

CALIFORNIA COASTAL COMMISSION**RECORD PACKET COPY**

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
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Tu 19d

Filed: 2/11/2000
49th Day: 3/31/2000
180th Day:
Staff: PE-LB
Staff Report: 2/22/2000
Hearing Date: 3/15/2000
Commission Action:

STAFF REPORT: AMENDMENT REQUEST**APPLICATION NUMBER:** 5-99-232A**APPLICANT:** Los Angeles County Department of Beaches and Harbors**AGENT:** Dean Smith**PROJECT LOCATION:** Marina del Rey entrance and Los Angeles County Beach at Redondo Beach from Topaz Groin north 1500 lineal feet to the vicinity of Pearl St. Redondo Beach, Los Angeles County**DESCRIPTION OF PROJECT PREVIOUSLY APPROVED:** Dredge 50,000 cubic meters of sediment from Marina del Rey North Jetty, County portion of ACOE project (letter 199915660TJE.) Using this sediment and up to 115,000 cubic meters from related federal project, place up to 165,000 cubic meters of clean sediment dredged from Marina del Rey channel for beach replenishment on Redondo Beach. Project will widen beach by approximately 100 feet.**PROPOSED AMENDMENT** Change condition one: "Timing-- Avoidance of Grunion Runs": to allow the applicant to continue to deposit sand material and/or use heavy equipment on the intertidal area to deposit sand on Redondo Beach between March 15th to March 31st, in the presence of a monitor approved by the Department of Fish and Game. If the monitor notes signs of the presence of grunion, work shall stop. If stopped, the work shall not recommence before September 1st. In no event shall work proceed after March 31."**SUMMARY OF STAFF RECOMMENDATION:**

Staff is recommending approval of the request. The previous condition would have required all work to stop between March 15, and September 1, 2000. In response to a report of construction delays from the Los Angeles County Department of Beaches and Harbors, the Department of Fish and Game has evaluated the likely date of grunion spawning at Redondo Beach, where the dredged sand will be re-deposited. The Department of Fish and Game now states that the work can continue past March 15, as long as work stops if the grunion actually appear.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1. The Executive Director determines that the proposed amendment is a material change,
2. Objection is made to the Executive Director's determination of immateriality,
3. or, the proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this proposed amendment to a conditionally approved permit, the proposed revision is a material change that affects a condition required for the purposes of protecting natural resources and coastal access. The Executive Director has determined that the change must be reported to the Commission and noticed to the public. Condition 1 requires that all work shall stop March 15. Since the change as proposed will change the method of protecting the grunion. Any change in a condition must be reported as an amendment.

Section 13166 of the California Code of Regulations requires that an application for amendment shall be rejected if, in the opinion of the Executive Director, the proposed amendment would lessen the intended effect of a partially approved or conditioned permit, unless the applicant presents newly discovered material information, which he or she could not with reasonable diligence have discovered and produced before the permit was granted. Fisheries biologists at the Department of Fish and Game have now stated that Redondo Beach has not been heavily used in the past by the grunion, and the presence of a monitor who would stop the work if the grunion appeared would adequately protect the grunion on this beach. In the opinion of Fish and Game, the new proposal (the monitor) will protect the grunion as effectively as the previous approach (stopping on March 15, whether or not grunion had appeared.) Secondly the Director imposed this condition on administrative permit 5-99-232 because of the potential effect in the absence of site specific information. The new information is that the grunion do not frequently use this beach to spawn. This fact was not presented to the Director at the time of the initial approval of this project. Based on this information the Executive Director has accepted an amendment that proposes an alternate method of protecting grunion.

LOCAL APPROVALS RECEIVED: None necessary

STAFF RECOMMENDATION:

Staff recommends that the Commission APPROVE the permit amendment with a special condition.

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 5-99-232 pursuant to the staff recommendation.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

I. Approval with Conditions.

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

The following shall substitute for previous condition 1.

1. Timing-- Avoidance of Grunion runs:

In order to avoid impacting grunion, all work shall be completed prior to March 15, if possible. Between March 15th to March 31st, the applicant may continue to deposit sand material or use heavy equipment on the intertidal area only in the presence of a monitor approved by the Department of Fish and Game. If the monitor notes signs of the presence of grunion, work shall stop. If stopped, the work shall not recommence before September 1st. In no event shall work proceed after March 31.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Background

The proposed project is related to a larger Corps dredging project in the Marina del Rey entrance channel. The Commission issued a consistency determination in June 1999 for the Corps portion of the project. The sediment, and its use for beach replenishment, is described in Corps (ACOE) letter 199915660TJE, and the Commission's consistency determination number CD-22-99 which applied to the Corps portion of the project. The greatest part of the dredging does not require a CDP, instead, was approved by the Commission as federal consistency action CD-22-99 at the Commission's June 1999 hearing.

In August 1999, an administrative permit, 5-99-232, was reported to the Commission authorizing the portion of the project that was within the Commission's jurisdiction. Some of the Corps dredging is located outside the Corps-maintained channel (the north jetty) in addition the placement of the clean sediment on the beach for sand replenishment is also not part of the consistency determination. The portion of the project that involves work outside the Corps jurisdiction includes dredging between 40-50,000 cubic meters from the channel inside the South jetty and the placement of up to 165,000 meters of clean sediment on Los Angeles County Beach at Redondo Beach at the Topaz Groin. Although as much as 30% of the sand placed on the beach will immediately erode, the project will widen the beach by approximately 100 feet. The sand is a by-product of a Corps dredging project to improve the Marina del Rey entrance, which periodically silts up.

The sand has been tested to assure that the grain size is appropriate, and to be sure that it is not contaminated. In both cases the tests showed that the sand is suitable for beach replenishment. Sand is deemed suitable if it is not too silty (muddy) and if it is free of contaminants. The Executive Director approved the original request on the administrative calendar with a condition to protect the grunion, which stated:

1. Timing-- Avoidance of Grunion runs.

The activities authorized in this permit shall not occur within the period between March 15th and September 1st, the period, identified by the California Department of Fish and Game, during which grunion runs might occur. Pursuant to this requirement, prior to authorization of the development, the Department of Beaches and Harbors shall provide a written agreement to avoid the deposit of this material or the use of heavy equipment on the intertidal area during those runs.

Recently the Department of Beaches and Harbors determined that the construction schedule had been inaccurate, and that all work could not be complete by March 15. Although dredging would be complete, the Department's contractors informed it that the deposition of sand on Redondo Beach would not be finished before March 24. This would require an amendment to special condition 1. The applicant contacted the Commission staff and the Department of Fish and Game. The Department of Fish and Game indicated that in the case of Redondo Beach, the employment of a monitor who could stop the project if grunion appeared would be an adequate measure to prevent damage to the grunion. (Exhibit 5)

B. Fill

Section 30233 limits fill on beaches and wetlands to six purposes. In approving the project, the Director determined that the use of the sand from the Marina entrance channel to replenish the beach at Redondo Beach is consistent with section 30233 because it is for restoration purposes and because it uses dredge spoils from a permissible dredging operation for beach replenishment.

C. Beach Erosion.

Southern California beaches suffer from long-term beach erosion. In general, beach sand in Los Angeles County drifts south from Point Dume and then drifts down into Redondo Canyon where it is no longer available for the beaches. Numerous reports examined by the Commission have indicated the changes in the development pattern of southern California, including the channelization of streams and the armoring of bluffs have reduced the amount of new sand entering the system. Armoring the coast has also increased the rate of erosion of the existing sand supply. Groins and other development including structures like the marina entrance channel have intercepted sand transport. Finally, many beaches in southern California were artificially widened in the past, and are now gradually losing the sand that was placed on them in the 1920's and 1930's.

In order to counter this trend and to preserve the sandy beaches under its control, the Los Angeles County Department of Beaches and Harbors has proposed, whenever it has the opportunity, to place available clean sand on beaches that have been eroded. The Department has provided comparative beach profiles indicating that Redondo Beach has suffered long-term erosion and requires replenishment. This project as proposed is consistent with section 30235 because as proposed it will protect the beach at Redondo Beach from erosion.

D. Access and Recreation.

Redondo Beach is a heavily used public beach that serves the "South Bay" the communities of Torrance, Redondo Beach, Lynwood, and Lomita. Replenishing this beach will increase the beach area available for recreation and will also protect beach facilities such as the South Bay Bike Path from winter storms. Because of time limitation imposed to protect grunion, the construction work will occur during the fall season, when fewer people normally use the beaches. However, the Director acknowledges that there may be a temporary impact to access during construction. The advantage of a wider and more stable beach however far outweighs any short-term access impacts that may occur during construction. As proposed, the project is consistent with section 30210 and 30220 and 30221, which encourage the protection and provision of public recreation on the coastline.

E. Habitat.

Section 30240 requires the Commission to protect Environmentally Sensitive Habitat. In the late spring and summer, grunion spawn on many nearshore and beach areas in southern California. Fish and Game biologists have informed the Commission staff that all beaches are assumed to be sites of grunion spawning, although this particular beach has not been heavily used for this purpose in the recent past. In its initial review of the project, the Department of Fish and Game has recommended that Los Angeles County hire a biologist to monitor the replenishment effort and to halt the work in the event that grunion are observed (telecommunication, Marilyn Fluharty, Department of Fish and Game, June 1999). In addition to this mitigation measure requested by the Department of Fish and Game, the Executive Director initially determined that the project may only be approved and found consistent with section 30240 if the applicant deposits the dredge material in the late summer and fall, after the normal grunion spawning season. The grunion season occurs between March 15th and September 1st. The Department of Beaches and Harbors now states that it cannot complete its work by March 15. The Department of Fish and Game has reiterated its advice concerning a monitor (Exhibit 5). In addition the Department biologists have informed staff that grunion infrequently use Redondo Beach and therefore monitor is adequate protection for this beach.

The offshore environment in the South Bay supports many fishes, but nearshore the environment has suffered from urbanization, resulting in loss of kelp habitat and some over-fishing. Nevertheless many party boats leave Redondo Beach for diving and fishing offshore. Because this sand is certified as free of contaminants it will have no significant impact on off shore life. The near shore environment is sand. The Corps has found that no irreversible damage will occur to near shore sandy bottom habitat as the result of the placement of additional sand in this location.

Finally, there is a Least tern nesting area that is located on the beach just north of the jetty, where the dredging will occur. The dredging is still expected to be complete before March 15. The Least tern nesting season begins in early April, after both dredging and re-deposition of the sand would be complete, even as allowed by the amended condition. The Permit as approved and as now recommended for amendment, is adequately conditioned to protect the Least tern. This is the colony, until the name of the beach changed to "South Venice Beach" was identified as the Dockweiler State Beach colony. While not successful every year, the colony typically supports 80-100 pairs of birds. The colony typically nests in one area that has been fenced. The Least tern nesting season extends from April 1 to mid August. During this period, the Least terns forage in offshore waters. The proposed dredging will occur outside the normal Least tern nesting season. Even as amended, the special condition addressing impacts on the grunion will prevent dredging during Least tern nesting season. A conditioned, to prevent dredging during the Least tern nesting season, and to stop deposition of sand on the beach at Redondo Beach if grunion appear, the development will not have an impact on sensitive species and is consistent with section 30240 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

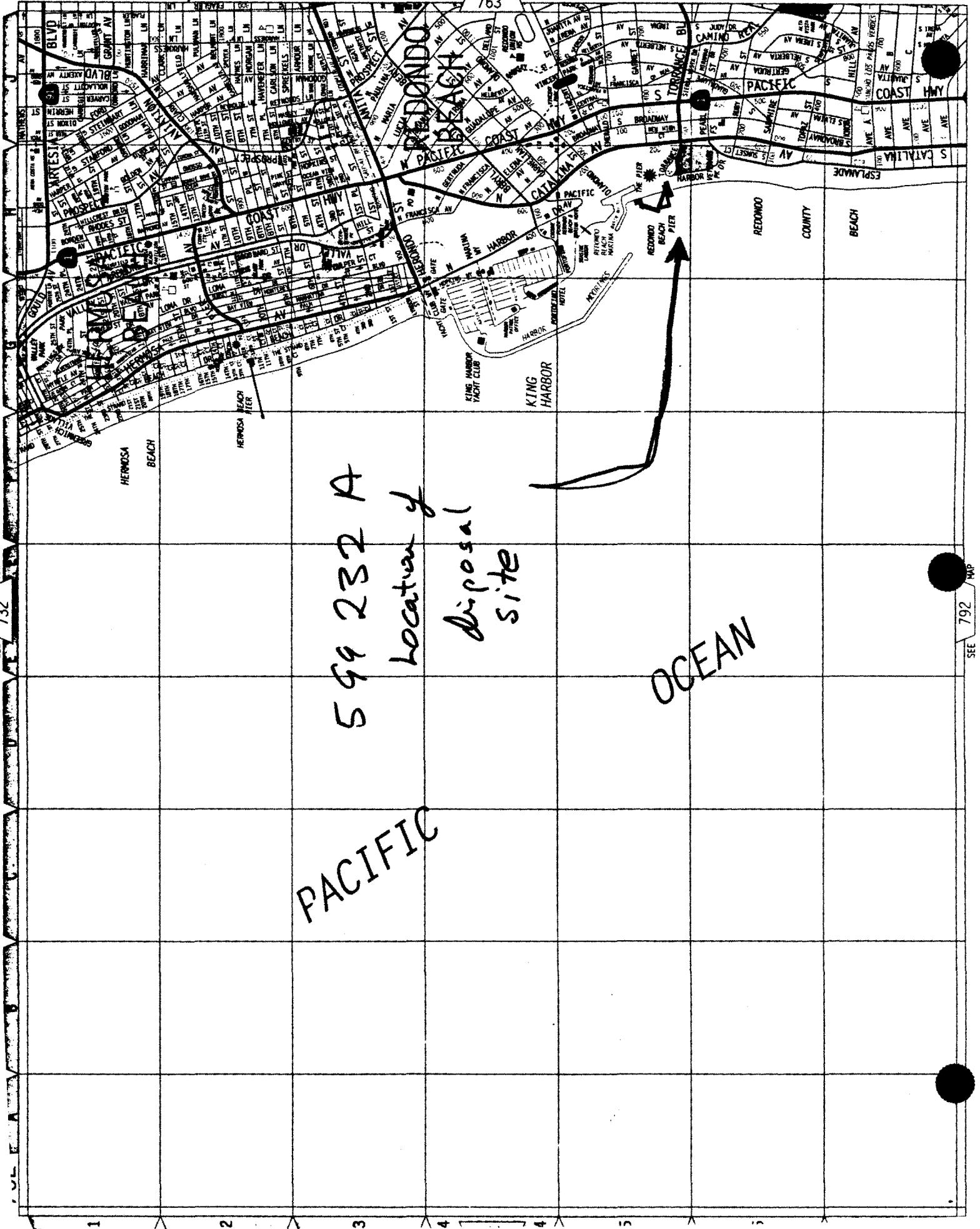
Redondo Beach has a certified Land Use Plan, but does not have a certified Local Implementation Plan (LIP.) The beach is designated "Parks Recreation and Open Space" in the certified LUP. The City is in the process of revising its LUP. The draft revised LUP designates this area as "P" parks, open space, electrical generation plants and public facilities. The widening of the beach is consistent with the public recreation policies of the certified LUP.

The proposed project, as conditioned, is consistent with the coastal access, habitat and dredging and filling policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

Section 13096(a) of the Commission's administrative 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) CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

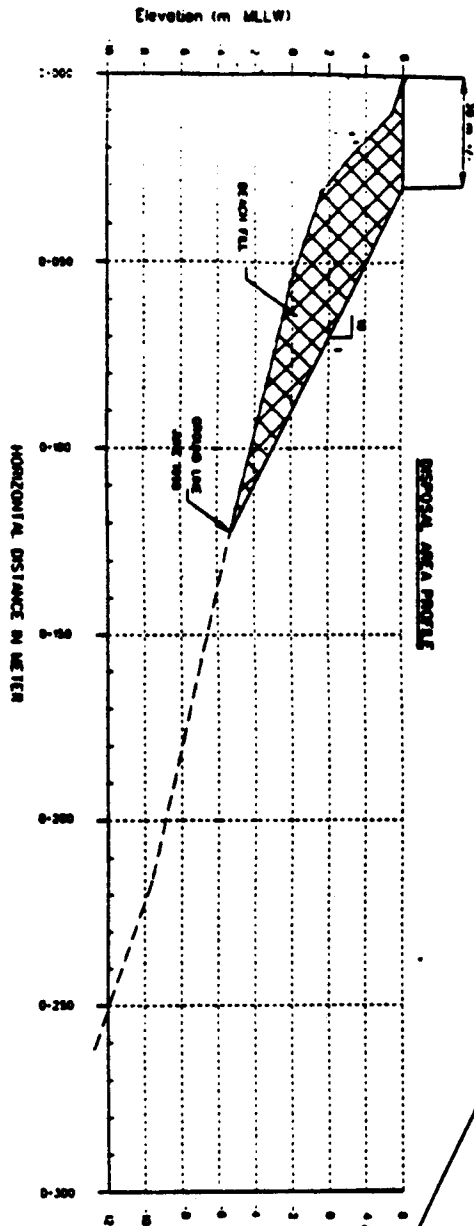
The proposed project has been thoroughly reviewed by the US Army Corps of Engineers, which has determined that no impacts on the ocean or nearshore environment will occur as a result of the project. As conditioned to avoid impacts on grunion and on the Least tern, the project will not impact marine resources. The modified condition, will, in view of the Department of Fish and Game adequately avoid conflict with the grunion. The alternative of disposal of the spoils on an inland site or offshore would result in the loss of beach sand. The dredging will cease before the least tern nesting season begins. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



599 232 A
 Location of
 disposal
 site

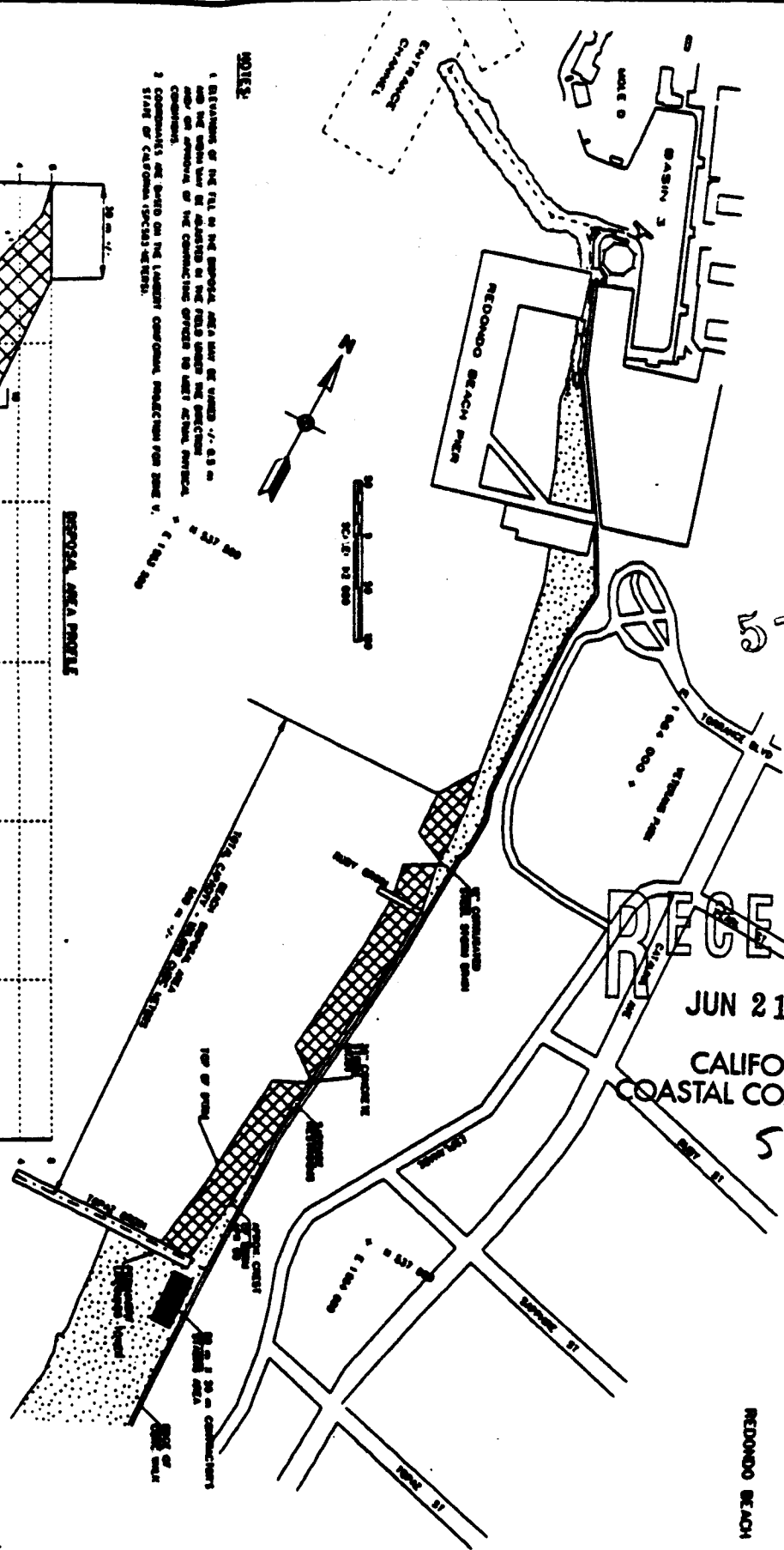
OCEAN

PACIFIC



NOTES:

1. DISTANCES OF THE FILL IN THE BEACH AREA ARE IN METERS. (1:1.08 IN THE PLAN VIEW OF THE FILL BEING THE SECTION AND THE PLAN VIEW OF THE FILL BEING THE SECTION AND THE PLAN VIEW OF THE FILL BEING THE SECTION.)
2. CONSTRUCTION OF BEACH FOR THE LARGEST COASTAL PROTECTION FOR BEACH 3.
3. STAFF OF CALTRANS (SPECIALIST).



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JUN 21 1999

CALIFORNIA
COASTAL COMMISSION

599 282 A
Exhibit 3
599.232
Exhibit 3

**PLAN VIEW
AND SECTION
VIEW**

*Beach
Replenish
me*

U.S. ARMY ENGINEER DISTRICT LOS ANGELES CORPS OF ENGINEERS	DRAWN BY CHECKED BY	BARTONIERI DESIGN SANTA MONICA, CALIF. LOS ANGELES COUNTY, CALIFORNIA	DATE REVISIONS
PROJECT NO. SHEET NO.	FILE NO.	REDONDO BEACH DISPOSAL AREA AND SECTION	DATE APPROVED

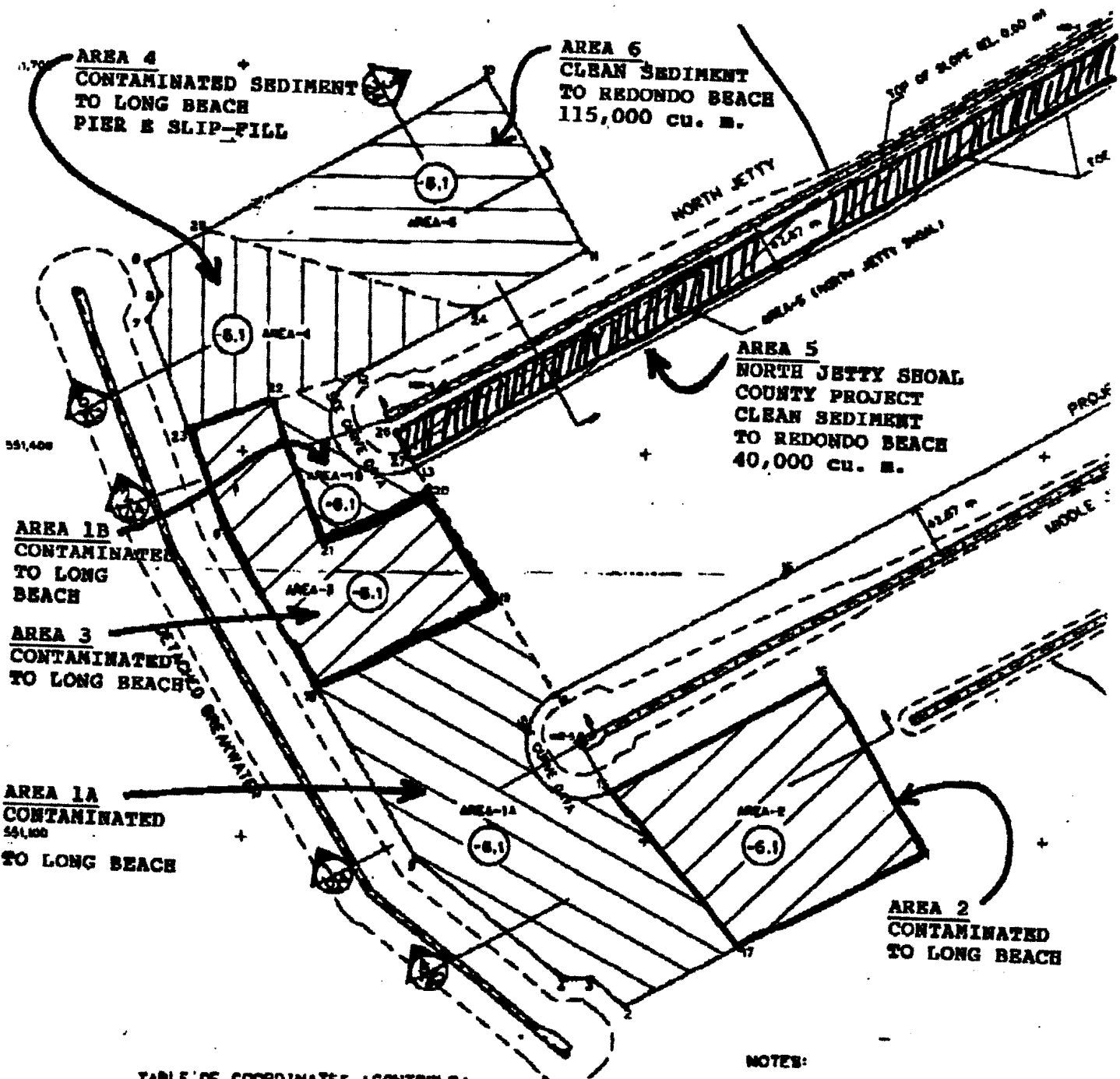


TABLE OF COORDINATES (CONTROLS)

PNT	EAST (X)	NORTH (Y)	DESCRIPTION
MOR-2	1958716.34	551965.47	89 mm brass disk
MOR-3	1958804.09	551457.28	89 mm brass disk
MOR-4	1957840.57	551728.99	Spike
MOR-5	1957483.29	551177.83	89 mm brass disk
MOR-6	1957348.44	551451.08	89 mm brass disk

NOTES:

1. CONTRACTOR SHALL NOT USE THE MOOLE AND DREDGING AREA.
2. SECTIONS ARE SHOWN IN SHEETS 4 AND 5.

Corps Draft
contractor specification

5.99. 232A
Exhibit 4 p1
Dredge map

State of California:

Memorandum

RECEIVED
FEB 09 2000

CALIFORNIA
COASTAL COMMISSION

To : Ms. Pam Emerson
California Coastal Commission
200 Oceangate Ave., Suite 1000
Long Beach, California 90802

Date: February 7, 2000

From : Department of Fish and Game

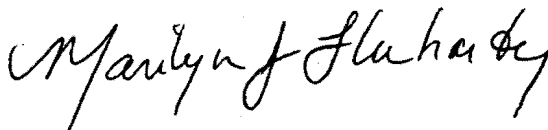
Subject: Deposition of Sand from Marina del Rey Dredging Activities at Redondo and Dockweiler Beaches

Dear Ms. Emerson:

Department of Fish and Game personnel (Department) have spoken to Mr. Dean Smith, Los Angeles County Harbor and Beaches (County), concerning the deposition of sand at Redondo and Dockweiler beaches after March 15, 2000. The Department does not object to extending the March 15 deadline to March 30, provided the County furnishes monitors to verify the absence or presence of California grunion (*Leuresthes tenuis*) during the expected grunion runs on March 21st through 24th, 2000. To avoid burial of grunion eggs, the County will cease sand deposition activities at beaches where grunion are discovered.

For additional information 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,



Marilyn J. Fluharty
Environmental Specialist
Marine Project Review
Marine Region

5 99 232 A
Exhibit 5



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

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CALIFORNIA
COASTAL COMMISSION

Pam Emerson
California coastal commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, California 90802-4302

Dear Ms. Emerson:

On February 14, 2000, the National Marine Fisheries Service (NMFS) received a request from the Los Angeles County Department of Beaches and Harbors (County) that the completion deadline for Redondo Beach renourishment activities associated with the Marina Del Rey Harbor Maintenance Dredging project, located in Los Angeles County, California, be extended from March 15, 2000, to March 31, 2000. Additional time may be required to complete project activities due to weather delays, and because the County has the opportunity to add up to 70,000 cubic meters of material for beach nourishment.

The original deadline was set at March 15 to avoid California grunion (*Leuresthes tenuis*) spawning, which occurs on Southern California beaches from March through September. In order to avoid impacts to grunion, the County shall monitor for grunion spawning activity and cease any beach replenishment activities if grunion are present. Thus, NMFS has no objections to the time extension for this project. Korie Johnson is the principal contact for this project. Please contact her at (562) 980-4199 with any questions.

Sincerely,

Rodney R. McInnis
Acting Regional Administrator

Cc: Dean Smith, LA Department of Beaches and Harbors

5-99-232 A
Exhibit B



