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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-01-143

APPLICANT: Ventura Port District

AGENT: Richard Parsons

PROJECT LOCATION: Ventura Harbor, City of San Buenaventura; Beach deposition sites in the cities of San Buenaventura and Oxnard (Ventura County)

PROJECT DESCRIPTION: Implement a Maintenance Dredging Program in the outer and inner areas of Ventura Harbor through April 15, 2006. Maintenance dredging of the *Inner Harbor*, to design depths, would entail up to 85,000 cu. yds. of material to be dredged annually from the navigation channels, berthing areas, and sand traps within the harbor and deposited: (1) within surf zone near the mouth of the Santa Clara River, (2) three interior depressions within the interior of the harbor; and/or (3) in the 4,000 feet of nearshore area off of McGrath State Beach.

Maintenance dredging of the *Outer Harbor*, to design depths, would entail up to 600,000 cu. yds. of material to be removed annually from the entrance channel and offshore sand traps and deposited: (1) within the surf zone along 10,000 feet of beach extending southward from the harbor's south jetty, including South Beach, the area near the Santa Clara River mouth, and McGrath State Beach; (2) within the surf zone north of the harbor entrance in Cells 1 and 2 of the Pierpont Groin Field; (3) in the 4,000 feet of nearshore area off of McGrath State Beach; and/or (4) the 1,000 feet of nearshore area off of San Buenaventura State Beach.

Dredging would be accomplished by means of hydraulic dredging with pipeline deposition into designated *surf zone areas* or alternately by means of clamshell or hopper dredging with deposition in the *nearshore* waters. The dredging and deposition period will run from after Labor Day in September through March 31 of the following year.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **approval** of the proposed project with fourteen (14) special conditions regarding: (1) timing of operations, (2) dredging and disposal operation plan, (3) sediment analysis, (4) dredge spoil compatibility, (5) nearshore disposal project monitoring, (6) shoreline monitoring program; (7) *Caulerpa* surveys and monitoring; (8) sensitive species surveys and monitoring; (9) operational responsibilities; (10) operation staging; (11) agency coordination; (12) public access program; (13) regulatory approvals; and (14) project term.

APPROVALS RECEIVED: Ventura County Air Pollution Control District Permit to Operation through March 31, 2002 (5/15/01); California Department of Parks and Recreation Temporary Use Permit through March 31, 2005 (11/29/00); U.S. Army Corps of Engineers, Department of the Army Permit 945048100-TW through November 22, 2005 (11/22/00); California Regional Water Quality Control Board Waste Discharge Requirements Order No. 99-020, Ventura Port District Maintenance Dredging through June 30, 2003 (4/22/99); State Lands Commission Amendment to Lease PRC 2881.9 (8/19/92);

SUBSTANTIVE FILE DOCUMENTS: Draft Recovery Plan for the Pacific Coast Population of Western Snowy Plover (USFWS, May 2001); South Central Coast Beach Enhancement Program Criteria and Concept Design (BEACON March 2001); The Final Report, Sampling and Analysis, Ventura Harbor Sediment Investigation (Applied Environmental Technologies, Inc. 12/24/98); Final Environmental Assessment for Ventura Harbor Six-Year Maintenance Dredging Program (U.S. Army Corps of Engineers, August 1998); Sampling and Analysis, Ventura Harbor Sediment Investigation (Applied Environmental Technologies, Inc. 11/7/97); Consistency Determinations CD-64-98 (Six-year maintenance dredging program), CD-35-92 (Harbor improvement plan modifications), CD-53-91 (Six-year dredging plan modification), CD-17-89 (Harbor Improvement Plan), CD-42-88 (Maintenance dredging and surf zone disposal), CD-51-86 (Maintenance dredging and beach disposal); Coastal Development Permit 4-83-257, as amended.

I. STAFF RECOMMENDATION

MOTION: ***I move that the Commission approve Coastal Development Permit No. 4-01-143 pursuant to the staff recommendation.***

STAFF RECOMMENDATION OF APPROVAL:

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 TO APPROVE THE PERMIT:

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 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

3. **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.

4. **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. 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. Timing of Operations

All dredging operations, including operation of equipment, spoil disposal, placement or removal of disposal pipelines, or other construction, maintenance, material removal, or activities involving mechanized equipment shall be prohibited:

(a) Within 100 yards of, and on the entire beach seaward of, the Least Tern nesting areas, identified annually by the Department of Fish and Game, or the State Park Resource Protection Area from April 15 through September 1 to avoid disturbance during the breeding season of the Least Tern.

(b) In the nearshore disposal area off of McGrath State Beach between April 15 to September 1 to protect the least tern's foraging ability.

(c) On any part of the beach and shorefront in the project area from the first predicted grunion run after March 31 through Labor Day in September to avoid impact on public recreational use of the beach and on the spawning of the California Grunion.

(d) Within federally designated critical habitat of the Western Snowy Plover from March 15 through September 30 to avoid adverse effects to nesting Western Snowy Plovers.

2. Dredging and Disposal Operation Plan

The applicant shall submit a dredging and disposal operation plan within thirty (30) days, but no later than two (2) weeks, prior to each dredging operation for the review and approval by the Executive Director. The plan shall include at a minimum:

(a) Site map showing the area of the Ventura Harbor to be dredged and receiver site(s). Nearshore disposal areas shall be plotted in latitude and longitude coordinates. All maps shall be drawn to scale.

(b) Detailed description of the dredging operation, including the method of dredging and disposal, volume of dredged spoils to be removed, and volume to be deposited at the receiver site(s).

(c) Description (e.g., size, type, capacity) of equipment to be used, including bin capacity when hopper and/or clamshell dredging is utilized.

(d) Schedule of the dredging operation's proposed beginning and ending dates.

(e) Results of a grain size and chemical analysis, pursuant to Special Condition 3.

(f) Evidence that local agencies were apprised of the availability of sand resources and the target destination for the current year's dredging operation.

(g) Explanation of receiver site(s) priority.

(h) Debris management plan to prevent disposal of solid debris at receiver site(s). The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods. The plan shall identify the disposal location of any dredged materials that do not meet EPA and RWQCB standards, tested pursuant to Special Condition 3.

3. Sediment Analysis

At least six (6) weeks prior to the dredging operation, physical analysis shall be conducted of a representative sample of the sediments to be dredged. The results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

Chemical analysis shall be conducted of a representative sample of the sediments to be dredged, consistent with the requirements of the joint EPA/Corps *Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. —Testing Manual.* Re-testing of previously tested or dredged areas is required after three years from the date of sediment sampling. The results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

4. Dredge Spoil Compatibility

A. The dredged material shall meet all applicable federal and state dredge spoil discharge requirements and comply with the grain size requirements for the locations as cited below.

B. Dredged material meeting EPA and Regional Water Quality Control Board criteria for beach replenishment, and for which an average of 91% or more of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited in the following locations, in accordance with project plans shown in Exhibit 3:

   (a) Nearshore area south of San Buenaventura pier;

   (b) Cells 1 and 2 of the Pierpont Groin Field;

   (c) South Beach;

   (d) Surf zone Santa Clara River;

   (e) Surf zone at McGrath State Beach;

   (f) Nearshore area at McGrath State Beach; and/or

   (g) Surfer's Point, provided that (1) a detailed site plan is approved pursuant to Special Condition Two and (2) evidence is submitted, for the review and approval of the Executive Director, illustrating that there would be no adverse impacts to coastal resources at this site.

C. Finer sands and silts meeting applicable federal and state dredge spoil discharge requirements, and for which an average of 90% or less of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited in the following locations, in accordance with project plans shown in Exhibit 3:

   (a) Inner Harbor Depressions;

   (b) Surf zone of the Santa Clara River no closer than 200 feet from the Santa Clara River and only while the River is flowing at 100 cubic feet per second as measured at USGS Montalvo Station in the vicinity of Victoria Avenue bridge; and/or

   (c) Nearshore area at McGrath State Beach.

D. Dredged material that does not meet the physical and chemical criteria stipulated for beach replenishment or spoil discharge requirements, shall be disposed as approved in the debris management plan, identified pursuant to Special Condition 2.

5. Nearshore Disposal Project Monitoring

Maintenance dredging may be conducted using a clamshell or hopper dredge with nearshore disposal off of McGrath State Beach as shown in Exhibits 3e. Upcoast nearshore disposal may also be conducted pursuant to the beach nourishment agreement with the City of San Buenaventura, off San Buenaventura State Beach downcoast of the Ventura Pier as shown in Exhibit 3a. To evaluate the appropriateness of nearshore disposal at these two locations and its effectiveness in beach nourishment, the nearshore alternative shall be subject to the review and approval of the Executive Director based on the following monitoring report:

(a) The applicant shall measure and document the response of adjacent shorelines to the placed berm and the prevailing environmental conditions, and document the dispersion and migration of the berm itself. The monitoring program parameters shall correspond to the Maintenance Dredging Monitoring Plan For Nearshore

Disposal (Exhibit 5), including pre- and post- dredge surveys of the beach profiles and bathymetry. Monitoring results shall be provided to the Executive Director following completion of the first year of the program. Subsequent utilization of the nearshore method shall require Executive Director review and approval, and shall be contingent upon the monitoring program demonstrating that no adverse impacts to downcoast shoreline sand supply result from this method. The Executive Director's consideration will include impacts to recreational uses including surfing and swimming. Modifications to the monitoring program specified in Exhibit 5 are subject to review and approval of the Executive Director.

6. Shoreline Monitoring Program

The applicant shall conduct an annual shoreline monitoring program to document shoreline changes in the project vicinity. Documentation shall include but not be limited to:

(a) Wave data reporting including reporting of wave height and wave energy collected at the nearest buoy by the Coastal Data Information Program or other acceptable substitute program, and analysis of that data sufficient to identify the role of wave energy in causing profile changes. This component may be excluded from the program if it is shown that reasonably obtainable data cannot produce useful, quantitative results.

(b) Annual beach profiles shall be provided by the applicant. The profiles shall be taken (1) in January of each year or immediately prior to dredging mobilization; and (2) by October 15. The profiles shall be at the twelve locations utilized in the baseline survey (example provided in Exhibit 6) and shall be conducted in a manner consistent with the profile surveys conducted annually since 1989. In addition to the baseline survey locations, at least two beach profiles shall be performed in the vicinity of the McGrath State Beach deposition site and Surfer's Point deposition site, as applicable. Minimum and maximum tide levels at the time of profile survey shall be noted on the profiles.

(c) An indication of beach width and sand volume changes to the beaches within the area profiles. This shall specifically include an analysis at the deposition area along McGrath State Beach and Surfer's Point as applicable. The applicant shall utilize aerial photographs, to the extent feasible, to prepare the summary of beach width and sand volume changes.

(d) Data detailing the annual quantity and placement of dredged material.

The monitoring information shall be submitted to the Commission or its successor agency by July 1 of each year as well as to other public and federal, state, and local entities who wish to obtain such information. At a minimum, the annual reports shall be furnished to the Executive Director of the Commission, the Cities of Ventura and Oxnard, the Army Corps of Engineers (Los Angeles District) and BEACON.

7. Caulerpa Surveys and Monitoring

A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit, the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate and inspection of dredging equipment.

B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.

C. Within five (5) business days of completion of the survey, the applicant shall submit the results of the survey:

(1) for the review and approval of the Executive Director; and

(2) to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).

D. Unless the Executive Director otherwise determines, if the survey identifies any *Caulerpa taxifolia* within the project area, the applicant shall submit to the Commission an application for an amendment to this permit authorizing measures formulated to avoid, minimize and otherwise mitigate impacts that the proposed development might have resulting from the dispersal of *Caulerpa taxifolia* in the project area. The applicant shall: 1) refrain from commencement of the project until the Commission acts on the amendment application, and 2) upon approval by the Commission of the amendment application, implement the approved mitigation measures in the manner and within the timeframe(s) specified in the Commission's approval.

8. Sensitive Species Surveys and Monitoring

The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director. The environmental resource specialist shall conduct a survey of the project site, to determine presence of sensitive species, each day prior to commencement of installation or removal of the discharge pipeline, or any grading and grooming activities on the beach. In the event that any sensitive wildlife species are present, such as the California least tern, western snowy plover or California grunion, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

The environmental specialist shall be present during the installation and removal of the discharge pipeline, and during grading and grooming of the beach. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The biological monitor(s) shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 4-01-143 occur or if habitat is removed or impacted beyond the scope of the work indicated in Coastal Development Permit 4-01-143. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

9. Operational Responsibilities

It shall be the applicant's responsibility to assure that the following occurs during project operations:

A. At the completion of each year's dredging and deposition, but prior to the timing restrictions specified in Special Condition 1 above, the sand deposited on the beach shall be graded and groomed to natural beach contours to facilitate recreational use.

B. No pipes or any other equipment shall be stored on the beach consistent with sensitive resource timing constraints identified pursuant to Special Condition 1.

C. The disposal pipeline shall not cross or disturb sand dunes.

10. Operation Staging

At least two (2) weeks prior to commencement of the annual dredging operation, the applicant shall submit to the Executive Director for review and written approval, final plans that identify the following:

a. The location of the project construction headquarter(s).

b. All construction staging areas and access routes, including the access corridor necessary for placement of the pipeline.

c. Special staging and parking needs for heavy equipment.

The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

11. Agency Coordination

Within sixty (60) days, and no less than four (4) weeks, prior to commencement of each dredging operation, the applicant shall provide notice to local agencies and any other known interested parties of the volume and quality of shoal material to be extracted and the reason(s) for prioritization of the target site(s). Those parties that shall receive

notice include, but are not limited to the cities of San Buenaventura and Oxnard, California Parks and Recreation, Army Corp of Engineers, Regional Water Quality Board, BEACON, and the Executive Director of the Coastal Commission. If any party requests to use the dredged material for beach nourishment at Surfer's Point, and if the Executive Director determines that the proposed beach nourishment will not have adverse impacts on coastal resources and that these materials are not more appropriate at alternative disposal sites, the applicant shall make the dredged material available to that party, for transport and use for beach nourishment at Surfer's Point, at that party's expense.

12. Public Access Program

Prior to commencement of any dredging and discharge operations authorized by this coastal development permit the applicant shall submit, for review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the beach deposition sites and/or staging areas shall be maintained during dredging and discharge operations.

13. Regulatory Approvals

Prior to commencement of construction, the applicant shall provide to the Executive Director copies of all other required state or federal discretionary permits for the development herein approved. The applicant shall inform the Executive Director of any changes to the project required by such permits. Such changes shall not be incorporated into the project until the applicant obtains a Commission-approved amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

14. Project Term

All development approved pursuant to 4-01-143 shall be completed by April 15, 2006.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

Ventura Harbor is a man-made commercial and recreational harbor located in the southwest portion of the City of San Buenaventura, Ventura County (Exhibit 1). The harbor can be classified into two zones: (1) the Outer Harbor Zone includes the federally maintained entrance channel, offshore sand traps, and associated protective structures and (2) the Inner Harbor Zone consists of the navigation channels, berthing areas, and sand traps within the interior of the harbor. The entrance channel is comprised of two rubble-mound jetties, a detached rubble-mound breakwater, sand trap, and the south beach groin. The inner harbor has approximately 200 commercial

berths and 1,600 recreational berths, and it provides ocean access for an attached private marina.

The applicant proposes to implement a Maintenance Dredging Program in the outer and inner areas of Ventura Harbor through April 15, 2006 (Exhibits 2-4). The maintenance dredging is necessary to remove accumulated sediment from the marina bottom and entrance channel to secure the minimum depth required for navigational safety and the continued use of recreational facilities. Maintenance dredging of the inner harbor, to design depths, would entail up to 85,000 cu. yds. of material to be dredged annually from the navigation channels, berthing areas, and sand traps within the harbor and deposited: (1) within surf zone of the mouth of the Santa Clara River, (2) three interior depressions within the interior of the harbor; and/or (3) in the 4,000 feet of nearshore area off of McGrath State Beach.

Maintenance dredging of the outer harbor, to design depths, would entail up to 600,000 cu. yds. of material to be removed annually from the entrance channel and offshore sand traps and deposited: (1) within the surf zone along 10,000 feet of beach extending southward from the harbor's south jetty, including South Beach, the area near the Santa Clara River mouth, and McGrath State Beach; (2) within the surf zone north of the harbor entrance in Cells 1 and 2 of the Pierpont Groin Field; (3) in the 4,000 feet of nearshore area off of McGrath State Beach; and/or (4) the 1,000 feet of nearshore area off of San Buenaventura State Beach.

Dredging would be accomplished by means of a cutterhead hydraulic pipeline dredge with deposition into designated surf zone areas or, alternately, by means of clamshell or hopper dredging with deposition in the nearshore waters. Mechanical dredges such as the clamshell type may occasionally be needed for small, shoaled areas. One or more dredge types may be used during the dredging operation.

Dredging and deposition would run from after Labor Day in September through March 31 of the following year. Dredging is usually accomplished on a 24-hour per day, 7 days per week basis. However, equipment failures and malfunctions are common.

Past dredging of the harbor has been accomplished almost entirely by means of hydraulic dredging. This method requires the placement of pipeline, up to 3 ft. in diameter, from the dredge in the harbor to the deposition sites. The route of the discharge pipeline is shown in Exhibit 4. As proposed, the pipeline route avoids the sand dunes and least tern sites at South Beach and the dunes at McGrath State Beach. Upon completion of each dredging cycle, the pipe is removed from the beach.

A total of seven sites (2 nearshore sites, 4 surf zone sites, and the inner harbor sites) have been identified to receive material from the proposed dredging project. The approximate locations of these sites are shown in Exhibit 1. After surf zone disposal, mounds would be graded to obtain the desired beach profile. Material from the inner harbor and outer harbor are appropriate for replenishment at different locations due to the finer nature of the sediment obtained from the inner harbor (see Table 1). The receiver sites are described in more detail below.

Table 1. Sites identified as potential receiver sites for inner and outer harbor dredged material.

Site	Outer Harbor (Coarse grained sediment)	Inner Harbor (Finer sands and silts)
Nearshore San Buenaventura State Beach	X	
Surf zone Cells 1 & 2 of Pierpont Groin Field	X	
Inner Harbor Depression Areas		X
Surf zone South Beach	X	
Surf zone Santa Clara River	X	X
Surf zone McGrath State Beach	X	
Nearshore McGrath State Beach	X	X
Surfer's Point, Ventura [1]		

Nearshore waters off of San Buenaventura State Beach (Exhibit 3a). The nearshore deposition area off of San Buenaventura Beach is situated just to the east of the Ventura Pier, and approximately 2 miles upcoast of the Ventura Harbor. Dredged material from the outer harbor would be deposited as a nearshore berm in shallow water, at a depth of minus 15 ft. to minus 30 ft. below the Mean Lower Low Water (MLLW). The berm would be oriented parallel to the shoreline, extending about 1,000 ft. southerly from the Ventura Pier. Deposition at this site would be accomplished via hopper or clamshell dredging. The sand dunes on portions of this State Beach would not be impacted by the offshore deposition since no equipment, or pipeline, would be required on shore. Deposition at this site has not been utilized, pursuant to CDP 4-83-257.

Surf zone at Cells One (1) and Two (2) of the Pierpont Groin Field (Exhibit 3b). Cells 1 and 2 of the Pierpont Groin Field are located in between the three southernmost groins along the beach in the Pierpont Community, roughly from the terminus of Shellburn Lane to the northern boundary of Marina Park (Exhibit 1). This site is located between ¼-mile and ¾-mile upcoast of Ventura Harbor. Dredged material from the outer harbor would be deposited into the surf zone by means of hydraulic dredging and pipeline deposition. No sand dunes or other sensitive resources have been identified at this location. This area is not identified as critical habitat for the federal-threatened western snowy plover. The last time material was placed on the Pierpont beaches, pursuant to CDP 4-83-257, was in 1991. It is unlikely that this site will be used for regular disposal however, since any materials deposited at Pierpont beach would be immediately redeposited in the sand trap area, due to the prevailing direction of littoral transport. This may in turn require additional dredging of the federal transport area, reducing the effectiveness of the program. The City has an agreement with the ACOE to operate and maintain the Pierpont beach area at their own expense. Disposal at this site must be in accordance with this agreement.

Surf zone at South Beach (Exhibit 3c). This site is located immediately downcoast of the Ventura Harbor along the south peninsula. Dredged material from the outer harbor would be deposited into the surf zone by means of hydraulic dredging and pipeline deposition. The proposed pipeline route (Exhibit 4b) avoids the sand dunes aligning the back beach and the least tern site identified north of the Santa Clara River. A portion of this site is within the federally designated critical habitat for the western snowy plover

[1] As allowed by Special Condition Four (4)

(Exhibit 7). This is discussed in further detail in Section E, Environmentally Sensitive Resources.

This disposal site is considered as an option in case disposal cannot occur on McGrath State Beach (e.g., if flows from the Santa Clara River compromises the placement of pipeline across the river) or if the site is undernourished and supplemental material is needed to help protect against erosion. In the early and mid-1980s, the dredged material from the outer harbor was deposited on the beach just to the south of the harbor entrance and north of the Santa Clara River due to shoreline rescission which at that time was threatening portions of Spinnaker Drive.

Surf zone near the mouth of the Santa Clara River (Exhibit 3d). This site is located approximately 4,500 feet downcoast of Ventura Harbor, near the mouth of the Santa Clara River. Dredged materials from the inner or outer harbor would be deposited into the surf zone via hydraulic dredging and pipeline deposition. The dredged material from the Inner Harbor, which contains approximately 40% fine-grained material, would be deposited in the surf zone in the vicinity of the mouth of the Santa Clara River where it mixes with similar grain size material carried by the river. The dredged material would be conducted below the mean high water line along the 2,500 feet of beach at the mouth of the Santa Clara River with the actual discharge point being at least 200 feet away (north or south) from the location at which the river flows into the ocean. There are occasions when high flows in the Santa Clara River make it imprudent to attempt to maintain the discharge pipeline across the mouth of the river, in which case the deposition activity would take place to the north of the river mouth. Discharge of material would only occur within this area when the river flow, as measured at the USGS Montalvo Station, in the vicinity of the Victoria Avenue bridge, is 100 cu. feet per second or greater.

Least tern nesting sites have been identified to the north and south of the river channel. In addition, the area is designated as critical habitat for the federal threatened western snowy plover. When deposited to the south of the main river channel, the pipeline corridor crosses the Santa Clara River mouth on the protected, backside of the sand spit at the mouth of the river. The route is placed to avoid the least tern nesting sites. These issues are discussed in further detail in Section E, Environmentally Sensitive Resources.

Surf zone at McGrath State Beach (Exhibit 3e). This site is located more than a mile downcoast of Ventura Harbor, on California Department of Parks and Recreation property within the city limits of Oxnard. The site extends from approximately 200 feet south of the Santa Clara River to approximately where Gonzales Road would reach the ocean if it extended to the west. Dredged material from the outer harbor would be deposited in the surf zone by means of hydraulic dredging and pipeline deposition. This location is within federally designated critical habitat for the western snowy plover. In addition, a sand dune system is situated along the upper beach area. These would not be impacted since the pipeline route avoids this sensitive habitat. Sensitive species issues at this site are discussed in further detail in Section E, Environmentally Sensitive Resources.

This location is the primary receiver site for material from the outer harbor. In recent years, the dredged material from the federal areas, which is more than 95% sand, has been deposited into the surf zone at the McGrath State Beach.

Nearshore waters off of McGrath State Beach (Exhibit 3e). The nearshore deposition area off of McGrath State Beach is situated more than a mile downcoast of the Ventura Harbor. Deposition at this site would be accomplished via hopper or clamshell dredging. The dredged material from the inner or outer harbor would be deposited as a nearshore berm in shallow water, at a depth of minus 15 ft. to minus 30 ft. below the Mean Lower Low Water (MLLW). The berm would be oriented parallel to the shoreline, beginning about 500 feet south of the mouth of the Santa Clara River, extending approximately 4,300 feet to the south. The width of the berm would be approximately 900 ft. The berm of sediment created by this process would dissipate within several months, as the material moves with the littoral transport system, becoming available for beach replenishment.

This area is nearshore of the federally designated critical habitat for the western snowy plover. In addition, there are sand dunes along portions of this State Beach. These resources would not be impacted by the offshore deposition since no equipment, or pipeline, would be required on shore.

Inner Harbor Depressions (Exhibit 3f). Three low areas have been identified within the harbor which may need periodic nourishment. Dredged material from the inner harbor may be deposited within these depressions on the harbor bottom using a hydraulic pipeline placed in the bottom portion of the pits to minimize turbidity. No sensitive habitats or fisheries are known to exist in the mapped harbor areas subject to this small scale disposal (approximately 50,000 cu. yds). These are areas of high, chronic disturbance and do not contain significant, sensitive populations or habitats.

Surfer's Point. This deposition site has not been proposed as receiver site by the applicant. However, it has been specifically identified by the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) as one of six regional sites suitable for the placement of material in order to renourish denuded littoral cells, control erosion, and provide recreational benefits. BEACON is a joint powers agency which deals with coastal erosion and beach problems in the south central coast. In their Technical Report for the *South Central Coast Beach Enhancement Program Criteria and Concept Design* (March 2001), Surfer's Point, just north of the dredging project area, was identified as a beach enhancement site that could accommodate up to 175,000 cubic yards of suitable sediment annually.

In recognition of the local importance of sand supply on coastal access and recreation, and given that this location is within a feasible range of the dredging operation, Special Condition Four (4) of this permit gives the applicant the option to provide dredged material to this location. Additional explanation of this site is provided in more detail in Section D, Coastal Access and Recreation.

This site is located more than 2½ miles upcoast of the Ventura Harbor, between the Ventura Pier to the east and the Ventura River to the west. Deposition at this location

would likely occur as surf zone deposition, but may be accomplished via nearshore deposition methods if it can be shown that there would be no adverse impacts to coastal resources at the site, including surf recreation. The site is characterized by cobble with a thin sand cover, and receives heavy use, primarily by surfers due to direct exposure to ocean swell. Recreational activities include surfing, windsurfing, sunbathing, swimming, walking, and biking. The BEACON report identifies a 2,800 foot beach fill area (Exhibit 8). A biological evaluation was performed by Chambers Group, Inc. (February 2001) at the Surfer's Point beach nourishment site. The Ventura River mouth, along the west boundary of the site is environmentally sensitive habitat that has been known to support tidewater goby, southern steelhead, and arroyo chub. In addition, the California brown pelican commonly feeds in the nearshore waters off of Surfer's point, as well as several other bird species of special concern. The project is not anticipated to directly impact western snowy plover, least tern, or grunion since the cobble environment is not considered suitable habitat for those species.

B. Background

The harbor was constructed in 1963 with major structural modifications to the harbor entrance built in 1972 (addition of the detached breakwater and sand trap) and 1994 (spur groin was added to the north jetty and south beach groin). The Commission approved dredging operations in the Ventura Harbor and shoreline deposition locations under Coastal Development Permit 4-83-257 as amended (a total of eleven amendments have been approved), granted to the Ventura Port District as local sponsor and through various federal consistency determinations granted to the Army Corps of Engineers as federal sponsor. Responsibility for maintenance dredging of the harbor is divided between the Port District and U.S. Army Corps of Engineers (ACOE). The Port District dredges the inner harbor areas and the ACOE maintains the outer harbor.

Maintenance dredging of the outer harbor area occurs on an annual basis and is usually, but not always, performed by a U.S. Army Corps of Engineers' (ACOE) contractor operating within the federal project boundaries, as depicted in Exhibit 2a. Under federal Consistency Determination CD-64-98, the Commission approved the ACOE's Six-year Maintenance Dredging Program in 1998. In recent years, the dredged material from the outer harbor, which is more than 95% sand, has been deposited in the surf zone at McGrath State Beach. The applicant has asserted that this would continue to be the primary deposition site in the near future

The responsibility for maintenance dredging of the inner harbor (Exhibits 2b and 2c) is retained solely by the Ventura Port District. The Port District has been dredging the Harbor, under Commission permit, since 1983 (CDP 4-83-257, as amended). During that time, some portions of the inner harbor have been dredged almost every year. However, the entire Inner Harbor has never been dredged in the same year. The Port District has often coordinated the inner harbor dredging with the same ACOE contractor to be accomplished before or after the dredging of the federal area.

CDP 4-83-257 was amended in 1986, 1989, 1992, and 1995 to extend the permit for additional three-year terms. In 1995, the permit was amended to allow a five-year

extension. The permit was not extended upon expiration in 2000 in order to complete a comprehensive evaluation of the potential impacts of the project, given the significant changes in environmental data and regulation (e.g., the designation of portions of the project area as critical habitat for the western snowy plover). The applicant proposes to implement the dredging project through April 15, 2006. The project permit will expire upon that date, as stated in **Special Condition Fourteen (14)**.

C. Diking, Filling, Dredging Open Coastal Waters

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:***
>
> ***(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.***
>
> ***(2) Maintaining existing, or restoring previously dredged depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.***
>
> ***(8)(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.***

Section 30233 of the Coastal Act states that diking, filling, and dredging of coastal waters may be permitted for coastal-dependent industries, and for maintaining or restoring previously dredged depths where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Section 30233 of the Coastal Act also mandates that dredging and disposal operations shall be carried-out to avoid disruption of marine and wildlife habitats, and that suitable dredge sediments shall be deposited for beach replenishment.

The Port District proposes to dredge and dispose up to 685,000 cubic yards of material from the Ventura Harbor after Labor Day in September to March 31 each year, subject to timing constraints for resource protection (See Section E, Marine and Environmentally Sensitive Habitat Areas). The Ventura Harbor has historically been dredged on an annual basis. The proposed dredging is necessary to maintain and restore previously dredged navigation channels, sand traps, and berths. The Commission has previously authorized similar dredging and disposal in the manner proposed by the applicant, in its review of past Army Corps of Engineers (ACOE) consistency determinations (CD-64-98, CD-54-94, CD-53-91, CD-42-88, CD-51-86, CD-30-85, and CD-2-83) for the federally maintained entrance and by coastal development

permit (CDP 4-83-257, as amended on eleven occasions since 1983) for both the inner harbor and outer harbor areas.

Section 30233(a) of the Coastal Act imposes a three-part test on dredging and filling projects (1) the allowable use test; (2) an alternatives test; and (3) a mitigation test. As the Commission has found in reviewing the dredging cases listed in the previous paragraph, Ventura Harbor maintenance dredging with beach disposal at each of the seven receiver sites complies with these tests because (1) maintenance dredging of existing channels is an allowable use under Section 30233(a)(2) of the Coastal Act; (2) when the material is suitable for beach disposal, and when habitat and access issues have adequately addressed (as described in Sections D, and E), there is no less damaging feasible alternative; and (3) with the avoidance and monitoring measures addressing environmentally sensitive habitat needs monitoring and mitigation measures addressing environmentally sensitive species needs (discussed in Section E), temporary disruption of the marine environment from dredging and disposal does not trigger the need for additional mitigation.

1. Dredge Spoil Compatibility

The applicant submitted an analysis of the physical and chemical characteristics of the material to be dredged. *The Final Report, Sampling and Analysis, Ventura Harbor Sediment Investigation* (Applied Environmental Technologies, Inc. 12/24/98) found that the Ventura Harbor generally consists of saturated silty clay in the first 2 feet followed by silty sand or silty clay to the total depth. The consultant encountered fine to coarse grain sand with occasional gravel during its investigation of the inner harbor. The sediment grain size analysis indicated that an average of approximately 60% of the material in the core samples was coarse grained (retained in a Standard U.S. Sieve Size No. 200). Samples taken in alternate locations of the Ventura Harbor in 1997, indicated that portions of the harbor averaged approximately 41% coarse grain material (retained in a Standard U.S. Sieve Size No. 200) (Applied Environmental Technologies, Inc., 11/7/1997). The sample from the offshore at the Santa Clara River indicated that approximately 46% of the material was coarse grained (retained in a Standard U.S. Sieve Size No. 200). The analysis concluded that (page 6):

> ***It is the conclusion of this report that the sediment in the Ventura Harbor is comparable with sediments regularly discharged by the Santa Clara River. Additionally, it is the conclusion of this report that the sediments dredged from the Ventura Harbor could be discharged near the river mouth without causing a long term alteration of the grain size distributions in the area of the river mouth.***

Therefore sediments dredged from the interior harbor are physically suitable for surf zone or nearshore deposition at the river mouth location, and within the depression at the interior of the harbor. Physical testing performed in the federally maintained entrance channel re-established the compatibility of this littoral material with the proposed disposal sites, and confirmed that it is comprised primarily of sand. It has been assumed that the material dredged is comprised of recent seasonal input from the littoral system, and would consist primarily of clean sand.

Chemical analysis of the inner harbor sediments have been conducted every three years by the applicant. The tests indicated that the chemical concentrations measured in the sediments are not environmentally significant and are comparable to the concentrations detected in the offshore samples. The analysis concluded that the inner harbor sample falls within the range of those of the proposed deposition sites near the mouth of the Santa Clara River and within the three depressions within the interior of the harbor. The consultant further found that:

> ***It is our opinion that no impacts due to metals would occur from dischrge of dreged materials from the Ventura Harbor to the marine environment offshore of the Santa Clara River... Additionally, it is our opinion that no significant impact would occur from the disposal of Ventura Harbor sediments to waters offshore the Santa Clara River mouth or to waters along the coast near Ventura Harbor.***

Therefore, relative to chemical concentrations the sediments proposed for deposition are suitable for surf zone or nearshore deposition near the mouth of the Santa Clara River, and within the low spots identified within the Harbor. However, these conditions may be altered by a number of episodic factors, including potential chemical spills within the harbor. To ensure that future shoal material dredged from the harbor is physically and chemically compatible with the proposed deposition sites, the Commission finds it necessary to require **Special Condition Three (3)** which requires the applicant to continue to test the physical and chemical characteristics of representative samples of the dredging area(s) and deposition area(s), and to submit the results for the review and approval of the Executive Director. The results of the grain size and chemical analysis shall be included in the Dredging and Disposal Operations Plan required pursuant to **Special Condition Two (2)**.

The analysis shall include confirmation by the U.S. Army Corps of Engineers and California Regional Water Quality Control Board that the dredged material meets the minimum criteria necessary for placement on the sandy beach or within the intertidal zone. Therefore, **Special Condition Thirteen (13)** requires that the applicant submit current evidence to the Executive Director that all State and Federal permits necessary for the proposed project including the U.S. Army Corps of Engineers, the California State Lands Commission, and the California Regional Water Quality Control Board have been obtained.

The dredged material must comply with all applicable federal and state dredge spoils discharge requirements. In addition, to EPA requirements, the California Regional Water Quality Control Board (RWQCB) regulates discharges to land and water. The recent Waste Discharge Requirements provided by the Regional Water Quality Control Board for this project approved periodic maintenance dredging and deposition for beach replenishment, but provided that (Order 99-020, pg. 3):

> ***The discharger may dispose of dredged material for beach replenishment purposes below the Mean Higher High Water level provided that it meets the following conditions: a) the dredged material is composed of predominantly sand in which an average of 91% or greater of the material is retained on a***

Standard U.S. Sieve Size No. 200; b) the dredged material does not contain elevated concentrations of trace metals or trace organics.

The discharger may dispose of dredged material in the surf zone within 200 feet of the mouth of the Santa Clara River provided that it meets the following conditions: a) the river is flowing at a rate of 100 cubic feet per second or greater; b) the dredged material is composed of predominantly fine-grained sediments, in which an average of 90% or less of the material is retained on a Standard U.S. Sieve Size No. 200; c) the dredged material does not contain elevated concentrations of trace metals or trace organics.

The discharger may dispose of material dredged form the inner harbor in any of the three identified deposition areas within the harbor provided that it meets the following conditions: a) the dredged material is composed of predominantly fine-grained sediments, in which an average of 90% or less of the material is retained on a Standard U.S. Sieve Size No. 200; c) the dredged material does not contain elevated concentrations of trace metals or trace organics.

Consistent with these requirements, **Special Condition Four (4)**, dredge spoil compatibility, cites the grain size criteria for each receiver site. This includes the Surfer's Point receiver site identified by staff and discussed in further detail Section D, Coastal Access and Recreation. Based on information provided in the recent Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) study, dredged material placed at Surfer's Point would need to consist predominantly of sand (BEACON, 2/01). This criteria is specified in Special Condition 4. Those materials that do not meet state and federal requirements for surf zone or nearshore deposition shall be disposed of as identified in the debris management plan, consistent with the requirements of **Special Condition Two (2),** the Dredging and Disposal Operation Plan. The Commission finds Special Condition 2 necessary to ensure proper disposal of solid debris and dredged material unsuitable for placement into the marine environment.

The proposed dredging program will serve to achieve and maintain identified ideal dredging depths and replenish local beaches which will accommodate the coastal-dependent uses that the project area provides. The proposed design depths provide parameters under which dredging and deposition will occur, while the actual amount of material moved will vary annually depending on storm occurrence, natural sediment accumulation, funding, permitting, and permit restrictions on timing and location of the proposed operations.

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

D. Coastal Access and Recreation

Coastal Act Section 30210 states that:

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.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except in specified circumstances, where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30220 of the Coastal states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such use.

Section 30224 of the Coastal Act states:

Increased recreational boating uses of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launch facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

The proposed project involves a four-year dredging project which includes dredging, disposal and beach grooming of the Ventura Harbor and nearby beaches to the north and south. The proposed project will maintain the harbor and beach areas for their associated boating and recreational uses, which will therefore continue to accommodate coastal-dependent and public recreational opportunities supported by the provisions of the Coastal Act.

The project site includes the Ventura Harbor and seven deposition sites from the Ventura Pier, south to Pierpont Community beaches, the interior of the Ventura Harbor, south beach, the mouth of the Santa Clara River, to the southern project terminus along

McGrath State Beach. The project area is actively used by the public for recreational purposes, such as boating, surfing, sunbathing, walking, and other forms of passive recreation. The project involves dredging and disposal of dredged sediment, and establishment of staging areas for such operations, on beaches that are popular recreation areas as well as ocean access points for swimming, kayaking, surfing and other uses of coastal waters.

1. Water Oriented Recreation

Sections 30220 and 30224 of the Coastal Act mandate that coastal areas suited for water-oriented recreational activities shall be protected and recreational boating uses of coastal waters shall be encouraged.

The Ventura Harbor and local area beaches provide a variety of coastal-dependent commercial and recreational resources including boating, fishing, sunbathing, kayaking, swimming, and surfing. Maintenance dredging of Ventura Harbor is an on-going activity required to maintain the entrance and navigational channels, provide safe navigation for maritime traffic, and minimize risks of hazardous shoaling conditions within the harbor. Dredged materials are used for beach replenishment to maintain nearby beaches for recreational use, shoreline protection for existing development, and reintroduction of sediment, which would otherwise remain trapped in the protected harbor, into the littoral current for replenishment of down coast beaches.

The proposed project involves dredging and disposal to achieve identified design depths to achieve the ideal harbor configuration. The Commission notes that dredging of the harbor is necessary to maintain safe navigation for commercial and recreational boating and therefore, the proposed project will serve to protect boating uses of coastal waters. The proposed project will also protect and maintain adjacent beaches for recreational use through beach nourishment. The Commission finds that the proposed project will serve to maintain and possibly enhance recreational boating use of the Ventura Harbor, and that the proposed project will maintain adjacent beaches for recreational access.

For the above reasons, the Commission finds that the proposed project will support water-oriented recreational opportunities and recreational boating uses of coastal waters, and is therefore consistent with Sections 30220 and 30224 of the Coastal Act.

2. Public Access and Recreation

Coastal Act Sections 30210, 30211, and 30212 mandate that maximum public access and recreational opportunities be provided to allow use of dry sand and rocky coastal beaches and that development not interfere with the public's right to access the sea, consistent with the need to protect public safety, private property and natural resources. All projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act.

The dredging operation may encompass up to a 30-foot wide corridor, ¾-mile in length to the north and 2 miles in length to the south, as a result of the placement of pipeline

on the beach (see pipeline route in Exhibit 4). As proposed, the pipeline would be partially, and temporarily, buried during the dredging operation in order to allow continued access over the pipeline. However, in past instances, the pipeline has been unburied by storm and wave action. This may serve as a temporary impediment to access during the proposed operation. Though it is important to note that use of these areas is of a much more limited nature during these heavy weather episodes, and the obstacle created by the pipeline is generally surmountable in some areas. Furthermore, the pipeline is removed from the project site immediately at the conclusion of the dredging operation. To ensure that this responsibility is undertaken, **Special Condition Nine (9)** makes it the applicant's responsibility to assure that no pipes or any other equipment are stored on the beach from April 1 through Labor Day of each year. In addition, Special Condition 9 requires the applicant to ensure that the beach is graded and groomed to natural beach contours to facilitate recreational use, at the completion of each year's dredging and deposition.

At least some portion of the Ventura Harbor is anticipated to be dredged annually. Sediment management operations will require a few weeks to months of dredging, sediment disposal, and beach grooming work annually. The operations will typically occur 24 hours per day, 7 days per week to ensure the project is completed as quickly as possible. Based on the proposed annual and five-year maximum cubic yard limitations, dredging and disposal operations could involve up to three to four months of work in any given year, however the average time is estimated to be two months per year. Beach disposal is generally localized to approximately 500 linear feet on the beach. Beach disposal and staging areas on beaches within the project site would temporarily displace beach area for public use, however, the remainder of beach areas surrounding the discharge and staging locations will be available for public access. The Commission finds that due to the extensive beaches in the project area, the displacement of beach users is minimal.

However, to ensure that maximum access is maintained for the public in the project area, **Special Condition One (1)** requires that all dredging operations, including operation of equipment, spoil disposal, placement or removal of disposal pipelines, or other construction, maintenance, material removal, or activities involving mechanized equipment be prohibited on any part of the beach and shorefront in the project area from the first predicted grunion run after March 31 through Labor Day in September to avoid impact on public recreational use of the beach. In this way, scheduling operations outside of peak recreational seasons will serve to minimize potential impacts on public access.

To ensure that public access is safe-guarded in the project area, the Commission has required **Special Condition Two (2)** which calls for the applicant to submit an operations plan for dredging and disposal, for the review and approval of the Executive Director within thirty (30) days in advance, and in no case later than two (2) weeks prior, to each dredging operation. The operations plan shall include a detailed description of the proposed dredging operation including the proposed schedule, the type of dredging operation, approximate volume of material to be removed, the volume of material to be deposited at each receiver site, and the capacity of the equipment. Special Condition 2 specifically requires that local agencies be advised of the proposed deposition

location(s) and amounts, as described in **Special Condition Eleven (11)**, Agency Coordination. The Commission finds that coordination with agencies, including the cities of San Buenaventura and Oxnard, California Parks and Recreation, Army Corp of Engineers, Regional Water Quality Board, and BEACON will allow interested parties to be involved in the prioritization of disposal sites to receive material that could serve to enhance shoreline sand supply, and thus access and recreation within the project vicinity.

The Commission further finds that impacts to access may occur as a result of unanticipated impacts to shoreline and beach deposition activities. To address this issue, **Special Condition Six (6)** requires the implementation of a long-term Shoreline Monitoring Program to analyze changes to beach profiles, sand width, and volume in relation to the volume and location of deposition activities. Should nearshore deposition take place, additional monitoring is necessary to assess the impacts of the nearshore method on shoreline sand supply. Under the previous coastal permitting for this project, the applicant amended the dredging project to permanently incorporate the nearshore disposal sites, including a nearshore monitoring protocol. The Commission finds that a maintenance dredging monitoring plan for nearshore disposal, as provided in Exhibit 5, is necessary to measure and document the response of adjacent shorelines to the placed berm. This monitoring program would be applicable to all nearshore disposal sites. Therefore, the Commission is requiring the implementation of nearshore monitoring, as described in **Special Condition Five (5)**, including extensive pre- and post- dredge surveys to ensure that no adverse impacts to downcoast shoreline sand supply result from the method. Any modifications to the monitoring program specified in Exhibit 5 are subject to the review and approval of the Executive Director. The results of the survey shall be provided to the Executive Director for subsequent determination of the impact associated with this method of deposition to coastal resources.

The Commission notes that though ample beach area will remain available for public use during the proposed operations, establishing staging areas necessary to support the proposed operations in locations outside of heavily used beach areas will minimize interference with public access at the project site. Therefore, **Special Condition Ten (10)** requires the applicant to submit, for review and approval of the Executive Director, a report which describes the operation staging requirements, including the location of the project construction headquarters, all construction staging areas and access routes, and any special staging needs for heavy machinery, prior to the commencement of any dredging and discharge operations authorized by this coastal development permit to ensure that the operations are in substantial conformance with the public access policies of the Coastal Act.

Furthermore, to ensure the safety of recreational users of the project site, particularly recreational users of adjacent beaches where disposal operations will be occurring, and to reduce potential conflicts between the sediment management operations and recreational use of the areas, the Commission finds it necessary to require **Special Condition Twelve (12),** the Public Access Program, for the subject permit. Special Condition 12 requires the applicant to implement a program of monitoring and safety measures, including installation of signs, fencing, and posting of security guards, by which safe public access to or around beach deposition sites will be maintained.

Section 30210 of the Coastal Act provides for the maximization of public access and recreation. The proposed project may serve to enhance recreational planning and available shoreline in the project vicinity as determined through local and regional agency input. The Commission finds that coordination with agencies, as described under **Special Condition Eleven (11),** including the cities of San Buenaventura and Oxnard, California Parks and Recreation, Army Corp of Engineers, Regional Water Quality Board, and BEACON will allow interested parties to be involved in the prioritization of disposal sites to receive material that could serve to enhance shoreline sand supply, and thus access and recreation within the project vicinity.

The Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) is a California joint powers agency, which deals with coastal erosion and beach problems in the south central coast. BEACON has proposed a program for the placement of suitable material at six beach sites in order to renourish denuded littoral cells, control erosion, and provide recreational benefits (BEACON, 3/01). The BEACON program has identified Surfer's Point, just north of the project area, as a beach enhancement site that could accommodate up to 175,000 cubic yards of suitable sediment annually. Based on the information in the BEACON plan, the need for regional coordination, and the proximity to the project area, the Commission finds that Surfer's Point may benefit from the addition of sand. To ensure that Surfer's Point can receive appropriate material from the Ventura Harbor dredging project, the Commission finds that Surfer's Point may be added as a potential receiver site, as described in **Special Condition Four (4)** of this permit. Special Condition 4 requires that a detailed site plan be approved by the Executive Director and that evidence be submitted, for the review and approval of the Executive Director, which shows that deposition at this location would not adversely impact coastal resources. In addition, **Special Condition Two (2),** the dredging and operation plan, requires the applicant to provide evidence, for the review and approval of the Executive Director, that the local authorities were notified of the volume and quality of shoal material to be extracted and the reason(s) for choosing the target site(s). To underscore the importance of Surfer's Point as a coastal resource of regional importance, **Special Condition Eleven (11)** specifically requires that dredged material be made available for beach nourishment at Surfer's Point, should any party make such a request subject to transport agreement, and pursuant to the review and approval of the Executive Director.

The Commission finds that the proposed project, as conditioned, will not significantly impact recreational opportunities and public access at the project site, and therefore the project is consistent with Sections 30210, 30211, 30212, 30220, and 30224 of the Coastal Act.

E. Marine Resources and Environmentally Sensitive Habitat Area

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:

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Section 30233 of the Coastal Act states that diking, filling, and dredging of coastal waters may be permitted for coastal-dependent industries and for maintaining or restoring existing dredging depths where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects.

The proposed project involves dredging of open coastal waters and deposition of dredged sediment at nearby beaches. The habitats characteristic of the Ventura Harbor

area are wetlands (salt and brackish marsh), deepwater marine and estuarine ecosystems (as defined by the U.S. Fish and Wildlife Service National Wetlands Inventory), and coastal strand habitat of sand beaches and dunes (as defined by Munz, 1974). The Commission notes that dredging and disposal in and near areas identified as providing habitat for sensitive wildlife species has the potential to adversely impact those species. Several sensitive species are present in the project area, some only seasonal inhabitants, including the California brown pelican, western snowy plover, California least tern, steelhead trout, tidewater goby and California grunion. Little or no vegetation is found on the beach disposal sites since these are sandy beach locations subject to wave action. The pipeline route avoids the South Beach and McGrath State Beach sand dune habitat.

1. Marine Organisms

Dredging and disposal results in increased turbidity at the dredge and disposal site. Temporary adverse impacts to marine organisms in the harbor are expected from the dredging operations. Temporary increases in turbidity and suspended solids at the dredging site would decrease light penetration, causing a decline in primary productivity due to decreased photosynthesis by phytoplankton. Any appreciable turbidity increase may also cause clogging of gills and feeding apparatuses of fish and filter feeders. Mobile organisms would likely relocate to an undisturbed area.

Turbidity impacts are expected to be within 500 meters (1,640 feet) of the area excavated, with the maximum concentrations generally restricted to the lower water column, and decreasing rapidly with distance due to settling and dilution (ACOE 1998 citing LaSalle 1991). The impacts from dredging (i.e., increased turbidity, sedimentation, dissolved oxygen reduction, and mechanical abrasion to fish and shellfish) are expected to be local. Following dredging activities, fish and shellfish are expected to recolonize previously disturbed areas. As such, impacts from sediment re-suspension caused by dredging are anticipated to be short-term. (ACOE 1998). In addition, the proposed deposition sites are located in areas which have naturally high levels of turbidity due to high wave energy and river outfall particularly during the winter season when dredging takes place. Therefore, the Commission finds that the temporary increased turbidity resulting form dredging and deposition will not result in significant adverse impacts to marine organisms or habitat.

2. Sensitive Species and Habitats

Several sensitive species are present in the project area, some only seasonal inhabitants, including the California brown pelican, western snowy plover, California least tern, steelhead trout, tidewater goby and California grunion. In addition, there are two sensitive habitats in the project area, the Santa Clara River estuary and sand dunes along South Beach and traversing McGrath State Beach. Project activities, other than those discussed above under Section E(1) Marine Organisms, with the potential to adversely impact sensitive species or sensitive habitat, include (1) the installation, placement, and removal of the discharge pipeline; and (2) the post-dredging grading and grooming of the beach deposition site(s) to natural beach contours.

The discharge pipeline route extending south to the McGrath State Beach deposition area would cross beach areas identified as federally designated critical habitat of the western snowy plover, cross the beach adjacent to California least tern nesting sites, and traverse near sand dune habitat. The pipeline route avoids the dune systems at South Beach and McGrath State Beach, and no equipment or deposition activities are proposed in this sensitive habitat. As promulgated under **Special Condition Nine (9)**, it is the applicant's responsibility to ensure the pipeline does not cross or disturb sand dunes.

The placement of the pipeline is accomplished by means of heavy equipment dragging the pipeline segments to its connection. The installation and removal of the pipeline therefore requires an adjacent access corridor sufficient to handle this type of traffic. The pipeline is placed on top of the natural contour of the beach but is covered with sand to facilitate continued access over the conduit. This process creates considerable disturbance along the pipeline corridor during approximately one week which is required for installation and approximately one week needed for removal. Project staging, including the location of the pipeline and access corridor, may impact environmentally sensitive resources. To ensure that project staging is minimized and resource issues are addressed, the Commission requires the applicant to submit and an operation staging plan, pursuant to **Special Condition Ten (10)**, to the Executive Director for review and approval.

Post-dredging and deposition beach maintenance includes regrading the deposition site to natural beach contours. Furthermore, upon removal of the pipeline, the beach corridor may require regrading to remove any sand built up around the pipeline. In recognition of the potential of these project activities to impact sensitive biological resources in the project vicinity, **Special Condition Eight (8)** requires the applicant to retain a qualified biologist or environmental resource specialist to conduct a survey of the project site each day prior to the commencement of installation or removal of the discharge pipeline or any beach maintenance activities such as beach grading and grooming. The specialist shall also be present during these project activities. Should the monitor determine that sensitive species are present, such as the California least tern, western snowy plover or California grunion, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities can resume upon written approval of the Executive Director. The monitor shall also have the authority to cease operations should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts.

California Least Tern

The discharge pipeline route crosses the beach adjacent to the California least tern nesting sites, north and south of the mouth of the Santa Clara River. Least terns nest in the area between mid-April and September 1. Breeding habitat consists of unvegetated open sandy areas. The designated nesting sites are fenced to protect the nesting terns from predators and human intrusion, but some least terns nest outside of the fenced

area. The normal tern forage area is within an approximately two mile radius of the nesting colony, including a majority of the proposed project area. The least tern, which are sight feeders, feed upon small, nearshore fish within the area. Least tern foraging could be impacted if turbidity from dredging impacts surface water clarity over a substantial portion of the harbor during the breeding season. The applicant is proposing dredging and disposal activities through March 31 of each year to avoid impacts to the least tern. To ensure that dredge disposal or other project activities do not take place during the least tern nesting season, the Commission finds it necessary to require that these activities do not occur within 100 yards of, and on the entire beach seaward of, the least tern nesting areas identified annually by the California Department of Fish and Game from April 15 through September 1 as required by **Special Condition One (1)**. Special Condition 1 further requires the applicant to limit nearshore deposition activities at the McGrath State Beach nearshore receiver site, between September 1 and April 15, to protect the least tern's foraging ability. Additionally, due to the proximity of the pipeline route to least tern nesting sites, the Commission finds it necessary to require **Special Condition Nine (9)** which requires the pipeline to be removed from the area prior to April 1 of each year.

Western Snowy Plover

The Pacific Coast population of western snowy plover is a small shorebird that uses sandy beaches for nesting and roosting from southern Washington to Baja California. The snowy plover was listed by the U.S. Fish and Wildlife Service as a threatened species in March 1993 and designated critical habitat in 1999. Critical habitat is a specific designation that identifies areas that are essential to conservation of an endangered species. The USFWS has recently released a *Draft Recovery Plan for the Pacific Coast Population of Western Snowy Plover* (May 2001). The Recovery Plan identifies Mandalay Bay/Santa Clara River Mouth (including the project area south of the south beach groin) as one of six breeding and/or wintering sites located in Ventura County targeted for management. The snowy plover nests in the project area near the mouth of the Santa Clara River, slightly inland from the least tern nesting site. The breeding season for snowy plovers extends from early March to mid-September. Eggs of the first clutch are usually laid by early April. The snowy plover is a small, sand colored bird that forages amongst shoreline kelp debris. The plover's eggs are speckled and are camouflaged with surrounding terrain. The chicks are precocial, walking within a few hours and feeding themselves within a day or so of hatch. Chicks are difficult to avoid because of their small size and camouflaged coloring. Often chicks crouch in vehicle tracks or footprints, making them vulnerable to being stepped on or driven over. For these reasons, the birds, nests, eggs, and chicks are difficult to see and subject to destruction. Although the proposed surf zone deposition at the Santa Clara River mouth is not expected to impact the snowy plover, other activities such as pipeline placement, vehicle use and other maintenance activities after March 15 could adversely impact snowy plover.

Staff notes that previous permitting for this project had allowed contingency measures in order to implement project activities between March 15 and March 31. However, since those previous reviews, the USFWS has designated a majority of the project area as critical habitat (illustrated in Exhibit 7) and completed their Western Snowy Plover

Draft Recovery Plan, which specifically targets this habitat area for management. The USFWS recovery plan states that (page 9):

> ***Earliest nests on the California coast occur during the first week of March in some years and by the third week of March in most years (Page et. Al, 1995a). Peak nesting is from mid-April to mid-June (Warriner et al. 1986, Powell et al. 1997). Hatching lasts from early April through mid-August, with chicks reaching fledging age approximately 1 month after hatching (Powell et al. 1997).***

In order to avoid any adverse impacts to nesting snowy plovers, the Commission requires the applicant, as provided in **Special Condition One (1),** to restrict all project activities within federally designated critical habitat during the snowy plover breeding season from March 15 through September 30. This includes the storage of pipes on the beach in the critical habitat area. The Commission finds that **Special Condition Nine (9)** is necessary to assign the applicant responsibility to ensure that no pipes or other equipment are stored in western snowy plover critical habitat areas during the breeding season.

Steelhead Trout

Noise, vibration, and altered water quality resulting from deposition activities near the mouth of the Santa Clara River could potentially interfere with steelhead migration likely to occur winter through summer months. During one of the past Ventura Harbor dredge sessions, an issue was raised concerning disposal of material adjacent to the mouth of the Santa Clara River, because the disposal occurred too close the river mouth, potentially effecting spawning and juvenile steelhead trout and other sensitive habitat within the Santa Clara River estuary. As shown in the applicant's deposition plan, no disposal activities would occur within 200 feet of the river channel. This will ensure that fisheries and estuarine habitat associated with the Santa Clara River will not be adversely affect by the disposal.

In addition, the applicant only proposes to discharge dredged material into the surf zone near the mouth of the river in this area when the river flow is 100 cubic feet per second or greater. The California Department of Fish and Game and the U.S. Army Corps of Engineers have determined that 100 cubic feet per second is an adequate velocity to ensure that the turbidity associated with the dredging operation will be masked by the background turbidity of the Santa Clara River. In other words, the goal is to ensure that a "masking" background effect exits before adding the additional turbidity of the dredging operation, thereby ensuring that no independent, significant effects occur that would not otherwise have been naturally present. The Commission finds that the surf zone deposition near the mouth of the river, consistent with the aforementioned criteria, is protective of steelhead by ensuring that the mixing of sediment is discharged in a manner compatible with the natural discharge of the river. To ensure that this practice continues to be implemented to protect the resources in the Santa Clara River estuary including steelhead, **Special Condition Four (4)** stipulates that deposition may only occur in the surf zone near the mouth of the river 200 feet from the active river channel and when the river flow is 100 cubic feet per second or greater.

California Grunion

The California grunion is a small fish in the silversides family and is extremely unusual among fish in its spawning behavior. The grunion spawns on the sandy beaches in the project vicinity immediately following high tides from mid-March through August. The eggs are incubated in the sand until the following series of high tide conditions, when the eggs hatch and are washed into the sea. California grunion is a species of concern due to its unique spawning behavior, and carefully managed as a game species. Project activities within the intertidal zone may disturb adult grunion during the run period and/or may bury incubating grunion eggs. Therefore, the proposed dredging operations have the potential to significantly impact California grunion by dredging or depositing sediment within the intertidal zone during the seasonally predicted run period and egg incubation period of April through August. In order to ensure that the proposed project will not have an adverse impact on California grunion, **Special Condition One (1)** states that project activities, including pipeline placement and deposition, shall not be allowed from the first predicted grunion run after March 31 through Labor Day in September on any part of the beach and shorefront project area.

Tidewater Goby

The tidewater goby is a brackish water fish species adapted to both fresh and saltwater. This species has been recorded in both the Santa Clara and Ventura Rivers. The tidewater goby is not expected to be affected by the proposed project because disposal will not occur within or alter the sensitive riparian habitat or estuary area associated with the Santa Clara River. As proposed, dredging material would be conducted below the mean high water line along the 2,500 feet of beach near the mouth of the Santa Clara River, with the actual discharge point being at least 200 feet away from the location at which the river flows into the ocean. In addition, discharge of material would only occur within this area when the river flow is 100 cubic feet per second or greater. The Commission finds that the surf zone deposition at the mouth of the river, consistent with the aforementioned criteria, is protective of tidewater goby by ensuring that the mixing of sediment is discharged in a manner compatible with the natural discharge of the river. The California Department of Fish and Game and the U.S. Army Corps of Engineers have determined that 100 cubic feet per second is an adequate velocity to ensure that the turbidity associated with the dredging operation will be masked by the background turbidity of the Santa Clara River. In other words, the goal is to ensure that a "masking" background effect exits before adding the additional turbidity of the dredging operation, thereby ensure that no independent, significant effects occur that would not otherwise have been naturally present. To ensure that this practice continues to be implemented to protect the resources in the Santa Clara River estuary including tidewater goby, **Special Condition Four (4)** stipulates that deposition may only occur in the surf zone near the mouth of the river 200 feet from the active river channel and when the river flow is 100 cubic feet per second or greater.

California Brown Pelican

California brown pelicans are year-round "residents" of the harbor area. The pelicans are known to rest on structures in the Ventura Harbor and occasionally feed in the area to be dredged. However, sufficient additional resting and feeding areas are available in the vicinity. Therefore, potential project impacts on brown pelicans are minimal due to the temporary nature of project disturbance and the species' tolerance of human activities.

The Commission notes that the proposed project, as conditioned, will minimize potential adverse impacts to sensitive wildlife species known to occur at the project site. However, the proposed project may result in potential adverse impacts to previously unidentified sensitive species and the surrounding environment due to unintentional disturbance from the sediment management activities. Therefore, to ensure that all recommendations of the environmental consultant are properly implemented, and to ensure that any potential adverse effects to the beach and marine environment are minimized, **Special Condition Eight (8)** requires the applicant to submit, for review and approval of the Executive Director, evidence that the applicant has retained the services of a qualified environmental resource specialist to conduct a survey of the project site to determine whether any sensitive wildlife species are present prior to commencement of dredging and discharge operations authorized by this coastal development permit. In the event that any sensitive species are present at the project site during the proposed operations, Special Condition 8 also requires the environmental resource specialist to require the applicant to cease work and notify the Executive Director and local resource agencies. Project activities can resume upon written approval of the Executive Director.

The proposed project will involve dredging and sediment disposal in coastal waters. As described above, section 30233 of the Coastal Act provides that diking, filling, and dredging of coastal waters may be permitted for coastal-dependent industries and for maintaining or restoring dredged depths where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. The Commission notes that the proposed project will serve to achieve and maintain identified ideal dredging depths and beach configurations for previously maintained areas, which will accommodate the coastal-dependent uses that the project area provides, specifically referenced under Section 30233 of the Coastal Act as allowable development requiring dredging and filling in coastal waters. The Commission also notes that the proposed project, as conditioned, will minimize potential adverse effects on the marine environment and sensitive wildlife species, consistent with the applicable policies of Sections 30230, 30231, 30232 and 30240 of the Coastal Act.

3. Caulerpa

Caulerpa taxifolia is a tropical green marine alga that is popular in the aquarium trade because of its attractive appearance and hardy nature. In 1984, this seaweed was introduced into the northern Mediterranean. From an initial infestation of about 1 square yard it grew to cover about 2 acres by 1989, and by 1997 blanketed about 10,000 acres along the coasts of France and Italy. Genetic studies demonstrated that those populations were from the same clone, possibly originating from a single introduction. This seaweed spreads asexually from fragments and creates a dense

monoculture displacing native plant and animal species. In the Mediterranean, it grows on sand, mud and rock surfaces from the very shallow subtidal to about 250 ft depth. Because of toxins in its tissues, *C. taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation in the Mediterranean has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing.

Because of the grave risk *Caulerpa* poses to native habitats, in 1999 *C. taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. However, its possession is still legal in California. In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50° F. Although warmer southern California habitats are most vulnerable, until better information if available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

In response to the threat that *Caulerpa taxifolia* poses to California's marine environment, the Southern California Caulerpa Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *Caulerpa taxifolia* infestations in Southern California. The group consists of representatives from several state, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

If *Caulerpa taxifolia* is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. In order to assure that the proposed project does not cause the dispersal of *Caulerpa taxifolia*, the Commission requires **Special Condition Seven (7)**. Special Condition 7 requires the applicant, prior to commencement of development, to survey the project area and dredging equipment for the presence of *C. taxifolia*. If *C. taxifolia* is present in the project area, no work may commence and the applicant shall seek an amendment or a new permit to address impacts related to the presence of the *C. taxifolia*, unless the Executive Director determines that no amendment or new permit is required.

For the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30240, and 30233 of the Coastal Act.

F. LCP and the California Environmental Quality Act

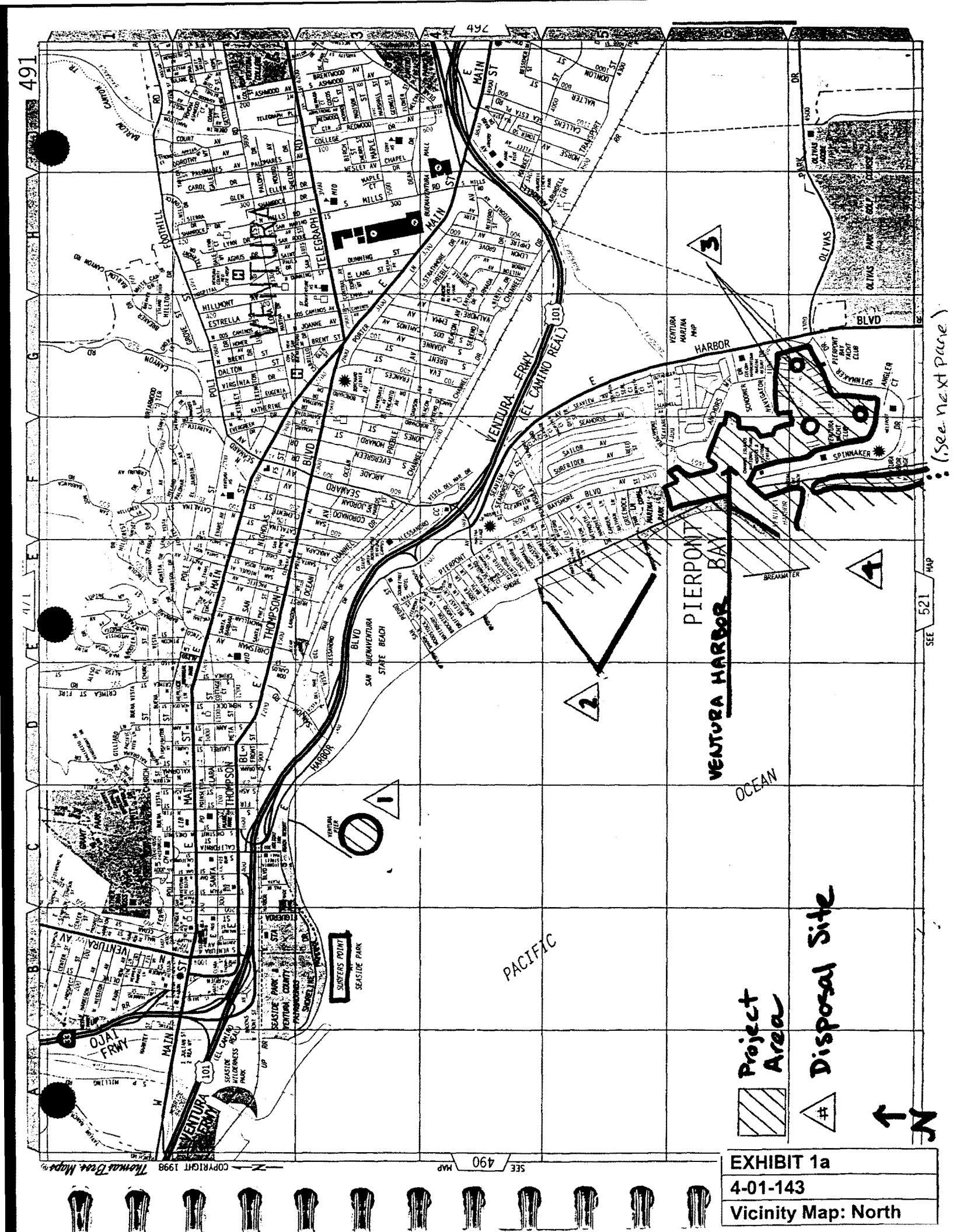
The proposed project area lies within the limits of the City of Ventura and City of Oxnard, but falls within the Commission's area of retained original permit jurisdiction because it is located on state tidelands or is below the mean high-tide. The Commission has certified the Local Coastal Program for the City of Ventura (Land Use Plan and Implementation Ordinances) which contains policies for regulating development and protection of coastal resources, including the protection of

environmentally sensitive habitats, recreational and visitor serving facilities, coastal hazards, and public access.

Section 13096 of the Commission's Code of Regulations requires the Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(a) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects, which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the resource protection policies of the Coastal Act. The mitigation measures, which are part of the project description, as well as those contained in the special conditions, will minimize any adverse environmental effects. As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse effects, which the activity may have on the environment.

Therefore, the Commission finds that the proposed project, as conditioned to mitigate any identified effects, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act and conform to CEQA.


Project Area
Disposal Site
EXHIBIT 1a
4-01-143
Vicinity Map: North

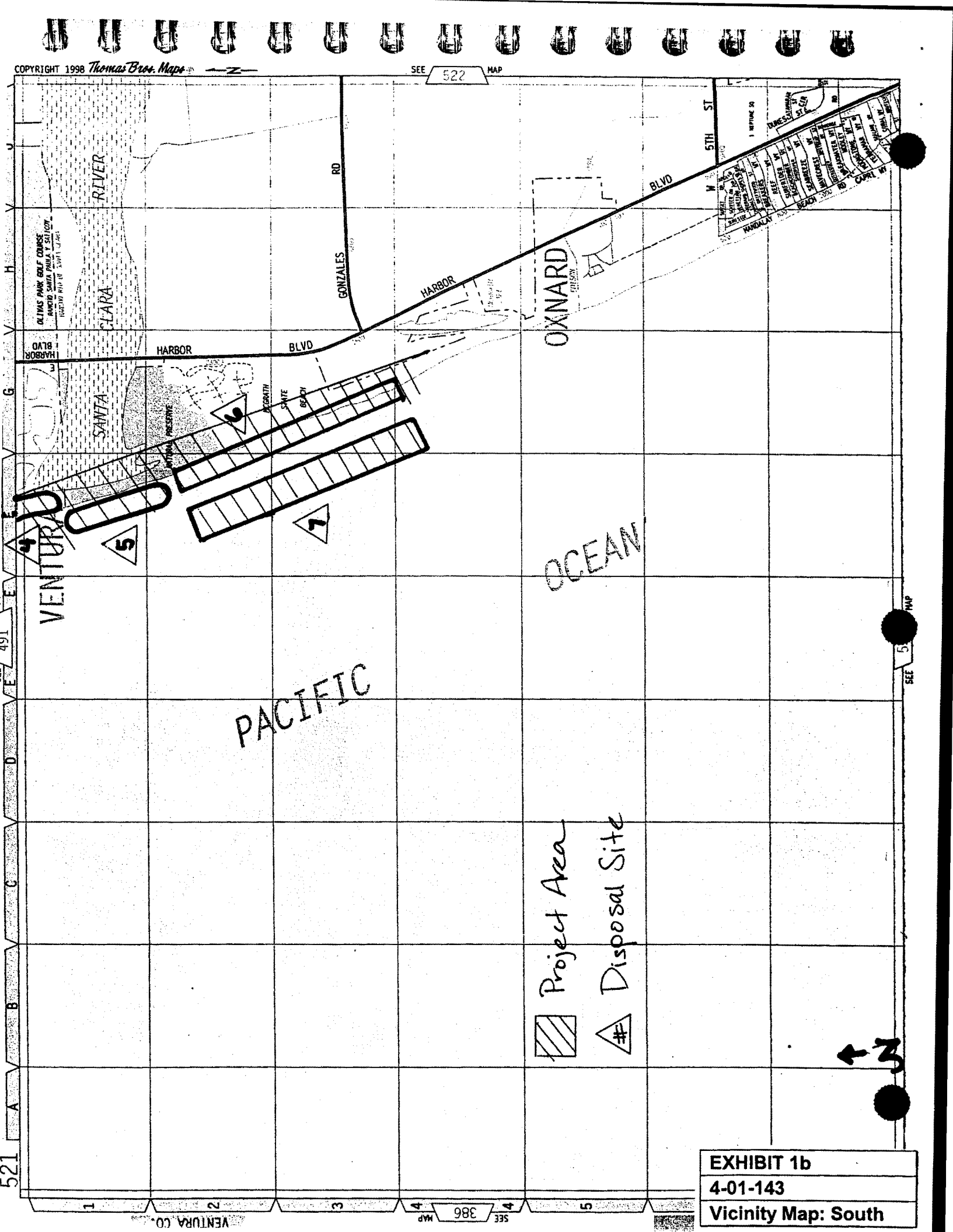
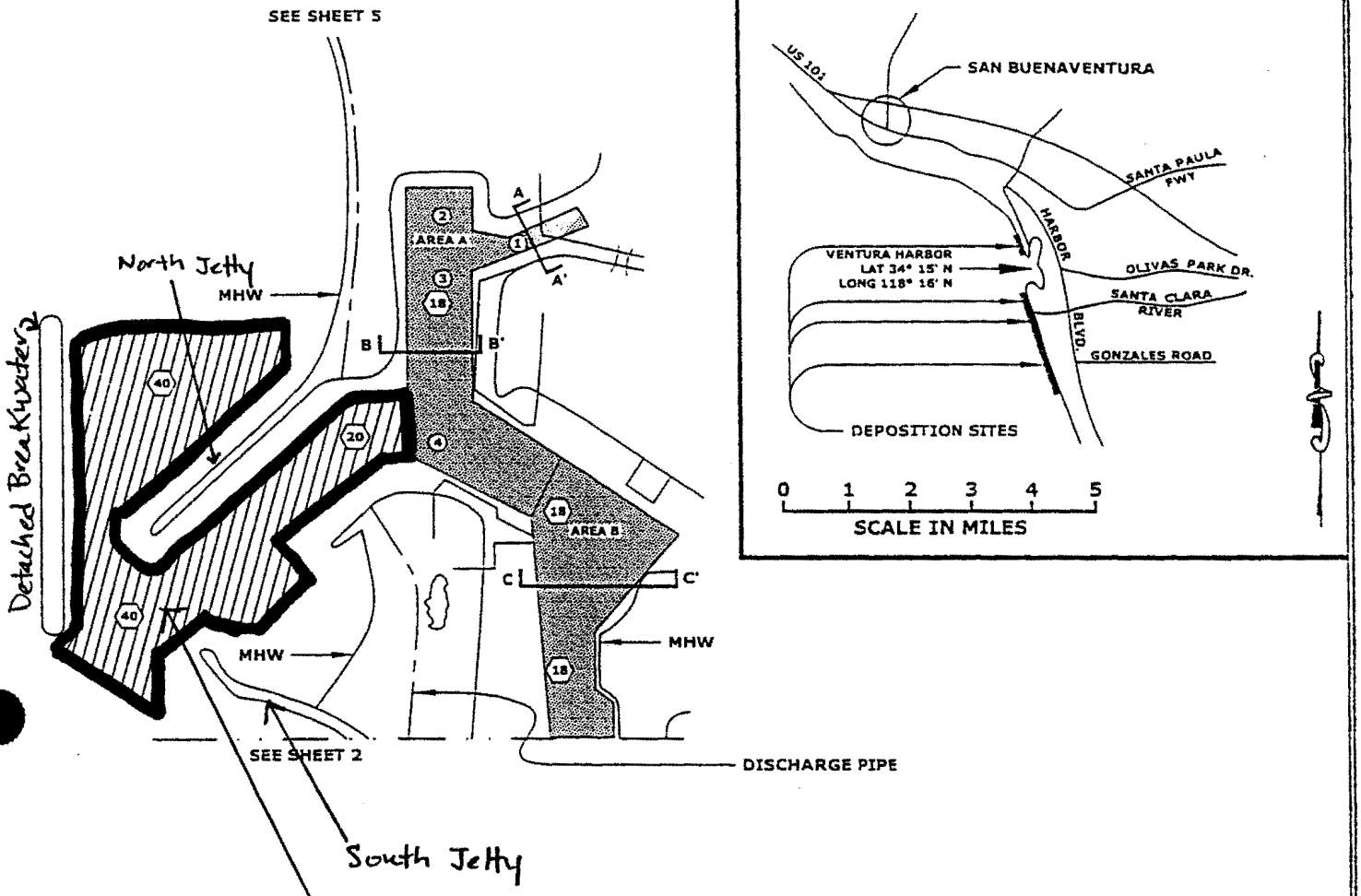


EXHIBIT 1b
4-01-143
Vicinity Map: South



APPROVED
VENTURA PORT DISTRICT
By _____ 5/30/01 Date

LEGEND
- DREDGING LIMITS
- PROJECT DEPTH (MLLW)
- SOIL SAMPLE LOCATION
- SAND DUNES
- FEDERAL PROJECT BOUNDARIES
- INNER HARBOR

0' 800' 1,600'
SCALE - 1" = APPROXIMATELY 800'

Applied Environmental Technologies, Inc.
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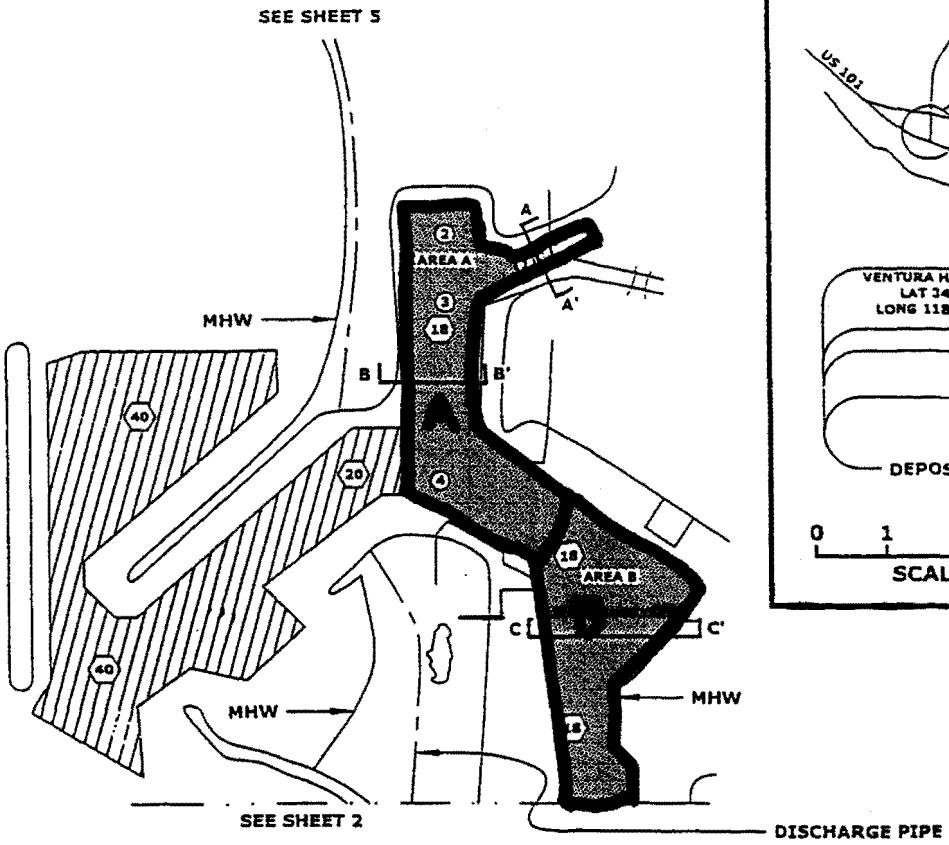
Phone (805)650-1400 Fax (805)650-1576

PROPOSED DREDGING AND DEPOSITION
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

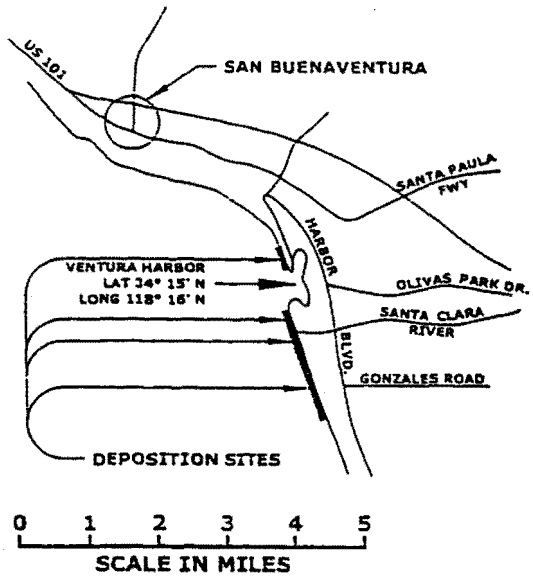
PLATE REFERENCE 006221018 | MAY 29, 2001 | PROJECT N

PLATE

EXHIBIT 2a
4-01-143
Dredging Areas: Outer Harbor



VICINITY MAP



APPROVED
VENTURA PORT DISTRICT
By _____ 5/30/01 Date

LEGEND

- DREDGING LIMITS
- PROJECT DEPTH (MLLW)
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PROPOSED DREDGING AND DEPOSITION
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622101B | MAY 29, 2001 | PROJECT NI

PLATE

EXHIBIT 2b
4-01-143
Dredging Areas: Inner Harbor A & B

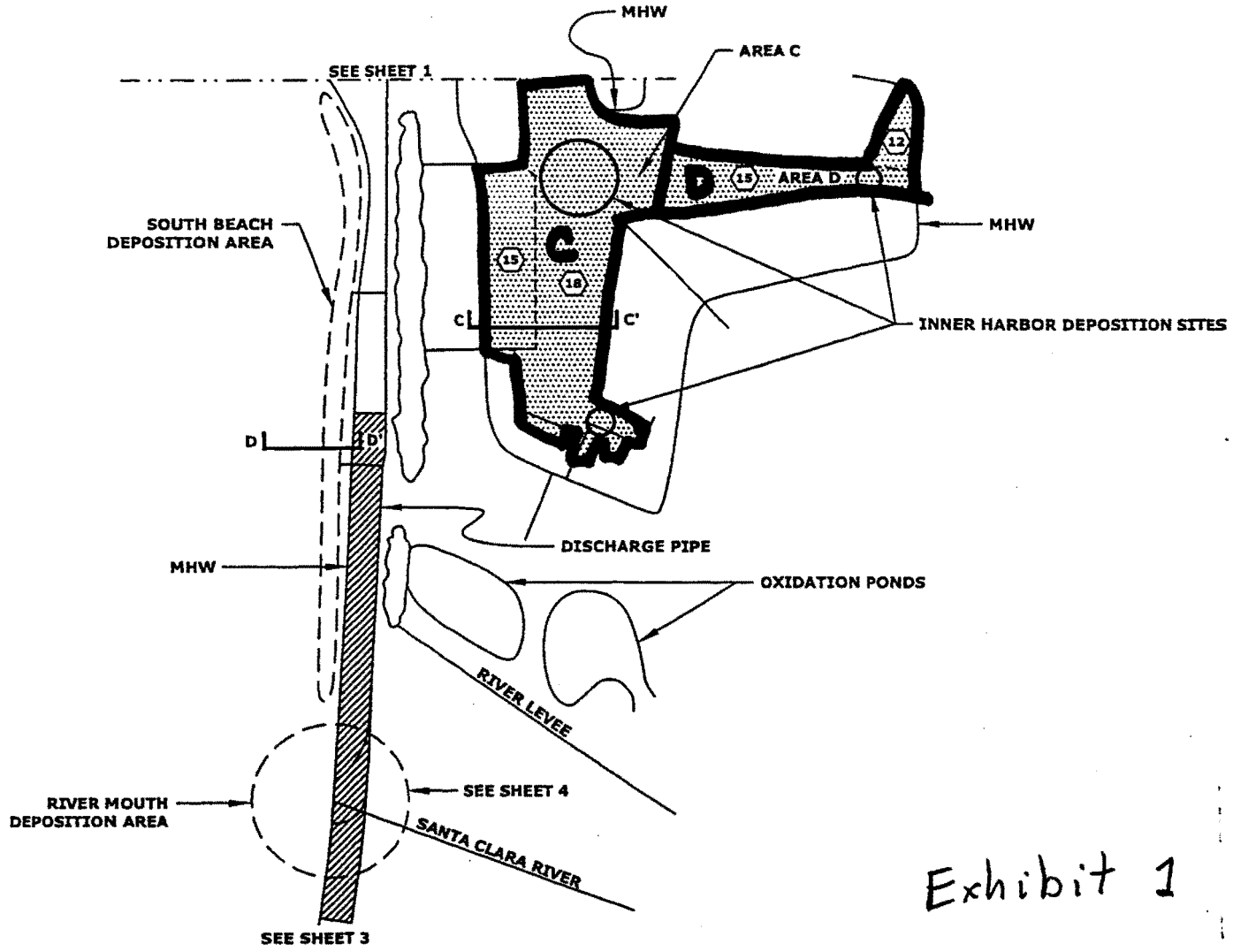

Exhibit 1

LEGEND

- INNER HARBOR DREDGING LIMITS
- 18 PROJECT DEPTH (MLLW)
- SAND DUNES
- WESTERN SNOWY PLOVER CRITICAL HABITAT

0' 800' 1,600'

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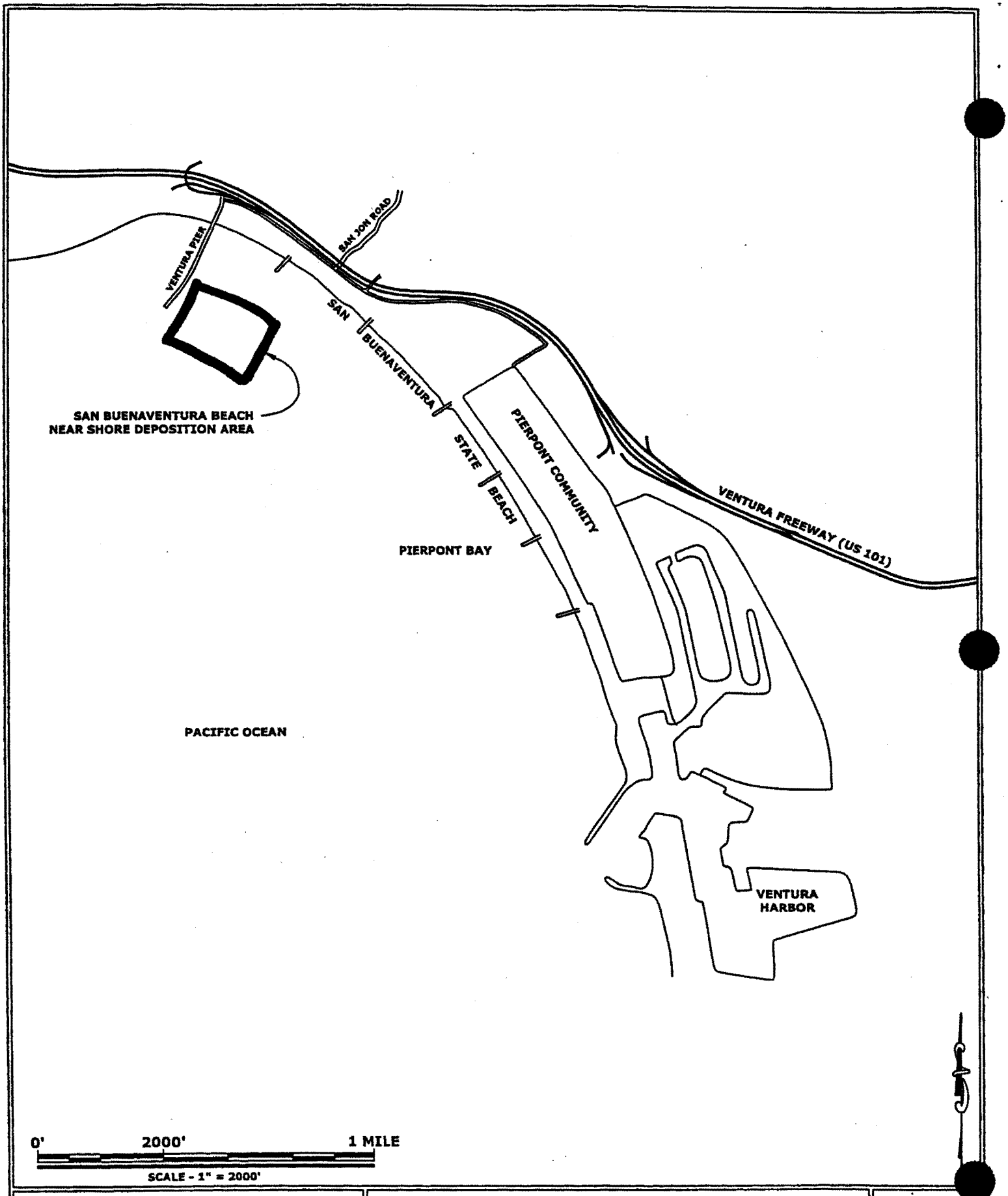
PROPOSED DREDGING AND DEPO
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622101C | SEPTEMBER 6, 2001 | PROJEC

EXHIBIT 2c
4-01-143
Dredging Areas:
Inner Harbor C & D



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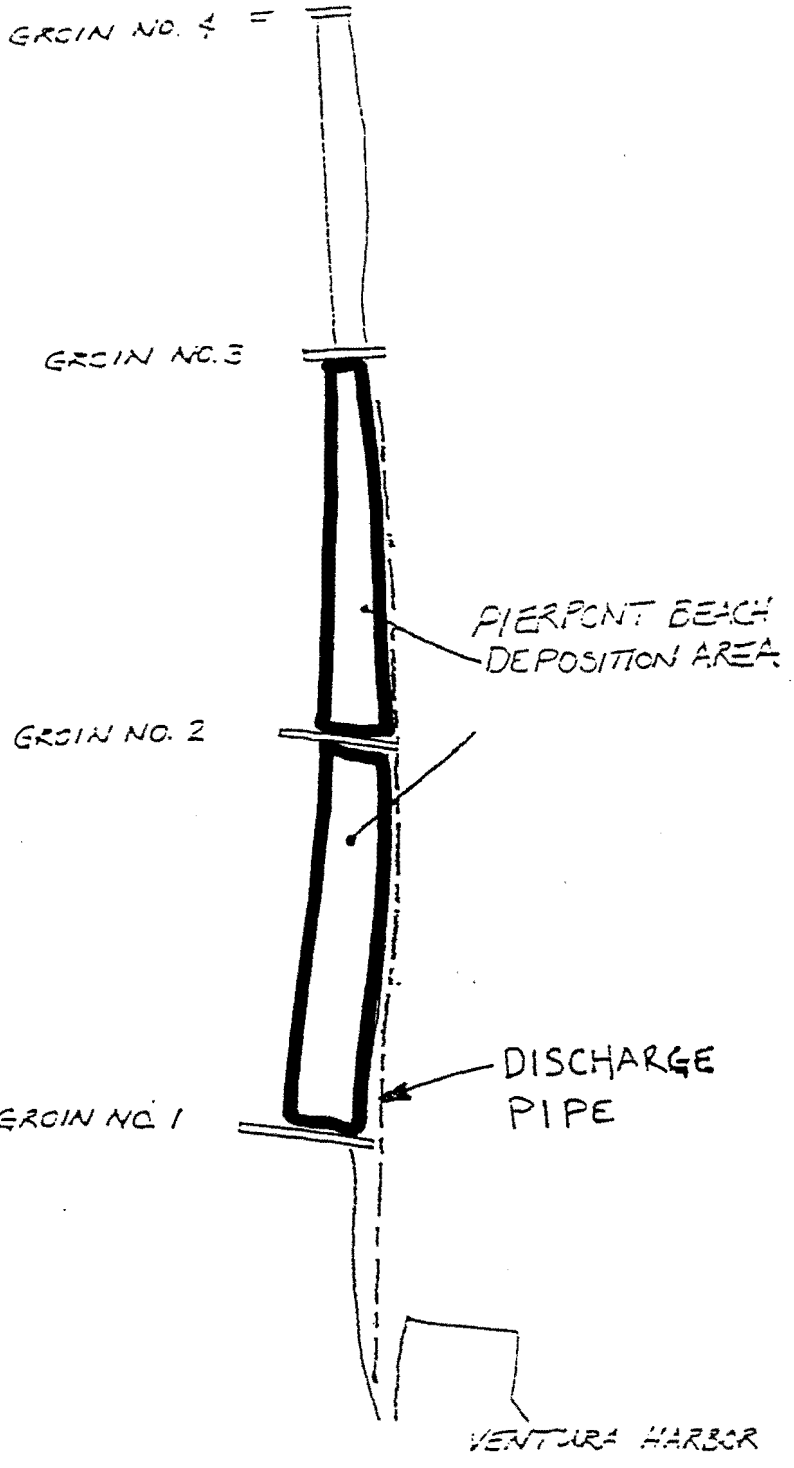
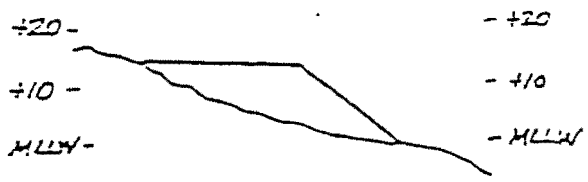
PROPOSED DREDGING AND DEPOS
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 066101O1G	SEPTEMBER 7, 2001	PROJEC

EXHIBIT 3a
4-01-143
Deposition Site:
San Buenaventura Beach

APPROVED
VENTURA PORT DISTRICT
By _____ Date 5/30/01





TYPICAL SECTION
NO SCALE

Applied Environmental Technologies, Inc.
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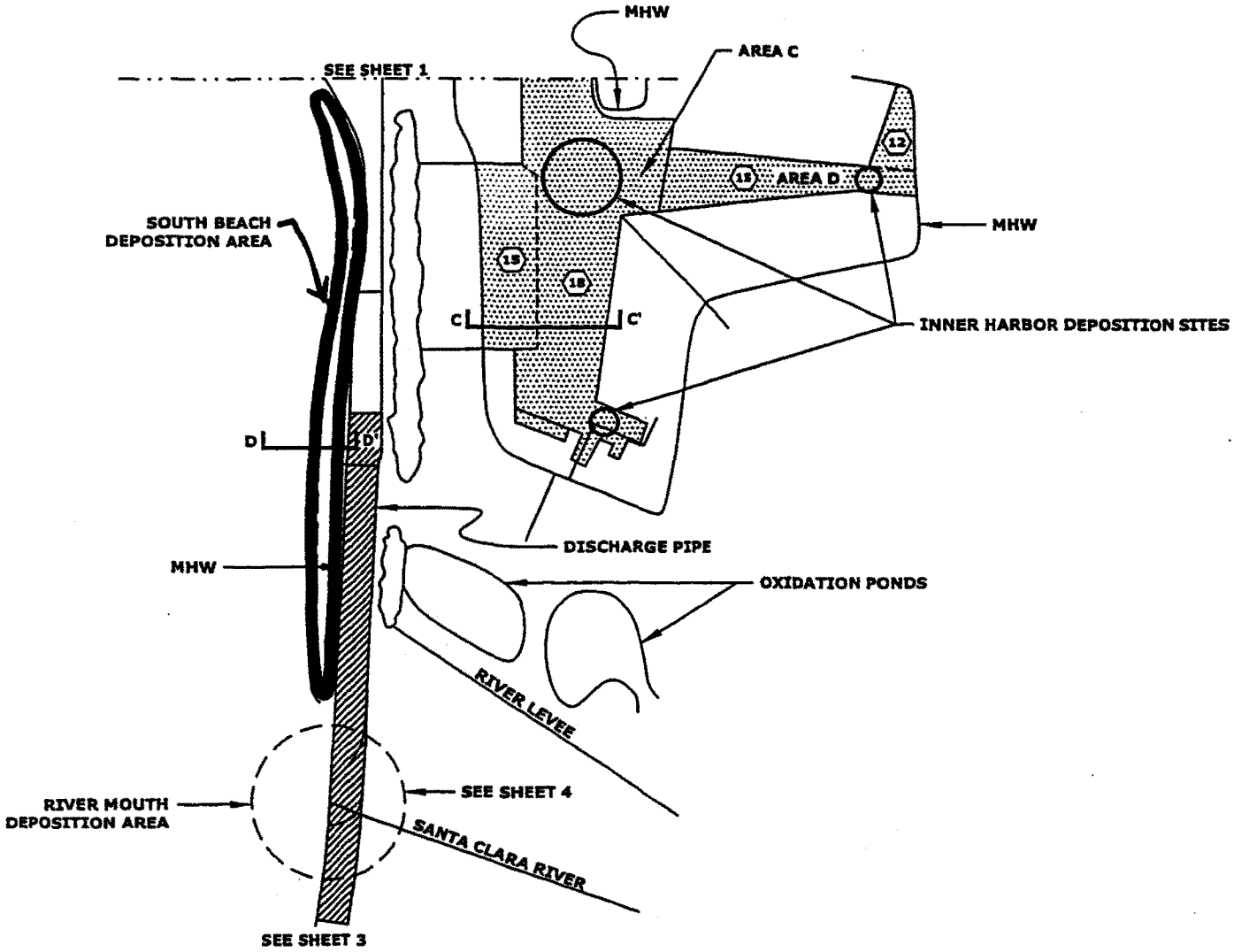
PROPOSED DREDGING AND DEPOS
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622101F | MAY 21, 2001 | PROJECT

EXHIBIT 3b
4-01-143
Deposition Site:
Pierpont Groin Field



LEGEND

- INNER HARBOR DREDGING LIMITS
- 18 PROJECT DEPTH (MLLW)
- SAND DUNES
- WESTERN SNOWY PLOVER CRITICAL HABITAT

0' 800' 1,600'

SCALE - 1" = APPROXIMATELY 800'

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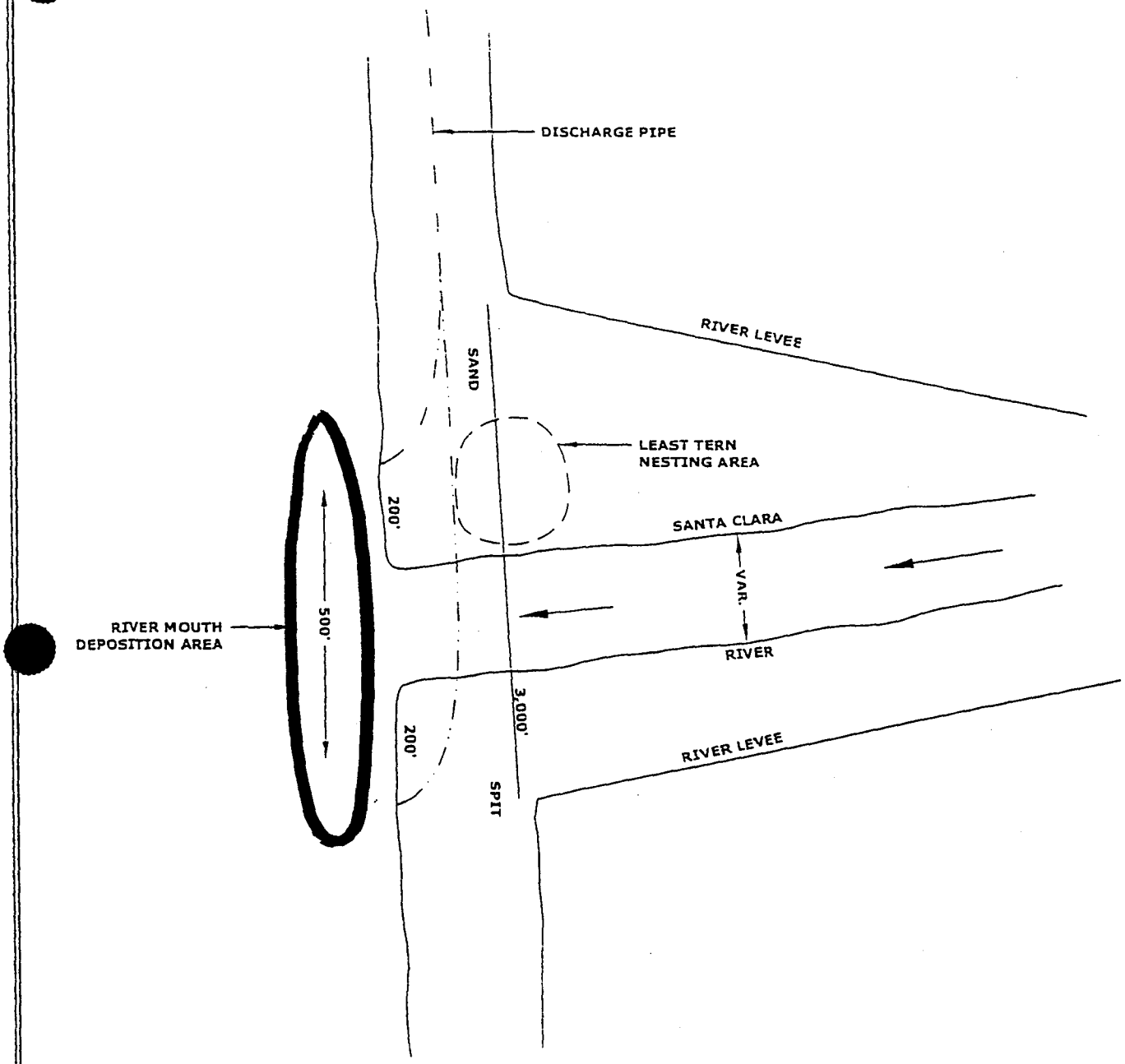
PROPOSED DREDGING AND DEPOSI
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 006221O1C | SEPTEMBER 6, 2001 | PROJECT N

EXHIBIT 3c
4-01-143
Deposition Site: South Beach



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5/30/01
By Date

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Technologies, Inc.
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PROPOSED DREDGING AND DEPOSITION
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE

PLATE REFERENCE 00622101A | MAY 29, 2001 | PROJEC

EXHIBIT 3d
4-01-143
Deposition Site:
Santa Clara River Mouth

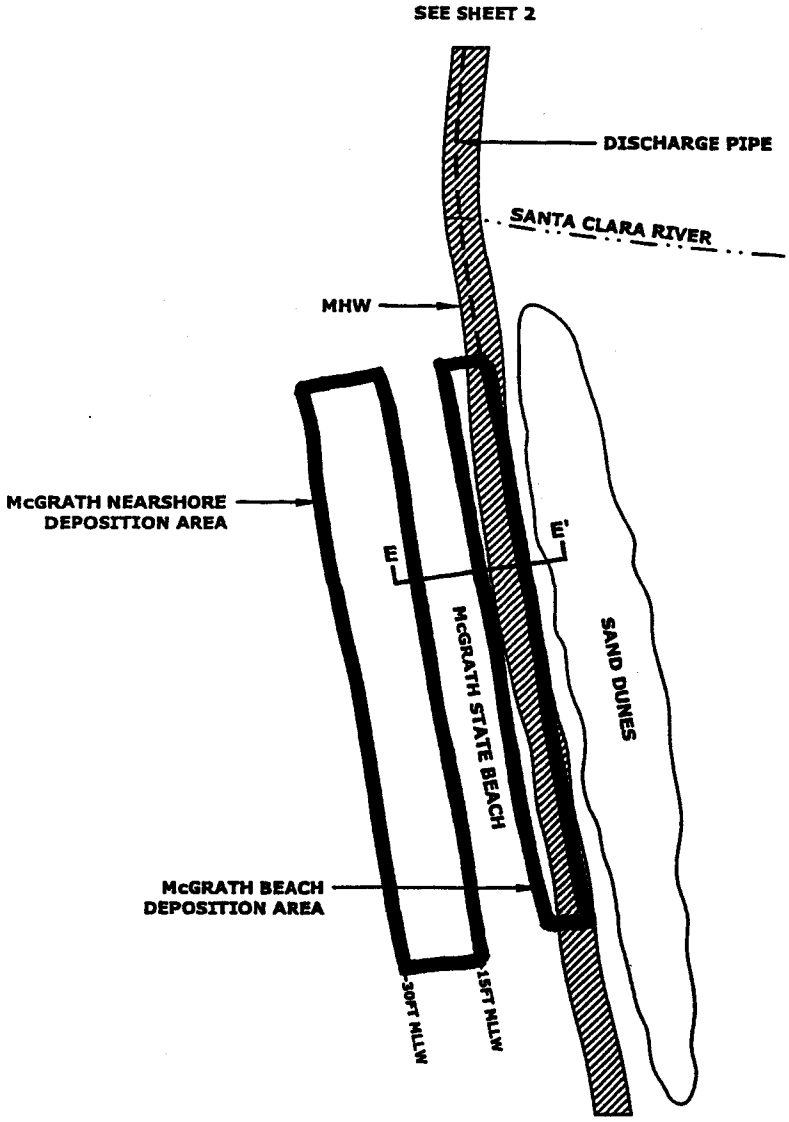

Exhibit 1

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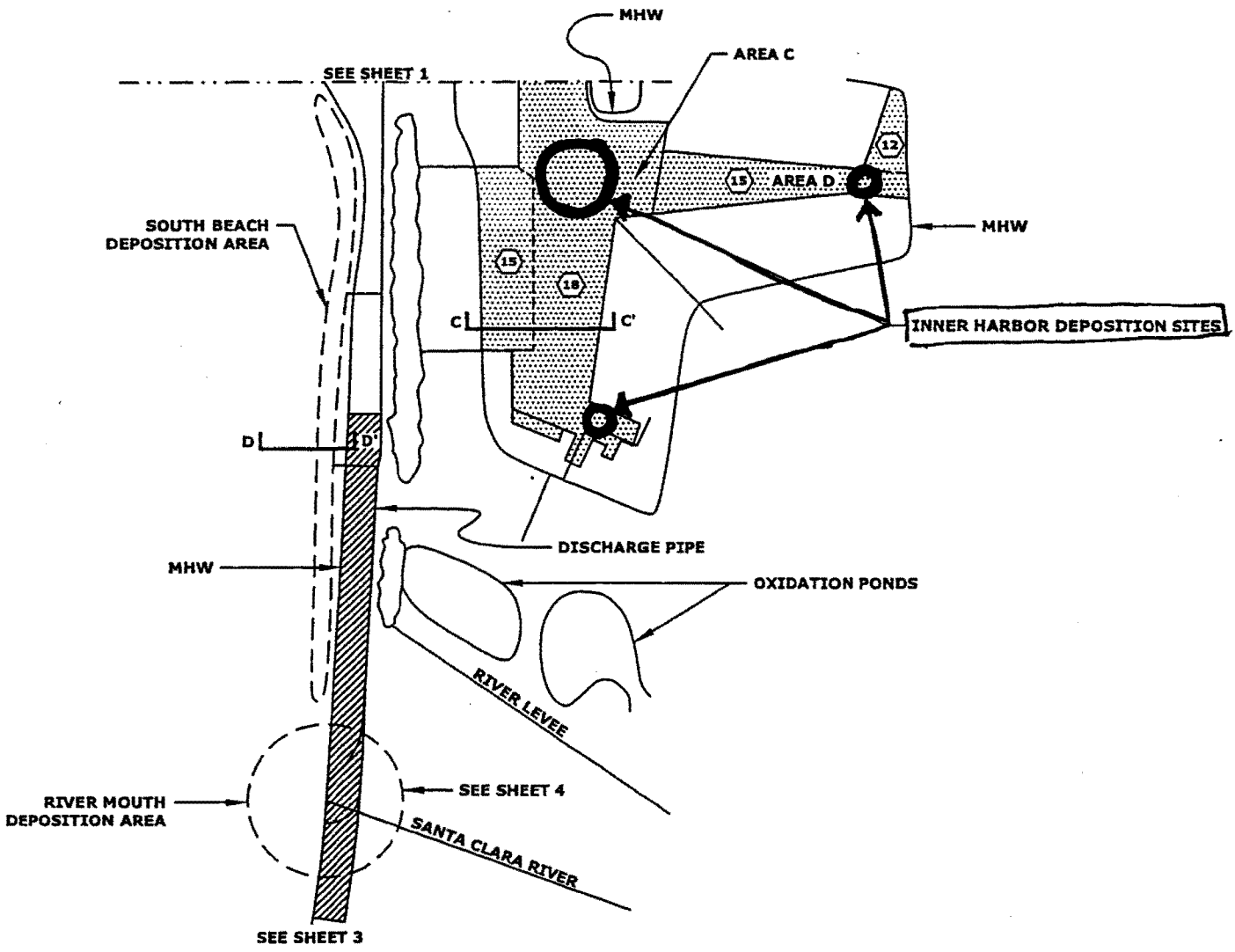
PROPOSED DREDGING AND DEPO
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 006221O1E	SEPTEMBER 7, 2001	PROJ

EXHIBIT 3e
4-01-143
Deposition Sites: McGrath State Beach



LEGEND

- INNER HARBOR DREDGING LIMITS
- 18 PROJECT DEPTH (MLLW)
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- WESTERN SNOWY PLOVER CRITICAL HABITAT

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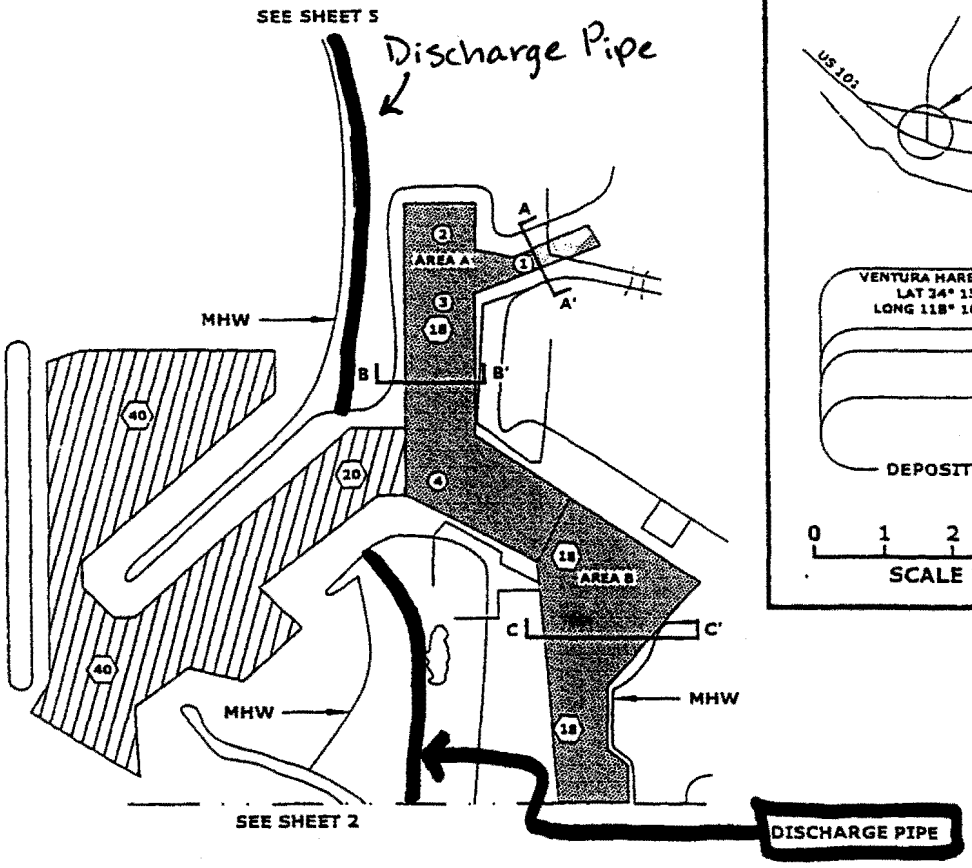
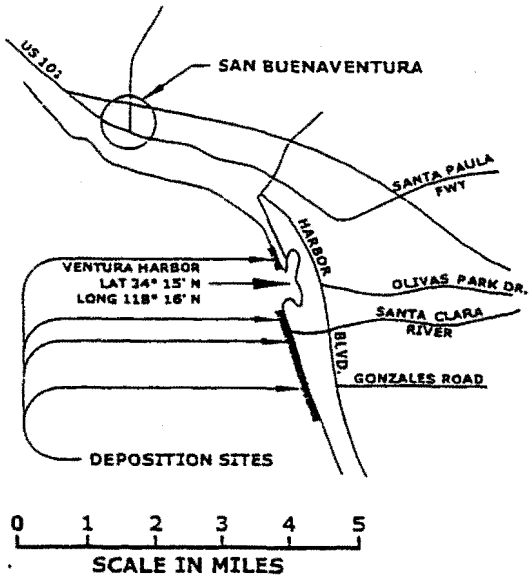
PROPOSED DREDGING AND DEPOS
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 006221O1C	SEPTEMBER 6, 2001	PROJECT

EXHIBIT 3f
4-01-143
Deposition Sites:
Inner Harbor Depression



VICINITY MAP



APPROVED
VENTURA PORT DISTRICT
By _____ Date 5/30/01

LEGEND

- DREDGING LIMITS OR INNER HARBOR
- PROJECT DEPTH (MLLW)
- SOIL SAMPLE LOCATION
- SAND DUNES
- FEDERAL PROJECT BOUNDARIES

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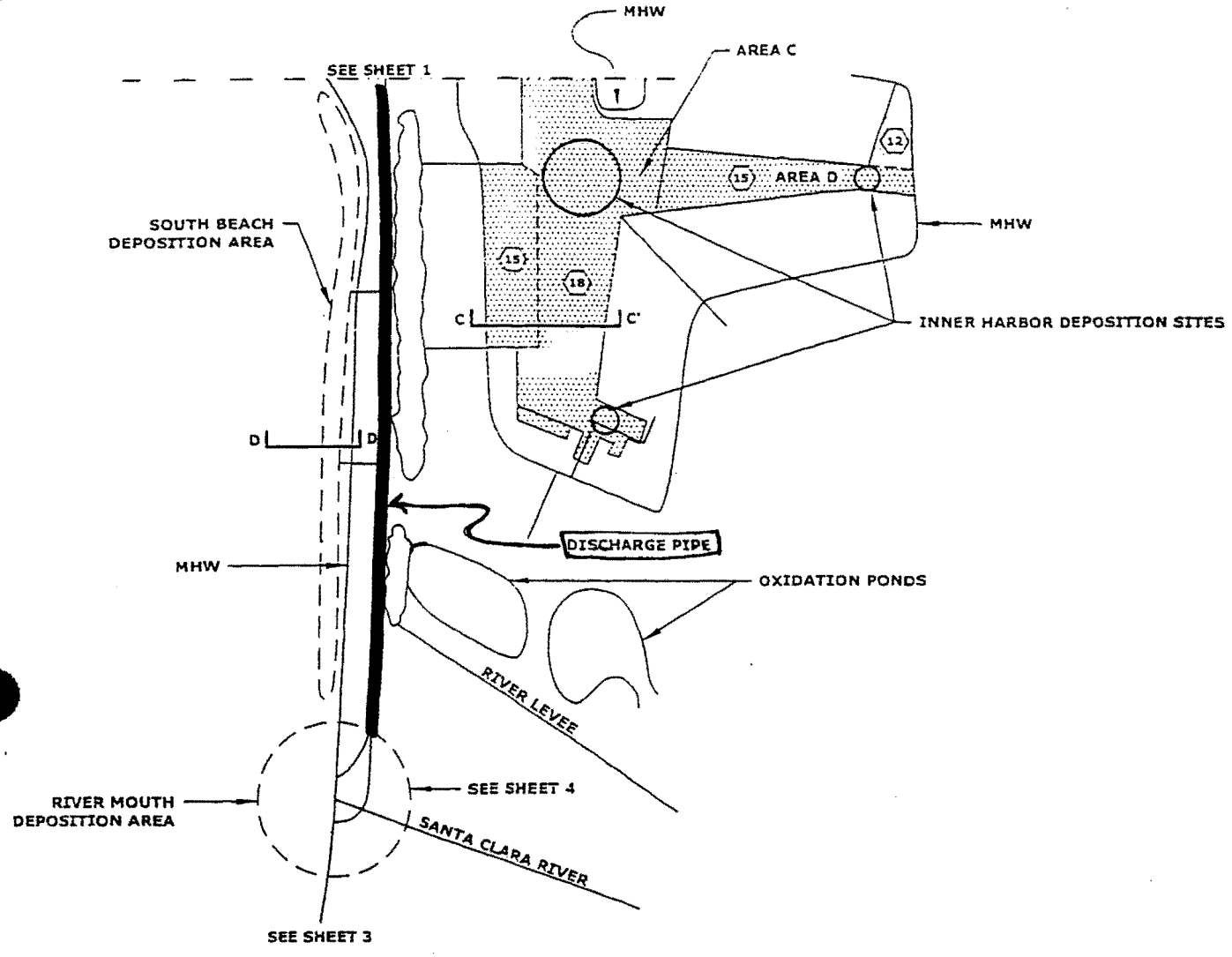
PROPOSED DREDGING AND DEPOSITION
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE

PLATE REFERENCE 006221D1B | MAY 29, 2001 | PROJ

EXHIBIT 4a
4-01-143
Discharge Pipeline: Ventura Harbor Area



LEGEND

- DREDGING LIMITS
- 18 PROJECT DEPTH (MLLW)
- SAND DUNES
- INNER HARBOR

APPROVED
VENTURA PORT DISTRICT
By _____ Date 5/30/01

0' 800' 1,600'

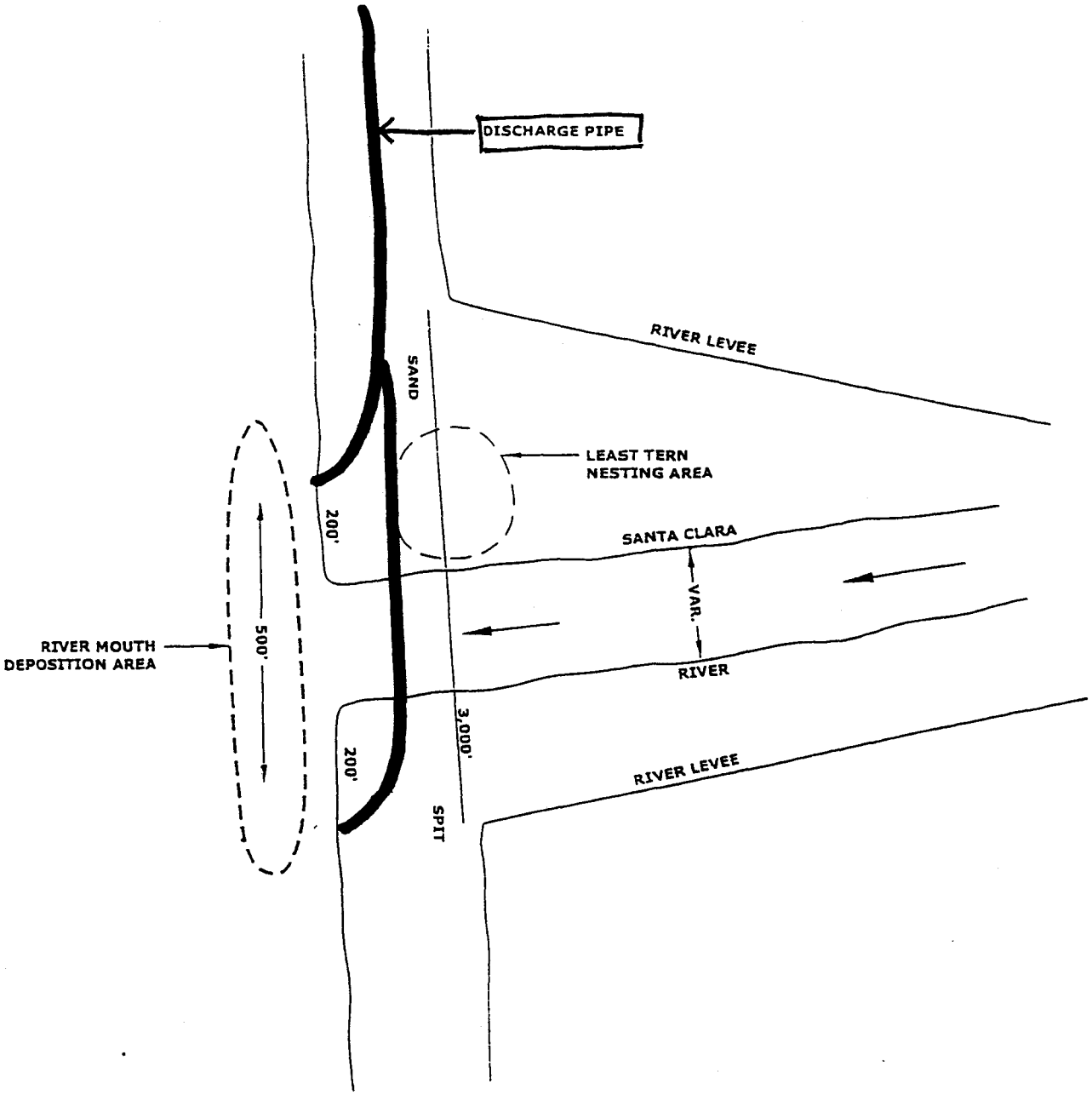
SCALE - 1" = APPROXIMATELY 800'

Applied Environmental Technologies, Inc.
4840 Market Street, Suite B • Ventura, California 93003
Phone (805)650-1400 Fax (805)650-1576

PROPOSED DREDGING AND DEPOSITION
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 20622101C | MAY 29, 2001 | PROJE

EXHIBIT 4b
4-01-143
Discharge Pipeline:
South Beach



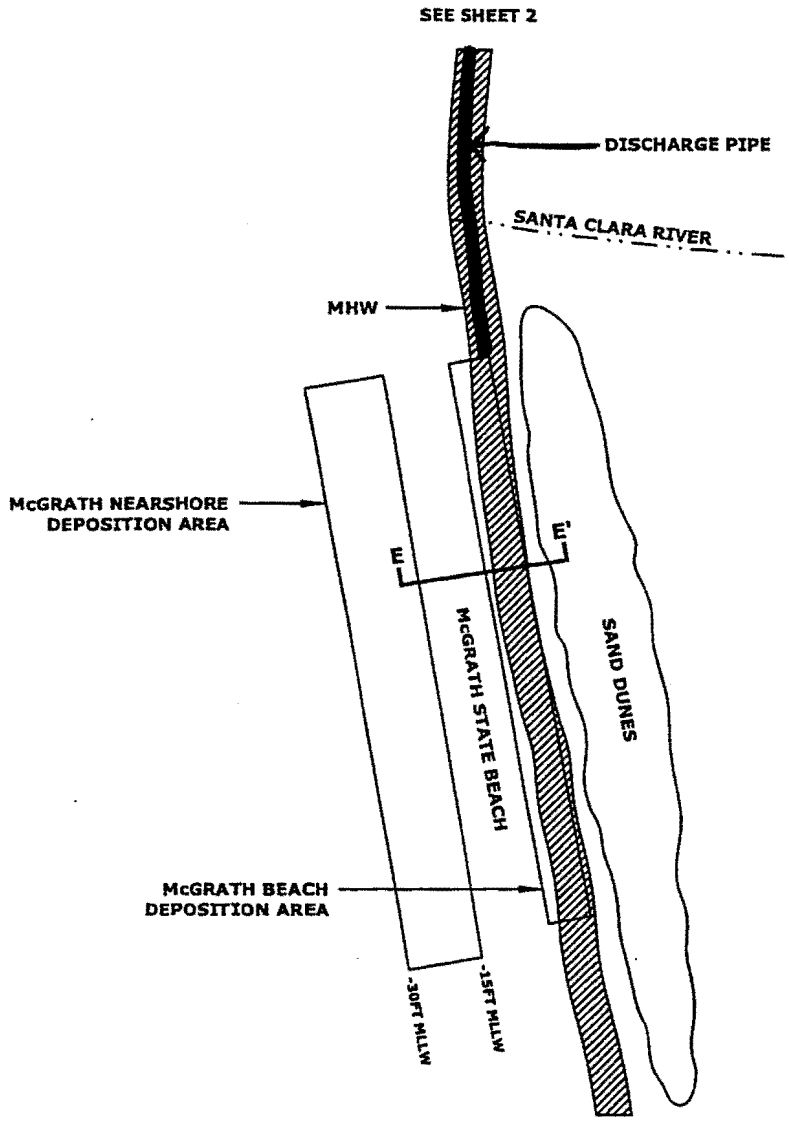
APPROVED
VENTURA PORT DISTRICT
By cp Date 5/30/01

Applied
Environmental
Technologies, Inc.
4840 Market Street, Suite B • Ventura, California 93003
Phone (805)650-1400 Fax (805)650-1576

PROPOSED DREDGING AND DEPOSITION
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622101A | MAY 29, 2001 | PROJEC

EXHIBIT 4c
4-01-143
Discharge Pipeline:
Santa Clara River Mouth



LEGEND

WESTERN SNOWY PLOVER CRITICAL HABITAT

0' 1,600' 3,200'

SCALE - 1" = 1,600'

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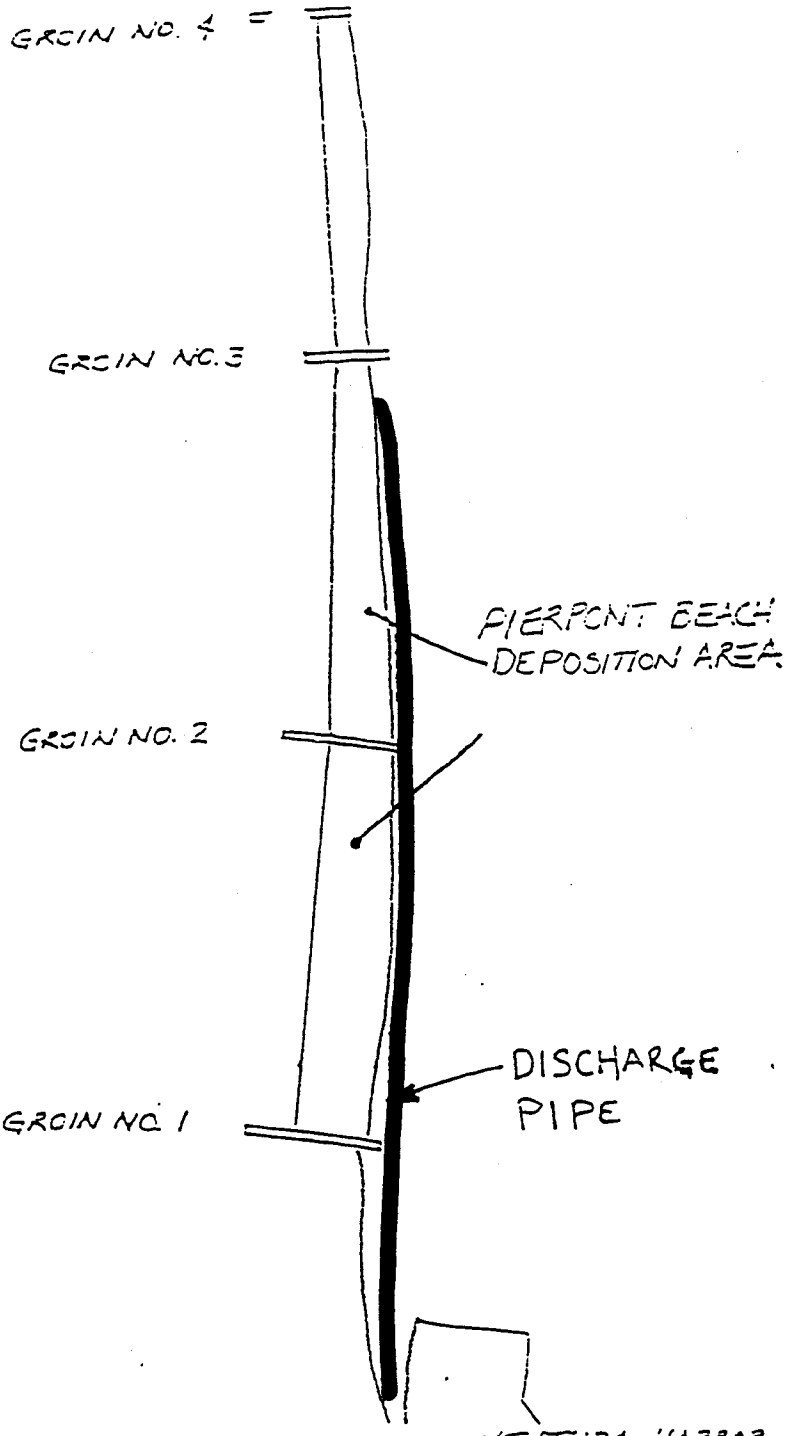
Phone (805)650-1400 Fax (805)650-1576

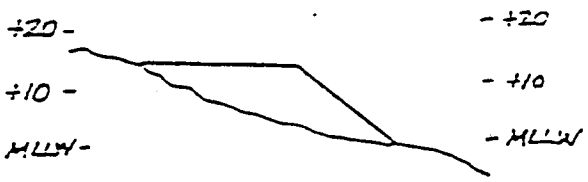
PROPOSED DREDGING AND DEPO
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622101E | SEPTEMBER 7, 2001 | PROJE(

EXHIBIT 4d
4-01-143
Discharge Pipeline:
McGrath State Beach

APPROVED
VENTURA PORT DISTRICT
By _____ Date 5/30/01





TYPICAL SECTION

NO SCALE

600 300 0 600

Applied Environmental Technologies, Inc.
4840 Market Street, Suite B • Ventura, California 93003
Phone (805)650-1400 Fax (805)650-1576

PROPOSED DREDGING AND DEPOSITION
VENTURA PORT DISTRICT
VENTURA, CALIFORNIA

PLATE REFERENCE 00622101F | MAY 21, 2001 | PROJECT

EXHIBIT 4e
4-01-143
Discharge Pipeline:
Pierpont Groin Field

DRAFT

VENTURA HARBOR 1991 MAINTENANCE DREDGING MONITORING PLAN FOR THE NEARSHORE DISPOSAL SITE AT MCGRATH STATE BEACH, VENTURA, CA

BACKGROUND

Harbor dredging at the Ventura Harbor will result an estimated 500,000 c.y. of sand and silty-sand materials. The option for nearshore disposal was elected for the two(2) years dredging maintenance period and the dredged material will be deposited in the nearshore site as indicated on the dredging plans. The nearshore disposal option resulted a government savings of about $1.1 millions compared with beach disposal. The dredged material is compatible to beaches along the South Beach and McGrath Beach.

Construction of a nearshore berm in shallow water (between -15 ft. to -30 ft. MLLW) allows for economically disposing of materials while providing potential benefits for beaches. The nearshore berm forms a bar-like feature, that can dissipate incident wave energy by inducing wave breaking. As the berm disperses over time, it contributes quality sand to the nearshore system. The berm may also act as a partial block to the loss of beach materials to deeper water during storms. This concept has been successfully employed in connection with the dredging of the Mobile Harbor Navigation Project, the Fire Island Entrance Channel, and the San Diego Harbor Entrance Channel projects.

The proposed nearshore disposal site offshore the McGrath State Beach will have a shore parallel alignment, and is to be located as shown on the monitoring plan in water depths between -15 ft. and -30 ft (MLLW). The length of the berm parallel to the shoreline will be about 4300 ft. and its width about 900 ft. Its westernmost boundary is about 1500 ft. south of Santa Clara River.

PURPOSE

The monitoring program described below is intended to measure and document the response of adjacent shorelines to the placed berm and the prevailing environmental conditions, and to document the dispersion and migration of the berm itself. This response can be used to evaluate the appropriateness of nearshore disposal at Ventura Harbor, and of the effectiveness of the underwater berm as a method for beach nourishment. This program if approved will have a duration of (1) year and an option to continue for another year depending on the results of the first year monitoring and the availability of funds.

EXHIBIT 5
4-01-143
Nearshore Monitoring Program

MONITORING PROGRAM

General. The monitoring program will consist of repetitive surveys and the measurement of environmental conditions.

Study Area. The study limits will extend parallel along the shoreline 0.8 mile beyond the limits of the placed underwater berm, and transversely to the shoreline and the nearshore zone to the -30 ft. (MLLW) depth contour.

Period of Performance. The field data will be collected over a period of one year with an option to continue for the second year if funds are available. The anticipated start of construction is January 1992. The prioritization of the data collection program that would be exercised as monitoring funds become available are indicated below

PRIORITY I:

Beach Profiles. Repetitive beach profiles will be taken at 36 range lines extending from the back of the Corps baseline to approximately to MLLW. The baseline will be reestablished and tied to existing Corps of Engineers monuments. Profiles will be spaced about 250 ft., 500 ft. and 1000 ft. as indicated on the monitoring plan and will repeated over the monitoring period in accordance with the schedule listed in Table 1. The required vertical accuracy for beach profile is 0.1 ft.

Bathymetric Surveys. Soundings along the 36 ranges used for beach profiles will be performed in accordance with the schedule listed in Table 1. Continuous depth soundings will be taken with a fathometer approximately perpendicular to the shoreline covering the study limits from about the -40 ft. (MLLW) contour to as near as practical to the shoreline. Soundings will be reduced to MLLW datum and have an accuracy of +/- 0.5 ft. Horizontal control will be provided with an accurate electronic horizontal positioning system having a normal accuracy of +/- 3 meters.

All reasonable efforts will be made to perform the measurements of particular range on the same day and overlap the beach profile and bathymetric surveys to ensure closure between the surveys and the measurement of a continuous profile from the landward limit to the -40 ft. contour. The total length of each profile is expected to be approximately 3,600 ft.

PRIORITY II:

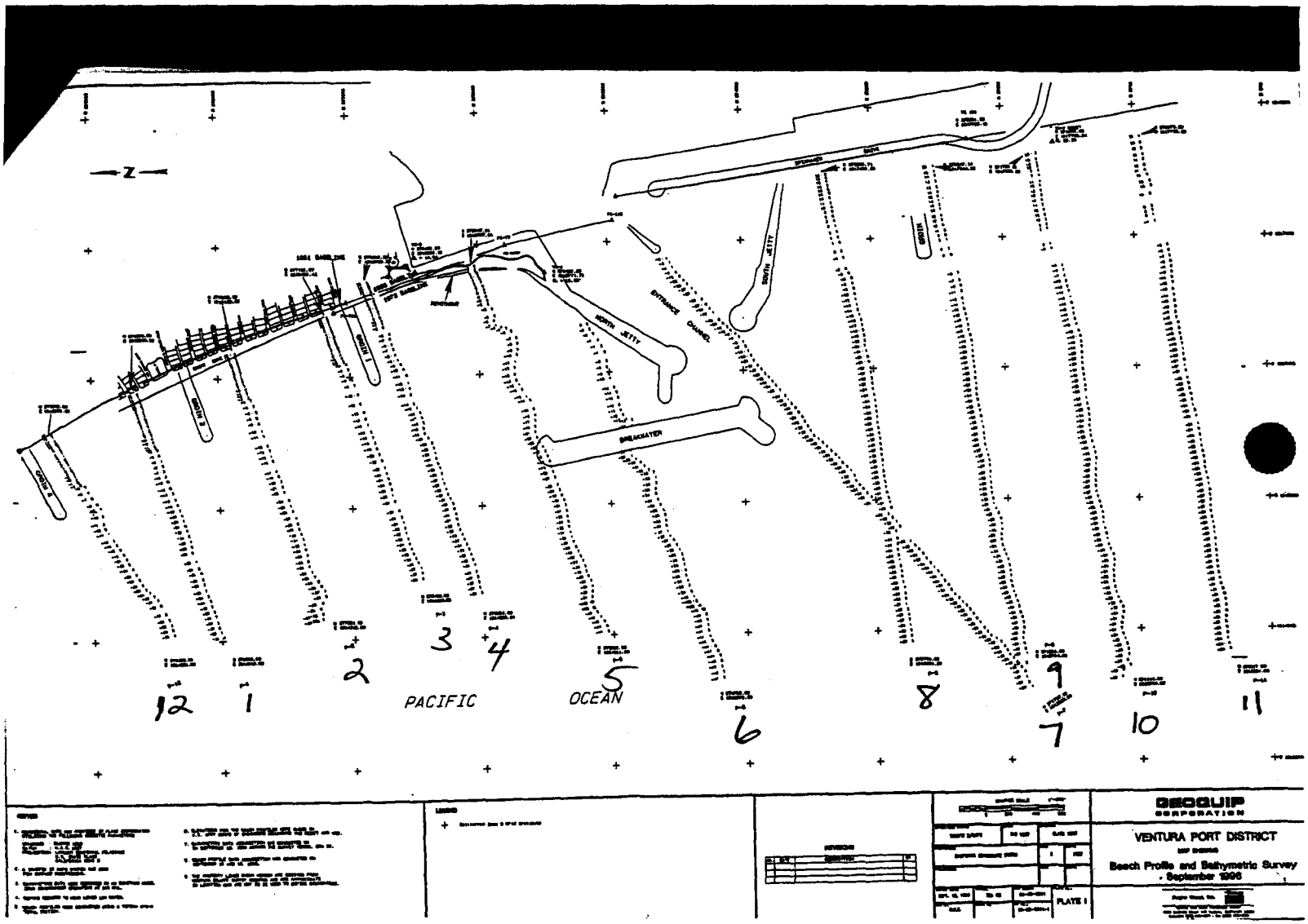
Wave and Current Measurements. A combined wave and current meter will be located approximately offshore of the center of the placed underwater berm. The gage will be deployed at the time of pre-construction survey and is to be located approximately in the -40 ft. (MLLW) water depth. Wave data will be measured over a one year deployment period, with data typically collected four times per day. Wave data will be collected to include measurement of wave periods as short as 5 seconds, and wave direction will be collected and referenced to true north. Current speed and direction will be collected concurrently with wave data. The current meter will be located approximately two feet above the sea bed.

PRIORITY III:

Sediment Sampling. Grab sediment sampling are anticipated to occur immediately after completion of the underwater berm and then at intervals with the schedule as shown in Table 1. Grab samples will be collected along each of the eleven (11) survey lines as shown on the monitoring plan, and is expected to consist of taking sediment samples perpendicular to the shore from the beach approximately to the -30 ft. (MLLW) water depth. Bottom samples will be taken at various depths.

PRIORITY IV:

Aerial Photography. Vertical aerial photography will be taken of the study area during the monitoring program in accordance with the schedule listed in Table 1. The photography will cover approximately 2.5 miles of shoreline, and will be flown to produce 10-inch by 10-inch prints with a scale of 1:2400 and no less than 60 percent overlap between prints. Flight lines will be parallel to the shoreline.



DECOQUIP CORPORATION

VENTURA PORT DISTRICT

Beach Profile and Bathymetric Survey - September 1996

PLATE 1

Baseline Beach
Profile Locations, 1-12

EXHIBIT 6
4-01-143
Baseline Beach Profile Sites

Figure L-120. Mandalay Bay/Santa Clara River Mouth (CA-96)

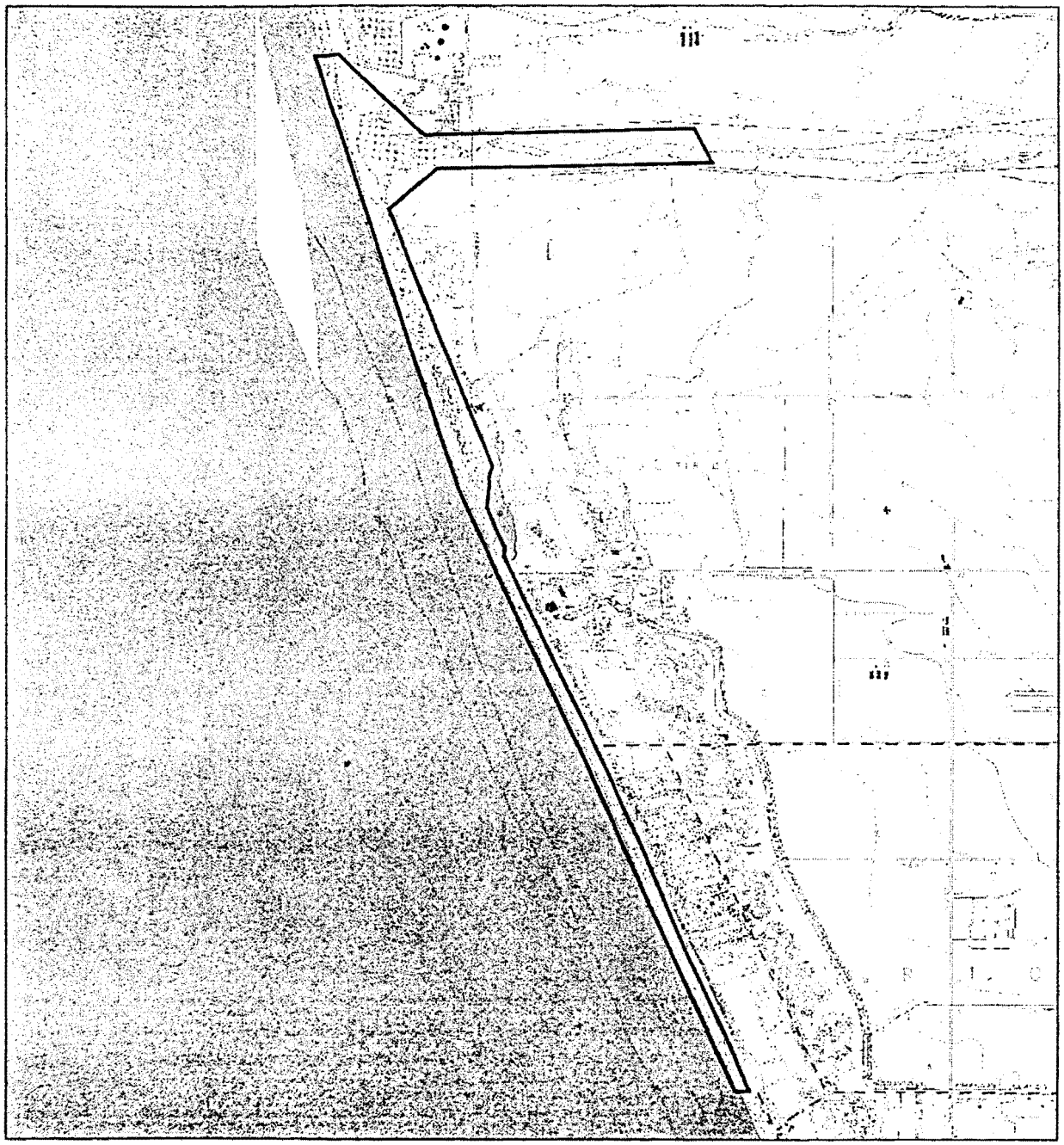
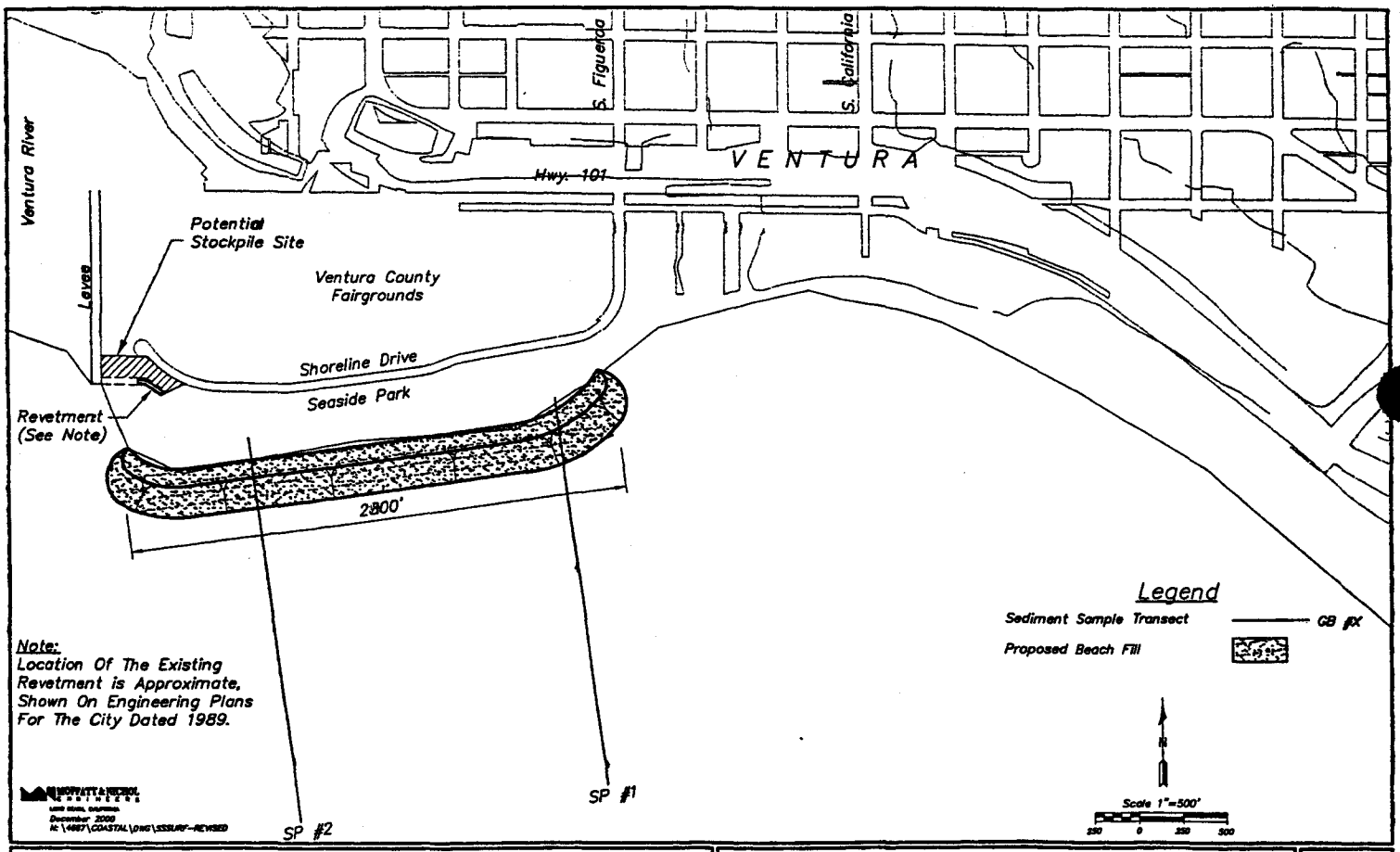


EXHIBIT 7
4-01-143
Snowy Plover Critical Habitat



SOUTH CENTRAL COAST BEACH ENHANCEMENT PROGRAM	SURFER'S POINT – BEACH FILL PLAN	Figure 3–11

EXHIBIT 8
4-01-143
Surfer's Point Beach Deposition Area Identified By BEACON