CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
g Beach, CA 90802-4302
2) 590-5071

RECORD PACKET COPY

Filed:	3/14/2000
49th Day:	5/2/2000
180th Day:	9/10/2000
Staff:	CP-LB
Staff Report:	5/25/2000
Hearing Date:	June 15, 2000
Commission Action:	

Th8c

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-00-093

APPLICANT: Catalina Island Camps

AGENT: Don Hellmers Engineering

PROJECT LOCATION: Howlands Landing, Santa Catalina Island, Los Angeles County.

PROJECT DESCRIPTION: Demolish existing 150-foot long pier and construct a 60-foot long pier.

Old Pier Area	1,800 square feet
New Pier Area	720 square feet
Building Coverage	0 square feet
Pavement Coverage	0 square feet
Landscape Coverage	0 square feet
Parking Spaces	0
Plan Designation	Organized Camp
Ht above MLLW	8 feet

LOCAL APPROVAL: Los Angeles County Approval in Concept Case #46584, 2/23/2000.

SUBSTANTIVE FILE DOCUMENTS:

1. Los Angeles County Santa Catalina Island Certified Local Coastal Program.
2. U.S. Army Corps of Engineers Permit Application No. 200000196-AOA.

SUMMARY OF STAFF RECOMMENDATION

A coastal development permit is required from the Commission because the proposed project is located seaward of the mean high tide line on submerged lands within the Commission's area of original jurisdiction. Staff recommends that the Commission grant a permit for the proposed development with conditions to prevent adverse impacts to marine resources, protect public rights that may exist on the site, require conformance with resource agency requirements, and to require the applicant to assume the risks of the development. The applicant agrees with the recommendation.

STAFF NOTE:

Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. On Santa Catalina Island the mean high tide line (MHTL) differentiates the Commission's area of retained (original) jurisdiction for tidelands, submerged lands, and public trust lands from the landward area for which the County of Los Angeles has accepted coastal development permit jurisdiction pursuant to the Santa Catalina Island certified Local Coastal Program (LCP). The currently proposed project is located seaward of the mean high tide line (MHTL) on State tidelands. Therefore, a coastal development permit is required from the Commission for the proposed development because the project site is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The Santa Catalina Island certified LCP is advisory in nature and may provide guidance.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION

"I move that the Commission approve with special conditions Coastal Development Permit 5-00-093 per the staff recommendation as set forth below."

Staff recommends a **YES** vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. **Resolution: Approval with Conditions**

The Commission hereby grants, subject to the conditions below, a coastal development permit 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 sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

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

1. Turbidity Control

The applicant shall implement and carry out the proposed project consistent with the approved turbidity control plan (See Exhibit #6 of Staff Report dated May 25, 2000), including the scheduling of demolition and construction during low tides and minimizing the use of jetting for installation of piles.

2. Eelgrass Mitigation Plan

Prior to the commencement of demolition and construction, the applicant shall: a) survey and map the eelgrass (Zostera marina) beds which exist within the project area, b) indicate on a detailed site plan all areas of eelgrass and potential eelgrass disturbance, and c) submit the eelgrass survey and site plan for the review and approval of the Executive Director along with an eelgrass mitigation plan which shall contain: 1) methods for minimizing the loss of eelgrass, 2) procedures for transplanting and re-establishing any disturbed eelgrass within the project site in order to maintain the extent of eelgrass at the pre-project level, and 3) a timeline for implementing re-establishment of disturbed eelgrass. The applicant shall obtain the Executive Director's approval of the eelgrass mitigation plan prior to any demolition or construction. The applicant shall implement and carry out the eelgrass mitigation plan consistent with the plan approved by the Executive Director.

If the proposed project has not been completed within twelve months of the Executive Director's approval of the applicant's eelgrass mitigation plan, a new eelgrass survey and updated eelgrass mitigation plan shall be submitted for the review and approval of the Executive Director before continuing with the approved demolition and construction.

3. Creosote

The use of creosote treated wood products is prohibited except for encased creosote treated wood products that have been authorized for use in the proposed project by the California Department of Fish and Game.

4. Disposal of Materials

All materials removed from the demolished pier shall be taken from the site and out of coastal waters to be disposed of or recycled in compliance with all local, state and federal regulations. No debris or fill is permitted to be placed in coastal waters.

5. Public Access

The proposed pier, which is located on State Tidelands, shall be available for recreational boating use by the general public. The Coastal Commission's approval of this coastal development permit shall not constitute a waiver of any public rights that may exist on the property. The permittee shall not use this coastal development permit as evidence of a waiver of any public rights that may exist on the property.

6. Assumption of Risk

A) By acceptance of this coastal development permit, the applicant, on behalf of (1) itself; (2) its successors and assigns and (3) any other holder of the possessory

interest in the development authorized by this permit, acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (I) through (iv).

B) Prior to issuance of the coastal development permit, the applicant shall submit a copy of a recorded lease agreement, in a form and content acceptable to the Executive Director, between the applicant and the State of California acting through the State Lands Commission, incorporating all of the above terms of subsection A of this condition.

7. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

8. State Lands Commission Approval

Prior to issuance of the coastal development permit, the applicant shall provide written documentation to the Executive Director, demonstrating that the State Lands Commission has granted the necessary approval for the proposed project on State Tidelands.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant proposes to demolish and replace an existing dilapidated pier at Howlands Landing on Santa Catalina Island (See Exhibits). The existing 150-foot long pier and 1,440 square foot (60'x 24') floating dock provide a landing for the applicant's organized camp as well as the general public who visit the cove (Exhibit #2). According to the applicant, the existing pier has deteriorated to the point that its safety is compromised.

The existing 150-foot pier is proposed to be demolished and removed from the cove (Exhibit #3). The applicant proposes to replace the demolished pier by constructing a new 60-foot long pier in the same location on the intertidal sandy beach where the topography ranges between elevation 0.0' and +3.0' MLLW (Exhibit #4). High tide is approximately elevation +7.0' MLLW and low tide is approximately elevation -2.0' MLLW. Therefore, the site of the proposed pier is above the waterline at low tide, and under water at high tide.

The proposed new pier would be substantially smaller than the old pier due to the use of a 70-foot long gangway ramp that is proposed to connect the new pier to a small (16'x 8') concrete landing on the shoreline. The existing pier covers 1,800 square feet (150'x12') of beach and intertidal area and is supported by 22 deteriorated timber piles (Exhibit #3). The proposed pier would cover 720 square feet (60'x12') of intertidal area and would be supported by 12 creosote treated and encased timber piles (Exhibits #4&5). The existing 1,440 square foot (60'x 24') floating dock is proposed to be attached to the end of the proposed pier by a 50-foot long gangway ramp.

B. Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located in and over the coastal waters of Santa Catalina Island (Exhibit #2). The standard of review development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230, 30231 and 30233 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

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 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.

Section 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

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

Sections 30230 and 30231 of the Coastal Act require that marine resources and the biological productivity of coastal waters be maintained and enhanced. Section 30233 of the Coastal Act allows filling of coastal waters and wetlands only under very limited circumstances. The proposed filling of wetlands and coastal waters must be for an allowable use, mitigation measures must be provided to minimize adverse environmental effects, and the project must be the least environmentally damaging alternative.

In this case, the applicant proposes to replace a deteriorated pier with a new smaller public pier (Exhibit #4). The proposed project involves the removal of 22 timber piles and the placement of 12 new 14-inch diameter wooden piles treated with creosote and encased with the *Hellmerhide* polyethylene pile cover system (Exhibit #5). All 12 proposed new piles would be placed below the mean high tide line (MHTL).

The proposed placement of 12 new piles below MHTL constitutes filling of open coastal waters. According to Section 30233(a)(4) of the Coastal Act, the filling of open coastal

waters for new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities is an allowable use. The proposed pier replacement involves fill for a recreational pier that would provide the public with improved public access and recreational opportunities at Howlands Landing. Therefore, the proposed project is an allowable use pursuant to Section 30233(a)(4) of the Coastal Act.

Even though the proposed pier would primarily be used by the public attending the Catalina Island Camp facilities operated by the applicant at Howlands Landing, the proposed pier would also be available for use by the general public. Public access to the shoreline at Howlands Landing exists and is protected by the certified Santa Catalina Island LCP. The public can access Howlands Landing by sea or by land. The owners of the island (Santa Catalina Island Conservancy and the Santa Catalina Island Company) control public travel by land through a permit system. Landing by sea at Howlands Landing is not controlled.

Secondly, Section 30233(a) of the Coastal Act requires that mitigation measures be provided to minimize any adverse environmental effects associated with the proposed development. The applicant has incorporated specific construction methods within the proposed project to minimize the adverse environmental effects of the proposed project. For instance, the proposed demolition and pile driving will be scheduled to occur during low tides when the project site will be exposed above the water line, and the use of jetting for installation of piles will be minimized (Exhibit #6). The proposed construction methods will reduce the adverse impacts of turbidity commonly associated with pile driving in and near subtidal areas. In addition, the size of the proposed pier has been minimized by using gangway ramps instead of numerous piles for a longer pier, and the existing floating dock will be saved and reused on the proposed pier in order to reduce the amount of new construction that is necessary to replace the existing pier and docks.

The proposed removal of the old pier and the pile driving for the proposed pier may cause turbidity in the waters of the cove. Excessive turbidity can block sunlight and result in siltation that can harm sea grasses and other marine organisms. In order to ensure that the applicant implements the proposed construction timing and construction techniques that are necessary to minimize the adverse impacts to the marine environment caused by the proposed construction and demolition in the intertidal area, special condition one of the permit requires the applicant to carry out the proposed project consistent with the turbidity control plan attached as Exhibit #6 of this staff report, including the scheduling of demolition and construction during low tides and minimizing the use of jetting for installation of piles.

The proposed project could result in negative impacts to **eelgrass beds** that may exist in the vicinity of the proposed project. Eelgrass (Zostera marina) is a flowering marine plant that grows on mud and sand bottoms. Bottom areas vegetated with eelgrass are important because they are refuges, foraging centers, and nursery habitats for many types of coastal and bay invertebrates and fishes. Eelgrass is also recognized as a key food source for certain shorebirds. Consequently eelgrass habitat is identified as a valuable and

sensitive marine resource by the California Department of Fish and Game, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service.

At this time the applicant has not surveyed the project site for any eelgrass beds which may exist on the site. If eelgrass beds do exist under the existing 1,800 square foot (150'x12') pier, the proposed project could negatively affect this important marine habitat. An accurate and up to date eelgrass survey can be used to develop an eelgrass mitigation plan with methods to minimize the amount of eelgrass disturbance and to mitigate any resulting loss of eelgrass in order to maintain the extent of eelgrass at the pre-project level. Because eelgrass beds can change naturally over time, an eelgrass survey should be every twelve months until the proposed project is completed. The best time for an accurate eelgrass survey would be just prior to the commencement of construction.

Therefore, special condition two requires the applicant, prior to the commencement of demolition and construction, to: a) survey and map the eelgrass (Zostera marina) beds which exist within the project area, b) indicate on a detailed site plan all areas of eelgrass and potential eelgrass disturbance, and c) submit the eelgrass survey and site plan for the review and approval of the Executive Director along with an eelgrass mitigation plan which shall contain: 1) methods for minimizing the loss of eelgrass, 2) procedures for transplanting and re-establishing any disturbed eelgrass within the project site in order to maintain the extent of eelgrass at the pre-project level, and 3) a timeline for implementing re-establishment of disturbed eelgrass. The applicant shall obtain the Executive Director's approval of the eelgrass mitigation plan prior to any demolition or construction. The applicant shall implement and carry out the eelgrass mitigation plan consistent with the plan approved by the Executive Director. Only as conditioned will the proposed project ensure that marine resources and biological productivity be maintained as required by Sections 30230 and 30231 of the Coastal Act.

Furthermore, in order to ensure that the required eelgrass mitigation plan is up to date and accurate, special condition two also requires that a new eelgrass survey and updated eelgrass mitigation plan shall be submitted for the review and approval of the Executive Director if the proposed project has not been completed within twelve months of the Executive Director's approval of the applicant's prior eelgrass mitigation plan.

In any case, the proposed project will not have a significant impact on the marine habitat because the proposed development is limited to the 1,800 square foot area where the existing pier is located and the new pier is proposed.

Special condition three prohibits the use of **creosote treated wood products** except for creosote treated wood that is encased in a polyethylene pile cover system that has been authorized for use in the proposed project by the California Department of Fish and Game. Creosote treated wood that is not encased to prevent leaching of creosote into the marine environment is prohibited because of the adverse environmental effects of creosote on the marine environment.

In prior approvals, the California Department of Fish and Game has authorized the use of wooden piles treated with creosote and encased with the *Hellmerhide* polyethylene pile cover system. The applicant proposes to use the *Hellmerhide* polyethylene pile cover system for the proposed project (Exhibit #5). Commission staff has confirmed that the California Department of Fish and Game has determined that the use of the *Hellmerhide* polyethylene pile cover system for the proposed pier will not adversely impact coastal resources.

Special condition seven requires the permittee to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Only as conditioned is the proposed project consistent with the marine resource policies of the Coastal Act.

Special condition four requires that all materials removed from the pier shall be taken from the site and out of coastal waters to be disposed of or recycled in compliance with all local, state and federal regulations. No debris is permitted to be placed in coastal waters. Only as conditioned is the proposed project consistent with the marine resource policies of the Coastal Act.

The special conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. Therefore, as conditioned, the proposed project is consistent with the marine resource policies of the Coastal Act.

Finally, the proposed project must be the least environmentally damaging alternative. The proposed project would replace an existing public boating facility with a new public boating facility that occupies less intertidal area. The proposed pier is smaller and has fewer piles than the pier that it will replace. Therefore, the proposed project will result in less displacement and less shading of intertidal habitat than the existing pier. The above stated construction methods and conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. There is no feasible less environmentally damaging alternative.

Therefore, as conditioned, the proposed project is the least environmentally damaging alternative and, as conditioned, is consistent with the marine resource policies of the Coastal Act.

C. Recreation and Public Access

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. Pursuant to Section 30604(c) of the Coastal Act, because the proposed development is located between the first public road and the sea, the proposed project must be found consistent with the public access and recreation policies contained

in Chapter 3 of the Coastal Act. The proposed project is consistent with the following Coastal Act policies which encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

> Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The public currently has access to the shoreline at Howlands Landing and the certified Santa Catalina Island LCP protects public access to Howlands Landing. The public can access Howlands Landing by sea or by land. The owners of the island (Santa Catalina Island Conservancy and the Santa Catalina Island Company) control public travel by land through a permit system. Landing by sea at Howlands Landing is not controlled.

The proposed project will not negatively effect the public's ability to access the shoreline. Even though the proposed pier would primarily be used by the public attending the Catalina Island Camp facilities operated by the applicant at Howlands Landing, the proposed pier would also be available for use by the general public.

In order to ensure that public access and recreational opportunities are protected, special condition five of the permit approval requires that the proposed pier, which is located on State Tidelands, shall be available for recreational boating use by the general public. The Coastal Commission's approval of this coastal development permit shall not constitute a waiver of any public rights that may exist on the property. The permittee shall not use this coastal development permit as evidence of a waiver of any public rights that may exist on the property. Only as conditioned is the proposed project consistent with the public access and recreation policies of the Coastal Act.

D. State Lands

The proposed project is located on State Tidelands. State Tidelands are generally restricted to public serving uses. The proposed project is a public pier. The State Lands Commission staff has been consulted by Commission staff regarding the proposed project. At this time, however, the State Lands Commission has not reviewed or granted its necessary approval for the proposed project. State Lands Commission approval is required before the applicant can undertake the proposed project.

Therefore, as a condition of approval, the applicant is required to provide written documentation to the Executive Director, prior to issuance of the coastal development permit, demonstrating that the State Lands Commission has granted the necessary approval for the applicant to undertake the proposed project on State Tidelands. Only as conditioned does the Commission find that the proposed project is consistent with the requirements of the Coastal Act.

E. Hazards

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act states, in part:

> New development shall:
>
> (l) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Developments located in or near the ocean have the potential for damage caused by wave energy, floods, seismic events, storms and erosion. The proposed project is located in the Pacific Ocean and is susceptible to natural hazards. No development in the water can be guaranteed to be safe from hazard.

The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition ensures that the permittees understand and assume the potential hazards associated with development in or near the water. Therefore, by acceptance of this coastal development permit, the applicant, on behalf of (1) itself; (2) its successors and assigns and (3) any other holder of the possessory interest in the

development authorized by this permit, acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (I) through (iv).

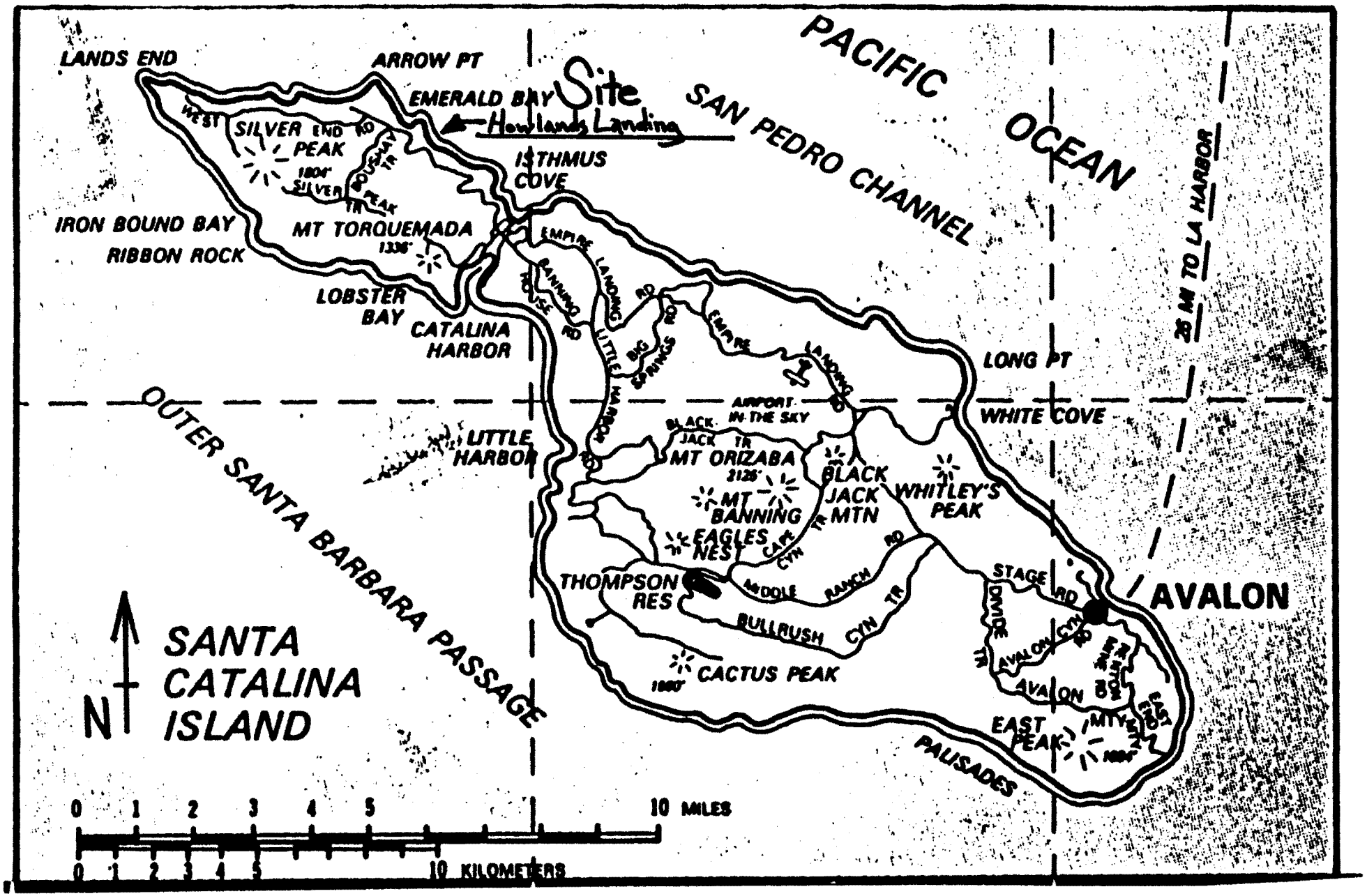
In addition, prior to issuance of the coastal development permit, the applicant shall submit a copy of a recorded lease agreement, in a form and content acceptable to the Executive Director, between the applicant and the State of California acting through the State Lands Commission, incorporating all of the above terms of subsection A of this condition. Only as conditioned is the proposed project is consistent with Section 30253 of the Coastal Act.

F. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application 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 proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

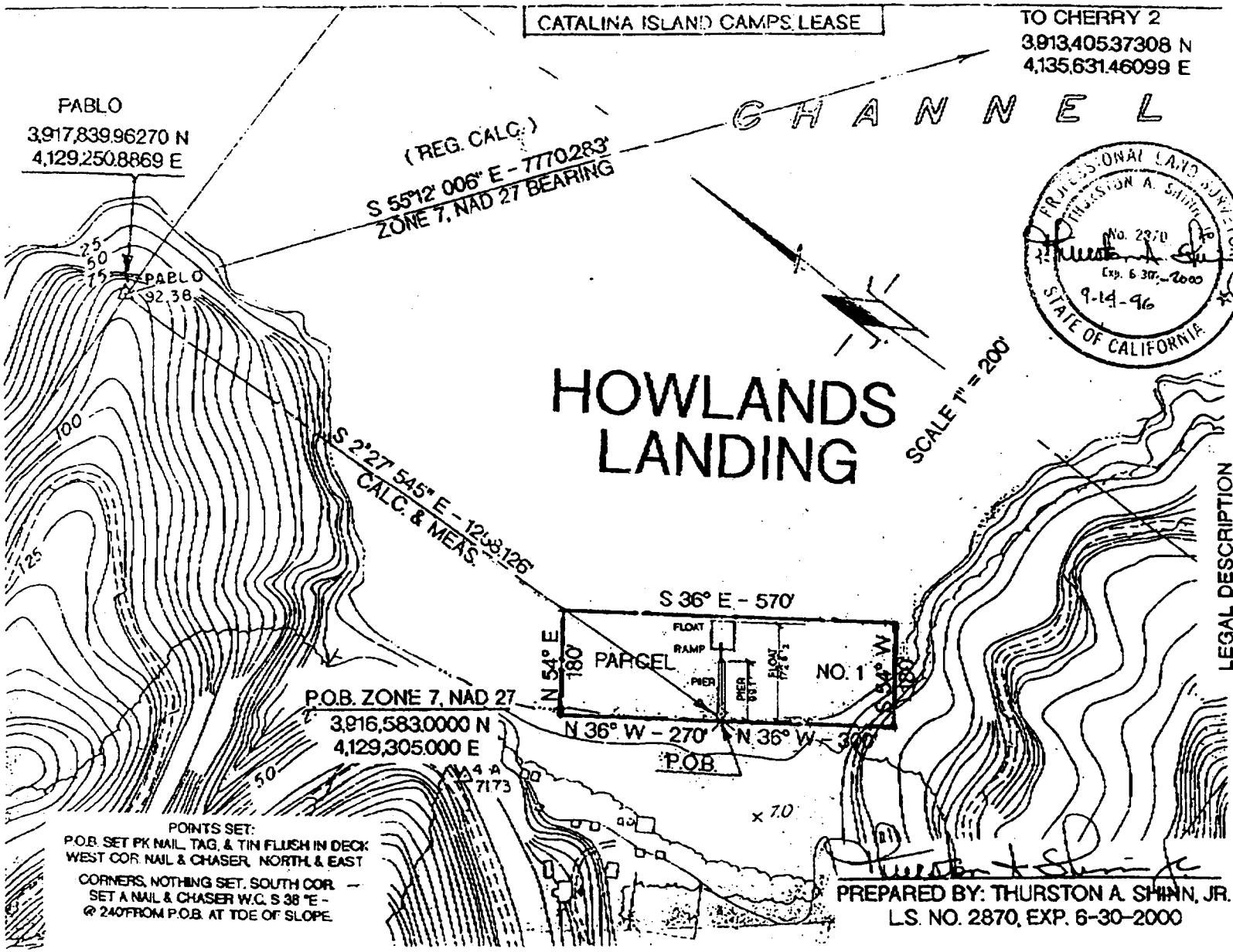
End/cp



COASTAL COMMISSION
5-00-093

EXHIBIT # 1

PAGE 1 1



LEGAL DESCRIPTION

Three parcels of tide and submerged land in the Pacific Ocean at Sullivans Beach (Howlands Landing) on the northwesterly shore of Santa Catalina Island, Los Angeles County, California, described as follows:

PARCEL 1

BEGINNING at a point on the landward centerline of an existing pier at Sullivans Beach (Howlands Landing) having a California Coordinate System Zone 7 coordinates of X = 4,129,305 and Y = 3,916,583; thence N 36° W, 270 feet; thence N 54° E, parallel with said pier, 180 feet; thence S 36° E, 570 feet; thence S 54° W, 180 feet; thence N 36° W, 300 feet to the point of beginning.

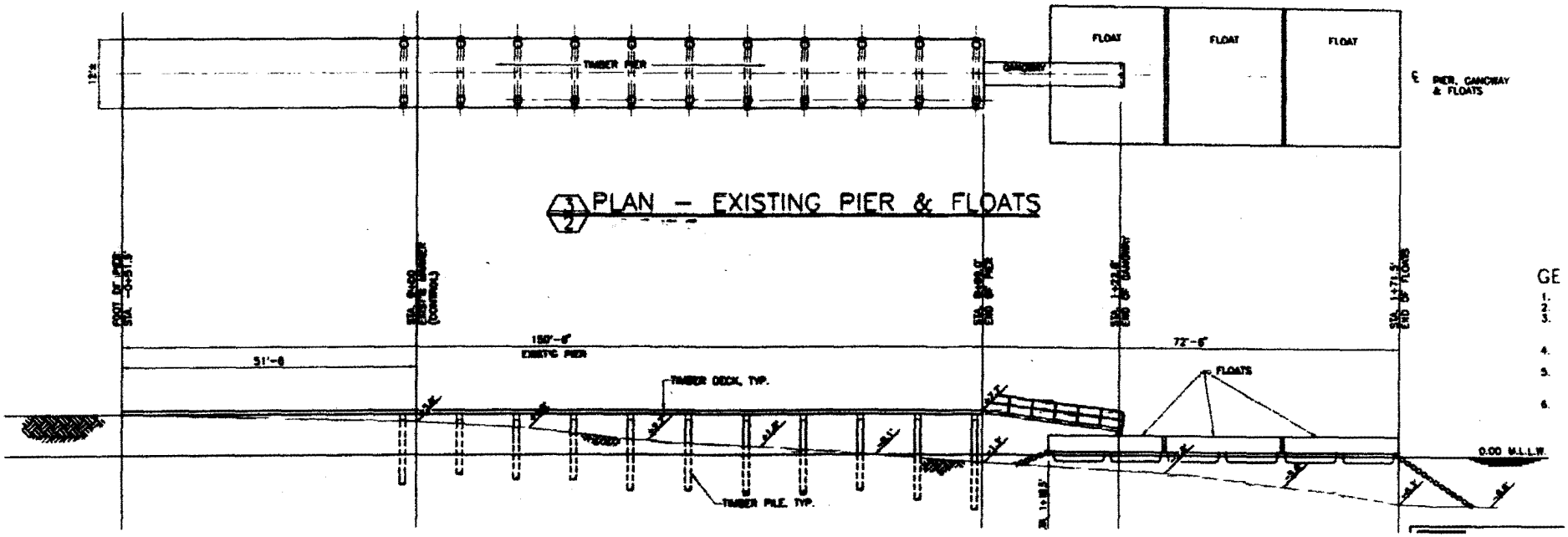
EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Pacific Ocean.

Site Plan

COASTAL COMMISSION
5-00-093

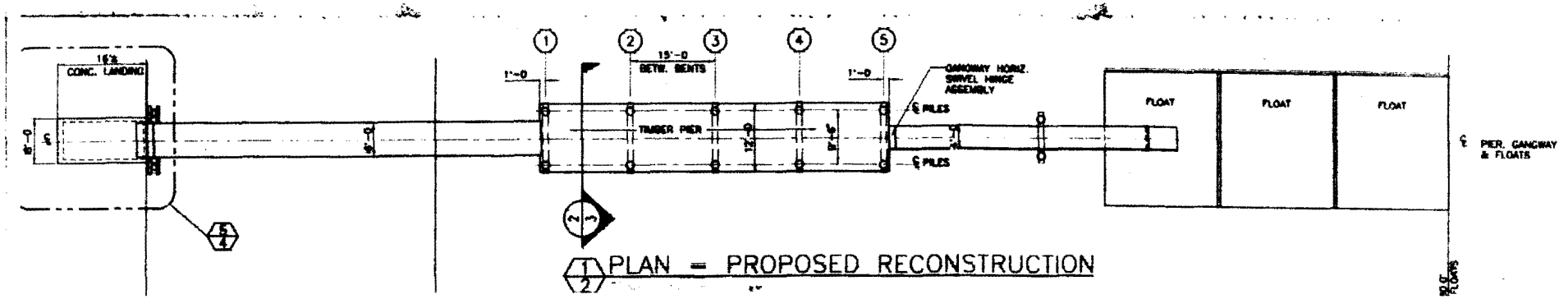
EXHIBIT # 2

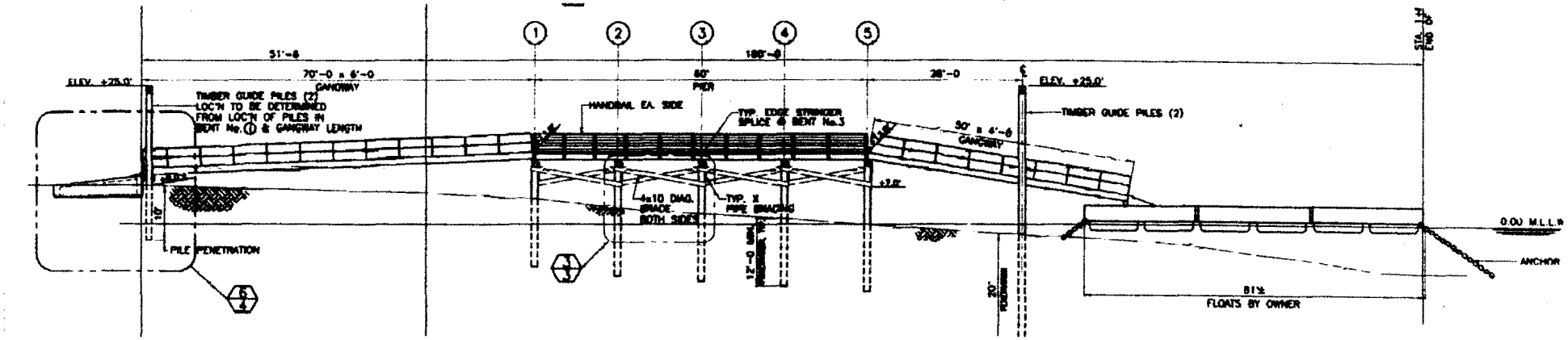
PAGE 1 OF 1



Existing Pier to be demolished

COASTAL COMMISSION
5-00-093
EXHIBIT # 3
PAGE 1 OF 1





Proposed New Pier

COASTAL COMMISSION
5-00-093
EXHIBIT # 4
PAGE 1 OF 1

DON HELLMERS ENGINEERING
CONSULTING ENGINEERS

15718 Circo Diegueno
Del Mar, California 90214
Phone: (858) 759-9882
Fax: (858) 759-9887
E-Mail: donhelm@worldnet.att.net

February 4,1999

Josh Randell
P&F Distributors
2376 First Street
La Verne CA. 91750

Subject: MORITORIUM ON USE OF CREOSOTED PILES
STATE OF CALIFORNIA DEPARTMENT OF FISH AND GAME

In 1995 the State of California Department of Fish and Game declared a moritorium on the use of creosote on timber piling in California coastal waters.

At that time Don Hellmers of Don Hellmers Engineering was contacted by Mr. Bill Paznokas (858) 467-4218 of the State of California Department of Fish and Game to help the State determine if there was a solution to the creosote problem. Samples of creosoted piles covered with the "HELLMERHIDE" pile cover system developed by Don Hellmers Engineering were submitted to the State Fish & Game testing laboratory in Monterey California where they were tested sucessfully regarding the non leaching of creosote through the logitudinal and circumferential joints. This system was recommended by State Fish & Game to the U.S. Navy for installation on creosote pilings in Port Hueneme.

Don Hellmers Engineering is a consultant to P&F Distributors and the "HELLMERHIDE" pile cover system supplied by P&F Distributors satisfies the State requirements as it is the same proven system that was tested by and is currently recommended by the State of California Department of Fish & Game.

Don Hellmers

DON HELLMERS ENGINEERING□

DON HELLMERS ENGINEERING
CONSULTING ENGINEERS

15718 Circo Diegueno
Del Mar, California 90214
Phone: (858) 759-9882
Fax: (858) 759-9887
E-Mail: donhelm@worldnet.att.net

May 11,20 00

Mr. Charles Posner
California Coastal Commission
200 Oceangate , tenth floor
Long Beach, CA. 90802-4325

Dear Mr. Posner,

Subject: Catalina Island Camps Pier Restoration, Application No. 5-00-093

Reference: Summary of Staff Recommendation, Special Conditions Item No. 1 Turbidity Control

TURBIDITY PLAN

Care shall be taken during pile installation to minimize water turbulance.

In the event the piles cannot be driven to the required penetration by driving "dry" minimal water jetting shall be used only as necessary and in accordance with the following criteria.

The jetting method shall be limited to pilot hole jetting. This procedure utilizes a water jet pipe which is inserted into the existing granular soil to make a pilot hole prior to installing and driving the pile. The jet pipe shall be limited to a maximum 4-inch diameter and shall penetrate the soil no deeper than three feet above the specified pile tip elevation. The jet pipe after being inserted to this depth shall be immediately withdrawn and water shut off to minimize turbidity.

In addition to the above requirements the piles shall be installed at low tide as this will also minimize turbidity.

Don Hellmers

Don Hellmers

DON HELLMERS ENGINEERING