

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

Filed: 12/7/00
49th Day: 1/25/01
180th Day: 6/5/01
Staff: FSY-LB
Staff Report: 1/25/01
Hearing Date: February 13-16, 2001
Commission Action:



Tues 15m
RECORD PACKET COPY

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-00-408

APPLICANT: Richard Platt

AGENT: Lisa Miller

PROJECT LOCATION: 2027 Bayside Drive,
City of Newport Beach (Orange County)

PROJECT DESCRIPTION: Installation of a new motorized boat lift, that can lift up to 6 tons, attached to an existing private dock, two new 10" "H" beams and one new 12" steel pile to support the boat lift.

LOCAL APPROVALS RECEIVED: Approval in Concept (City Harbor Permit Number 104-2027) from the Fire and Marine Department of the City of Newport Beach dated August 17, 2000, Preliminary approval from the U. S. Army Corp of Engineers (Los Angeles District) LOP # 200100036-SMS, clearance from the Regional Water Quality Control Board (RWQCB).

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **APPROVE** the proposed development with three (3) special conditions. The subject site is located on the bayside of Bayside Drive in the City of Newport Beach. The major issue before the Commission relates to the effect of the boat lift on marine resources and water quality. This is a new type of development in this area and is one of two permit applications before the Commission. To assure that marine resources and water quality are protected; staff recommends the imposition of three special conditions.

Special Condition 1 relates to Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris. Special Condition 2 states no exterior hull maintenance activities (such as cleaning, painting, or hull scraping) shall be allowed. Special Condition 3 requires the applicant to submit proof of approval of the project by the County of Orange.

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach certified Land Use Plan, Coastal Development Permits (4-96-075) Ventura Port District and (5-98-523) Bridges.

LIST OF EXHIBITS:

1. Location Map
2. Location Map
3. Assessor's Parcel Map
4. Project Plans
5. Regional Water Quality Control Board Letter
6. US Army Corps of Engineers Letter

STAFF RECOMMENDATION:

The staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve Coastal Development Permit No. 5-00-408 pursuant to the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit 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:

I. Approval with Conditions

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned 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 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application, or in the case of administrative permits, the date on which the permit is reported to the Commission. Construction 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 of 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. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

Disturbance to the harbor bottom and intertidal areas shall be minimized. The applicant shall not store any construction materials, oils or liquid chemicals or other waste where it is subject to wave erosion and dispersion into the harbor waters. The applicant shall remove from the construction area any and all debris resulting from construction activities related to the development authorized in Coastal Development Permit No. 5-00-408. No mechanized equipment, with the exception of a barge or land-mounted crane, is allowed seaward of the bulkhead at any time.

2. Boat Maintenance

No exterior hull maintenance activities (such as cleaning, painting, or hull scraping) shall be allowed at the applicant's dock.

3. County of Orange Approval

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, written evidence from the County of Orange demonstrating that the County of Orange has approved the proposed project. If the County of Orange requires any substantial changes to the project, as approved by the Commission, the changes shall be submitted to the Executive Director for a determination as to whether the changes require an amendment to this permit. Any changes that require an amendment shall not occur without an amendment to this permit.

IV. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Location and Project Description

The subject site is located on the bayside of 2027 Bayside Drive in the City of Newport Beach, County of Orange (Exhibits #1-3). The site currently contains an existing home and an existing 53' x 10'-6" private dock. Boat docks in this area vary in that they serve both single and multiple residences. The boat dock located at 2027 Bayside Drive only serves this residence. No changes to the dimensions of the existing dock are proposed. The project involves the installation of a new motorized boat lift that can lift up to 6 tons, installation of two new 10" steel "H" beams and installation of one new 12" steel pile to support the boat lift on an existing private dock. The two new 10" steel "H" beams and one new 12" steel pile will both be driven into the bedrock located at the bottom of the water. The dock is located in Newport Bay. The project purpose is to safely keep a boat at the dock above the water to prevent damage from rough water surges at this location. The boat lift uses two vertically moving arms to elevate the boat above the water (Exhibit #4).

The project is taking place on tidelands managed by the County of Orange. Consequently, approval of the boat lift is required from the County of Orange. Approval by the County of Orange was not submitted as part of the permit application. Special Condition #3 requires that this approval be provided before a coastal development permit is issued.

To the north and northwest, are an additional boat dock, residential areas and Bayside Drive Beach and across Newport Bay is Balboa Island; to the northwest, west and southwest across Newport Bay, is Balboa Peninsula; to the southeast and east, are additional boat docks, residential areas and the existing single family residence (Exhibits#1-3).

Preliminary approval from the U. S. Army Corp of Engineers, which indicates that the project is consistent with Federal agency's requirements, has been received (Exhibit #6). The applicant has also submitted evidence that the Regional Water Quality Control Board has given approval of the project (Exhibit #5).

The proposed development is located on submerged lands and is therefore within the Commission's original jurisdiction. Chapter 3 policies provide the standard of review.

B. Marine Resources

Section 30233 of the Coastal Act states, in pertinent 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.

The Coastal Act limits the fill of open coastal waters. Section 30233 of the Coastal Act allows fill of open coastal waters, such as Newport Bay, for recreational boating purposes. The proposed project requires piles and beams, which constitute fill. Construction of the proposed project includes installation of one new 12" steel pile and two new 10" steel "H" beams. The installation of these altogether will displace approximately 1.74 square feet of habitat bottom. The purpose of this project is to protect a boat berthed at the dock from being damaged from rough water. According to the applicant, other boats in the vicinity of the project site have been damaged by rough water. The fill required by the project is for a recreational boating facility, an allowable purpose under Section 30233(4) of the Coastal Act. The project can be consistent with Section 30233, however, only if it is also the least environmentally damaging feasible alternative and feasible mitigation measures have been provided to minimize adverse environmental effects.

Section 30233 of the Coastal Act requires that any project that results in the fill of open coastal waters be the least environmentally damaging feasible alternative. Section 30108 of the Coastal Act defines "feasible" as capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social, and technological factors. Alternatives to the proposed project include reconfiguring the orientation of the boat dock, renting a slip in a protected area, and dry storage of the boat.

In terms of the first alternative, the applicant states that two of his neighbors located at 2115 and 2209 have realigned their docks to direct the bow of their boats in line with the surge. This has only been minimally satisfactory and has also required a large number of piles to be sunk into coastal waters to reinforce the docks. This alternative is therefore not feasible, as it will not accomplish the project objective of minimizing the potential for damage to the boat.

The second alternative consists of renting a slip at a protected area. Though this alternative would accomplish the project objective of minimizing the potential for damage to the boat it is not considered feasible as the applicant would have to rent a second boat slip which would impose an added burden in terms of renting a second boat slip, added travel time, and reduced access to the boat. Additionally, this alternative would not remove the boat from the water during periods of non-use. As explained below, raising boats out of the water results in water quality benefits

A third alternative is dry storage of the applicant's boat. The nearest dry boat storage facility is located at Newport Dunes, which is approximately 2 miles away. Though this

alternative would remove the boat from the water and meet the project objective of protecting the boat, this alternative is not considered to be feasible for the following reasons. The applicant currently possesses easy access to his boat through a dock. Rough water surges cannot be predicted, thus it is difficult to determine when the boat should be removed from the water, moved to a dry storage facility, and then returned to the water. Also, dry boat storage is competitive and because of this there may not be available (on demand) space for boat storage. In addition, the size of the applicant's boat makes it difficult to transport to a dry boat storage facility. Finally, storing a boat at a dry storage facility would be an extra burden in terms of added rental costs, travel time, and on demand access to the boat.

The proposed project is the least environmentally damaging feasible alternative for the following reasons. First, raising the boat out of the water will reduce the need for hull maintenance, as marine organisms will not adhere as well to the hull. Additionally, anti-fouling paints are used on boat hulls and the purpose of these paints is to keep boat hulls free of barnacles, shipworms, algae and other forms of aquatic life. Typical anti-fouling hull paints used today contain copper, which if leached into the water column is toxic to aquatic life (kills mussel larvae at a concentration of 10 ppb total dissolved Cu). Copper can slough off if ablative paints are used or are scrapped off of the boat bottoms during in-water cleaning. Through the physical release of copper to the boat harbors over time, copper can accumulate in the sediments and result in contaminated sediments that require special handling and result in an increased disposal to marinas, ports, cities and etc. The boat lift will elevate the boat out of the water, thus reducing opportunities for the leaching of copper. Also, rough water surge can occur at any time and because of the inability to forecast such events, it would be difficult to know when to place the boat in a protected slip or dry storage. Should the boat be damaged or otherwise sink due to rough water there could be a release of debris and pollutants into the harbor. The boat lift will reduce the possibility of damage and/or sinking due to rough water more satisfactorily and timely than the three previously discussed options.

Section 30233 also requires that any project which results in fill of open coastal waters provide adequate mitigation. The proposed project creates vertical habitat for marine organisms, but fills benthic habitat. The City of Newport Beach Fire and Marine Department has stated that there is no eel grass within the location of the proposed project.

For the reasons listed above, the Commission finds that as conditioned, the proposed project is consistent with Section 30233 of the Coastal Act.

C. Water Quality

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 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.

The project site is waterfront property in Newport Bay. The applicant is proposing to make improvements to an existing recreational boating facility. The approval from the City of Newport Beach states that no eel grass is present at the site.

The development is located on the water and there is the possibility that materials from demolition or construction may end up in the harbor waters. In order to prevent adverse impacts to marine waters from construction and demolition, Special Condition #1 provides for the safe storage of construction materials and the disposal of demolition end products.

Boats require periodic maintenance to maintain their functionality. One maintenance activity requires that the hull be periodically cleaned. Since the hull is in contact with the water, exterior hull scraping can result in the discharge of pollutants, such as cleaners, solvents and paints, into the water column, which may threaten the health of aquatic systems and pose other environmental hazards. Cleaning and scraping of boats, improper discharges of contaminated bilge water and sewage waste, and the use of caustic detergents and solvents, among other things, are a major contributor to the degradation of water quality within boating facilities. The proposed boat lift would make hull cleaning an easier task but would not resolve the potential of scraping debris from entering the water column. To resolve this potential, the Commission imposes Special Condition #2, which prohibits exterior hull maintenance activities (such as cleaning, painting, or hull scraping).

Newport Bay is a no discharge harbor. Boat maintenance can take place at the private dock, but any maintenance activities that may result in discharge into the water must take place at an allowable location to minimize impacts to water quality. The nearest location where boat maintenance activities are allowed is at the Basin Yard Shipyard, which is approximately 1.5 miles away. Here the water used for boat maintenance is filtered before it is released back into the bay. Debris, which accumulates from boat cleaning operations, is then taken to a landfill for disposal.

Only as conditioned for appropriate storage of construction materials and equipment does the Commission find that the proposed development is consistent with Section 30230 of the Coastal Act.

D. Visual Impacts

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New

development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The project site is located in Newport Bay and is surrounded by additional docks and piers. Bayside Drive Beach is located approximately 100 feet northwest of the project site along Bayside Drive. The Harbor Patrol is also located within this beach area at 1901 Bayside Drive. The boat lift will be installed at the northern corner of the existing floating dock. When the boat is in lifted position, the top of the boat will approximately be the height of the railings on the pier, which are at +12 Mean Lower Low Water (MLLW). At high tide the lift will be approximately 4 feet above the water and at low tide the boat will be approximately 11 feet above the water. The proposed boat lift will not impact public views. Public views from Bayside Drive Beach will not be impacted due to existing docks, ramps and piers that already can be viewed from Bayside Drive Beach towards the project area (looking south from the beach). Therefore, the proposed boat lift will not impair any public coastal views from this location. The Balboa Peninsula can be seen from the project site to the northwest, west and southwest (Exhibit #1). The Balboa Peninsula already impedes any coastal public views that can be seen from along Bayside Drive and Bayside Drive Beach (Exhibit #1). Also, northwest of the project across Newport Bay is Balboa Island, where no public coastal views are present (Exhibit #1). Views of the project site from Newport Bay consist of additional residential homes, piers and docks. Therefore, no coastal views are impacted and the proposed development is compatible with the character of the surrounding area.

E. Public Access and Recreation

Section 30604 (c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. The proposed development is located between the sea and the first public road.

Section 30212 of the Coastal Act, in relevant part:

- (a) *Public access from the nearest roadway to the shoreline and along the coast shall be provided in new development projects except where:*
- (2) *adequate access exists nearby.*

Sections 30210, 30211 and 30212 of the Coastal Act require that new development provide maximum access and recreation, not interfere with the public's right of acquired access and provide public access from the nearest public roadway to the shoreline and along the coast except under certain circumstances. Public vertical and lateral access exist in the immediate project vicinity. Bayside Drive Beach is located approximately 100 feet northwest from the project site (Exhibit #1). Public access is also provided approximately 700 feet south of the project site at a street end.

The proposed development consists of the installation of a new motorized boat lift that can lift up to 6 tons, installation of two new 10" steel "H" beams and installation of one new 12" steel pile on an existing private dock. The proposed development will not adversely impact existing navigation. The development will not create adverse impacts on coastal access and recreation. The project site is a single-family residence and the proposed development will not change the intensity of use on site. Therefore, the Commission finds that the proposed development does not pose significant adverse impacts on public access and recreation and is consistent with Section 30212 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 the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The project as conditioned is consistent with the Chapter 3 policies of the Coastal Act. In addition, the proposed development is located in an already developed area and is consistent with the existing uses. The proposed development therefore will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

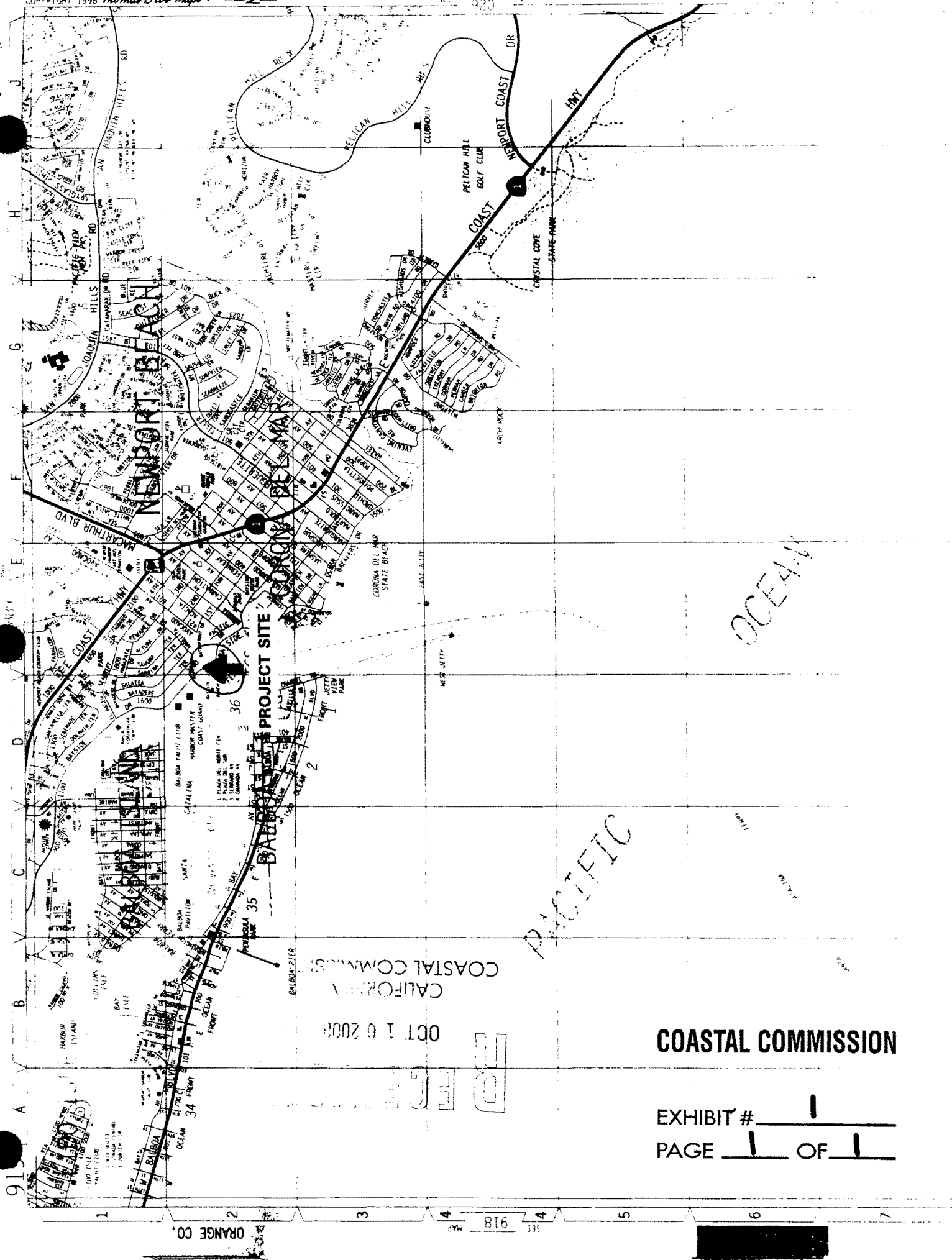
G. California Environmental Quality Act

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) 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.

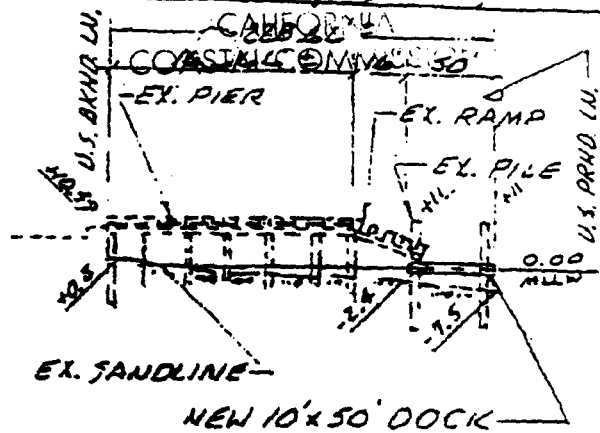
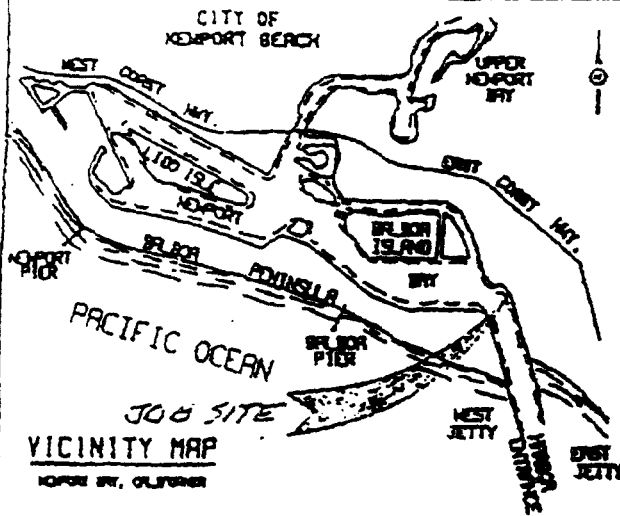
The boat lifts evaluated in coastal development permits 5-00-408 and 5-00-454 are the first projects of this type evaluated by the Commission in Newport Harbor. Because of the low number of requests for this type of development since passage of the Coastal Act and because the proposed developments are compatible with existing development in the vicinity, no adverse cumulative effects are anticipated by this type of development at this time.

Mitigation measures, in the form of special conditions, 1) relates to Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris, 2) states no exterior hull maintenance activities (such as cleaning, painting, or hull scraping) shall be allowed and 3) requires the applicant to submit proof of approval of the project by the County of Orange. The proposed development, as conditioned, does not have any significant adverse environmental effects. As conditioned, no feasible alternatives or

feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA.

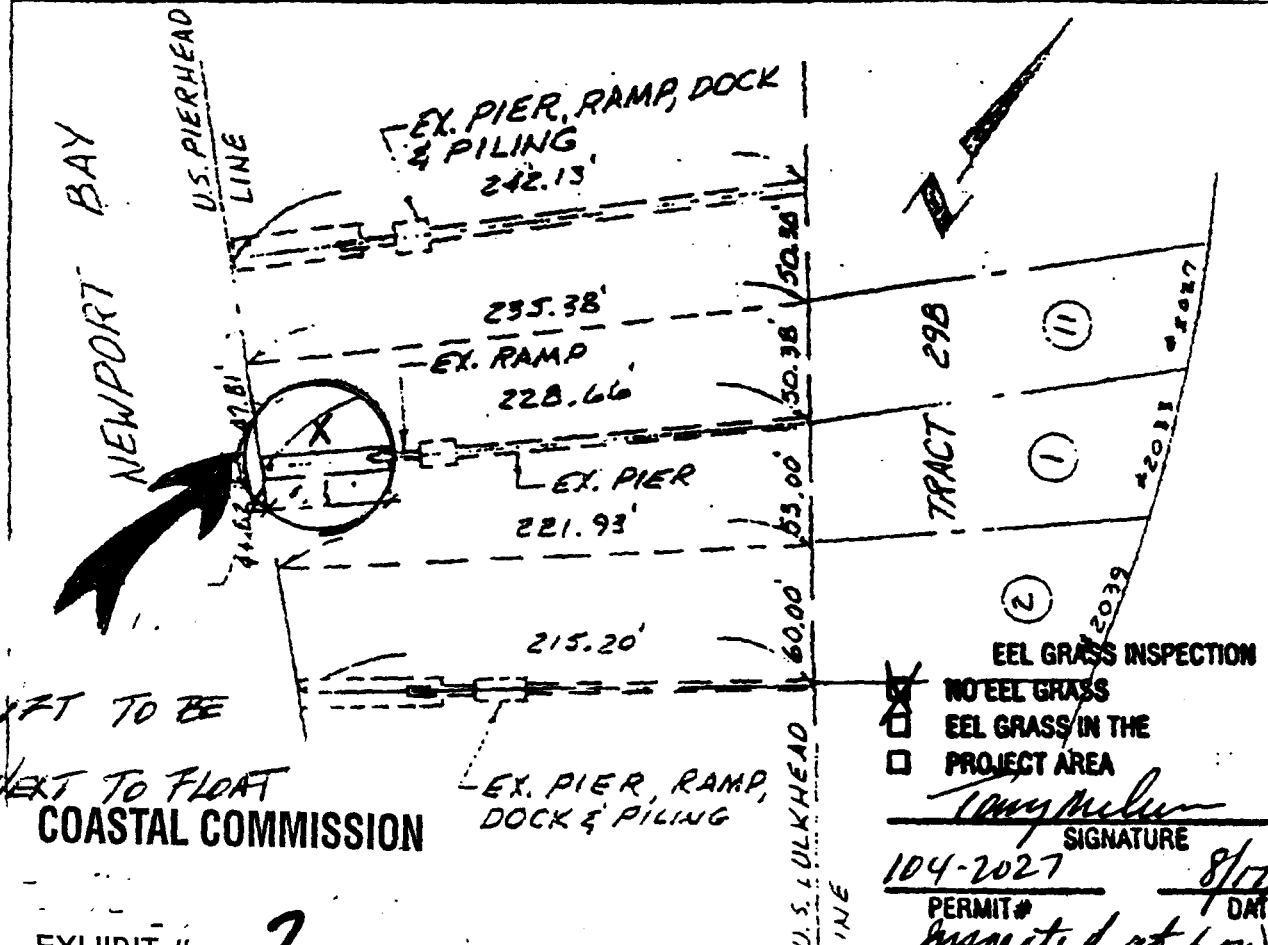


CITY OF NEWPORT BEACH



PROFILE
1" = 100' HORIZ.
1" = 40' VERT.

SOUNDINGS ARE EXPRESSED IN FEET AND DENOTE ELEVATIONS BASED ON MEAN LOWER LOW WATER.



EEL GRASS INSPECTION

☒ NO EEL GRASS

☐ EEL GRASS IN THE

☐ PROJECT AREA

10/1/80
PROJECT AREA
10/1/80
SIGNATURE

104-2027

PERMIT #

Inspected at Low tide

South Coast District Office

EXHIBIT # 2
PAGE 1 OF 1

IDENT'S NAME: RICHARD PLAT

JOB ADDRESS: 2027 BAYVIEW DR

DATE 2/13/58

Permit No

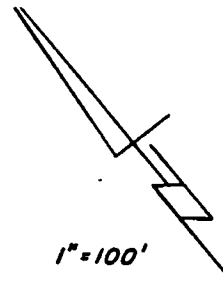
By:

EFFECTIVE

Date:

**FIRE & MARINE DEPT.
CITY OF NEWPORT BEACH**

Tony Melan 8/17/00



RECEIVED
OCT 10 2000
CALIFORNIA
COASTAL COMMISSION

50-34

50-33

PROJECT SITE

BAYSIDE

TRACT

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1171/254 OR.

HARBOR

NEWPORT

BULKHEAD

104D

50-25

+ WATER LINE AS PER
AERIAL PHOTO 1947

TR. NO. 2094
TR. NO. 2984
IRVINE SUB.

M.M. 57-50
M.M. 87-14
M.M. 1-88

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

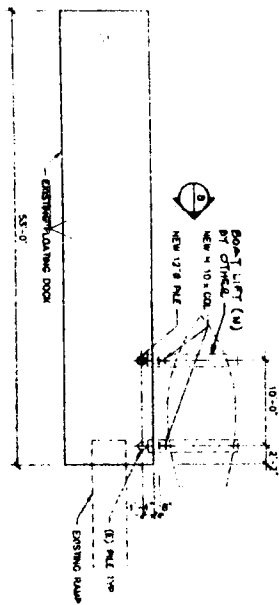
COASTAL COMMISSION

MARCH 1955

EXHIBIT # 3
PAGE 1 OF 1

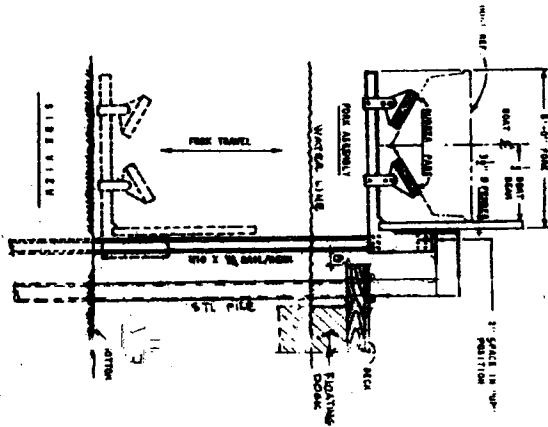
ENLARGED PLAN

1/8" = 1'-0"



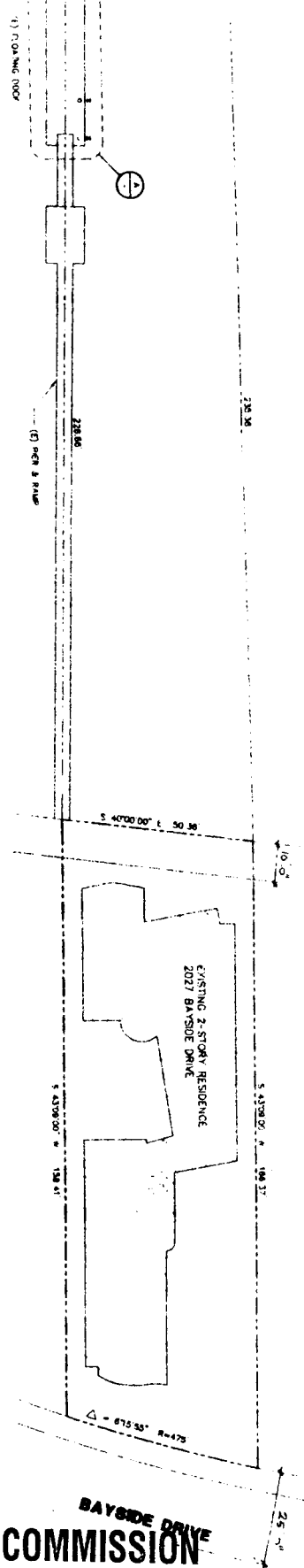
ELEVATION

1/8" = 1'-0"



SITE PLAN

1/8" = 1'-0"

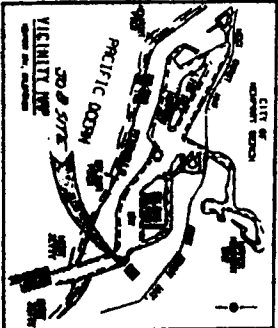


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EXHIBIT # 4
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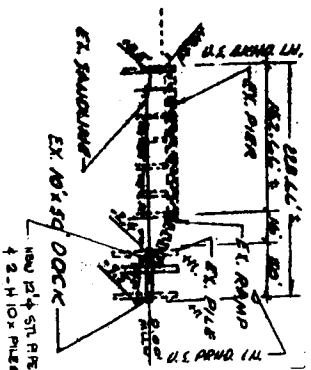
LEGAL DESCRIPTION

LOT 11, TRACT NO. 2094, NEARBY BLANK, CALIFORNIA



PROFILE

1/8" = 1'-0"





Winston Hickox
Secretary for
Environmental
Protection

Internet Address: <http://www.swrcb.ca.gov>
3737 Main Street, Suite 500, Riverside, California 92501-3339
Phone (909) 782-4130 • FAX (909) 781-6288

Gray Davis
Governor

October 4, 2000

RECEIVED
OCT 05 2000
CALIFORNIA
COASTAL COMMISSION

Lisa E. Miller
Shellmaker, Inc.
875 B West Street
Newport Beach, CA 92663

PROPOSED INSTALLATION OF BOAT LIFT, RICHARD PLAT, 2027 BAYSIDE DRIVE, CORONA DEL MAR, ORANGE COUNTY

Dear Ms. Miller:

If standard dock construction methods and materials are utilized, this project should not adversely impact water quality. A statement has been submitted that there will be no waste discharged from the proposed project. Based on these assurances, clearance is provided.

However, should the Army Corps of Engineers determine that this project requires a Section 404 permit, it will be necessary for the project proponent to obtain from this Board a Water Quality Certification under Section 401 of the Clean Water Act.

Should you have any questions, please contact Jawed Shami at (909) 782-3288.

Sincerely,

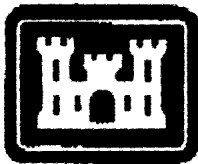
F02 Gary D. Stewart, Chief
Regulations

cc: California Coastal Commission, Long Beach
Army Corps of Engineers - Erik Larsen
City of Newport Beach, Marine Department - Tony Meller

JIS/blutag105let

COASTAL COMMISSION

EXHIBIT # 5
PAGE 1 OF 1



**US Army Corps
of Engineers.
LOS ANGELES DISTRICT**

LOP FACSIMILE TRANSMITTAL

U.S. Army Corps of Engineers
Los Angeles District, CESPL-CO-R
P.O. Box 2711
Los Angeles, CA 90053-2325

Contact:
Name: Susan M. Sturges
Phone: (213) 452-3418
FAX: (213) 452-4196
Email: ssturges@spl.usace.army.mil

DATE INITIATED: November 7, 2000 Please review the LOP materials and provide substantive site-specific comments to the District on or before **November 22, 2000**. If no comments are received by this date, the District assumes compliance with 33 CFR Part 325.2(e)(1).

<u>AGENCY</u>	<u>FAX Number</u>	<u>Attn:</u>
CCC - San Francisco	(415) 904-5400	James Raives / Mark Delaplaine
CCC - Long Beach	(562) 590-5084	Steve Rynas
CDFG, San Diego	(858) 467-4299	Marilyn Fluharty
RWQCB - Santa Ana	(909) 781-6288	Kelly Schmoker
NMFS	(562) 980-4092	Bob Hoffman
U.S. Coast Guard	(562) 980-4427	Lt. Rob Coller
U.S. EPA, W-3-3	(415) 744-1078	Rebecca Tuden
U.S. FWS, Carlsbad	(760) 431-9624	Jim Bartel

LOP NUMBER: 200100036-SMS

APPLICANT NAME: Mr. Richard Plat

WATERWAY NAME: Newport Bay

LOCATION: The proposed work would be done just seaward of 2027 Bayside Drive, City of Newport Beach, Orange County, California (see attached).

BRIEF DESCRIPTION OF WORK: The applicant proposes to install a boatlift next to an existing floating dock. The activity includes one new 12" round steel pile and two new H beams next to an existing pile and the proposed pile. The project purpose is to safely keep a boat at the dock above the water to prevent damage from unusual amount of surge at this location. Eelgrass is not located in project vicinity. No dredging or placement of fill in waters of the U.S. is proposed. This project is subject to Section 10 of the Rivers and Harbors Act and only requires an LOP. A Coastal Development Permit was applied for on 10/4/00. A Section 401 Clearance was received on 10/4/00.

AREAS OF WATERS SUBJECT TO LOSS AS A RESULT OF PROPOSED WORK: The proposed work would result in no additional cover of waters of the U.S.

COASTAL COMMISSION

EXHIBIT # 6
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