closed during peak demand periods. Special Condition #2 codifies the proposed restrictions on dredging during the summer, and additionally requires that no dredging work occur on Fridays during the summer months, to avoid a potential beach closure over the weekend period.

In addition, according to State Beach Lifeguards, "Spring Break" is generally a very popular non-summer period for beach visitors to both Cardiff State Beach and San Elijo Campground. If the lagoon mouth were to be opened prior to or during this high beach usage period, then it is likely that bacterial contamination in the surfzone would require the public health officials to prohibit the public from water contact in this area. Therefore, Special Condition #2 also restricts any openings from occurring in the two-week period spanning Easter, which is the time period in which most Spring break is most likely to fall. Thus, usage of the beach will not be impacted during the identified peak usage period.

Finally, the condition requires and that no equipment be stored on the beach or in the public parking lot overnight, and that all equipment be removed from the beach by Friday. Although this condition will not assure that the beach is never closed during weekends and holidays, it will help ensure that the highest levels of contaminants which are present immediately after the mouth is opened, have time to dissipate before the weekend and that no equipment will physically block the beach.

Based on the monitoring reports, the past openings do not appear to have imposed any hardships on the public. To ensure that this remains the case, Special Condition #3 requires the submittal of a monitoring report by the applicant which documents any noted adverse impacts on public access and recreation opportunities should the lagoon mouth remain open in the summer. The report should also identify potential ways to mitigate any identified impacts should multiple opening of the lagoon be proposed again in the future.

The proposed project has been identified as being beneficial to the lagoon and its associated habitat. Some inconvenience to beach users could result if the lagoon must be opened in the summer months; however, it is the intention of the project to keep the lagoon mouth open as long as possible, which will reduce the impacts associated with individual openings. With the proposed conditions of approval, impacts to public access and recreation will be reduced to the maximum amount feasible. The applicant will be required to monitor and record any impacts and propose a means of mitigating any identified impacts for future similar projects. Thus, as conditioned, the Commission finds the proposed development can be found consistent with the public access and recreation policies of the Coastal Act.

4. Local Coastal Planning. Section 30604(a) also 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.

As stated, the subject site is located in the City of Encinitas, at the mouth of San Elijo Lagoon, west of Highway 101 at Cardiff State Beach. The proposed development, although within the boundaries of the City of Encinitas, is within the jurisdiction of the County of San Diego Parks and Recreation and does not require review or approval from

the City. As conditioned, the Commission finds the proposed development consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development should not prejudice the ability of the City of Encinitas to implement its certified local coastal program.

5. Consistency with the California Environmental Quality Act (CEQA).

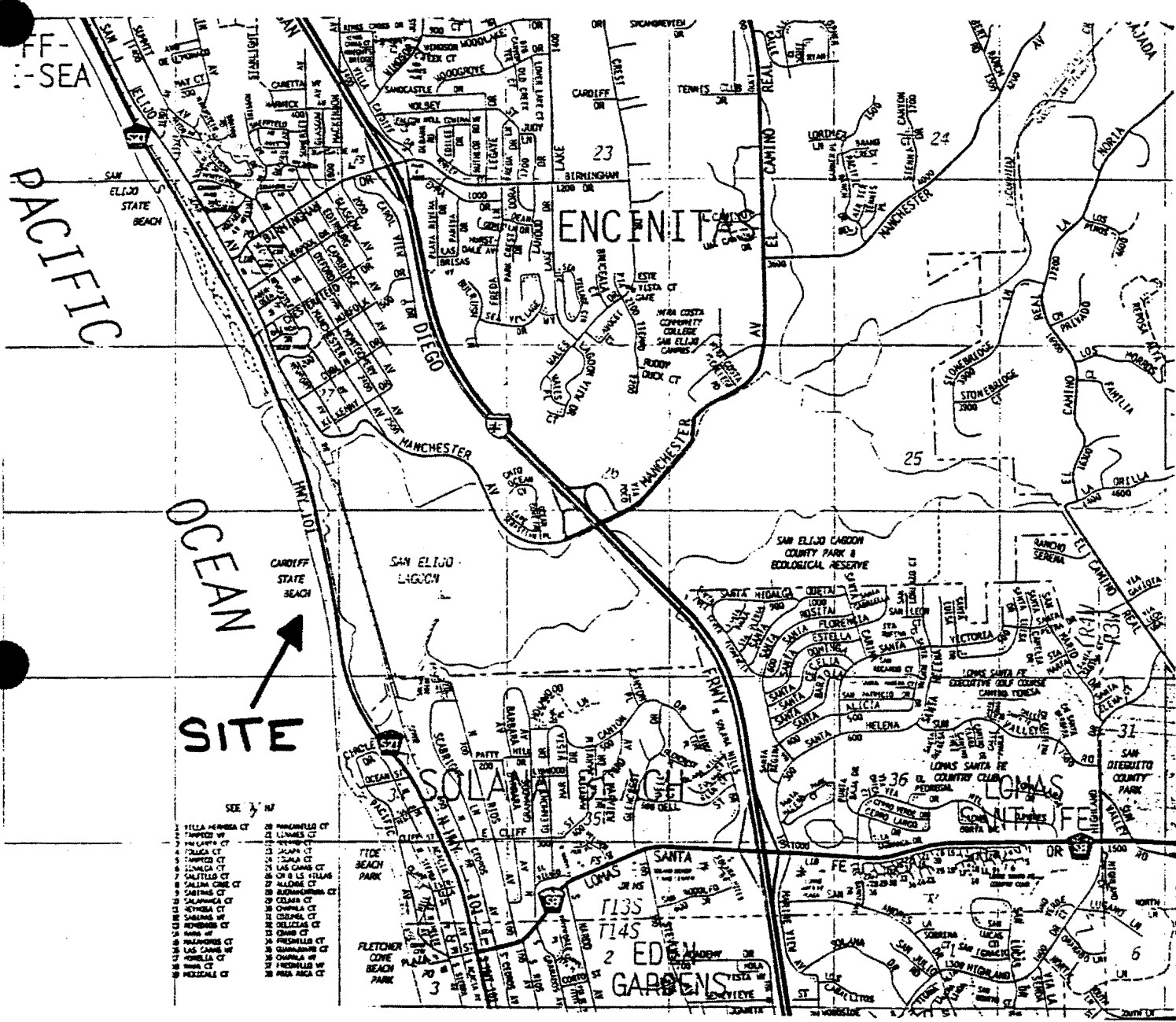
Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 Chapter 3 policies of the Coastal Act. Mitigation measures, including a restriction on timing of the work and submittal of a monitoring program, have been incorporated as conditions of approval which 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 project, as conditioned to mitigate 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.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



- SEE 3' IN
- | | |
|--------------------|--------------------|
| 1 VILLA HEREDIA CT | 28 MANHATTAN CT |
| 2 TAMPOCO WY | 29 LINDSAY CT |
| 3 PALMCREST CT | 30 WINDYBROOK CT |
| 4 TRULCA CT | 31 SCAPA CT |
| 5 TAMPOCO CT | 32 LAS GAMB CT |
| 6 CALIFORNIA CT | 33 OR & LAS VILLAS |
| 7 CALIFORNIA CT | 34 MADRID CT |
| 8 CALIFORNIA CT | 35 BURNHAMPTON CT |
| 9 CALIFORNIA CT | 36 OLIVE CT |
| 10 CALIFORNIA CT | 37 OAKHURST CT |
| 11 CALIFORNIA CT | 38 OAKHURST CT |
| 12 CALIFORNIA CT | 39 OAKHURST CT |
| 13 CALIFORNIA CT | 40 OAKHURST CT |
| 14 CALIFORNIA CT | 41 OAKHURST CT |
| 15 CALIFORNIA CT | 42 OAKHURST CT |
| 16 CALIFORNIA CT | 43 OAKHURST CT |
| 17 CALIFORNIA CT | 44 OAKHURST CT |
| 18 CALIFORNIA CT | 45 OAKHURST CT |
| 19 CALIFORNIA CT | 46 OAKHURST CT |
| 20 CALIFORNIA CT | 47 OAKHURST CT |
| 21 CALIFORNIA CT | 48 OAKHURST CT |
| 22 CALIFORNIA CT | 49 OAKHURST CT |
| 23 CALIFORNIA CT | 50 OAKHURST CT |

EXHIBIT NO. 1
 APPLICATION NO.
 6-99-12
 Location Map

California Coastal Commission

NORTH

AREAS OF DEPOSIT

MOUTH EXCAVATION

CHANNEL EXCAVATION

EQUIPMENT STAGING AREA

South Cardiff State Beach

BRUSH

SAN ELIJO

NEWPORT

6700 PUBLIC

665

66.5

KILKENNY

50

25

BRUSH

x 3.5

SAN ELIJO LAGOON

EXHIBIT NO. 2

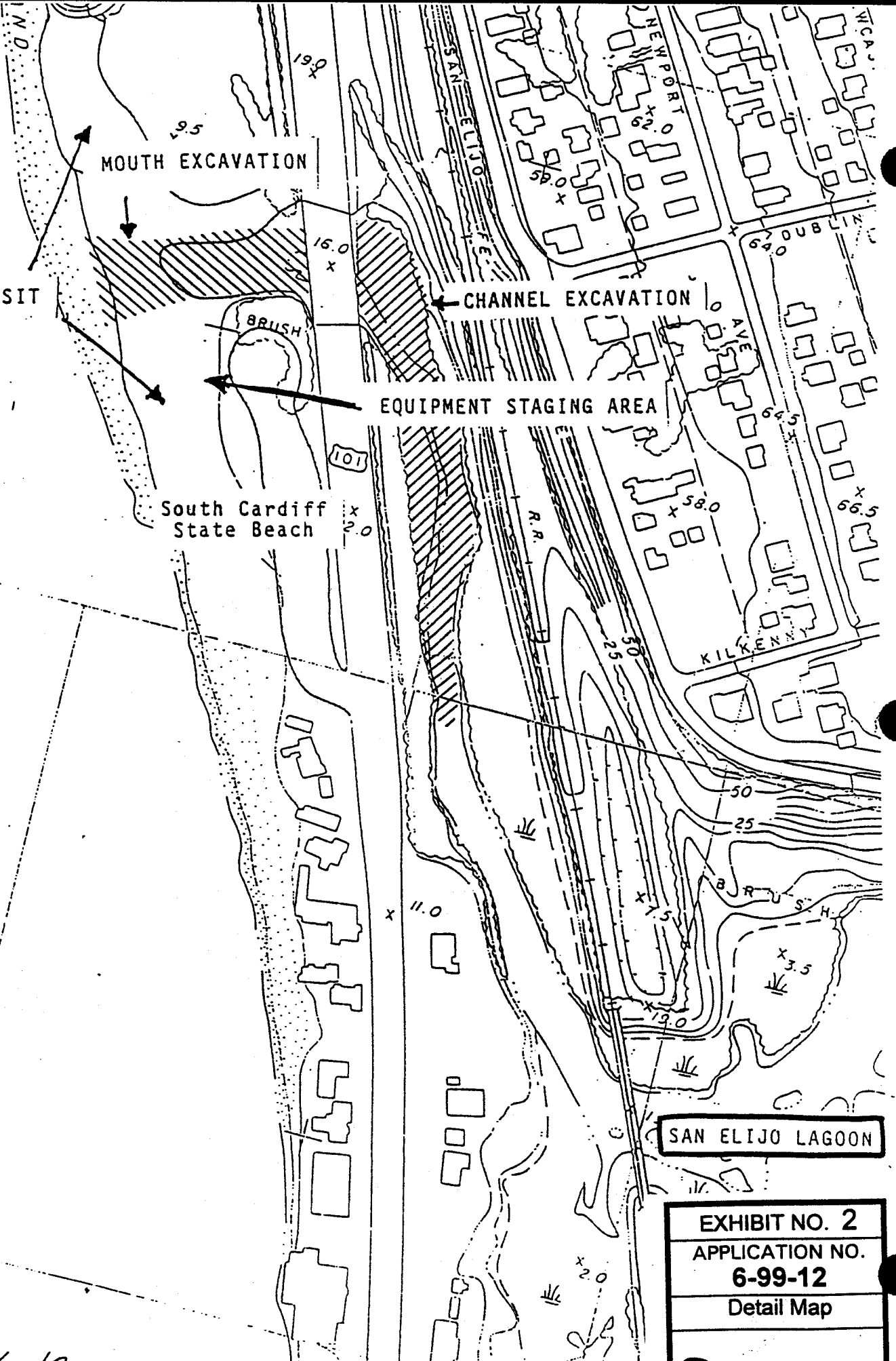
APPLICATION NO.

6-99-12

Detail Map

California Coastal Commission

6-99-120





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services

Carlsbad Fish and Wildlife Office

2730 Loker Avenue West

Carlsbad, California 92008

RECEIVED

APR 14 1999

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

APR 13 1999

Cherlyn Sarb, San Diego Area
California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108

Re: Coastal Development Permit #6-99-012, San Elijo Lagoon Mouth Opening

Dear Ms. Sarb:

As you may know, we have been closely involved in habitat restoration efforts at San Elijo Lagoon over the last several years. In particular, we have focused on, and supported with substantial funding, the efforts of the San Elijo Lagoon Conservancy and the County Parks to maintain the lagoon's connection to the ocean.

Part of this lagoon's unfortunate history is the construction of bridges and fills that have increased the amount of sediment retention and increased the frequency of blockage of the lagoon mouth, cutting it off from the influence of the ocean tides. Regular tidal influence maintains high habitat values for migratory shorebirds, fish eating seabirds, and a diverse and productive marine fish community. When cut off from the ocean, the lagoon's water quality and habitats begin to degrade, reducing biological diversity and incrementally converting the lagoon to another habitat type altogether.

Last year, we and a number of other agencies, determined that the "best" wetland restoration project at San Elijo Lagoon would be one that maintained a continuous connection with the ocean through the existing channel and bridges. This project will require regular excavation of sand from the inlet channel to the lagoon. The only other approach would be to make structural changes to the bridges and/or a new inlet channel. Besides being very expensive, such measures are often unpopular with groups that have other interests than the biological health of the lagoon.

Hence, a group of agencies have funded the formulation of a "non-structural solution" to the lagoon mouth closure problem. By establishing a fiduciary endowment of sufficient size to guarantee lagoon mouth opening over a long period of time, we can avoid the semi-annual, desperate search for emergency funding on an incident by incident basis. We are very proud that we have successfully forged such a funding partnership.

EXHIBIT NO. 3

APPLICATION NO.

6-99-12

Letter of Support

From U.S.F.W.S.

California Coastal Commission

Now, we hope to facilitate this biologically valuable, and funded, activity by requesting your consideration and approval of a simple multi-year permit for it. We hope you concur that with a modest degree of conditions only to protect human beach recreation activity that a multi-year permit will be in the public and fish and wildlife interests. Our representative remains Mr. Jack Fancher who may be reached at (760) 431-9440.

Sincerely,

Nancy Gilbert

for

Sheryl L. Barrett
Assistant Field Supervisor

cc: Corps of Engineers, San Diego
CDFG, San Diego
NMFS, Long Beach
County of San Diego, Parks and Rec.
Coastal Conservancy, Oakland