

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY**Item M8e**

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 Staff Report: November 16, 2000
 Hearing Date: December 12-15, 2000
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER: 5-99-030**

Application	Applicant(s)	Project Location:
5-99-030	Johnson, Henry G.	Humboldt Island, Huntington Beach, Orange County 16425 Ladona Circle (Lot 111)

AGENT: Tetra Tech, Inc.: Mr. Fernando Pagés, and Ms. Sarah McFadden

PROJECT DESCRIPTION: Repair and enhancement of existing bulkhead consisting of placing 452 square feet (26 cubic yards) of rock slope protection against the toe of the seawall to protect 76 lineal feet of an existing bulkhead. The toe stone will extend 6.5 feet seaward of the existing bulkhead, at a 2 to 1 slope. Mitigation of 7.3 square feet of impact to eelgrass habitat with 8.8 square feet of eelgrass near the Anaheim Bay National Wildlife Refuge.

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed development with seven special conditions which require: 1) compliance with plans submitted by the applicant; 2) conformance with specific construction responsibilities to avoid impacts upon water quality and marine resources; 3) implementation of the proposed eelgrass mitigation; 4) preparation of a survey to confirm the absence of *Caulerpa taxifolia* in the project area; 5) the applicant to acknowledge this coastal development permit is not a waiver of public rights on the property; 6) the applicant to provide evidence of an approved coastal development permit for the off site eelgrass mitigation; 7) the applicant to demonstrate their legal ability to undertake the proposed off-site eelgrass mitigation. The major issue of this staff report is impacts upon the marine environment. This application does involve impacts upon eelgrass, however, there are no proposed permanent impacts upon soft bottom habitat.

LOCAL APPROVALS RECEIVED: City of Huntington Beach approvals-in-concept dated November 25, 1998; Negative Declaration No. 00-05 approved by the City of Huntington Beach Zoning Administrator on September 13, 2000.

SUBSTANTIVE FILE DOCUMENTS: See Appendix A**STAFF NOTE:**

The proposed project is part of a group of applications which have been submitted by various property owners for approval of bulkhead reinforcements in Huntington Harbour. The subject application results in impacts to eelgrass. Meanwhile, other applications also on the current

December 2000 agenda include impacts upon either soft bottom habitat only or both eelgrass and soft bottom habitat. Separate coastal development permits will be processed for the eelgrass and soft bottom mitigation plans. These separate applications will be processed at a subsequent hearing. It should also be noted that Commission staff anticipate a large number of applications in the future for similar repairs to bulkheads throughout Huntington Harbour. For instance, there are 4 additional applications for repairs to the bulkhead on Trinidad Island (another bulkheaded island in Huntington Harbour) which will be going forward at a future hearing. The existing bulkhead system in Huntington Harbour was constructed at approximately the same time using a similar design. Therefore, the problems with the bulkheads encountered on Humboldt Island and the proposed solution may be similar throughout the harbor.

I. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL.

Staff recommends that the Commission APPROVE the permit applications with special conditions.

MOTION

I move that the Commission approve CDP #5-99-030 pursuant to the staff recommendation.

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION

APPROVAL WITH CONDITIONS

The Commission hereby GRANTS a coastal development permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, is located between the nearest public road and the sea and is in conformity with the public access and public recreation policies of the Coastal Act, 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 effects on the environment within the meaning of the California Environmental Quality Act.

II. 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 this permit is reported to the Commission. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

III. SPECIAL CONDITIONS:

1. Compliance With Plans Submitted

The permittee shall undertake development in strict conformance with the proposal and plans as set forth in the application for permit, subject to any special conditions set forth in this coastal development permit approval. Any proposed changes to or deviations from the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Construction Responsibilities and Debris Removal

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the site within 10 days of completion of construction;
- (c) No machinery or construction materials not essential for project improvements shall be allowed at any time in the intertidal zone;
- (d) Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material;

- (e) In order to control turbidity a geotextile fabric shall be installed in the area where the toe stone will be placed prior to placement of the toe stone;
- (f) Toe stone shall be placed, not dumped, using means to minimize disturbance to bay sediments and to minimize turbidity;
- (g) If turbid conditions are generated during construction a silt curtain shall be utilized to control turbidity.

3. Eel Grass Mitigation

- A. Compliance with Eelgrass Mitigation Plan. The applicant shall implement and comply with the recommendations and mitigation contained within *Eelgrass Survey Report conducted October 22, 1998 and November 5-6, 1998* dated January 1999 and updated April 1999 prepared by Tetra Tech, Inc. of Pasadena, CA and *Eelgrass Mitigation and Eelgrass Transplant Report, Humboldt Island & Trinidad Island Bulkhead Repair Project, Huntington Beach, California* dated August 2000 prepared by Tetra Tech, Inc. of Pasadena, California as they pertain to the development that is the subject of this coastal development permit. The mitigation plan shall be undertaken in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this condition) adopted by the National Marine Fisheries Service. Any changes to the approved mitigation plan, including but not limited to changes to the monitoring program to ensure success of the eelgrass mitigation site, shall require an amendment to this permit from the Coastal Commission or written concurrence from the Executive Director that the changes do not require a permit amendment.
- B. Pre-construction Eelgrass Survey. A valid pre-construction eelgrass survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the new eelgrass survey for the review and approval of the Executive Director within five (5) working days of completion of the new eelgrass survey and in any event no later than fifteen (15) working days prior to commencement of construction. If the new survey identifies, within the proposed project area, any eelgrass which is not documented in the eelgrass survey described in Special Condition No. 3.A. above, the newly identified eelgrass shall be transplanted prior to commencement of construction at a 1.2:1 ratio at the same transplantation locations identified in the eelgrass mitigation plan described in Special Condition No. 3.A. above. The transplantation shall occur consistent with all provisions of the mitigation plan described in Special Condition 3.A.
- C. Post-construction Eelgrass Survey. After completion of project construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. This post-construction survey shall be completed in the same month as the pre-construction survey during the next growing season immediately following the completion of construction within coastal waters. The survey shall be prepared in full

compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a 1.2:1 ratio at the transplantation site and in accordance with the mitigation plan described in Special Condition No. 3.A. above.

4. **Pre-Construction Caulerpa taxifolia Survey**

Prior to commencement or re-commencement of any development authorized under this coastal development permit, the applicant shall undertake a survey of the project area to determine the existence of *Caulerpa taxifolia*. The survey shall be prepared in consultation with the Regional Water Quality Control Board and the California Department of Fish and Game. The applicant shall submit the survey for the review and approval of the Executive Director within five (5) business days of completion of each survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the survey identifies any *Caulerpa taxifolia* within the project area, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

5. **Public Rights**

The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.

6. **Coastal Development Permit – Eelgrass Mitigation**

This coastal development permit does not serve as a coastal development permit approval for the implementation of the proposed eelgrass mitigation contained within *Eelgrass Mitigation and Eelgrass Transplant Report, Humboldt Island & Trinidad Island Bulkhead Repair Project, Huntington Beach, California* dated August 2000 prepared by Tetra Tech, Inc. of Pasadena, California. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide evidence of an approved and valid coastal development permit for the implementation of the eelgrass mitigation plan required by Special Condition 3 above.

7. **Legal Interest**

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, written documentation demonstrating that it has the legal ability to carry out the proposed project and all conditions of approval of this permit.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project is located on Humboldt Island in Huntington Harbour, City of Huntington Beach, Orange County (Exhibit 1). Humboldt Island is an artificial island surrounded by an approximately 14,000 foot long cast in place, concrete seawall/bulkhead constructed in the 1960's. The island is developed primarily with single family residences. The proposed project include a bulkheaded property located seaward of the first public road.

The proposed project is the placement of toe stone at the footing of the existing concrete bulkhead (Exhibits 2 and 3). Details of the project are in the following table:

App#	Site Address	Applicant	Lot #	Bulkhead Length	Sheet Pile Length	Qty Toe Stone	Width of Toe Stone	Temp. Toe Stone Impact	Eelgrass Impacted	Eelgrass Mitigation	Soft Bottom Impacted	Soft Bottom Mitigated
				(ft)	(ft)	(CY)	(ft)	(ft ²)	(ft ²)	(ft ²)	(ft ²)	(ft ²)
5-99-030	16425 Ladona Cir.	Johnson, Henry G.	111	76	0	26	6.5	452	7.3	8.8	0	0

In total, the proposed project will involve 76 lineal feet of bulkhead. Twenty six (26) cubic yards of toe stone will be placed at a 2(h) to 1(v) slope seaward of the existing bulkhead at a width of 6.5 feet from the toe of the bulkhead. A layer of geotextile fabric will be placed beneath the proposed toe stone to prevent the toe stone from sinking into the bay mud.

The toe stone will impact 7.3 square feet of eelgrass in the project area. The applicant is proposing to mitigate the loss of the eelgrass by transplanting 8.8 square feet (greater than 1.2:1 mitigation to impact ratio) of eelgrass to a location near the Anaheim Bay National Wildlife Refuge. The mitigation will be carried out concurrent with the eelgrass mitigation necessary under the other associated Humboldt Island bulkhead reinforcement projects. A separate coastal development permit will be processed for the eelgrass mitigation project which will encompass all of the eelgrass mitigation necessary for all of the coastal development permits pending for bulkhead reinforcements on Humboldt Island.

The proposed toe stone is necessary to protect the existing bulkhead. The existing bulkhead is a reinforced concrete cast in place structure supported on vertical and battered timber piles built in the 1960's. The applicant has stated that this bulkhead was designed with toe stone placed seaward of the footing at a slope of 3(h) to 1(V). Due to the size and weight of the formerly present toe stone, the protective stones have either sunk into the bay mud or migrated away from the bulkhead. In absence of the toe stone, the unconsolidated fine silty and sandy sediments have easily eroded due to tidal currents, propeller wash from recreational boats, maintenance dredging, and the activity of burrowing fish (e.g. the specklefin midshipman). This erosion threatens to undermine the bulkhead footing, exposing the existing untreated timber piles which provide the primary vertical and lateral support for the existing bulkhead. Currently, the mud line at the subject properties has dropped 3 to 27

inches below design profile. If left unabated, continued erosion will undermine the bulkhead footing. On nearby properties this same type of erosion has undermined the bulkhead and exposed the untreated timber piles. Marine boring organisms have damaged those piles and threaten to destabilize the existing bulkhead. Several applications have been received for repair and reinforcement of those bulkheads, and are on the December 2000 Commission agenda with this application. Repair and reinforcement of bulkheads where the footing has been undermined requires more extensive repairs, than those proposed under this application, including the placement of a sheetpile and concrete seaward of the existing bulkhead. The proposed toe stone is designed to restore to design elevation the protective coverage of the footing and to prevent the type of more extensive repairs and reinforcements required on nearby properties.

The proposed slope protection toe stone will consist of 8-inch minus quarry waste with a mixture of particles ranging from sand to stones less than 8 inches in diameter. The coastal engineer has stated that this type of toe stone will not migrate or accrete to other areas under the hydrodynamic conditions at the subject site. Therefore, the proposed solution will not replicate the problems associated with the previous protective toe stone structure.

B. Shoreline Protective Devices

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.

The proposed development involves structural reinforcements to protect an existing bulkhead necessary to protect an existing home. Humboldt Island is located in Huntington Harbour. On nearby properties the slope seaward of the bulkhead has eroded, creating a gap between the footing of the bulkhead and the bottom of the harbor floor. This has allowed water to enter behind (i.e. landward of) the bulkhead and undermine the bulkhead foundation. Further, the gap and erosion has exposed the bulkhead's supporting timber piles to deterioration from burrowing marine organisms. The mud line at the subject sites has dropped between 3 to 27 inches below the bottom of the footing of the existing bulkhead. However, at this stage, there are minimal voids beneath the footing of the bulkhead at the subject sites. Accordingly, the applicant has stated that the placement of protective toe stone will be adequate to prevent additional erosion and the development of voids with subsequent damage to the timber piles. If protective measures are not implemented at this stage, more extensive structural reinforcements would be necessary to protect the bulkhead.

The proposed project involves the fill of coastal waters with toe stone. The purpose of the proposed fill is to protect an existing structure, which is not one of the eight allowable uses enumerated under section 30233 of the Coastal Act. However, as stated above, section 30235 of the Coastal Act requires the Commission to approve revetments and other similar

structures provided that such structures are for the purpose of protecting existing structures and provided that the structures are designed to eliminate or mitigate adverse impacts on local shoreline sand supply. The proposed structure is for the purpose of protecting existing structures. In addition, the proposed project is occurring within an urban harbor at a location isolated from the nearest open coastal shoreline and longshore littoral sand transport mechanisms. Furthermore, bathymetric conditions were evaluated at the site in order to establish the minimum amount of toe stone necessary to protect the bulkhead and to minimize the amount of soft bay bottom covered which may contribute to shoreline sand supply. Therefore, in this case, by minimizing the area of soft bay bottom covered, the proposed project mitigates adverse impacts on local shoreline sand supply. Accordingly, the proposed project is approvable under section 30235 of the Coastal Act rather than section 30233 of the Coastal Act.

The coastal engineer indicates that the proposed project is the least environmentally damaging feasible alternative. Other alternatives considered were: 1) no project; 2) soft bottom fill; 3) placement of cement slurry to form a protective concrete shield; 4) placement of course rock; 5) installation of a deepened plastic sheet pile which would extend below the depth of scour, instead of the proposed toe stone, to prevent the formation of voids underneath the bulkhead; 6) landward placement of a sheetpile; and 7) minimizing the amount of toe stone placed in front of the bulkhead.

According to the applicant, the no project alternative would not be the least environmentally damaging feasible alternative because without the project the bulkhead at the subject site would lose structural integrity, causing the bulkhead to fail. If the bulkhead were allowed to fail, it would collapse into the harbor. Debris from the collapsed bulkhead would likely fall upon sensitive marine habitat, including eelgrass, resulting in impacts upon that habitat. In addition, sediment released from behind the collapsed bulkhead would enter the water column causing turbidity and potentially smothering eelgrass beds. The proposed project would have less impact than the no project alternative because any impacts to eelgrass will be minimized through a controlled project and mitigated under the proposed project while such impacts from the no project alternative would be uncontrolled and much more extensive.

The applicant has stated that the second alternative, soft bottom fill, is not a feasible solution because it would replicate the existing condition. Once placed against the footing, erosive forces would erode the unconsolidated fine silty and sandy sediments in the same fashion that the existing sediment has eroded.

The third alternative, placement of cement slurry for slope protection, would not be less environmentally damaging than the proposed solution. It is anticipated that the proposed toe stone will provide a suitable substrate for colonization by marine organisms. In addition, over time it is anticipated by the applicant that sediment will settle upon the proposed toe stone. Providing that there is adequate sunlight it is also anticipated by the applicant that conditions may allow colonization of the toe stone by eelgrass. However, the use of a cement slurry for slope protection would not provide a suitable substrate for colonization by marine organisms. Therefore, the proposed solution is less environmentally damaging than the second alternative.

The fourth alternative, placement of course rock only, would also not be less environmentally damaging than the proposed solution. The placement of course rock, instead of the proposed mixture of 8-inch minus quarry waste, would replicate the problems associated with the previous protective structure. Due to the presence of unconsolidated fine silty bay mud and existing hydrodynamic conditions, course rock would tend to sink into the bay mud or migrate from the slope targeted for protection. Accordingly, the course rock would need to be replaced over time, with the attendant construction related impacts upon the marine environment. Therefore, the proposed solution is less environmentally damaging than the third alternative.

The fifth alternative, placement of a deepened sheet pile in place of the proposed toe stone, is not feasible for several reasons. First, deepened sheetpiles would intersect the existing battered timber piles which angle seaward under the bulkhead below the harbor floor, cutting into those support piles (see Exhibit 10 for view of existing bulkhead and timber pile configuration). To avoid this, the deepened sheetpile would have to be relocated seaward of the existing footing. The area between the footing and sheetpile would continue to be exposed to erosive forces in the harbor. Second, PVC sheetpiles are not long enough to extend deep enough into the harbor bottom. Steel sheetpiles, which are long enough, would be subject to corrosion. Therefore, the fifth alternative is not a feasible solution to the present problem.

The sixth alternative would involve the installation of a sheetpile landward of the face of the existing bulkhead and then removing the portion of the existing bulkhead seaward of the newly installed sheet pile. The applicant has stated that this alternative is not technically feasible because the foundation slab for the existing bulkhead extends at least 10 feet landward of the face of the existing bulkhead to a point underneath existing patios and houses which are built upon the lot. If a sheet pile were installed landward of the existing bulkhead the sheet pile would need to penetrate through the foundation slab of the existing bulkhead. First, a plastic or steel sheet pile is not strong enough to penetrate the concrete foundation slab of the bulkhead. In addition, even if a strong material could be found to penetrate the concrete foundation slab, the portion of the existing bulkhead seaward of the newly installed sheet pile would lose structural integrity and collapse into the harbor. Any methods used to temporarily stabilize the bulkhead seaward of the sheet pile would require the placement of structures in the water, resulting in impacts similar or greater than the proposed project. Therefore, the sixth alternative is neither technically feasible or the least environmentally damaging feasible alternative.

The seventh alternative is to minimize the impact of the proposed design by minimizing the amount of toe stone placed in front of the bulkhead, as proposed. Minimizing the width of the toe stone from the bulkhead also minimizes any impacts upon eelgrass in the project vicinity. In addition, the applicant is proposing to mitigate for the loss of impacts to eelgrass. Therefore, the proposed project is the least environmentally damaging feasible alternative.

The proposed toe stone is necessary to protect an existing bulkhead and single family residences. In addition, the proposed development mitigates adverse impacts upon shoreline sand supply and is the least environmentally damaging feasible alternative. Therefore, the Commission finds that the proposed project is consistent with Section 30235 of the Coastal Act.

C. Marine Habitat

Section 30230 of the Coastal Act requires that marine resources shall be maintained, enhanced, and where feasible, restored. Section 30230 of the Coastal Act 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 30230 of the Coastal Act requires that marine resources be protected and that the use of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters. The proposed deposition of material above and below the mean high tide line may impact marine resources. Therefore, mitigation measures are necessary to protect the biological productivity of coastal waters.

1. Soft Bottom Habitat

The proposed development is occurring in the waters of Huntington Harbour. Except at extreme low tides, the development area would be underwater. The proposed project will result in the coverage of approximately 452 square feet of vegetated and unvegetated soft bottom habitat. These softbottom areas contain infaunal clam beds consisting of wavy chione, California chione, and common littlenecks. The applicant estimates that while the toe stone will bury the existing softbottom habitat and clam beds, the toe stone will be re-colonized by marine organisms within three to five years.

The California Department of Fish and Game (CDFG) has reviewed the proposed development. In their memorandums to Commission staff dated July 6, 1999 and January 31, 2000, CDFG stated that the proposed impact will be short term and will not be significant (see Exhibits 5 and 6). Further, the subject site is not designated in the certified local coastal program as an environmentally sensitive habitat area.

2. Eelgrass

Eelgrass (*Zostera marina*) is an aquatic plant consisting of tough cellulose leaves which grows in dense beds in shallow, subtidal or intertidal unconsolidated sediments. Eelgrass is considered worthy of protection because it functions as important habitat for a variety of fish and other wildlife, according to the Southern California Eelgrass Mitigation Policy (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG). For instance, eelgrass beds provide areas for fish egg laying, juvenile fish rearing, and water fowl foraging. Sensitive species, such as the California least tern, a federally listed endangered species, utilize eelgrass beds as foraging grounds.

An eelgrass survey titled *Eelgrass Survey Report conducted October 22, 1998 and November 5-6, 1998* prepared by Tetra Tech, Inc. of Pasadena, CA indicates that eelgrass is present in scattered patches around Humboldt Island and within the project area (Exhibit 4). In the project area there is approximately 21.7 square feet of eelgrass within 33 feet of the face of the bulkhead. According to the applicant's analysis, the proposed project will directly impact 7.3 square feet of eelgrass when the geotextile fabric and toe stone are placed to protect the bulkhead.

The applicant is proposing to mitigate for the impacts upon 7.3 square feet of eelgrass by transplanting 8.8 square feet of eelgrass to a location approximately 1 mile upcoast of the site near the Anaheim Bay National Wildlife Refuge (Exhibit 11). The proposed mitigation will occur in conjunction with the eelgrass mitigation necessary to offset impacts upon eelgrass occurring from bulkhead reinforcement projects elsewhere on Humboldt Island [5-99-031 (Lady, Jr./Zlatko/Woods), 5-99-032 (Yacoel et al), 5-99-108 (Pineda)]. In addition, the proposed eelgrass mitigation will add to eelgrass mitigation planted in the same area which was required under Coastal Development Permit 5-97-231 for the County of Orange's Sunset Harbor - Phase II Maintenance Dredging Project. The eelgrass mitigation plan is contained within *Eelgrass Mitigation and Eelgrass Transplant Report, Humboldt Island & Trinidad Island Bulkhead Repair Project, Huntington Beach, California* dated August 2000 prepared by Tetra Tech, Inc. of Pasadena, California which amends and builds upon the County of Orange's eelgrass mitigation plan titled *Eelgrass (Zostera marina) survey, impact assessment, and mitigation plan* dated December 1999 prepared for the County of Orange by Coastal Resources Management.

As noted above, the eelgrass impacts occurring under this project will be mitigated in conjunction with the other sites on Humboldt Island which require eelgrass mitigation. The total quantity of eelgrass to be impacted by bulkhead reinforcement projects on Humboldt Island which are pending before the Commission at this time (including the proposed project) is 779.7 square feet of impact to eelgrass [5-99-030 (Johnson), 5-99-031 (Lady, Jr./Zlatko/Woods), 5-99-032 (Yacoel et al), 5-99-108 (Pineda)]. Using the commonly required 1.2:1 mitigation to impact ratio for eelgrass (see Southern California Eelgrass Mitigation Policy), the total mitigation required would be 935.6 square feet. The applicant's eelgrass mitigation plan indicates that, in total, 1,200 square feet of eelgrass are to be transplanted to the mitigation site. Accordingly, the applicant is providing eelgrass mitigation at a ratio of 1.5:1 rather than the normally required 1.2:1 ratio. The mitigation will be monitored for a period of 5 years including three monitoring events the first year, followed by one monitoring event for the next 4 years. The applicant will submit monitoring reports to the Commission within 30 days of each monitoring event. Mitigation success and any needed remedial planting will be done in accordance with the Southern California Eelgrass Mitigation Policy.

The applicant's eelgrass mitigation plan indicates that the proposed eelgrass mitigation has already been undertaken. According to the applicant, the mitigation was carried out through the County of Orange under Coastal Development Permit 5-97-231. According to the applicant, the County of Orange's dredging project impacted less eelgrass than anticipated, therefore, less eelgrass mitigation was planted under that permit. Since less eelgrass was planted, there was physical space available to plant the eelgrass mitigation necessary for the Humboldt Island project. In order to assure that the proposed eelgrass mitigation plan is

carried out in accordance with an approved, valid coastal development permit, the Commission imposes Special Condition 6, which requires the applicant to submit evidence of an approved valid coastal development permit for the eelgrass mitigation prior to issuance of this coastal development permit.

Mitigation for impacts to eelgrass is necessary in order for the project to be consistent with Section 30230 of the Coastal Act. Therefore, the Commission imposes Special Condition 3. Special Condition 3 requires the applicant to implement the transplantation and mitigation of eelgrass in accordance with the proposed mitigation plan (i.e. *Eelgrass Mitigation and Eelgrass Transplant Report, Humboldt Island & Trinidad Island Bulkhead Repair Project, Huntington Beach, California*) and the Southern California Eelgrass Mitigation Policy.

Also, at least 24 months have elapsed since the eelgrass survey was conducted in October and November of 1998. In addition, pursuant to Standard Condition 2, the coastal permit will be valid for an additional 24 months. Due to the ephemeral nature of eelgrass, the National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game recommends that eelgrass surveys be conducted during the active growth phase of eelgrass (typically March through October in southern California). In addition, the resource agencies state that any eelgrass survey performed is only valid until the beginning of the next growing season (see Exhibit 9, "Southern California Eelgrass Mitigation Policy"). Therefore, based on this criteria, the eelgrass survey provided is outdated. While the applicant is proposing to conform with the Southern California Eelgrass Mitigation Policy, it is not clear from the applicants mitigation plan that a valid pre-construction eelgrass survey will be conducted. Therefore, the Commission imposes Special Condition 3.B. which requires that a valid pre-construction eelgrass survey be conducted within the boundaries of the proposed project be undertaken during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The Commission previously imposed similar conditions for pre-construction eelgrass surveys on Coastal Development Permits 5-97-230 and 5-97-230-A1 (City of Newport Beach), 5-97-231 (County of Orange), 5-97-071 (County of Orange), and 5-99-244 (County of Orange-Goldrich-Kest-Grau). The pre-construction survey will confirm the location and boundary of the previously identified eelgrass beds and also locate any eelgrass beds not previously identified which will be impacted and which must be transplanted prior to the commencement of development. Such transplantation shall occur at a 1.2:1 ratio at the location identified in the eelgrass mitigation plan.

The proposed development will occur in areas adjacent to existing eelgrass beds. The proposed toe stone will be placed using a 40 foot by 50 foot barge mounted crane which will retrieve the material for placement from a nearby 40 foot by 60 foot barge upon which the material is staged. Construction activity, including barge anchoring, vessel propeller wash, and propeller contact with the harbor bottom could cause scarring to eelgrass beds. The applicant has stated that the anchors for the barges will be placed to avoid eelgrass. In order to demonstrate the location where barge anchors will be placed, the applicant has submitted an anchor management plan. Since it is necessary to place anchors in specified locations to avoid eelgrass impacts, in accordance with the anchor management plan submitted, the Commission imposes Special Condition 1 which requires the applicant to comply with the anchor management plan submitted. If any changes to the anchor management plan is

necessary to avoid impacts to eelgrass, Special Condition 1 requires the applicant to report the change to the Executive Director and to obtain an amendment to the coastal development permit or obtain a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

Finally, even with the proposed anchor management plan, construction activity could inadvertently impact eelgrass. Therefore, the Commission finds that a post-construction eelgrass survey must be submitted to determine whether any eelgrass not proposed to be impacted was inadvertently impacted. Therefore, the Commission imposes Special Condition 3.C. Any eelgrass inadvertently impacted which was not proposed to be impacted must be mitigated under the proposed mitigation plan in the same manner as any planned eelgrass transplantation and mitigation - i.e. the same ratio of 1.2:1, the same transplantation site, same procedures, etc. The Commission required similar post-construction eelgrass surveys and mitigation for inadvertently impacted eelgrass in coastal development permit approvals 5-97-230, 5-97-231, 5-97-071, 5-99-244.

Also, as noted above, eelgrass is a sensitive aquatic plant species which provides important habitat for marine life. Recently, a non native and invasive aquatic plant species, *Caulerpa taxifolia*, has been discovered in parts of Huntington Harbour (Emergency Coastal Development Permit 5-00-403-G). *Caulerpa taxifolia* is a type of seaweed which has been identified as a threat to California's coastal marine environment because it has the ability to displace native aquatic plant species and habitats. For instance, *Caulerpa taxifolia* has been identified as a threat to California's kelp forests because it can overtake areas where kelp forest would normally grow, resulting in a decrease or elimination of kelp forest and associated marine life. *Caulerpa taxifolia* is known to grow on rock, sand, or mud substrates in both shallow and deep water areas. Since eelgrass grows in shallow areas, *Caulerpa taxifolia* could displace eelgrass in Huntington Harbour.

If present in the project area, *Caulerpa taxifolia* could be dispersed through construction of the proposed project. The placement of rock in areas where *Caulerpa taxifolia* is present, could cause pieces of the plant to break off and settle elsewhere, where it can regenerate. By causing dispersal of *Caulerpa taxifolia*, the proposed project could have adverse impacts upon marine life, especially sensitive eelgrass habitat. In order to assure that the proposed project does not cause the dispersal of *Caulerpa taxifolia*, the Commission imposes Special Condition 4. Special Condition 4 requires the applicant, prior to commencement of development, to survey the project area for the presence of *Caulerpa taxifolia*. If *Caulerpa taxifolia* is present in the project area, no work may commence and the applicant shall seek an amendment or a new permit to address impacts related to the presence of the *Caulerpa taxifolia*, unless the Executive Director determines that no amendment or new permit is required. The RWQCB has similarly conditioned their approval of the proposed project (Exhibit 7, page 4).

Special Condition 1 requires the applicant to conform with plans submitted, assuring that impacts upon marine resources are known, avoided, minimized and mitigated, as necessary. Special Condition 3 assures that impacts to eelgrass are mitigated. Special Condition 4 assures that displacement of eelgrass habitat does not occur as a result of dispersal of the non-native, invasive *Caulerpa taxifolia*. As conditioned, the Commission finds that the proposed project is consistent with Section 30230 of the Coastal Act.

D. Water Quality

Section 30231 of the Coastal Act 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.

The proposed project will involve the placement of toe stone consisting of 8-inch minus quarry waste in coastal waters. If such materials are not placed in an appropriate manner, unconsolidated bay sediments may be disturbed causing turbidity in the water column. The applicant has stated that turbidity will be addressed by first installing the proposed geotextile fabric in the area where the toe stone will be placed and by placing, not dumping, the toe stone at the target location. The applicant has additionally stated that a silt curtain will be used in the event that turbid conditions are generated during construction. Since the proposed methods are required to assure compliance with Section 30231 of the Coastal Act, the Commission imposes Special Condition 2.

The proposed development will occur within and adjacent to coastal waters. Construction will require the use of heavy machinery and require the stockpiling of construction materials. In order to protect the marine environment from degradation, Special Condition 2 requires that all construction materials and machinery shall be stored away from the water. In addition, no machinery or construction materials not essential for the project improvements shall be placed in coastal waters. Local sand, cobbles, or shoreline rocks, not presently used in the existing development, shall not be used for backfill or construction material.

The proposed development has been reviewed by the California Regional Water Quality Control Board (RWQCB), Santa Ana Region. The RWQCB has waived waste discharge requirements for the project (Exhibit 7).

Therefore, as the conditioned, the Commission finds the proposed development is consistent with Section 30231 of the Coastal Act.

E. Public Access

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:

(2) adequate access exists nearby, or,

(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.

The subject site is located on Humboldt Island in Huntington Harbour. Much of Huntington Harbour consists of private communities. However, Humboldt Island is publicly accessible via a bridge from the mainland. On-street parking is the major source of public parking. In addition, the City of Huntington Beach certified LCP shows a public beach flanking Humboldt Drive at the entrance to Humboldt Island.

The proposed development involves structural reinforcements to an existing bulkhead which would result in seaward encroachment of the structure. Therefore, the proposed project is considered new development for the purposes of Coastal Act section 30212. However, the proposed project would be underwater. There is no beach area which provides lateral public access on-site upon which the proposed project would encroach. Further, there is no beach area off-site which provides public access that could be eroded as a result of changes in shoreline processes due to the proposed project.

Therefore, the Commission finds that no public access is necessary with the proposed development and that the proposed project is consistent with section 30212 of the Coastal Act.

F. Legal Ability to Undertake Development

Section 30211 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 30601.5 of the Coastal Act requires states in part,

...prior to the issuance of a coastal development permit, the applicant shall demonstrate the authority to comply with all conditions of approval.

Certain portions of submerged lands within Huntington Harbour are owned in fee by the State of California ("State") and certain portions are not owned in fee by the State, however, are subject to the public trust easement. Any construction of protective devices upon submerged lands in Huntington Harbour that are owned in fee interest by the state requires a Protective Works Lease (PWL) from the California State Lands Commission (CSLC). The proposed development is occurring upon submerged lands in Huntington Harbour.

The CSLC has been contacted by the applicants regarding the proposed development. However, there is no formal communication in the Commission's file from CSLC indicating definitively whether or not the proposed development requires a protective works lease. Therefore, the Commission imposes Special Condition 7 which requires the applicant to demonstrate their legal ability to undertake the development. In this case, the applicant

would need to provide either an approved PWL from CSLC or a letter from CSLC indicating that no PWL is required.

Previous comments provided in communications from CSLC regarding the Humboldt Island projects indicate that their approval of the projects does not waive any potential public rights to the subject submerged lands. In addition, the comments provided by the CSLC were provided by their staff and not provided via a resolution or other action by the appointed members of the California State Lands Commission. Therefore, it remains possible (but unlikely given the other approvals granted for nearby properties in the area) that the authorization of use of the submerged lands for the proposed purpose would not be granted. In order to assure that the subject Coastal Development Permit is not utilized to assert that any public rights to the land upon which the development is occurring have been waived, the Commission imposes Special Condition 5 which states that the Coastal Commission's approval is not a waiver of any public rights which exist or may exist on the property.

In addition, the proposed projects require eelgrass habitat mitigation. This mitigation is proposed to occur off-site in the Huntington Harbour channel near the Anaheim Bay National Wildlife Refuge. While the County of Orange and California State Lands Commission have approved the proposed mitigation, the applicants have not submitted evidence that they have the legal ability to undertake the mitigation. Accordingly, the Commission imposes Special Condition 7 which would require that the applicant demonstrate their legal ability to undertake restoration at the proposed site in the Huntington Harbour channel.

As conditioned the Commission finds the proposed project is consistent with Sections 30211 and 30601.5 of the Coastal Act.

G. 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.

H. California Environmental Quality Act

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, 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 project is located in an existing harbor in an urbanized area. Development already exists on the subject site. The project site does not contain any known sensitive marine resources, therefore the impacts arising from the proposed project will be minimal. In addition, the

proposed development has been conditioned to assure the proposed project is consistent with the resource protection policies of the Coastal Act. The conditions also serve to mitigate significant adverse impacts under CEQA. The conditions are: 1) a requirement that the applicant comply with plans submitted with the application; 2) a requirement that the applicant conform with specific construction responsibilities to avoid impacts upon water quality and marine resources; 3) a requirement that the applicant mitigate for impacts upon eelgrass; 4) a requirement that the applicant prepare of a survey to confirm the absence of *Caulerpa taxifolia* in the project area; 5) a requirement that the applicant acknowledge that this coastal development permit is not a waiver of any public rights which may exist on the property; 6) a requirement that the applicant demonstrate that a coastal development permit has been approved for the off site eelgrass mitigation; and 7) a requirement the applicant demonstrate their legal ability to undertake the proposed off-site eelgrass mitigation. There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, can be found consistent with the requirements of CEQA.

Appendix A
Substantive File Documents
Page 18 of 19

Applicants Engineering Analyses and Letters

- Letter from Tetra Tech, Inc. to California Coastal Commission titled *Response to May 12, 1999 Letter Regarding Follow-Up Notice of Incomplete Applications* dated May 24, 1999
- Letter from Tetra Tech, Inc. to California Department of Fish and Game dated July 29, 1999
- Letter from Tetra Tech, Inc. to California Coastal Commission titled *Coastal Development Permit Applications for Humboldt Island Bulkhead Repairs* dated August 18, 1999
- Letter from Tetra Tech, Inc. to California Coastal Commission titled *Coastal Development Permit Applications for Humboldt Island Bulkhead Repairs* dated August 25, 1999

Biological Surveys and Mitigation Plans

- *Eelgrass Survey Report conducted October 22, 1998 and November 5-6, 1998* dated January 1999 and updated April 1999 prepared by Tetra Tech, Inc. of Pasadena, CA
- Eelgrass survey letter dated December 6, 1999, titled *Eelgrass Survey in Huntington Harbour at 3943 Mistral Drive, 16418 Ladona Circle, and 16575 Ensign Circle, Huntington Beach, California* prepared by Tetra Tech, Inc. of Pasadena, California
- *Eelgrass Mitigation and Eelgrass Transplant Report, Humboldt Island & Trinidad Island Bulkhead Repair Project, Huntington Beach, California* dated August 2000 prepared by Tetra Tech, Inc. of Pasadena, California
- *Soft Bottom Mitigation Plan, Humboldt Island and Trinidad Island Bulkhead Repair Project, Huntington Beach, California* dated April 2000 prepared by Tetra Tech, Inc. of Pasadena, California
- *Eelgrass (Zostera marina) survey, impact assessment, and mitigation plan* dated December 1999 prepared for the County of Orange by Coastal Resources Management.

Local Government Approvals

- *Negative Declaration No. 00-05 for the Humboldt Island and Trinidad Island Seawall (Bulkhead) Repairs* prepared by the City of Huntington Beach and Tetra Tech, Inc. of Pasadena, California

California Department of Fish and Game Letters and Approvals

- Memorandum from California Department of Fish and Game to the California Coastal Commission titled *Humboldt Island Homeowners Association Bulkhead Repair* dated July 6, 1999
- Letter from California Department of Fish and Game to City of Huntington Beach dated August 31, 2000 approving the Soft Bottom Mitigation Plan and Eelgrass Mitigation and Eelgrass Transplant Report cited above

Other Agency Approvals and Correspondence

- *Public Notice* for application No. 199915697-YJC from the U.S. Army Corps of Engineers
- Letter from California State Lands Commission to the California Coastal Commission regarding status of applications and no objection to Coastal Commission action on subject properties dated August 25, 1999

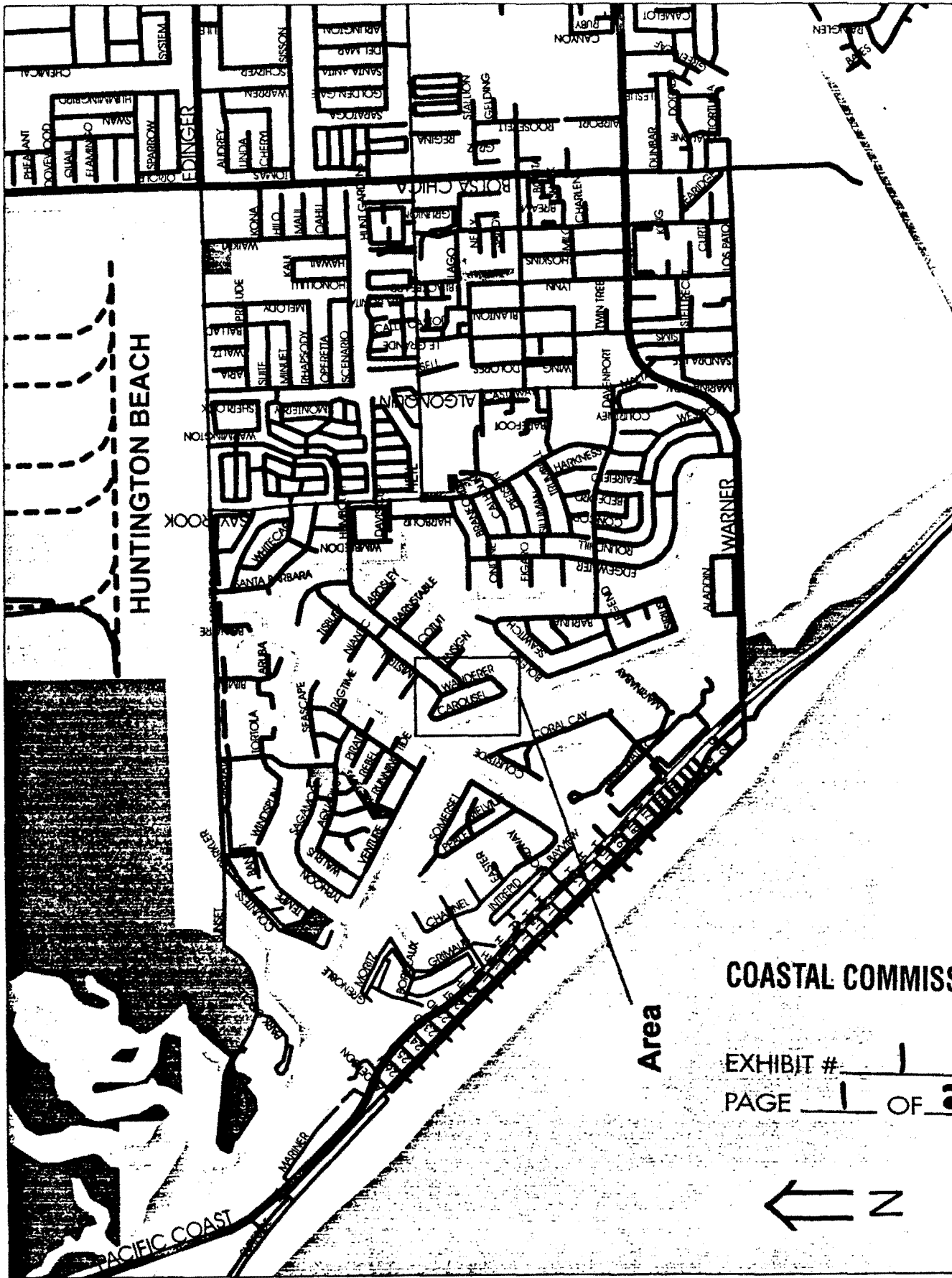
- California Regional Water Quality Control Board, Santa Ana Region, Clean Water Act Section 401 Water Quality Certification for the Proposed Humboldt Island Bulkhead Repair on Properties Requiring Mitigation, City of Huntington Beach (WDID 8 303271001) dated November 3, 2000
- California Regional Water Quality Control Board, Santa Ana Region, Clean Water Act Section 401 Water Quality Certification for the Proposed Humboldt Island Bulkhead Repair on Properties Requiring Mitigation, City of Huntington Beach (WDID 8 303270001) dated November 3, 2000

Coastal Development Permits

- Bulkhead Reinforcements: 5-97-223 (Shea/Albert), 5-99-005 (Dea); 5-99-006 (Fernbach/Holland), 5-99-007 (Aranda et al), 5-99-008 (Yacoel et al);
- Eelgrass Impacts: 5-97-230 and 5-97-230-A1 (City of Newport Beach), 5-97-231 (County of Orange), 5-97-071 (County of Orange), and 5-99-244 (County of Orange-Goldrich-Kest-Grau)
- Emergency Coastal Development Permit 5-00-403-G

Pending Coastal Development Permit Applications

- Humboldt Island: 5-98-179 (Kompaniez), 5-98-201 (Anderson), 5-98-443 (Whyte), 5-98-444 (Barrad), 5-99-031 (Lady, Jr./Zlatko/Woods), 5-99-032 (Yacoel et al), 5-99-108 (Pineda), 5-99-473 (Gelbard)
- Trinidad Island: 5-00-389 (Ashby et al); 5-00-390 (Burggraf et al); 5-00-401 (Baghdassarian et al); 5-00-402 (Buettner et al)

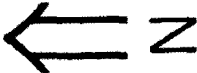


HUNTINGTON BEACH

COASTAL COMMISSION

Area

EXHIBIT # 1
PAGE 1 OF 2



TC 10200
FIGURE 1

Site Vicinity Map
Huntington Harbour Bulkhead Repair

Tetra Tech
INCORPORATED

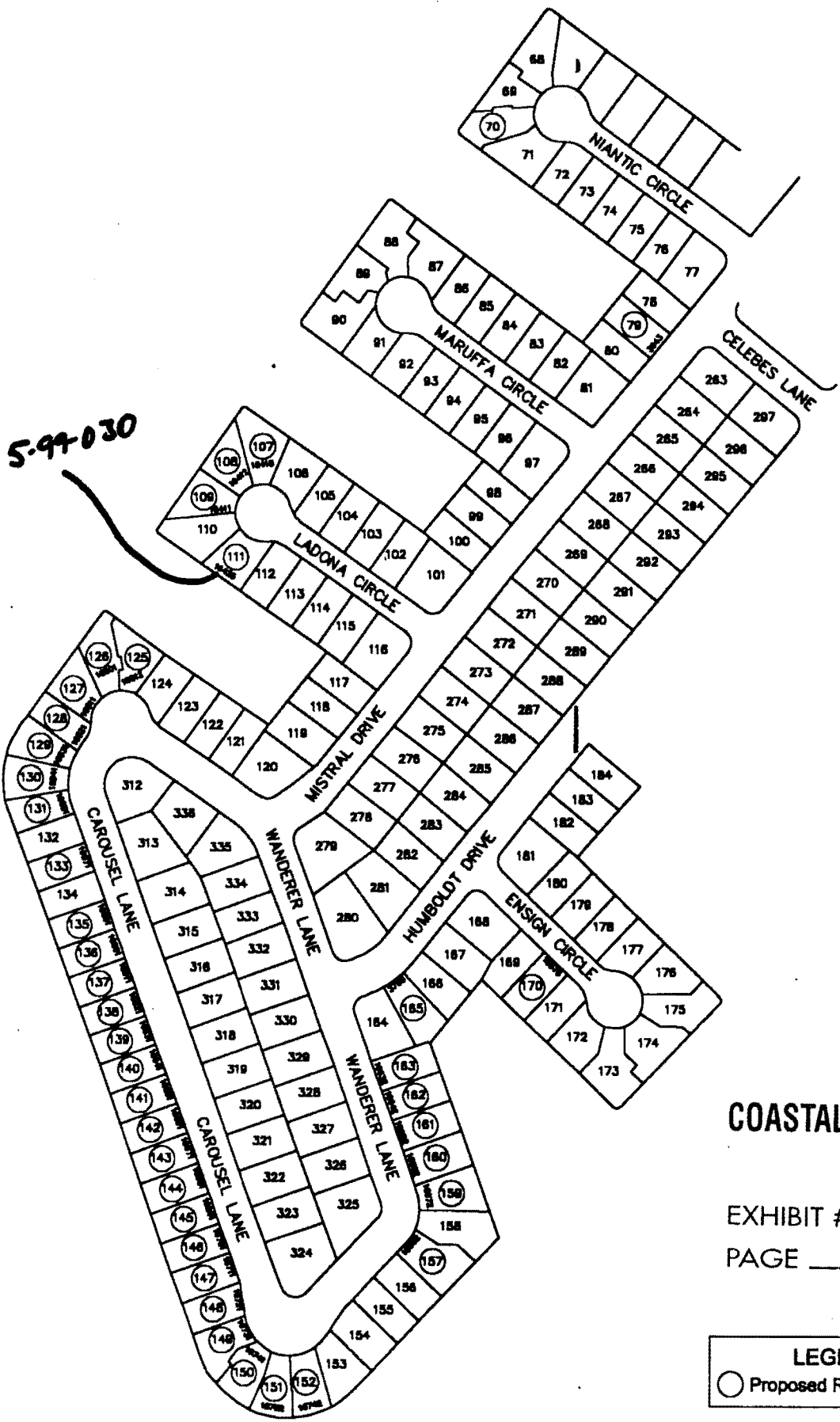
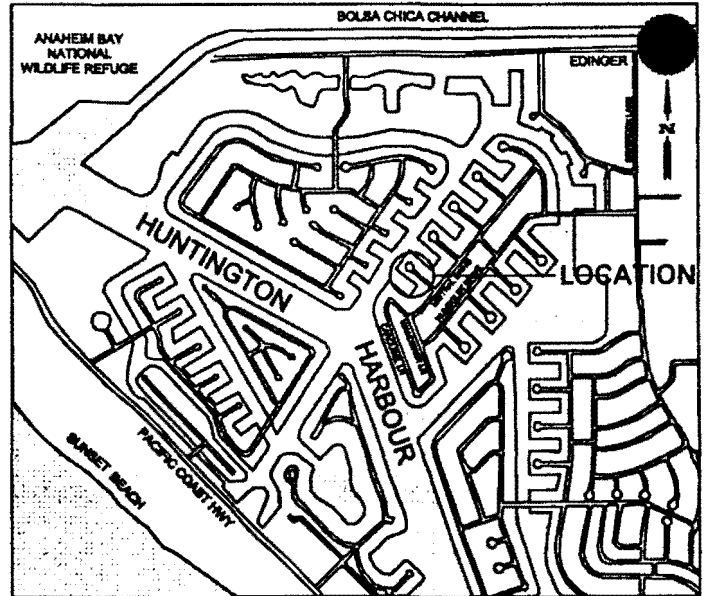
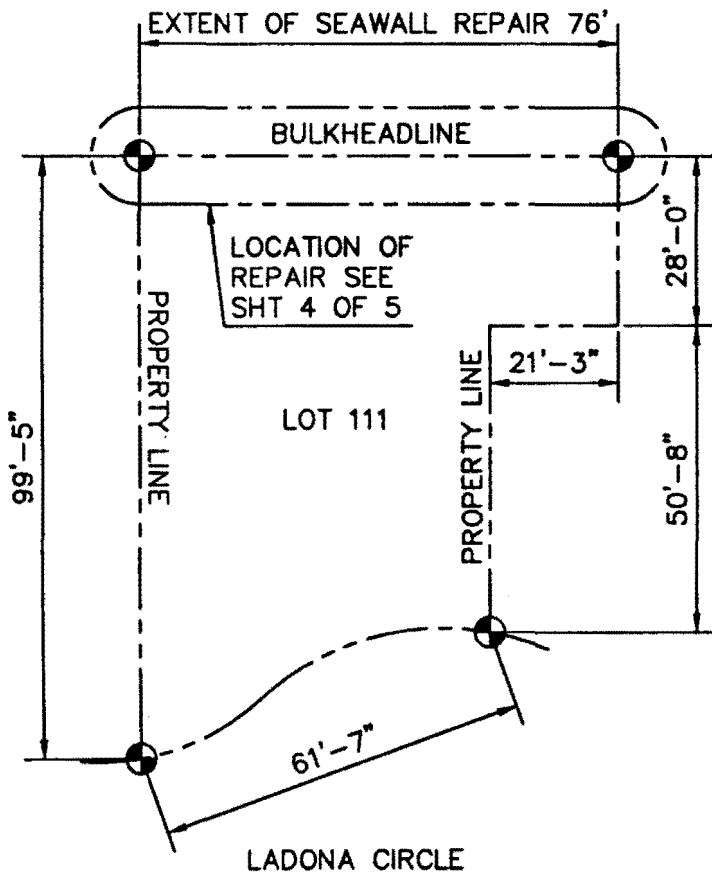


Figure 2. Location of Properties with Proposed Repairs, Humboldt Island, Huntington Beach, California, July 2000.



HUNTINGTON HARBOUR CHANNEL



VICINITY MAP

FROM U.S.G.S. SEAL BEACH QUADRANGLE CALIFORNIA SCALE 1:24000

NOTE:
ALL DEPTHS BASED ON
MLLW = 0.00 FT.

COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 4



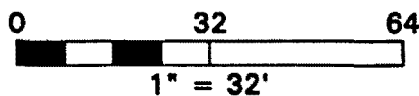
TETRA TECH

800 The City Parkway West, Suite 300
Orange, CA 92668
(714)456-0186, Fax (714)456-0181

PURPOSE: Repair Existing Seawall

Datum: MLLW = 0
Adj. Property Owners:
1. See Attached List
2.
3.

PLAN VIEW



Henry G. Johnson
16425 Lodona Circle
Huntington Beach, CA 92649

Proposed Repair of Existing Seawall

IN: Huntington Harbour
AT: Huntington Beach
County of Orange State: CA
Application By: Henry G. Johnson
Sheet 1 of 5 Date: 2/25/99

HUNTINGTON
HARBOUR
CHANNEL

6.5' MIN
@2H:1V
(26 CY)

79'-3"
REPAIR
CASE IV

LOT 110
PROPERTY LINE

EXISTING SEAWALL
FOOTING (INSIDE EDGE)

LOT 111

EXISTING SEAWALL
FOOTING (SEAWARD EDGE)

COASTAL COMMISSION

EXHIBIT # 2
PAGE 2 OF 4

LOT 112
PROPERTY LINE

LEGEND:

- PILES TO BE REPAIRED
- EXISTING PILES
- ▒ GROUTED VOID
- ☐ ROCK TOE PROTECTION

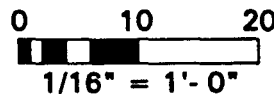


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Henry G. Johnson
 16425 Ladona Circle
 Huntington Beach, CA 92649

Proposed Repair of Existing Seawall

IN: Huntington Harbour
 AT: Huntington Beach
 County of Orange State: CA
 Application By: Henry G. Johnson
 Sheet 2 of 5 Date: 2/25/99

GENERAL CONDITIONS & EXISTING CONSTRUCTION: Contractor shall verify the existing conditions shown on the drawings prior to installation of the work and shall notify the engineer immediately of any discrepancies between the existing conditions and the conditions shown on the drawings.

Dimensions of the existing construction shown on the drawings are for information and estimating purposes only. Contractor is responsible for field verification of all dimensions relating to the existing construction prior to the installation of the work. Existing construction shall not be drilled, cut, or altered in any way except as specifically shown on the drawings. Contractor shall protect the existing construction from damage during the installation of the work shown. Contractor shall be responsible for the repair of any damage to the existing construction which may occur during the installation of the work shown, and shall restore any damaged area, at his expense, to its original condition.

It shall be the contractor's responsibility to obtain and pay for all necessary permits and approvals prior to commencement of the work. The contractor shall comply with all applicable requirements of the State Safety Orders and OSHA, and all work shall conform to the applicable requirements of the current edition of the Uniform Building Code (UBC).

Contractor shall supply, transport to the site, and install all items required for completion of the work shown in accordance with the drawings and the manufacturer's written recommendations.

2.SLOPE PROTECTION: Slope protection shall be 8 inch minus quarry waste piled at a slope of 2H:1V as shown. Contractor shall submit certified gradation curves from material supplier. Slope protection shall be installed in accordance with CALTRANS placement method B (section 72) from a distance not exceeding 2 ft.

3.GEOTEXTILE: Shall be MIRAFI 700X woven polypropylene fabric with 135lb. or better puncture rating or approved equivalent.

4.CONSTRUCTION SEQUENCE: Construction shall be completed and inspected in accordance with the following:

1. Prior to start of construction, a diver certified in the state of California will inspect the existing foundation and piles and determine repair requirements.

2. Contractor shall place the appropriate width of geotextile for the slope protection at a 2:1 slope with an additional 2 ft. min overhang at each side. Overhang to be folded back over first layer of rock and covered by subsequent layers of rock until specified slope is achieved. All sheet splices shall have a min. 18 inches of overlap and shall be secured together by staples or other approved means.

3. Contractor shall locate all existing weep holes in bulkhead walls, remove marine growth and clean out weep holes from the water side to the earth side of the wall.

In order to avoid construction delays, contractor shall coordinate activities and schedule diver inspections. Divers shall be certified and approved by Tetra Tech. Contact Fernando Pages (Tetra Tech, Inc.) @ (626) 351-4664.

COASTAL COMMISSION

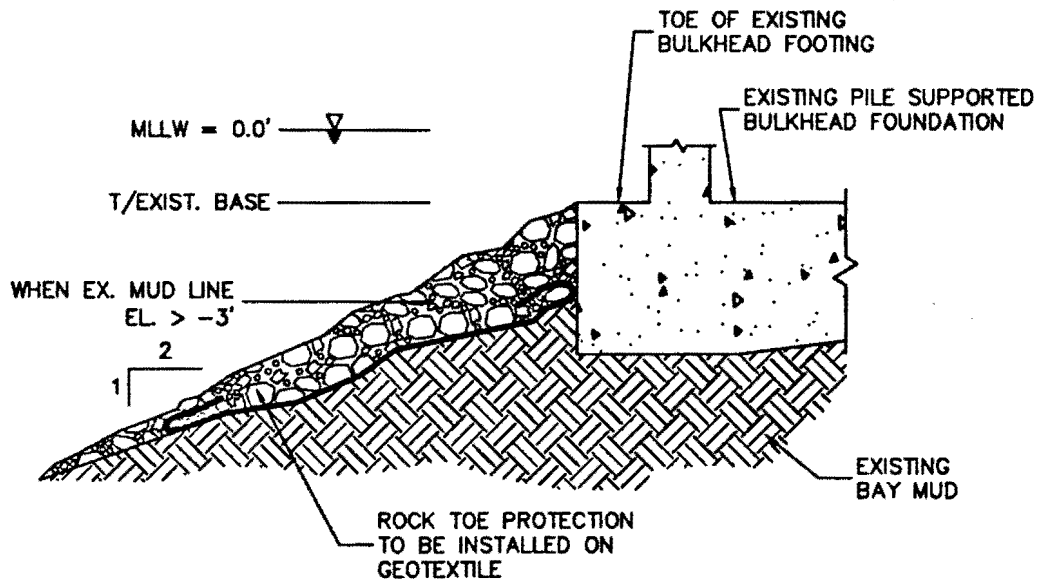


TETRA TECH

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EXHIBIT # 2
PAGE 3 OF 4

<p>PURPOSE: Repair Existing Seawall</p> <p>Datum: MLLW = 0 Adj. Property Owners: 1. See Attached List 2. 3.</p>	<p>SPECIFICATIONS</p> <p>Henry G. Johnson 16425 Ladona Circle Huntington Beach, CA 92649</p>	<p>Proposed Repair of Existing Seawall</p> <p>IN: Huntington Harbour AT: Huntington Beach County of O.C. State: CA Application By: Henry Johnson Sheet 3 of 5 Date: 2/25/99</p>
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SECTION AT FOOTING TOE: CASE IV

SCALE: 3/8" = 1'-0" (FOR ROCK BACK FILL ONLY)

1

COASTAL COMMISSION



TETRA TECH

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EXHIBIT # 2
 PAGE 4 OF 4

PURPOSE: Repair Existing Seawall

SECTION VIEW

Proposed Repair of Existing Seawall

Datum: MLLW = 0
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Henry G. Johnson
 16425 Lodona Circle
 Huntington Beach, CA 92649

IN: Huntington Harbour
 AT: Huntington Beach
 County of O.C. State: CA
 Application By: Henry Johnson
 Sheet 4 of 5 Date: 2/25/99



HUNTINGTON HARBOUR CHANNEL

EXTENT OF SEAWALL REPAIR 76'

BULKHEADLINE

LOCATION OF REPAIR SEE SHTS 6&7 OF 8

PROPERTY LINE

LOT 111

PROPERTY LINE

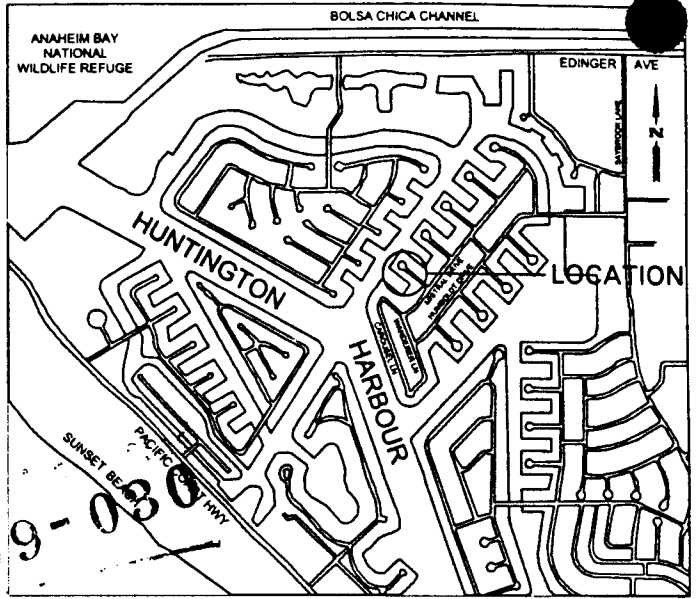
21'-3"

99'-5"

50'-8"

61'-7"

LADONA CIRCLE



VICINITY MAP

FROM U.S.G.S. SEAL BEACH QUADRANGLE CALIFORNIA SCALE 1:24000

RECEIVED
South Coast Region

JAN 22 1999

CALIFORNIA COASTAL COMMISSION

NOTE: ALL DEPTHS BASED ON MLLW = 0.00 FT.

APPROVED IN CONCEPT
[Signature]
PLANNING DIVISION
CITY OF OCEANA
COASTAL COMMISSION

REGISTERED PROFESSIONAL ENGINEER
MARIE MARSH
[Signature]
No. 036793
Exp. 3-31-01
CIVIL
STATE OF CALIFORNIA



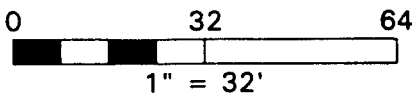
TETRA TECH

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Orange, CA 92668
(714)456-0166, Fax (714)456-0161

EXHIBIT # 3
PAGE 1 OF 7

PURPOSE: Repair Existing Seawall

PLAN VIEW



Datum: MLLW = 0
Adj. Property Owners:
1. See Attached List
2.
3.

Henry G. Johnson
16425 Lodona Circle
Huntington Beach, CA 92649

Proposed Repair of Existing Seawall

IN: Huntington Harbour
AT: Huntington Beach
County of Orange State: CA
Application By: Henry G. Johnson
Sheet 1 of 8 Date: 10/7/98

HUNTINGTON
HARBOUR
CHANNEL



5'-8'
@2H:1V

5-99-030

79'-3"

LOT 110

PROPERTY LINE

RECEIVED
South Coast Region

JAN 22 1999

CALIFORNIA
COASTAL COMMISSION

EXISTING SEAWALL
FOOTING (INSIDE EDGE)

LOT 111

EXISTING SEAWALL
FOOTING (SEAWARD EDGE)

COASTAL COMMISSION

EXHIBIT # 3

PAGE 2 OF 7

LOT 112

PROPERTY LINE

LEGEND:

- PILES TO BE REPAIRED
- EXISTING PILES
- ▣ GROUDED VOID
- ROCK TOE PROTECTION

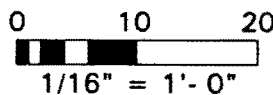


TETRA TECH

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(714)456-0186, Fax (714)456-0181

PURPOSE: Repair Existing Seawall

PLAN VIEW



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Henry G. Johnson
 16425 Ladona Circle
 Huntington Beach, CA 92649

Proposed Repair of Existing Seawall

IN: Huntington Harbour
 AT: Huntington Beach
 County of Orange State: CA
 Application By: Henry G. Johnson
 Sheet 2 of 8 Date: 10/7/98

1. GENERAL CONDITIONS & EXISTING CONSTRUCTION: Contractor shall verify the existing conditions shown on the drawings prior to installation of the work and shall notify the owner immediately of any discrepancies between the existing conditions and the conditions shown on the drawings.

Dimensions of the existing construction shown on the drawings are for information and estimating purposes only. Contractor is responsible for field verification of all dimensions relating to the existing construction prior to the installation of the work. Existing construction shall not be drilled, cut, or altered in any way except as specifically shown on the drawings. Contractor shall protect the existing construction from damage during the installation of the work shown. Contractor shall be responsible for the repair of any damage to the existing construction which may occur during the installation of the work shown, and shall restore any damaged area, at his expense, to its original condition.

It shall be the contractor's responsibility to obtain and pay for all necessary permits and approvals prior to commencement of the work. The contractor shall comply with all applicable requirements of the State Safety Orders and OSHA, and all work shall conform to the applicable requirements of the current edition of the Uniform Building Code (UBC).

Contractor shall supply, transport to the site, and install all items required for completion of the work shown in accordance with the drawings and the manufacturer's written recommendations.

2. MONITORING & CONTINGENCY PLAN: Prior to start of construction the contractor shall establish monuments at locations selected by the Engineer and Contractor for the purpose of monitoring wall movements during the construction period. These monuments shall be surveyed at least three times per day by the Contractor, and if any wall movement is detected, the Contractor shall immediately inform the Engineer.

It shall be the Contractor's responsibility to ensure workers safety and to make every reasonable effort to prevent wall movements during construction of the repairs. After completion of an initial inspection to determine the extent of required repairs, the Contractor shall submit a brief written plan at each property, which details the required repairs and specific precautions to be taken to allow safe completion of the work. For cases where more than one adjacent pile requires repair by jack installation, or in the case where the wall exhibits fracture across its section and where displacement is evident, the Contractor shall provide temporary shoring, bracing, etc. as he deems necessary, to allow safe access to the repair area.

As a contingency plan, the Contractor shall have two helical anchors, Chance model #C110-0235-SS175, on site with enough rod extensions to install a 30 foot long earth anchor which can be installed in the event significant wall movement is noted during the daily monitoring. All equipment needed for CHANCE anchor installation shall also be onsite with appropriate certifications that equipment gauges have properly calibrated.

COASTAL COMMISSION



TETRA TECH

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EXHIBIT # 3
PAGE 3 OF 7

PURPOSE: Repair Existing Seawall

SPECIFICATIONS

Proposed Repair of Existing Seawall

Datum: MLLW = 0
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Huntington Beach, CA 92649

IN: Huntington Harbour
AT: Huntington Beach
County of O.C. State: CA
Application By: Henry G. Johnson
Sheet 3 of 8 Date: 10/7/98

3. MISCELLANEOUS MATERIALS: Expansion anchors shall be Kwik Bolt II by Hilti Corporation or approved equal. Provide anchors made of Type 316 stainless steel with rod couplings.

Threaded rod shall be Type 316 stainless steel threaded rod. Provide rod with thread spacing and of diameter to match rod coupling provided with expansion anchors and with nut and washer at one end.

Provide continuous wales of size indicated on the drawings and fabricated from number 1 grade Douglas fir. Wales shall be cut and drilled and then coated with polyurethane base coat Elasto-Deck 5001 and top coated with Elasto-Glaze 6001 AL, by Pacific Polymers. Apply and touch up damaged areas of wood coatings in accordance with the manufacturers written instructions.

Jacks shall be McMaster-Carr bell base screw jack model no. 2926T18 or approved equal. Jack capacity shall be 20 tons or greater.

4. HIGH PRESSURE GROUT: Provide MasterBuilder 212 grout, mixed and placed in accordance with manufacturer's written instructions. After concrete has hardened, place grout at recommended pressure through 1 1/2" diameter schedule 40 PVC grout tubes to fill remaining voids. Grout tubes shall be placed as shown on the drawings where the foundation base slab has been undermined and pile repair is required. Placement of grout shall continue at one location until grout exits grout tubes at adjacent pile repair locations. If adjacent pile locations do not require pile repair, two grout tubes shall be installed and grout shall be placed through one tube until it begins exiting the second tube. Elevation of feed ends of grout tubes shall be maintained above maximum high water level and grout shall be placed to the top of the tube, until grout has hardened.

5. PORTLAND CEMENT CONCRETE: Provide normal weight concrete to fill beneath the foundation base slab with the following properties:

Minimum ultimate compressive strength of 3,000 psi at 28 days.

Portland Cement: ASTM C150, Type V

Aggregate : ASTM C33 (Coarse Aggregate shall conform to requirements of Size #8, Table 2)

Water: Potable

Slump: 7 inches

Materials shall be mixed, transported, fabricated, placed, consolidated, and finished in accordance with the requirements of the current edition of the American Concrete Institute Building Code Requirements for Reinforced Concrete (ACI 318) and (ACI 304R). Specifically, concrete placement shall conform to the requirements of Chapter 8 "Concrete Placed Under Water", utilizing either the direct pumping or tremie methods. Contractor shall take care to maintain the end of the pipe or tremie in the concrete mass at all times during concrete placement.

COASTAL COMMISSION



TETRA TECH

800 The City Parkway West, Suite 300
Orange, CA 92668
(714)456-0166, Fax (714)456-0161

EXHIBIT # 3
PAGE 4 OF 7

PURPOSE: Repair Existing Seawall

SPECIFICATIONS

Proposed Repair of Existing Seawall

Datum: MLLW = 0
Adj. Property Owners:
1. See Attached List
2.
3.

Henry G. Johnson
16425 Ladona Circle
Huntington Beach, CA 92649

IN: Huntington Harbour
AT: Huntington Beach
County of O.C. State: CA
Application By: Henry G. Johnson
Sheet 4 of 8 Date: 10/7/98

6. STEEL PLATES & PIPE: Structural steel plates shall conform to the requirements of ASTM A36. Steel pipe shall conform to the requirements of ASTM A53 Type B. All welding shall be performed by welders certified to perform the indicated types of welding and shall be in accordance with the current edition of the American Welding Society (AWS) Structural Welding Code for steel. L.A. welding certificates shall be provided.

7. SHEET PILING: Shall be Shore Guard Rigid Vinyl Sheet piling by Materials International, Atlanta, Georgia 800-256-8857, or equal. Provide size shown on drawings and install in accordance with manufacturer's written instructions.

8. RIP RAP TOE PROTECTION: Shall be 8 inch minus quarry waste piled at a slope of 2H:1V.

9. CONSTRUCTION SEQUENCE: Construction shall be completed and inspected in accordance with the following:

1. Prior to start of construction, a diver certified in the state of California will inspect the existing foundation and piles and determine repair requirements. Screw jacks shall be installed if batter pile deterioration exceeds 25% of its original net diameter, or as directed by Engineer.

2. When pile repair is required, no more than one pile shall be cut and the jack assembly installed prior to beginning work on the next pile. Upon completion of jack assembly installation, grout tubes shall be hung from the bottom of the base slab. After placement of jack assembly, jack shall be adjusted to its maximum capacity, but not greater than 20 tons. Jack adjustment shall be completed during high tide. Prior to concrete placement, pile repair work and jack assembly installation shall be inspected and approved.

3. Upon completion of all pile repair and jack assembly installation work at a given property, vinyl sheet piling, tie-backs, and wales shall be installed. Prior to installation of first sheet pile, notify John Von Holle of the Huntington Beach Public Works Department @ (714) 536-5431.

4. After installation of sheet piling, tie-backs, and wales is completed at a given property, placement of concrete fill shall be completed in accordance with the drawings and these notes.

5. After concrete has cured for a minimum of 48 hours, all remaining voids shall be filled with grout in accordance with these notes and the grout manufacturer's written instructions. After completion of concrete and grout placement, work shall be inspected and certified by the contractor.

6. Contractor shall locate all existing weep holes in bulkhead walls, remove marine growth and clean out weep holes from the water side to the earth side of the wall.

In order to avoid construction delays, contractor shall coordinate activities and schedule diver inspections. Divers shall be certified and approved by Tetra Tech. Contact Fernando Pagan (Tetra Tech, Inc.) @ (626) 351-4664.

COASTAL COMMISSION



TETRA TECH

800 The City Parkway West, Suite 300
Orange, CA 92668
(714)458-0166, Fax (714)458-0181

EXHIBIT # 3

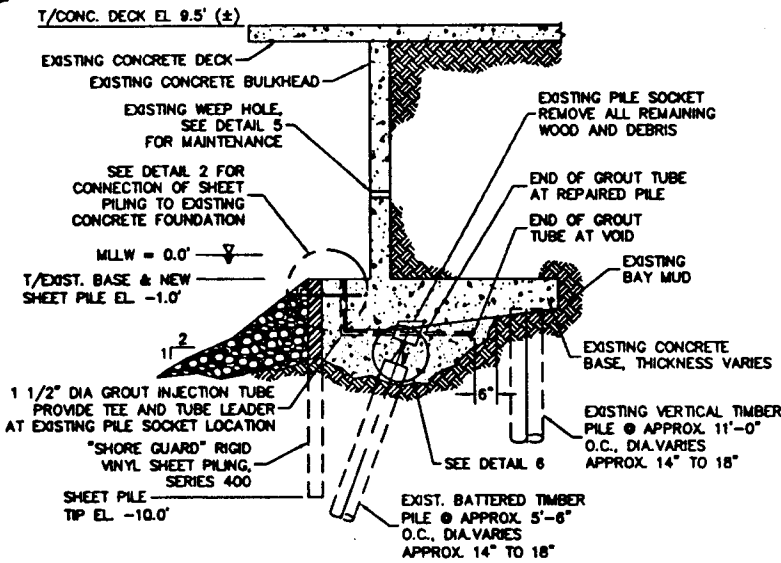
PAGE 5 OF 7

<p>PURPOSE: Repair Existing Seawall</p> <p>Datum: MLLW = 0 Adj. Property Owners: 1. See Attached List 2. 3.</p>	<p>SPECIFICATIONS</p> <p>Henry G. Johnson 16425 Ladona Circle Huntington Beach, CA 92649</p>	<p>Proposed Repair of Existing Seawall</p> <p>IN: Huntington Harbour AT: Huntington Beach County of O.C. State: CA Application By: Henry G. Johnson Sheet 5 of 8 Date: 10/7/98</p>
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5-99-030

IAN 22 1999

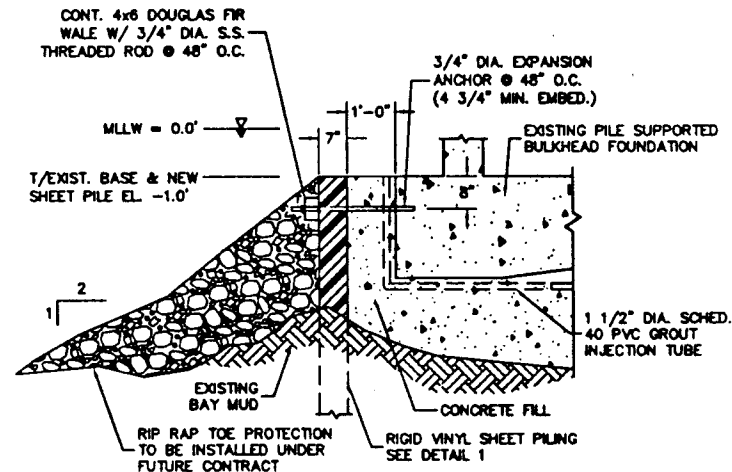
CALIFORNIA
COASTAL COMMISSION



SECTION AT TIMBER PILE REPAIR

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

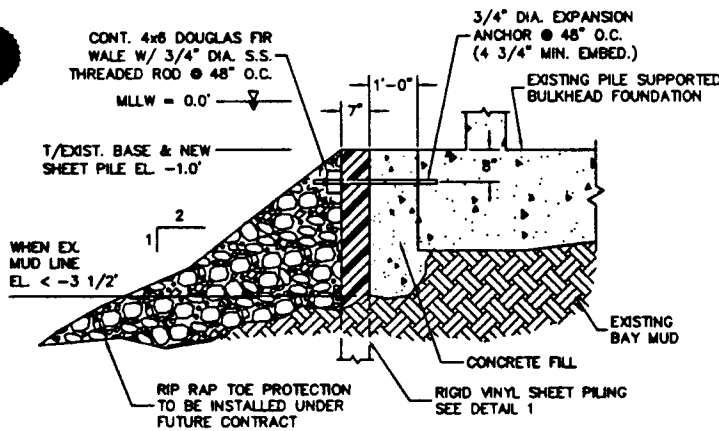
1



SECTION AT WALE: CASE I

SCALE: 1/4" = 1'-0" (FOUNDATION UNDERMINED)

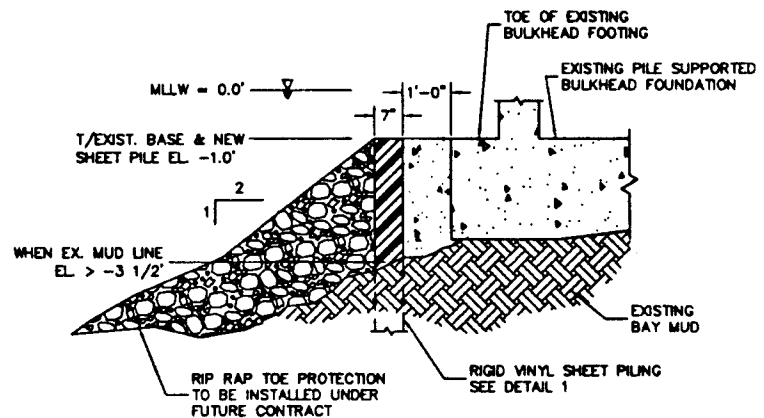
2



SECTION AT WALE: CASE II

SCALE: 1/4" = 1'-0" (FOR CANTILEVERED SPANS OF 30" OR MORE SUPPORT WALE REQUIRED)

3



SECTION AT SHEET PILE: CASE III

SCALE: 1/4" = 1'-0" (FOR CANTILEVERED SPANS OF 30" OR LESS SUPPORT WALE NOT REQUIRED)

4

COASTAL COMMISSION



TETRA TECH

800 The City Parkway West, Suite 300
Orange, CA 92866
(714)456-0166, Fax (714)456-0181

EXHIBIT # 3

PAGE 6 OF 7

PURPOSE: Repair Existing Seawall

SECTION VIEW

Proposed Repair of Existing Seawall

Datum: MLLW = 0
Adj. Property Owners:
1. See Attached List
2.
3.

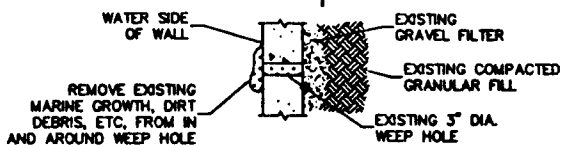
Henry G. Johnson
16425 Ladona Circle
Huntington Beach, CA 92649

IN: Huntington Harbour
AT: Huntington Beach
County of O.C. State: CA
Application By: Henry G. Johnson
Sheet 6 of 8 Date: 10/7/98

JAN 22 1999

CALIFORNIA
COASTAL COMMISSION

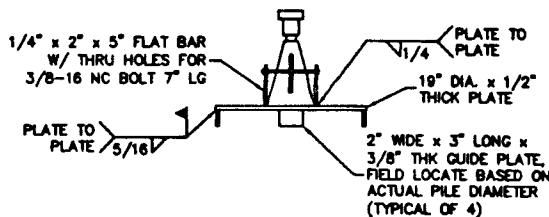
5-99-030



WEEP HOLE DETAIL

SCALE: 1/4" = 1'-0"

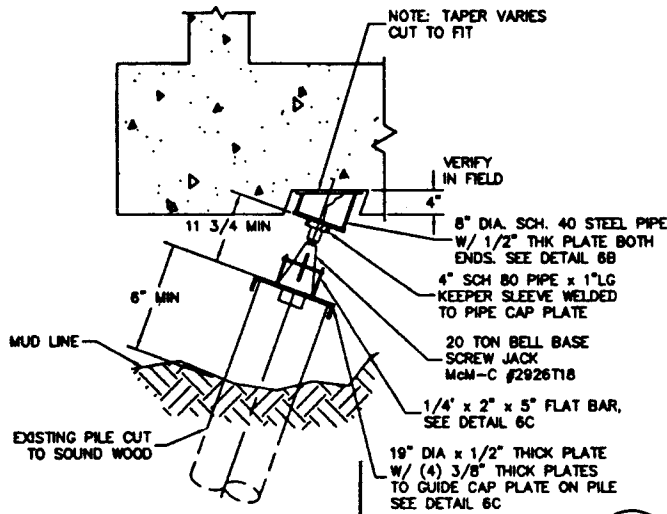
5



PILE CAP PLATE DETAIL

SCALE: N.T.S.

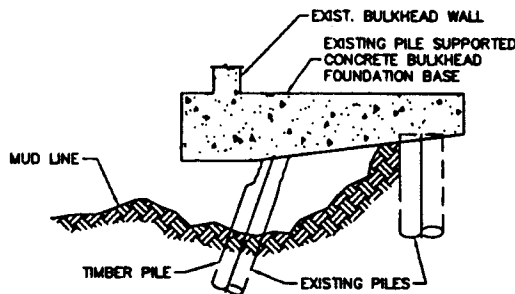
6C



JACKING DETAIL

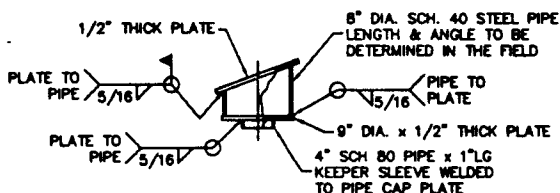
SCALE: 3/4" = 1'-0"

6



SECTION 7 25% OR LESS PILE DETERIORATION
SCALE: N.T.S. PILE REPAIR NOT REQUIRED
SEE DETAIL 2

7

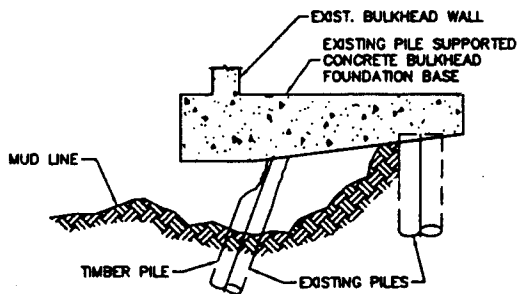


JACKING ASSEMBLY DETAIL

SCALE: N.T.S.

6B

NOTES: FIELD MEASURE EXISTING PILE SOCKET IN CONCRETE BASE SLAB AND CUT TOP PLATE TO FIT SOCKET.
CENTERLINE TOP PLATE = CENTERLINE PIPE
CENTERLINE PIPE = CENTERLINE JACK



SECTION 8 25% OR MORE PILE DETERIORATION
SCALE: N.T.S. PILE REPAIR REQUIRED
SEE DETAILS: 1 & 2

8



TETRA TECH

800 The City Parkway West, Suite 300
Orange, CA 92668
(714)456-0166, Fax (714)456-0161

EXHIBIT # 3
PAGE 7 OF 7

PURPOSE: Repair Existing Seawall

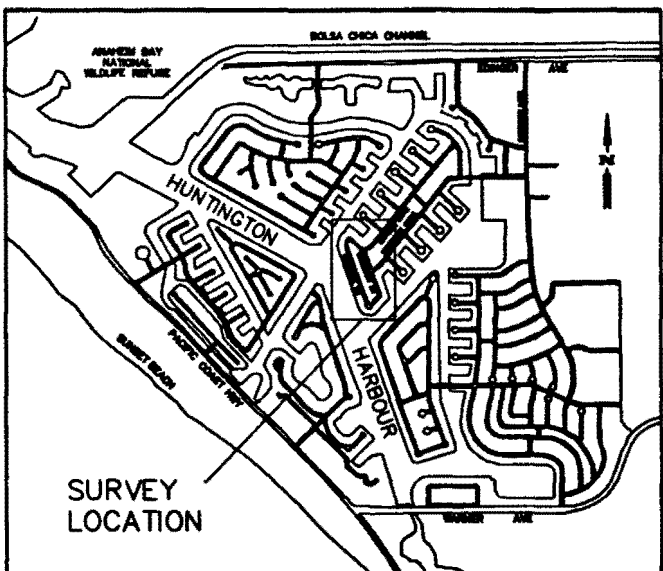
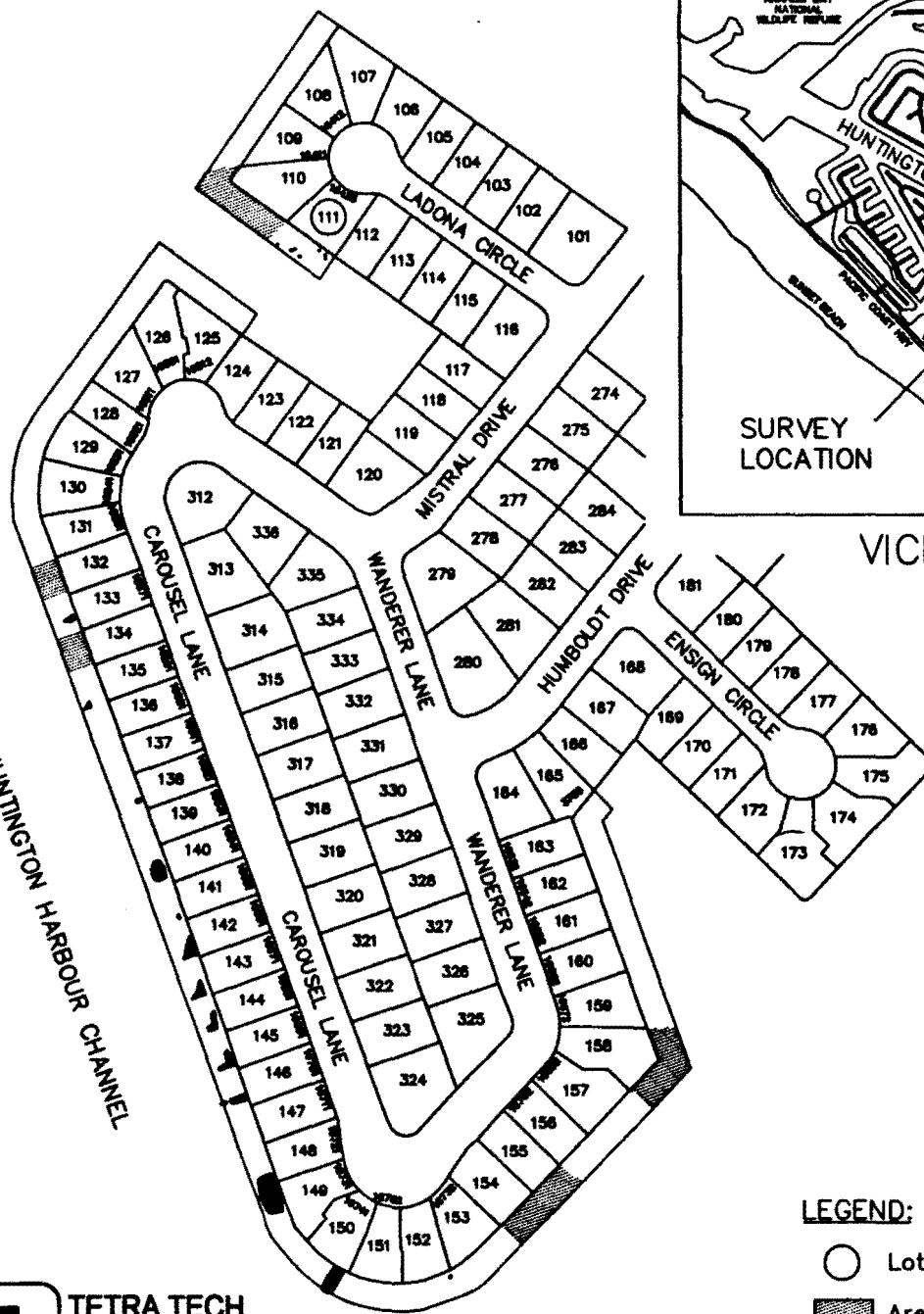
SECTION VIEW

Proposed Repair of Existing Seawall

Datum: MLLW = 0
Adj. Property Owners:
1. See Attached List
2.
3.

Henry G. Johnson
16425 Lodona Circle
Huntington Beach, CA 92649

IN: Huntington Harbour
AT: Huntington Beach
County of O.C. State: CA
Application By: Henry G. Johnson
Sheet 7 of 8 Date: 10/7/98



VICINITY MAP

COASTAL COMMISSION

EXHIBIT # 4
PAGE 1 OF 2



LEGEND:

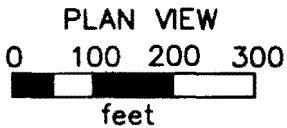
- Lot in CCC Permit # 5-99-030
- Area not surveyed
- Eelgrass (*Zostera marina*)



TETRA TECH
670 North Rosemead Blvd.
Pasadena, CA 91107
(626) 351-4664, Fax (626) 351-5291

ANCHOR MANAGEMENT PLAN

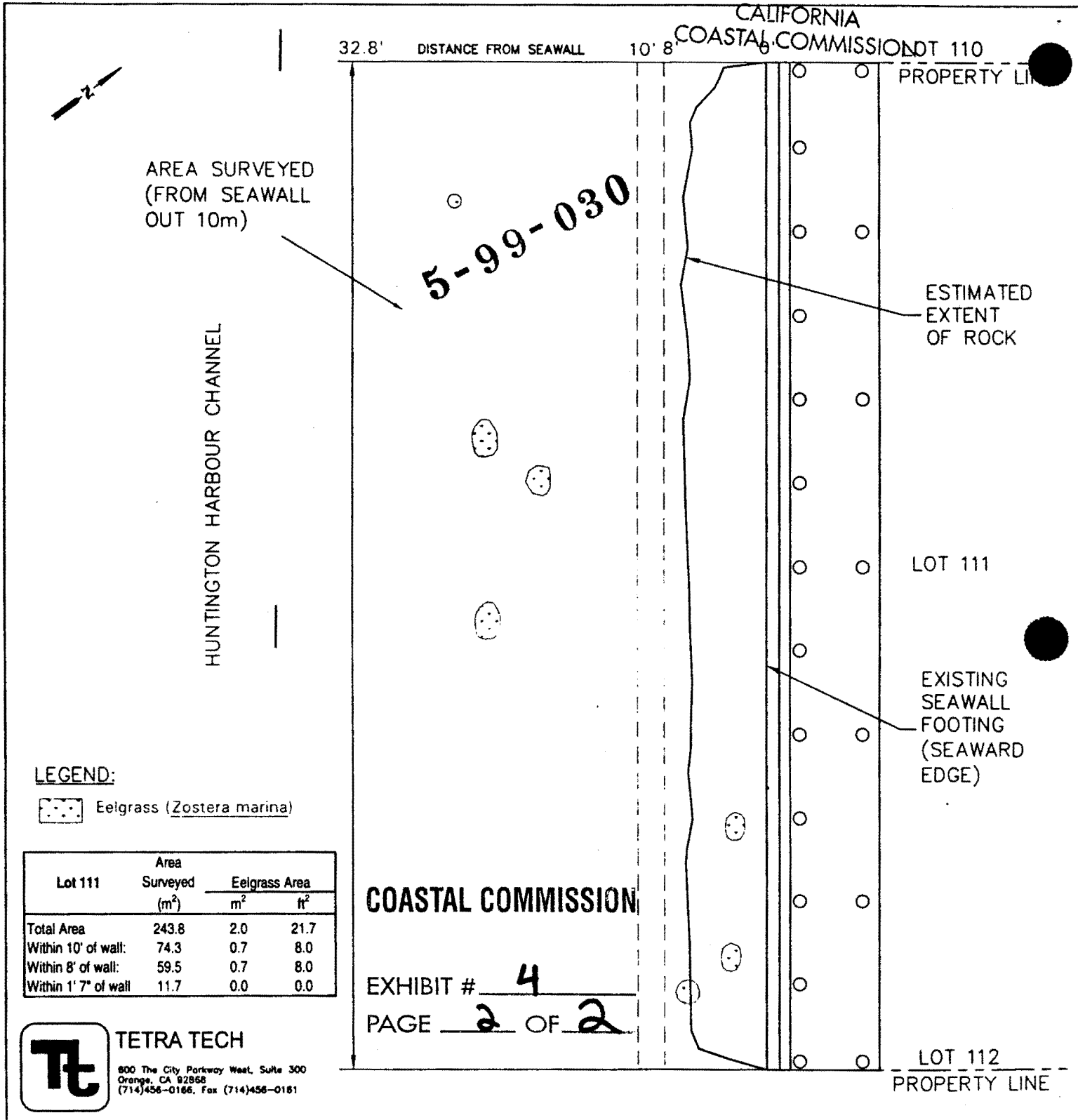
Coastal Commission
Permit # 5-99-030



Humboldt Island
Huntington Harbour
Huntington Beach, CA 92649

Figure 1
Eelgrass Survey Results
Survey Conducted:
11/5/98 & 11/6/98
IN: Huntington Harbour
AT: Huntington Beach
County of Orange State: CA
Application By: Homeowners

JAN 22 1999



LEGEND:

Eelgrass (*Zostera marina*)

Lot 111	Area	
	Surveyed (m ²)	Eelgrass Area (m ² ft ²)
Total Area	243.8	2.0 21.7
Within 10' of wall:	74.3	0.7 8.0
Within 8' of wall:	59.5	0.7 8.0
Within 1' 7" of wall	11.7	0.0 0.0

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EXHIBIT # 4
PAGE 2 OF 2



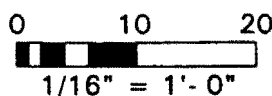
TETRA TECH

600 The City Parkway West, Suite 300
Orange, CA 92668
(714)456-0186, Fax (714)456-0181

PURPOSE: Repair Existing Seawall

Datum: MLLW = 0
Adj. Property Owners:
1. See Attached List
2.
3.

PLAN VIEW



Henry G. Johnson
16425 Ladona Circle
Huntington Beach, CA 92549

Eelgrass Survey Results

Survey Conducted: 11/5/98
IN: Huntington Harbour
AT: Huntington Beach
County of Orange State: CA
Application By: Henry G. Johnson
Sheet 8 of 8 Date: 12/7/98

Memorandum

To : Mr. Karl Schwing
California Coastal Commission
200 Ocean Gate Avenue Suite 1000
Long Beach, California 90802

Date : July 6, 1999

RECEIVED
Southern Coast Region
JUL 14 1999
CALIFORNIA
COASTAL COMMISSION

From : Department of Fish and Game

Subject : Humboldt Island Homeowners Association Bulkhead Repair

This memo is in response to a request from Ms. Sarah McFadden, Tetra Tech Inc., representing the Humboldt Island Homeowners Association, concerning proposed project plans to repair and renovate existing bulkheads for 36 residences on southern Humboldt Island, Huntington Harbor, Huntington Beach, Orange County, California. Damaged piles will be removed and/or repaired at three properties. At 19 properties, vinyl sheet-pile will be installed 1 foot 7 inches seaward of the bulkheads. At all 36 properties a protective rip-rap footing, comprised of quarry waste material ranging from sand to 8 inch fragments, will be placed at the bulkheads. The footing will extend a maximum of 11 feet from the bulkheads.

The proposed project will impact hardscape, the water column, and soft bottom habitat. Impacts to hardscape (i.e., existing bulkheads and structures) and the water column are considered temporary, as the water quality will return to pre-construction conditions and the new structures will eventually be colonized by attachment organisms. However, impacts to soft bottom habitat will not be temporary. Based on information provided to the Department by Tetra Tech Inc., "expansion" of 19 bulkheads will result in a permanent loss of approximately 1,581 square feet of marine soft bottom bay habitat. In addition, approximately 17,700 square feet of soft bottom habitat will be buried by placement of rip-rap. Approximately 780 square feet of this soft bottom substrate is eelgrass (*Zostera marina*) habitat.

The permanent loss of marine soft bottom bay habitat is of concern to the Department. The Department strongly recommends that bulkhead projects be designed to eliminate or minimize loss of marine bay habitat. To accomplish this goal, we recommend that each property owner strive to construct its bulkhead either in place of the existing bulkhead or immediately in front of the existing bulkhead so that installation results in no net loss of intertidal habitat when measured at the Mean Higher High Water line. The Humboldt Island Homeowners' project has proposed sheet piling to be placed 1 foot 7 inches seaward of those bulkheads in need of repair. The sheet piling retains concrete and grout which is pumped in to fill existing voids in the bulkhead. Presumably the 1 foot 7 inch distance is necessary to allow sufficient clearance for concrete and grout piping, and to enable a pneumatic hammer to clear the bulkhead footing. It is the Department's position that bulkhead projects be constructed in such a manner to be the least environmentally damaging practicable alternative. Thus, we recommend the project proponent investigate alternative methodologies for filling voids in bulkheads. If this is deemed structurally unfeasible, then any incurred loss of marine soft bottom bay habitat should be mitigated.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 2

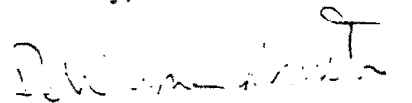
The Department recognizes that placement of rip-rap at the bulkheads would result in an initial loss of ecological benefits to species associated with soft bottom habitat. However, in the case of unvegetated soft bottom habitat this loss would likely be short-term, as different organisms would recolonize the rip-rap. Thus, we believe that placement of rip-rap on unvegetated soft bottom habitat would not have a significant impact on the environment.

In contrast, impacts to vegetated soft bottom habitat, i.e., eelgrass, from placement of rip-rap are significant. It is well documented that eelgrass habitat 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. Impacts to eelgrass habitat have significant impacts on the environment, and eelgrass loss must be mitigated.

The project proponents plan to offset the loss of eelgrass in a manner consistent with the Southern California Eelgrass Policy, as amended. However, a specific eelgrass mitigation plan identifying the mitigation site has not been detailed at this time. In addition, the project proponent has not proposed a mitigation plan, nor recognized the necessity to compensate for the loss of 1,581 square feet of marine soft bottom bay habitat. The location and plans for mitigation sites are the responsibility of the project proponent. Therefore, until appropriate mitigation plans both for eelgrass loss and loss of soft bottom habitat have been developed and provided to the Department for review and approval, we cannot support this project.

As always, Department personnel are available to discuss our comments, concerns, and recommendations 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, California 92123, or by telephone at (619) 467-4231.

Sincerely,



DeWayne Johnston
Regional Manager
Marine Region

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

COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 2

DEPARTMENT OF FISH AND GAME

MARINE REGION

BURGESS DRIVE

WILSON PARK, CA 94025

PHONE 688-6340



RECEIVED

SEP 05 2000

Department of Planning

August 31, 2000

Ms. Mary Beth Broeren
Senior Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

Dear Ms. Broeren:

Department of Fish and Game (Department) personnel have reviewed the Draft Negative Declaration/ Environmental Assessment No. 00-05 for the Humboldt Island and Trinidad Island Seawall Repairs (No. 00-05). The proposed project will repair and renovate existing bulkheads at 40 properties on Humboldt Island and 64 properties on Trinidad Island, Huntington Harbor, Huntington Beach, Orange County, California. It is anticipated that 24 properties will require removal and/or repair of damaged piles. At 44 properties, vinyl sheet-pile will be installed 1-foot, 7-inches seaward of the bulkheads. At all properties, a protective rip-rap footing comprised of quarry waste material, ranging from sand to 8-inch fragments, will be placed at the bulkheads. The footing will extend a maximum of 11 feet from the bulkheads. Sheet-pile installation will eliminate soft bottom habitat while slope protection will impact eelgrass (*Zostera marina*) habitat.

Tetra Tech, Inc., the property owners' authorized agents, have prepared two separate mitigation plans to compensate for loss of soft bottom habitat and impacts to eelgrass. The "Soft Bottom Mitigation Plan," describes procedures to restore and create tidal influence to existing wetland areas located in the Bolsa Chica Ecological Reserve, managed by the Department, in an area bordered by Pacific Coast Highway and Warner Avenue, approximately 0.5- to 1.2-miles southwest of the bulkhead projects. The "Eelgrass Mitigation and Eelgrass Transplant Report," describes procedures for eelgrass transplant at a site delineated for eelgrass mitigation by Orange County, approximately 1 mile northwest of the impact area. Tetra Tech, Inc., transplanted 3,600 square feet of eelgrass in June 2000.

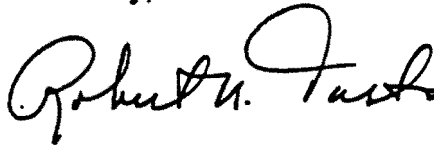
The Department has reviewed the mitigation plans and finds them adequate compensation for project induced losses. Thus, we conclude that the project, as currently proposed, would not have a significant adverse impact upon the existing marine environment provided the described mitigation plans are carried out in full.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 1 OF 2

As always, Department personnel are available to discuss our comments, concerns, and recommendations 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 (858) 467-4231.

Sincerely,



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

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

COASTAL COMMISSION

EXHIBIT # 6
PAGE 2 OF 2



California Regional Water Quality Control Board

Santa Ana Region



Winston H. Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>
3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (909) 782-4130 - FAX (909) 781-6288

RECEIVED
South Coast Region
Gray Davis
Governor

NOV 9 2000

CALIFORNIA
COASTAL COMMISSION

November 3, 2000

Albert & Sharon Appel
16651 Carousel Lane
Huntington Beach, CA 92649

Oliver & Jean Clark
16601 Carousel Lane
Huntington Beach, CA 92649

Joseph & Janice Goss
16691 Carousel Lane
Huntington Beach, CA 92649

Robert F. Baron
16611 Carousel Lane
Huntington Beach, CA 92649

Hary & Mary Dawson
16512 Wanderer Lane
Huntington Beach, CA 92649

Jack M. Grossman
16731 Carousel Lane
Huntington Beach, CA 92649

Bernie Barrad
16551 Carousel Lane
Huntington Beach, CA 92649

Gerson DeAlmeida
16711 Carousel Lane
Huntington Beach, CA 92649

Thomas & Victoria Hutton
16701 Carousel Lane
Huntington Beach, CA 92649

John D. Brady Jr.
16681 Carousel Lane
Huntington Beach, CA 92649

Bob & Sarah Faber
16671 Carousel Lane
Huntington Beach, CA 92649

Henry G. Johnson
16425 ~~Carousel Lane~~ **LABONA LANE**
Huntington Beach, CA 92649

Jack & Margaret Kao
16641 Carousel Lane
Huntington Beach, CA 92649

Lloyd Leonard Lady Jr.
16741 Carousel Lane
Huntington Beach, CA 92649

Robert M. McClory
16531 Carousel Lane
Huntington Beach, CA 92649

Mark McGwire
16631 Carousel Lane
Huntington Beach, CA 92649

Lovena G. Mettler
16621 Carousel Lane
Huntington Beach, CA 92649

Anselmo Pineda
16571 Carousel Lane
Huntington Beach, CA 92649

Richard & Iris Schuster
16661 Carousel Lane
Huntington Beach, CA 92649

Yung H. Sun
16721 Carousel Lane
Huntington Beach, CA 92649

William & Elizabeth Whyte
16541 Carousel Lane
Huntington Beach, CA 92649

Henry Woods Jr.
16681 Carousel Lane
Huntington Beach, CA 92649

Michelle & Claude Yacoel
16501 Carousel Lane
Huntington Beach, CA 92649

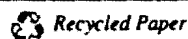
Zlatko Zadro
16742 Wanderer Lane
Huntington Beach, CA 92649

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION FOR THE PROPOSED HUMBOLDT ISLAND BULKHEAD REPAIR ON PROPERTIES CONTAINING EELGRASS AND SOFT BOTTOM HABITAT, CITY OF HUNTINGTON BEACH (WDID # 8 303270001) (ACOE#199915697-YJC)

COASTAL COMMISSION

EXHIBIT # 7
PAGE 1 OF 6

California Environmental Protection Agency



Dear Humboldt Island Homeowners:

This is in response to the January 18, 2000 transmittals we received on January 25, 2000 and additional information received on October 16, 2000 and October 19, 2000, requesting 401 water quality standards certification under section 401 of the Clean Water Act for the above referenced project.

1. Project Description:

Twenty-four Humboldt Island homeowners are proposing to repair and restore the foundation of an existing bulkhead that confines a portion of Humboldt Island in Huntington Beach. In locations of severe erosion, the proposed construction work will include removing damaged timber and replacing it with steel jacks. The voids within the repaired structure will be pressure-filled with concrete and grout to protect the steel surfaces from corrosion. A fiberglass reinforced plastic sheet will be placed 17" in front of the bulkhead face to retain the concrete pumped to fill the existing voids beneath the wall footing and to provide structural integrity for the bulkhead. A blanket of coarse material over filter fabric will be applied seaward of the sheet pile at a 2:1 (horizontal:vertical) slope from the top of the footing extending out to 6 to 8 feet from the bulkhead depending on existing slope and erosion conditions. The slope will help prevent scouring along the seawall footing as well as prevent fish from burrowing under the wall and exposing the pilings. In locations of minimal erosion, coarse material will be backfilled over a filter fabric as slope protection.

The proposed construction activities may significantly impact eelgrass, a sensitive plant species, and/or may also result in the loss of soft bottom habitat. Thirteen properties will impact eelgrass habitat, and 19 properties will impact soft bottom habitat (Table1).

2. Receiving water:

Huntington Harbour, Orange County

3. Fill area:

Ocean: 0.41 acres of permanent impact.
No wetlands will be impacted.

4. Dredge volume:

N/A

5. Federal permit:

U. S. Army Corps of Engineers, Individual Permit # 199915697-YJC

6. Compensatory mitigation:

Eelgrass Habitat Mitigation

The proposed bulkhead repair at Humboldt Island will impact 779.7 square feet of eelgrass habitat. The mitigation for this site will require transplanting eelgrass at a 1.2:1 ratio. On October 16, 2000, Regional Board staff received an *Eelgrass Mitigation Report and Eel grass Transplant Report* from Tetra Tech, Inc. The report indicated that a Memorandum of Understanding between the City of Huntington Beach and the County of Orange stipulates that Humboldt Island residents will adhere to the *Eelgrass Mitigation Report and Eel grass Transplant Report*. The mitigation project, including monitoring and evaluation, must also be consistent with the Southern California Eelgrass Mitigation Policy developed by the National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and game (February 2, 1999).

Compensatory

The residents conducted the eelgrass transplant program in June of 2000,

COASTAL COMMISSION

EXHIBIT # 7

PAGE 2 OF 6

mitigation (cont.):

compensating for the 779.7 square feet of Humboldt Island eelgrass impacts. The eelgrass transplant occurred in Huntington Harbour approximately one mile northwest of the impacted properties. The transplant was conducted under the guidance of the California Department of Fish and Game.

Currently the mitigation program is in the monitoring and evaluation phase. The Regional Board requires monitoring of the mitigation site for a minimum of five years. In addition, during bulkhead repair, the permittee must identify the eelgrass areas to be avoided and mark those areas for avoidance during construction.

Soft Bottom Habitat Mitigation

The City of Huntington Beach serves as the lead agency representing the Humboldt Island homeowners with regard to mitigation. However, it is the responsibility of each homeowner to mitigate for the loss of soft bottom habitat as a result of the bulkhead repairs. On behalf of the city of Huntington Beach, Tetra Tech, Inc., the consulting firm representing the Humboldt Island Homeowners, prepared a *Soft Bottom Mitigation Plan* to mitigate for the loss of soft bottom habitat as a result of the bulkhead repair. The plan has been accepted by the California Department of Fish and Game (CDFG). The mitigation will occur in the Bolsa Chica Wetlands area, 0.5 - 1.2 miles southwest of the impacted properties. The *Soft Bottom Mitigation Plan*, purposes to compensate for the 1243.1 square feet of soft bottom impacted by requiring repair of an existing conduit, removing concrete debris, regrading the mitigation area to elevations similar to adjacent wetland area, monitoring surveys, and evaluating the success of the mitigation site. The mitigation plan does address mitigation required for other projects, but the mitigation required for this site will result in a total of 2486.2 square feet to be regraded at the Bolsa Chica Wetlands, resulting in a 2.1:1 ratio.

Best Management Practices will be implemented at the mitigation site to minimize impacts to surrounding areas. The pickleweed on site will be protected and salvaged. Any disturbed pickleweed will be replaced with pickleweed from an adjacent location, or from a nursery. The planting will be performed under the direction of the CDFG.

Humboldt Island Homeowners propose to implement Best Management Practices (BMP) during project construction to ensure that there is not excessive erosion and to prevent pollutant discharges during project construction. Turbidity will be minimized by installing a filter fabric between the fine sediments and the coarse materials. If the sediments become suspended as a result of the work a silt curtain will be installed.

Adherence to the *Soft Bottom Mitigation Plan*, submitted April 2000 is required. In addition, monitoring of the mitigation site must be for a minimum of five years.

COASTAL COMMISSION

EXHIBIT # 7
PAGE 3 OF 6

Table 1

401 Water Quality Certification WDID # 8 303270001			
Applicants Name	Project Street Address	Lot Number	Habitat Impact
Albert & Sharon Appel	16651 Carousel Lane	141	E, SB
Robert F. Baron	16611 Carousel Lane	137	SB
Bernie Barrad	16551 Carousel Lane	131	SB
John D. Brady Jr.	16681 Carousel Lane	144	E, SB
Oliver & Jean Clark	16601 Carousel Lane	136	SB
Hary & Mary Dawson	16512 Wanderer Lane	125	
Gerson DeAlmeida	16711 Carousel Lane	147	SB
Bob & Sarah Faber	16671 Carousel Lane	143	SB
Joseph & Janice Goss	16691 Carousel Lane	145	E, SB
Jack M. Grossman	16731 Carousel Lane	149	E, SB
Thomas & Victoria Hutton	16701 Carousel Lane	146	E
Henry G. Johnson	16425 Ladona Lane	111	E
Jack & Margaret Kao	16641 Carousel Lane	140	E, SB
Lloyd Leonard Lady Jr.	16741 Carousel Lane	150	E, SB
Robert M. McClory	16531 Carousel Lane	129	SB
Mark McGwire	16631 Carousel Lane	139	SB
Lovena G. Mettler	16621 Carousel Lane	138	E, SB
Anselmo Pineda	16571 Carousel Lane	133	E, SB
Richard & Iris Schuster	16661 Carousel Lane	142	E, SB
Yung H. Sun	16721 Carousel Lane	148	E
William & Elizabeth Whyte	16541 Carousel Lane	130	SB
Henry Wood Jr.	16752 Wanderer Lane	151	
Michelle & Claude Yacoel	16501 Carousel Lane	126	SB
Zlatko Zadro	16742 Wanderer Lane	152	E

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E = Eelgrass SB = Soft Bottom

EXHIBIT # 7
 PAGE 4 OF 6

Humboldt Island Homeowners have received an individual permit (#199915697-YJC) and a Letter of Permission from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. A certified Negative Declaration was received for this project on October 19, 2000.

Resolution No. 96-9 (copy enclosed) provides that waste discharge requirements for certain types of discharges are waived provided that criteria and conditions specified in the Resolution are met. Provided that the criteria and conditions for Minor Dredging Projects specified on page 1 (of Attachment "A" to the Resolution), Other Insignificant Discharges of Wastewater to Land specified on page 4, and the general conditions specified on page 4 are met, waste discharge requirements are waived for this project.

Caulerpa taxifolia Stipulation:

In June 2000, *Caulerpa taxifolia*, an invasive marine seaweed, was reported to be found in a lagoon off Huntington Harbour. Since then, it has been located within Huntington Harbour itself. The regional Board, California Department of Fish and Game (CDFG), and other agencies are involved in extensive efforts to eradicate this seaweed and prevent its transport to other areas. Regional Board staff has

contacted Tetra Tech, Inc. regarding this matter, and Tetra Tech, Inc. informed us that there were no signs of *Caulerpa* at the proposed project sites. This must be confirmed prior to any repair/restoration efforts since those efforts would likely contribute to the dispersal of this alga, if it is present. Therefore, coordination with CDFG regarding an extensive survey of the project site for *Caulerpa* is required prior to initiation of the project. A letter from CDFG stating that the properties that will be impacted do not have *Caulerpa* must be submitted to the Regional Board prior to the start of the project. If *Caulerpa* is found prior to or during implementation of the project, no work should begin or continue at that location until authorized by Regional Board staff. Upon discovery of the invasive seaweed, which must not be disturbed, the Regional Board must be notified immediately, reporting the location and date of discovery. In addition, should no *Caulerpa* be observed during the bulkhead repair, please notify the Regional Board of this fact when all property repairs at Humboldt Island have been completed. This will help us to establish a database of infestation or the occurrence or absence of *Caulerpa*. In turn, this will help us to locate and prevent the spread of this invasive seaweed, which has severe adverse effects on the ecosystem.

Pursuant to California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the Water Code and Article 6 (commencing with Section 3867) of Chapter 28. Certification of 23 CCR.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection 3855(b) of Chapter 28 of 23 CCR and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under Chapter 28 of 23 CCR and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate additional Waste Discharge Requirements.

Please notify the Santa Ana Regional Board before construction on this project begins. Should there be any questions, please contact Wanda Smith at (909) 782-4468 or Stephanie M. Gasca at (909) 782-3221.

Sincerely,

COASTAL COMMISSION

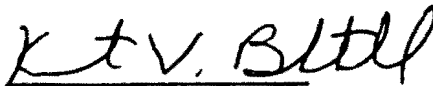
for 
GERARD J. THIBEAULT
Executive Officer

EXHIBIT # 7
PAGE 5 OF 6

Attachment

cc (with attachment):

Tetra Tech- Sarah McFadden

cc (w/out attachment):

U.S. Environmental Protection Agency, Director of Water Division (WTR-1) – Alexis Strauss

U.S. Army Corps of Engineers, Los Angeles District – Jae Chung

U.S. Fish and Wildlife Service, Carlsbad Office - Christine Moen

California Department of Fish and Game – Marilyn Fluharty

California Department of Fish and Game – Erick Burres

California Coastal Commission, Long Beach Branch – Karl Schwing

State Water Resources Control Board, Watersheds Project Support Section –
William R. Campbell, Chief

COASTAL COMMISSION

EXHIBIT # 7
PAGE 6 OF 6

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

ROBERT C. HIGHT, Executive Officer
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

RECEIVED
South Coast Region



Contact Phone: (916) 574-1892
Contact FAX: (916) 574-1925

MAR 15 1999

CALIFORNIA COASTAL COMMISSION February 17, 1999

File Ref: SD 98-11-24.5

Sarah E. McFadden
Tetra Tech, Inc.
670 North Rosemead Blvd.
Pasadena, CA 91107

Dear Ms. McFadden:

SUBJECT: Coastal Development Project Review for Bulkhead Repairs
Adjacent to 38 Residences in Huntington Harbour, Orange County

I apologize for the delay in responding to your request on behalf of your clients for a determination by the California State Lands Commission (CSLC) whether it asserts a sovereign title interest in the property that the subject project will occupy and whether it asserts that the project will intrude into an area that is subject to the public easement in navigable waters.

The facts pertaining to your clients' project, as we understand them, are these:

Your clients propose the repair of an existing concrete bulkhead in Huntington Harbour, adjacent to 38 residences located on Carousel and Wanderer Lanes, Ladona Circle and Humboldt Drive. The timber piles have been damaged and can no longer support the bulkhead. The repair project will involve cutting the piles and installing jacks to transfer the load back onto the pile footings. A plastic sheetpile wall will be installed in front of the footings and concrete will be pumped under the footings to fill the void and seal the piles. The repair project will also involve rebuilding the slope waterward of the bulkhead with rock.

As you may be aware, pursuant to two agreements entered into in 1961 and 1962 (BLA 18 and SLL 34), the CSLC settled certain property (boundary and title) ownership issues with the Huntington Harbour Corporation involving Huntington Harbour. The CSLC's area of leasing jurisdiction extends over the State's fee title ownership including the areas that are referred to as the Main and Midway Channels. The state retains a Public Trust easement over all the water-covered areas within Huntington Harbour. The bulkhead is considered to be the boundary between the private upland and the state's fee ownership.

COASTAL COMMISSION

EXHIBIT # 8
PAGE 1 OF 2

Based on our review of the information you provided, the project will involve sovereign land waterward of the existing bulkhead and, therefore, requires CSLC authorization. An application will need to be submitted for the repair to the bulkhead adjacent to Lots 131-149 located on Carousel Lane. One application may be submitted for all 19 lots, along with a filing fee of \$25 per lot and a processing deposit of \$1500, for a total of \$1975. The homeowners may wish to consider having one individual represent them during the application process. However, all of the homeowners will need to be signatories to the lease documents.

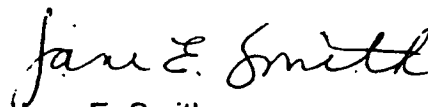
I have enclosed an application package for your use. Please have the application completed and returned to me, along with the necessary fees, as soon as possible. In addition, the project is subject to environmental review by the CLSC's staff. Standards for this review are set forth in the California environmental Quality Act (CEQA), the State CEQA Guidelines, and the Public Resources Code.

Upon receipt of the application and fees, your clients or their designated representative will be provided a reimbursement agreement. An executed reimbursement agreement to cover the CSLC's cost to process this transaction is required as part of a complete application. If the actual staff costs of processing this transaction are less than the deposited amount, the difference will be refunded.

As to the remaining water-covered area not subject to the CSLC's leasing jurisdiction, we do not believe that the repair work will interfere with the Public Trust Easement and interpose no objection to the project proceeding at those locations.

If you have any questions, please feel free to give me a call.

Sincerely,



Jane E. Smith
Public Land Management Specialist
Southern California Region

Enclosure

cc: Meg Vaughn, CCC/Long Beach

COASTAL COMMISSION

EXHIBIT # 8
PAGE 2 OF 2

SOUTHERN CALIFORNIA EELGRASS MITIGATION POLICY

(Adopted July 31, 1991)

Eelgrass (*Zostera marina*) vegetated areas function as important habitat for a variety of fish and other wildlife. In order to standardize and maintain a consistent policy regarding mitigating adverse impacts to eelgrass resources, the following policy has been developed by the Federal and State resource agencies (National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game). This policy should be cited as the Southern California Eelgrass Mitigation Policy (revision 8).

For clarity, the following definitions apply. "Project" refers to work performed on-site to accomplish the applicant's purpose. "Mitigation" refers to work performed to compensate for any adverse impacts caused by the "project". "Resource agencies" refers to National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game.

1. **Mitigation Need.** Eelgrass transplants shall be considered only after the normal provisions and policies regarding avoidance and minimization, as addressed in the Section 404 Mitigation Memorandum of Agreement between the Corps of Engineers and Environmental Protection Agency, have been pursued to the fullest extent possible prior to the development of any mitigation program.

2. **Mitigation Map.** The project applicant shall map thoroughly the area, distribution, density and relationship to depth contours of any eelgrass beds likely to be impacted by project construction. This includes areas immediately adjacent to the project site which have the potential to be indirectly or inadvertently impacted as well as areas having the proper depth and substrate requirements for eelgrass but which currently lack vegetation.

Protocol for mapping shall consist of the following format:

1) Coordinates

Horizontal datum - Universal Transverse Mercator (UTM), NAD 83, Zone 11

COASTAL COMMISSION

Vertical datum - Mean Lower Low Water (MLLW), depth in feet.

2) Units

Transects and grids in meters.

Area measurements in square meters/hectares.

EXHIBIT # 9
PAGE 1 OF 4

All mapping efforts must be completed during the active growth phase for the vegetation (typically March through October) and shall be valid for a period of 120 days with the exception of surveys completed in August - October.

A survey completed in August - October shall be valid until the resumption of active growth (i.e., March 1). After project construction, a post-project survey shall be completed within 30 days. The actual area of impact shall be determined from this survey.

3. **Mitigation Site.** The location of eelgrass transplant mitigation shall be in areas similar to those where the initial impact occurs. Factors such as, distance from project, depth, sediment type, distance from ocean connection, water quality, and currents are among those that should be considered in evaluating potential sites.

4. **Mitigation Size.** In the case of transplant mitigation activities that occur concurrent to the project that results in damage to the existing eelgrass resource, a ratio of 1.2 to 1 shall apply. That is, for each square meter adversely impacted, 1.2 square meters of new suitable habitat, vegetated with

eelgrass, must be created. The rationale for this ratio is based on, 1) the time (i.e., generally three years) necessary for a mitigation site to reach full fishery utilization and 2) the need to offset any productivity losses during this recovery period within five years. An exception to the 1.2 to 1 requirement shall be allowed when the impact is temporary and the total area of impact is less than 100 square meters. Mitigation on a one-for-one basis shall be acceptable for projects that meet these requirements (see section 11 for projects impacting less than 10 square meters).

Transplant mitigation completed three years in advance of the impact (i.e., mitigation banks) will not incur the additional 20% requirement and, therefore, can be constructed on a one-for-one basis. However, all other annual monitoring requirements (see sections 8-9) remain the same irrespective of when the transplant is completed.

Project applicants should consider increasing the size of the required mitigation area by 20-30% to provide greater assurance that the success criteria, as specified in Section 9, will be met. In addition, alternative contingent mitigation must be specified, and included in any required permits, to address situation where performance standards (see section 9) are not met.

5. Mitigation Technique. Techniques for the construction and planting of the eelgrass mitigation site shall be consistent with the best available technology at the time of the project. Donor material shall be taken from the area of direct impact whenever possible, but also should include a minimum of two additional distinct sites to better ensure genetic diversity of the donor plants. No more than 10% of an existing bed shall be harvested for transplanting purposes. Plants harvested shall be taken in a manner to thin an existing bed without leaving any noticeable bare areas. Written permission to harvest donor plants must be obtained from the California Department of Fish and Game.

Plantings should consist of bare-root bundles consisting of 8-12 individual turions. Specific spacing of transplant units shall be at the discretion of the project applicant. However, it is understood that whatever techniques are employed, they must comply with the stated requirements and criteria.

6. Mitigation Timing. For off-site mitigation, transplanting should be started prior to or concurrent with the initiation of in-water construction resulting in the impact to the eelgrass bed. Any off-site mitigation project which fails to initiate transplanting work within 135 days following the initiation of the in-water construction resulting in impact to the eelgrass bed will be subject to additional mitigation requirements as specified in section 7. For on-site mitigation, transplanting should be postponed when construction work is likely to impact the mitigation. However, transplanting of on-site mitigation should be started no later than 135 days after initiation of in-water construction activities. A construction schedule which includes specific starting and ending dates for all work including mitigation activities shall be provided to the resource agencies for approval at least 30 days prior to initiating in-water construction.

COASTAL COMMISSION

7. Mitigation Delay. If, according to the construction schedule or because of any delays, mitigation cannot be started within 135 days of initiating in-water construction, the eelgrass replacement mitigation obligation shall increase at a rate of seven percent for each month of delay. This increase is necessary to ensure that all productivity losses incurred during this period are sufficiently offset within five years.

EXHIBIT # 9
PAGE 2 OF 4

8. Mitigation Monitoring. Monitoring the success of eelgrass mitigation shall be required for a period of five years for most projects. Monitoring activities shall determine the area of eelgrass and density of plants at the transplant site and shall be conducted at 3, 6, 12, 24, 36, 48, and 60 months after completion of the transplant. All monitoring work must be conducted during the active vegetative growth period and shall avoid the winter months of November through February. Sufficient flexibility in the scheduling of the 3 and 6 month surveys shall be allowed in order to ensure the work is completed during this active growth period. Additional monitoring beyond the 60 month period may be required in those instances where stability of the proposed transplant site is questionable or where other factors may influence the long-term success of transplant.

The monitoring of an adjacent or other acceptable control area (subject to the approval of the

resource agencies) to account for any natural changes or fluctuations in bed width or density must be included as an element of the overall program.

A monitoring schedule that indicates when each of the required monitoring events will be completed shall be provided to the resource agencies prior to or concurrent with the initiation of the mitigation.

Monitoring reports shall be provided to the resource agencies within 30 days after the completion of each required monitoring period.

9. Mitigation Success. Criteria for determination of transplant success shall be based upon a comparison of vegetation coverage (area) and density (turions per square meter) between the project and mitigation sites. Extent of vegetated cover is defined as that area where eelgrass is present and where gaps in coverage are less than one meter between individual turion clusters. Density of shoots is defined by the number of turions per area present in representative samples within the control or transplant bed. Specific criteria are as follows:

- a. a minimum of 70 percent area of eelgrass bed and 30 percent density after the first year.
- b. a minimum of 85 percent area of eelgrass bed and 70 percent density after the second year.
- c. a sustained 100 percent area of eelgrass bed and at least 85 percent density for the third, fourth and fifth years.

Should the required eelgrass transplant fail to meet the established criteria, then a Supplementary Transplant Area (STA) shall be constructed, if necessary, and planted. The size of this STA shall be determined by the following formula:

$$STA = MTA \times (|A_t + D_t| - |A_c + D_c|)$$

MTA = mitigation transplant area.

A_t = transplant deficiency or excess in area of coverage criterion (%).

D_t = transplant deficiency in density criterion (%).

A_c = natural decline in area of control (%).

D_c = natural decline in density of control (%).

Four conditions apply:

- 1) For years 2-5, an excess of only up to 30% in area of coverage over the stated criterion with a density of at least 60% as compared to the project area may be used to offset any deficiencies in the density criterion.
- 2) Only excesses in area criterion equal to or less than the deficiencies in density shall be entered into the STA formula.
- 3) Densities which exceed any of the stated criteria shall not be used to offset any deficiencies in area of coverage.
- 4) Any required STA must be initiated within 120 days following the monitoring event that identifies a deficiency in meeting the success criteria. Any delays beyond 120 days in the implementation of the STA shall be subject to the penalties as described in Section 7.

COASTAL COMMISSION

EXHIBIT # 9
PAGE 3 OF 4

10. Mitigation Bank. Any mitigation transplant success that, after five years, exceeds the mitigation requirements, as defined in section 9, may be considered as credit in a "mitigation bank". Establishment of any "mitigation bank" and use of any credits accrued from such a bank must be with the approval of the resource agencies and be consistent with the provisions stated in this policy. Monitoring of any approved mitigation bank shall be conducted on an annual basis until all credits are exhausted.

11. Exclusions.

1) Placement of a single pipeline, cable, or other similar utility line across an existing eelgrass bed with an impact corridor of no more than $\frac{1}{2}$ meter wide may be excluded from the provisions of this policy with concurrence of the resource agencies. After project construction, a post-project survey shall be completed within 30 days and the results shall be sent to the resource agencies. The actual area of impact shall be determined from this survey. An additional survey shall be completed after 12 months to insure that the project or impacts attributable to the project have not exceeded the allowed $\frac{1}{2}$ meter corridor width. Should the post-project or 12 month survey demonstrate a loss of eelgrass greater than the $\frac{1}{2}$ meter wide corridor, then mitigation pursuant to sections 1-11 of this policy shall be required.

2) Projects impacting less than 10 square meters. For these projects, an exemption may be requested by a project applicant from the mitigation requirements as stated in this policy, provided suitable out-of-kind mitigation is proposed. A case-by-case evaluation and determination regarding the applicability of the requested exemption shall be made by the resource agencies.

(last revised 2/2/99)

-
- [Policies](#)
 - [Habitat Conservation](#)
 - [Division](#)
 - [Southwest Region Home](#)
 - [Page](#)

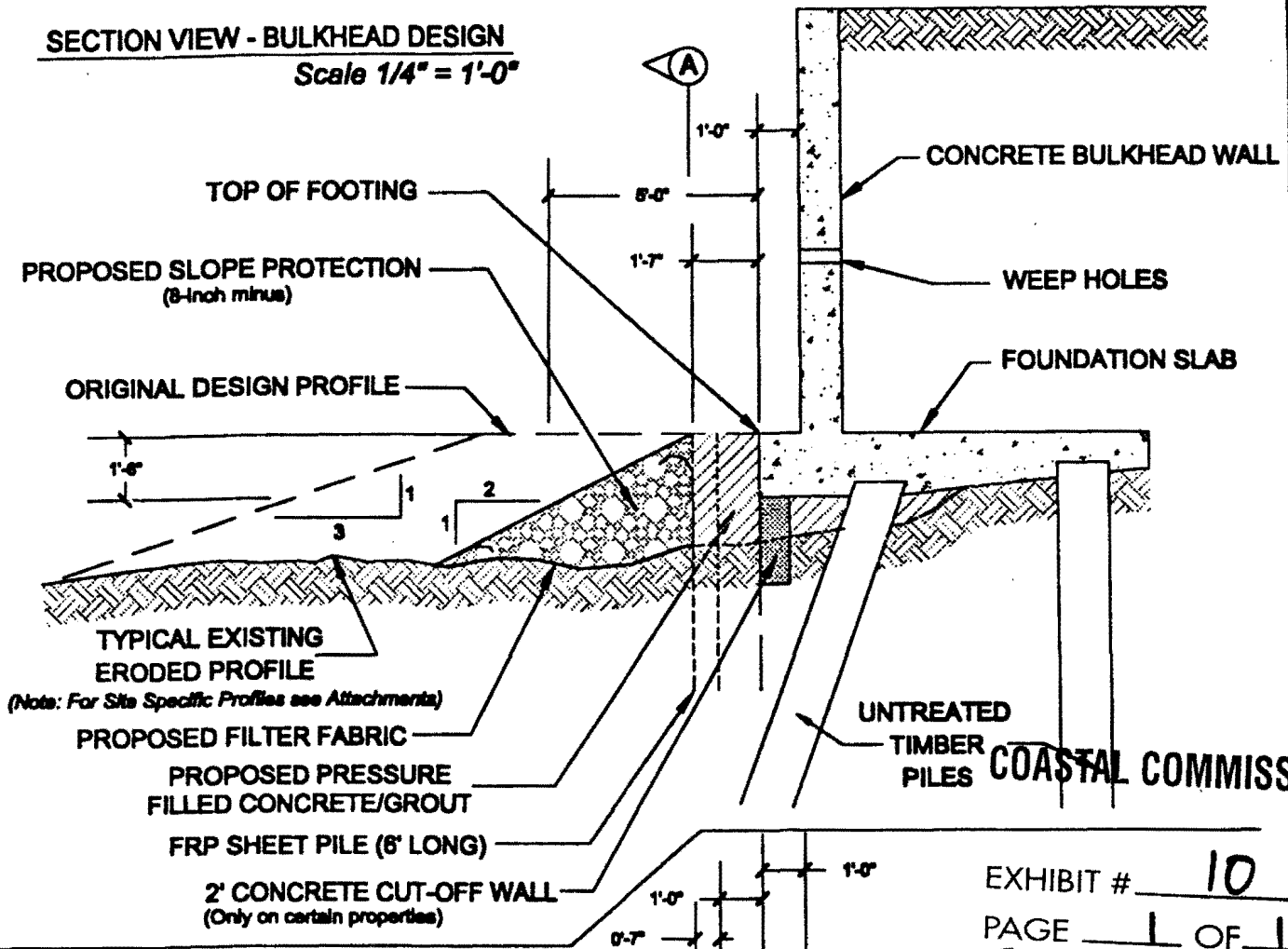
COASTAL COMMISSION

EXHIBIT # 9

PAGE 4 OF 4

SECTION VIEW - BULKHEAD DESIGN

Scale 1/4" = 1'-0"

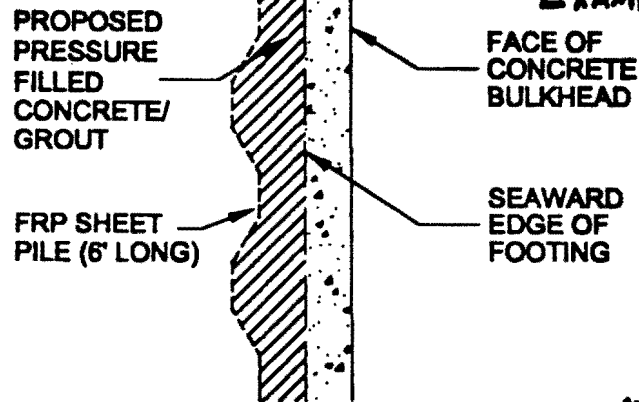


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EXHIBIT # 10
 PAGE 1 OF 1
Example of Repairs Necessary Elsewhere

PLAN VIEW - SHEET PILE DETAIL

Scale 1/4" = 1'-0"



TETRA TECH

600 The City Parkway West, Suite 300
 Orange, CA 92668
 (714)466-0188, Fax (714)466-0181

Project:\humbolt\bulkhead.dwg

PURPOSE: Repair Existing Seawall

FIGURE 4.
 ORIGINAL BULKHEAD DESIGN
 AND SHEET PILE DETAIL

Proposed Repair of Existing Seawall

Supplemental Info. Report

Datum: MLLW = 0
 Adj. Property Owners:
 1. See Attached List

Humbolt Island & Trinidad Island
 Huntington Beach, CA 92649

California Coastal Commission
 Date: 3/18/99

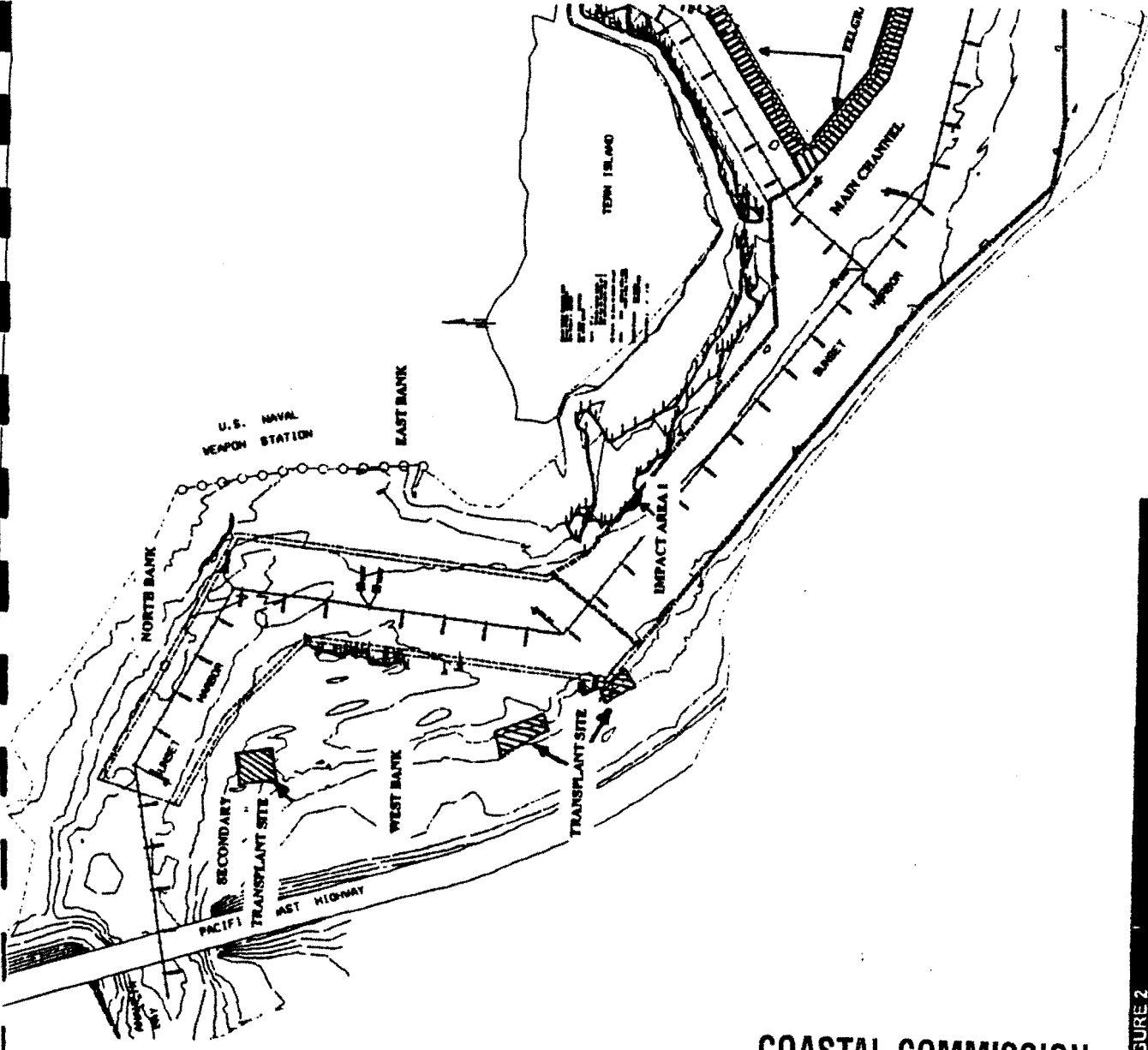


FIGURE 2
 EELGRASS (*ZOSTERA MARINA*) HABITAT MAP,
 IMPACT AREAS, AND TRANSPLANT SITES
 SUNSET HARBOR MAINTENANCE DREDGE PROJECT
 OCTOBER 1999 SURVEY
 Coastal Resources Management

COASTAL COMMISSION

EXHIBIT # 11
 PAGE 1 OF 1
 LOCATION OF OFF SITE EELGRASS
 MITIGATION