

CALIFORNIA COASTAL COMMISSION

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Staff Report: 5/18/04
Hearing Date: 6/9-11/04
Commission Action:

**STAFF REPORT AND RECOMMENDATION ON COMBINED COASTAL
DEVELOPMENT PERMIT APPLICATION AND CONSISTENCY CERTIFICATION**

**COASTAL DEVELOPMENT PERMIT
APPLICATION No.:**

5-04-007

FEDERAL CONSISTENCY NO.

CC-32-04

APPLICANT:

City of Redondo Beach

AGENT:

Richard Parsons

PROJECT LOCATION:

King Harbor and surf zone between the Ruby and Topaz
Street groins, City of Redondo Beach

PROJECT DESCRIPTION:

Consistency Certification CC-32-04: Maintenance
dredging of King Harbor consisting of hydraulic
dredging of approximately 60,000 cubic yards of
sandy material to minus 10 to 18 feet.

**Coastal Development Permit Amendment 5-04-
007:** Placement of 60,000 cubic yards of dredged
sandy material in the surf zone south of the Redondo
Pier, between the Ruby and Topaz Street groins.

SUMMARY OF STAFF RECOMMENDATION:

This coastal development permit is only for the deposition of suitable dredged material for beach nourishment. The actual dredging activity, although regulated by the U.S. Army Corps of Engineers and the California Regional Water Quality Control Board, is exempt from coastal development permit requirements because it is required for the maintenance of existing navigational channels, pursuant to Section 30610(c) of the Coastal Act. A coastal development permit is required from the Commission for the proposed beach nourishment project because it involves development on State Tidelands within the Commission's area of original jurisdiction. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of

original jurisdiction requires a coastal development permit from the Commission. The Commission's standard of review for the proposed event is the Chapter 3 policies of the Coastal Act. However, pursuant to the Federal Coastal Zone Management Act, the Corp's general permit triggers the requirement for a consistency certification. Therefore, this permit combines the coastal development permit (5-04-007) for the beach nourishment portion of the project with the consistency certification (CC-32-04) for the dredging activity.

Staff is recommending that the Commission concur with the consistency certification and grant a coastal development permit for the proposed project with conditions regarding compatibility of the dredged material with the deposition sites, timing of the project, construction staging, conformance with the requirements of resource agencies, Caulerpa survey, and assumption of risk.

LOCAL APPROVALS RECEIVED: Approval in Concept, City of Redondo Beach

SUBSTANTIVE FILE DOCUMENTS: *Sampling and Analysis, King harbor Dredging Investigation, Redondo Beach, California (October 9, 2002); Essential Fish Habitat Evaluation for Proposed Dredging in King Harbor (December 2002).*

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-04-007:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-04-007 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. STAFF RECOMMENDATION, MOTION AND RESOLUTION OF APPROVAL OF CONSISTENCY CERTIFICATION

Staff recommends that the Commission make the following motion and adopt the following resolution to **CONCUR** with the consistency certification.

MOTION

I move that the Commission concur with consistency certification CC-32-04 that the project described therein is consistent with the enforceable policies of the California Coastal Management Program (CCMP).

Staff recommends a YES vote on the motion. Passage of this motion will result in a concurrence in the certification and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

RESOLUTION TO CONCUR IN CONSISTENCY CERTIFICATION:

The Commission hereby concurs in the consistency certification by the City of Redondo Beach in CC-032-04, on the grounds that the project described therein is consistent with the enforceable policies of the CCMP.

III. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. SPECIAL CONDITIONS

1. Timing of Operations

All construction 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) On any part of the beach and shorefront in the project area from Memorial Day in May through Labor Day in September to avoid impact on public recreational use of the beach.
- (b) On any part of the beach and shorefront in the project area from April 1 through August 31 to avoid impact on the spawning of the California Grunion.

2. Dredge Spoil Compatibility

- A. The dredged material shall meet all applicable federal and state beach nourishment or 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 may be deposited as beach nourishment in accordance with project plans.
- C. Dredged material that does not meet the physical or chemical standards for beach replenishment shall not be discharged at the site. At such time, the applicant shall identify an alternate location suitable to accept contaminated sediment. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

3. 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 two (2) weeks 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.
- 4. Operation Staging**
- A. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and approval, final staging plans that include the following:
 - (1) A map of the location of the project construction headquarter(s).
 - (2) Site plans for all construction staging areas and access routes, including stockpile areas for pipe and the access corridor necessary for placement of the pipeline.
 - (3) Special staging and parking needs for heavy equipment.
 - (4) No pipes or any other equipment shall be stored on the beach when not in operation.

- B. 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.

5. Regulatory Approvals

Prior to issuance of the coastal development permit, the applicant shall provide to the Executive Director evidence of all other required state or federal discretionary permits and associated expiration dates for the development herein approved. The applicant shall submit copies of the permits and 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.

6. Risk Disclaimer

A. By acceptance of this permit, the applicant acknowledges and agrees that the site may be subject to hazards from waves and erosion and that the beach nourishment authorized by this permit is not permanent but is temporary and does not provide long term shoreline protection.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed maintenance dredging of King Harbor, in Redondo Beach, consisting of hydraulic dredging of approximately 60,000 cubic yards of sandy material to minus 10 to 18 feet, and placement of the material in the surf zone south of the Redondo Pier between the Ruby and Topaz Street groins to nourish its public beach (Exhibit 1 and 2).

Suitable material is proposed to be pumped from the hydraulic suction dredge via pipeline to an approximately .25 mile long deposition site located south of Redondo Pier, between the Ruby and Topaz Street groins. As proposed, suitable dredged material will be deposited for beach nourishment in the near shore area, below the mean high tide line.

The applicant provided a baseline evaluation of the suitability of the dredge materials for beach disposal. This evaluation is contained within the report titled *Sampling and Analysis King Harbor Dredging Investigation, Redondo Beach, California*, dated October 9, 2002. This report generally indicates that dredge materials within King Harbor are suitable for beach disposal.

This application is combined as a coastal development permit and consistency certification. The coastal development permit (CDP No. 5-04-007) is only for the deposition of suitable dredged material for beach nourishment. The beach nourishment is a non-exempt form of development given the attendant use of mechanized equipment on a public beach and placement of solid material on a beach. The dredging activity, which is required for the maintenance of existing navigational channels, is exempt from coastal development permit requirements, pursuant to Section 30610(d) of the Coastal Act, which states that maintenance dredging less than 100,000 cubic yards in one year is exempt from coastal development permit requirements. However, pursuant to the Federal Coastal Zone Management Act, the Corp's general permit triggers the requirement for a consistency certification (CC-32-04).

B. Chapter 3 Policy Analysis and Consistency Certification

1. Water Quality & Biological Resources

The Coastal Act protects water quality resources of the coastal zone. Section 30231 of the Coastal Act provides, in part, that:

The biological productivity and the quality of coastal waters ... appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained....

One of the potential adverse effects from dredging, ocean disposal, and beach nourishment activities is the resuspension and relocation of contaminants. Dredge material can contain elevated levels of heavy metals, pesticides, organics, and other pollutants. These contaminants usually are bound to finer grain material such as clay and silt. Pursuant to the requirements of the Corps and under the direction of the U.S. Environmental Protection Agency (EPA), the applicant conducted physical, chemical, and biological tests on the sediments within the proposed dredging areas of Redondo Beach.

According to the report, the sediments investigated in the harbor consisted generally of fine sand, ranging from 87.4 to 97.8 percent sand. The chemical analyses conducted resulted in no detectable concentrations of volatile organic compounds, polychlorinated biphenyls (PCBs), pesticides, phenols, cyanide or organic tin. Concentrations of metals did not exceed the total threshold limit concentrations.

The applicant is proposing to use the dredged sediment for beach nourishment purposes. The applicant has received preliminary review and approval by the

California Regional Water Quality Control Board and the Corps for dredging and use of the dredged material for beach nourishment (see Exhibit No. 6 and 7). Therefore, Special Condition No. 2 and 5 is necessary to ensure that the sediment meets all applicable federal and state beach nourishment requirements. The Commission finds the proposed beach nourishment, as conditioned is consistent with Section 30231 of the Coastal Act.

2. Dredging and Fill of Coastal Waters

The proposed dredging, offshore disposal and beach nourishment project includes the dredging of sediment from harbor waters and placement of dredged material on the beach, below the mean high tide line (MHTL). The extraction of sediment from harbor waters is dredging. In addition, the placement of any material below the MHTL is fill as defined by Section 30108.2 of the Coastal Act. Section 30233 of the Coastal Act allows dredging and filling of coastal waters or wetlands only where feasible mitigation measures have been provided to minimize adverse environmental effects, and for only the eight uses listed in Section 30233 of the Coastal Act, as follows:

(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:

(1) 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.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

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

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(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.

In this case, the proposed dredging and offshore placement would occur in order to maintain existing and/or restore previously dredged depths in existing navigational channels, turning basins, and vessel berthing and mooring areas. Meanwhile, fill would result from the restoration of beaches where erosion has narrowed the prior width of the beach. The proposed development includes the dredging and beach nourishment of up to 60,000 cubic yards of sediment. This proposed dredging and fill is allowable pursuant to Sections 30233(a)(2), 30233(a)(7) and 30233(b) of the Coastal Act.

Section 30233 of the Coastal Act also requires that the proposed dredging and fill of coastal waters be the least environmentally-damaging feasible alternative including the use of feasible mitigation measures to reduce adverse environmental effects. The applicant is proposing measures to ensure that the proposed project is the least environmentally-damaging feasible alternative and has included mitigation measures to avoid adverse effects on the marine environment. As proposed, the proposed dredging would only occur in previously dredged areas to restore previously dredged depths. There are no feasible alternatives to the proposed dredging which would restore the berthing and navigational channels at the subject sites and be less environmentally damaging. The proposed dredging would be the minimal amount to restore the areas to their previously dredged depths. The applicants are proposing measures to minimize impacts from the dredging including avoiding dredging during grunion breeding season, between September 1 and February 28, and they are using hydraulic dredging to minimize turbidity.

The City considered at least three options for disposal of beach suitable material. The first option was the no project alternative. Under the no project alternative, no disposal would occur. Without a site to dispose of dredge material, dredging within King Harbor could not occur. Without dredging, boat slips and navigation channels within the harbor would become silted and unusable. Silting of boat slips within the harbor would decrease the usefulness of the harbor for recreation oriented boating. Accordingly, the no project alternative would have an adverse impact upon boating related uses of

coastal waters. In addition, without dredging, public beaches within the harbor could not be nourished with needed beach quality sand and would continue to erode.

The second option was to dispose of all dredge spoils at an upland location. Disposing beach quality dredge materials at an upland location would remove those materials from the shoreline sand supply. Therefore, this alternative would have an adverse impact on shoreline sand supply.

The third option is the proposed project which results in the use of beach quality dredge material for beach nourishment purposes. This option would avoid any adverse impacts upon shoreline sand supply by re-contributing beach suitable material toward beach nourishment projects. Therefore, the Commission finds the proposed project is consistent with Section 30233(a) of the Coastal Act.

3. Sand Supply

In regards to beach replenishment, Section 30233(b) of the Coastal Act requires that suitable dredge materials be transported to appropriate beaches for such purposes.

Section 30233(b) of the Coastal Act states, in relevant part:

...Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

The applicant is proposing to use all beach suitable dredge material for beach nourishment purposes. In order to ensure that the materials proposed for beach nourishment are suitable for such purposes, the applicant has performed sediment testing to evaluate the physical characteristics of the materials. In order to ensure that only beach quality materials are used to nourish the beaches, Special Condition No. 2 requires that material utilized for beach nourishment shall have a sand content that meets all applicable federal and state beach nourishment requirements.

The proposed use of dredged material for beach nourishment will partially mitigate the ongoing erosion of the City's beaches, helping to protect recreational use of the beach and existing structures along the beach. Section 30233(b) of the Coastal Act encourages the use of dredged material for beach replenishment. As proposed and conditioned, the project will not have any adverse impacts on local sand supply. Therefore, the project is consistent with Section 30233(b) of the Coastal Act.

4. Sensitive Habitats and Resources

Section 30230 of the Coastal Act requires that marine resources shall be maintained, enhanced, and where feasible, restored. Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will

sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

In addition, Section 30233(b) of the Coastal Act states:

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats...

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

The applicant has prepared a biological impact for the proposed project. The study indicates that there are no sensitive species present in the project area, including eelgrass (*Zostera marina*). Furthermore, the proposed dredging activity will be by hydraulic equipment. This dredging method significantly reduces the amount of siltation or suspended particulate matter that has the potential to adversely impact fish species.

The nesting, foraging, and breeding activities of the California least tern, could also be directly affected by dredging and beach nourishment. Noise from construction equipment could disturb the birds. In addition, the dredging and beach nourishment could directly impact areas where this species forage. In order to avoid these impacts, in previous beach dredging and nourishment projects, the U.S. Fish and Wildlife Service (Service), National Marine Fisheries Service (NMFS), and the California Department of Fish and Game have recommended measures to avoid impacts to tern habitat. These measures include limiting the dredging and beach activity during the tern nesting and breeding season, which is generally between April 1 and ending September 1. Although beach nourishment will be done offshore, and will not involve placing material up on the beach, the proximity of the activity could impact bird activity on the beach. Therefore, to ensure that the dredging and beach nourishment projects authorized by this coastal development permit do not affect the terns, Special Condition No. 1 prohibits beach nourishment from April 1st through August 31.

5. Caulerpa

Recently, a non native and invasive aquatic plant species, *Caulerpa taxifolia* (herein *C. taxifolia*), has been discovered in parts of Huntington Harbour (Emergency Coastal Development Permits 5-00-403-G and 5-00-463-G). *C. 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 fishing¹.

Because of the grave risk to native habitats, in 1999 *C. taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001 the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species including *C. taxifolia*.

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 is 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 *C. 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 *C. taxifolia* infestations in Southern California.

¹ References

Meinesz, A. (Translated by D. Simberloff) 1999. *Killer Algae*. University of Chicago Press

Chisholm, J.R.M., M. Marchioretto, and J.M. Jaubert. Effect of low water temperature on metabolism and growth of a subtropical strain of *Caulerpa taxifolia* (Chlorophyta). *Marine Ecology Progress Series* 201:189-198

Ceccherelli, G. and F. Cinelli. 1999. The role of vegetative fragmentation in dispersal of the invasive alga *Caulerpa taxifolia* in the Mediterranean. *Marine Ecology Progress Series* 182:299-303

Smith C.M. and L.J. Walters. 1999. Fragmentation as a strategy for *Caulerpa* species: Fates of fragments and implications for management of an invasive weed. *Marine Ecology* 20:307-319.

Jousson, O., J. Pawlowski, L. Zaninetti, A. Meinesz, and C.F. Boudouresque. 1998. Molecular evidence for the aquarium origin of the green alga *Caulerpa taxifolia* introduced to the Mediterranean Sea. *Marine Ecology Progress Series* 172:275-280.

Komatsu, T. A. Meinesz, and D. Buckles. 1997. Temperature and light responses of the alga *Caulerpa taxifolia* introduced into the Mediterranean Sea. *Marine Ecology Progress Series* 146:145-153.

Gacia, E. C. Rodriguez-Prieto, O. Delgado, and E. Ballesteros. 1996. Seasonal light and temperature responses of *Caulerpa taxifolia* from the northwestern Mediterranean. *Aquatic Botany* 53:215-225.

Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga *Caulerpa taxifolia* introduced into the Mediterranean. *Aquatic Botany* 51:163-169.

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 *C. taxifolia* is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. The proposed project would disturb the harbor bottom by dredging as well as disturb some submerged areas through the placement of sand for beach nourishment. These activities could cause the dispersal of *C. taxifolia* through fragmentation. In addition, the *C. taxifolia* could be distributed to other parts of the harbor or to the open ocean through transport of the dredge spoils to other locations for beach nourishment. In order to assure that the proposed project does not cause the dispersal of *C. taxifolia*, the applicant is proposing to survey for the presence of *C. taxifolia* in the project area –in accordance with SCCAT protocols and has agreed not to commence the project if *C. taxifolia* is found in the project area. The applicant would apply to implement measures to eradicate *C. taxifolia* from the project area and could commence with the project once the eradication is complete. The Commission imposes Special Condition No. 3 to implement the applicants proposal. Therefore, as proposed and conditioned to mitigate and avoid impacts to marine resources, the Commission finds the proposed project is consistent with Sections 30230 and 30233(b) of the Coastal Act.

6. Recreation and Public Access

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

Section 30210 of the Coastal Act states:

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

Section 30213 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

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

The proposed project will mitigate beach erosion and provide for the continuing and increased recreational use of the City street end beaches by the public. The proposed beach replenishment will increase the size of the beach and will provide a larger area for recreational use. In addition, the proposed project will allow for continued use of coastal waters for recreational boating. However, to ensure that construction staging and storage of materials does not adversely impact public access, Special Condition No. 4 requires the applicant to submit a staging plan showing the location of all equipment and prohibiting storage on the beach. Therefore, as conditioned, the Commission finds that the proposed project is consistent with Sections 30210, 30213 and 30221 of the Coastal Act.

7. Hazards

Section 30253 of the Coastal Act states, in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The proposed development is located in an area subject to tidal action. The tidal environment is dynamic and there are risks associated with development in such areas. For instance, erosion has occurred at the subject beach ends and in front of the bulkheads where beach nourishment is proposed. The fact that the applicant is proposing beach nourishment to restore pre-existing beaches indicates that erosion does occur. However, the applicant is not proposing to increase erosion hazards by increasing the size of beaches beyond pre-existing conditions. Therefore, the proposed project minimizes this hazard.

However, the proposed development only offers a temporary solution to erosion that occurs along the beach. The applicant needs to be advised of the temporary nature of the proposed development. Therefore, the Commission imposes Special Condition no. 6, which requires the applicant to acknowledge the temporary nature of the development and the benefits provided by the development. As conditioned, the Commission finds the proposed project is consistent with Section 30253 of the Coastal Act.

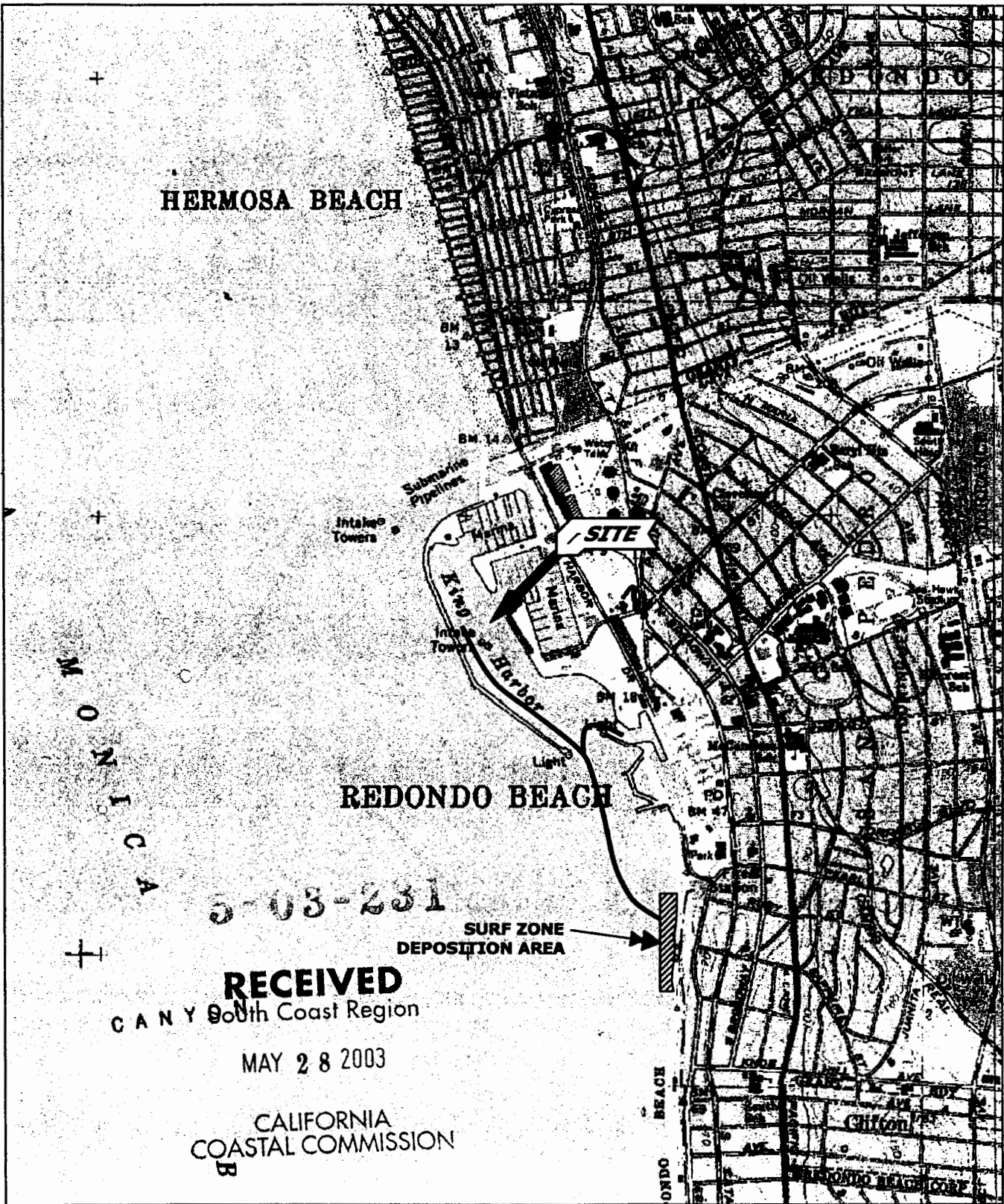
C. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for the City of Redondo Beach was effectively certified on June 18, 1981. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the

local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

D. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



5-03-231

RECEIVED

CANY South Coast Region

MAY 28 2003

CALIFORNIA
COASTAL COMMISSION

0' 2000' 1 MILE

SCALE - 1" = 2000' AT 8.5" x 11"

LEGEND

SUBMERGED DEPOSITION PIP

EXHIBIT NO. 7

APPLICATION NO.
5-04-007/CC92-04

Site Map

California Coastal Commission



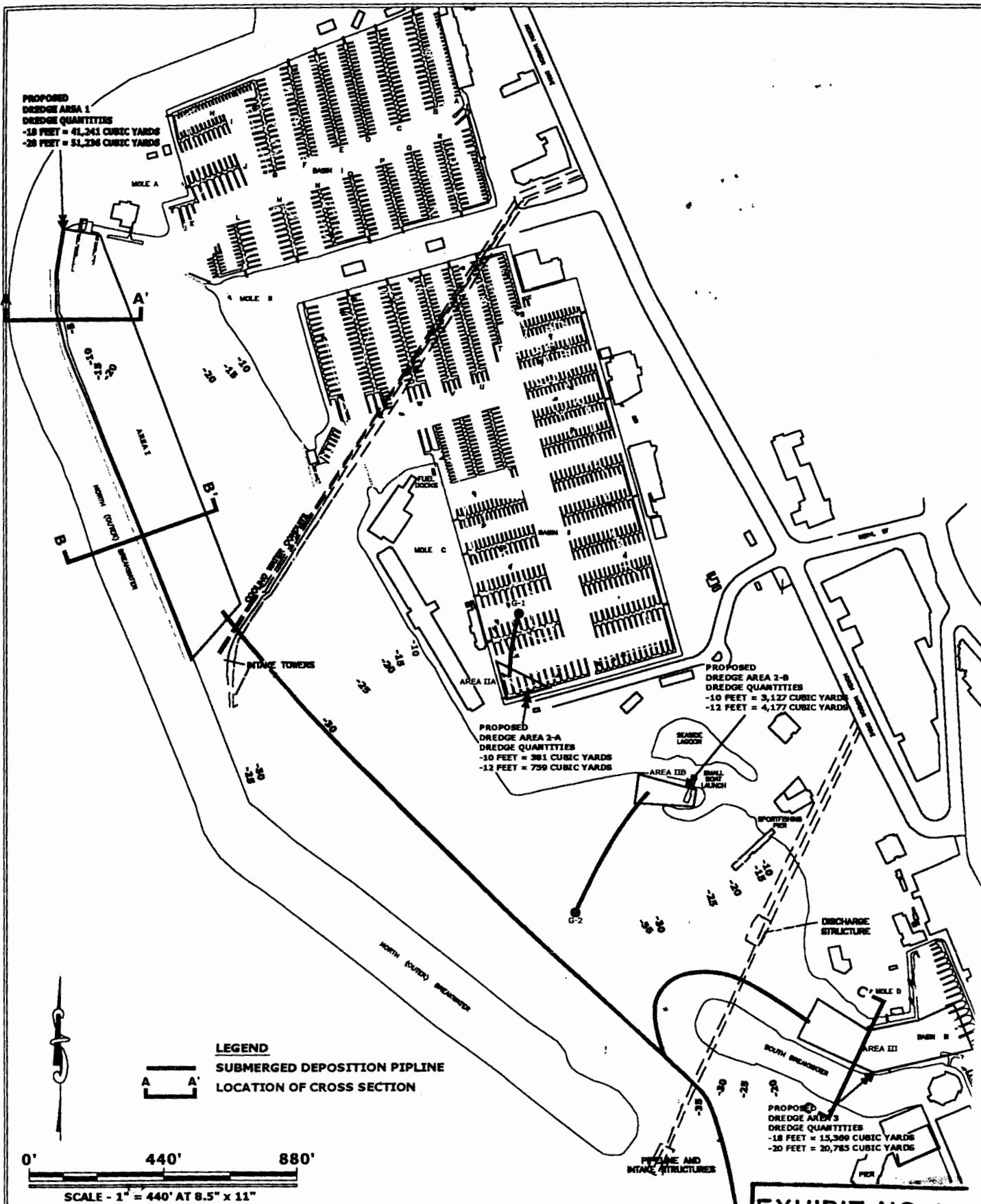
**Applied
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Technologies, Inc.**

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SITE LOCATION MAP
KING HARBOR
REDONDO BEACH, CALIFORNIA

PLATE REFERENCE 08390201D

PROJECT NUMB



Applied Environmental Technologies, Inc.
4561 Market Street, Suite B • Ventura, California 93003
Phone (805) 650-1400 Fax (805) 650-1576

DREDGE PLAN SHOWING CROSS SECTION A-A' AND B-B'
APRIL, 2003
KING HARBOR
REDONDO BEACH, CALIFORNIA

PLATE REFERENCE 08390201C

MAY 23, 2003

PROJECT

EXHIBIT NO. 2

APPLICATION NO.

5604-007/CC-22-04

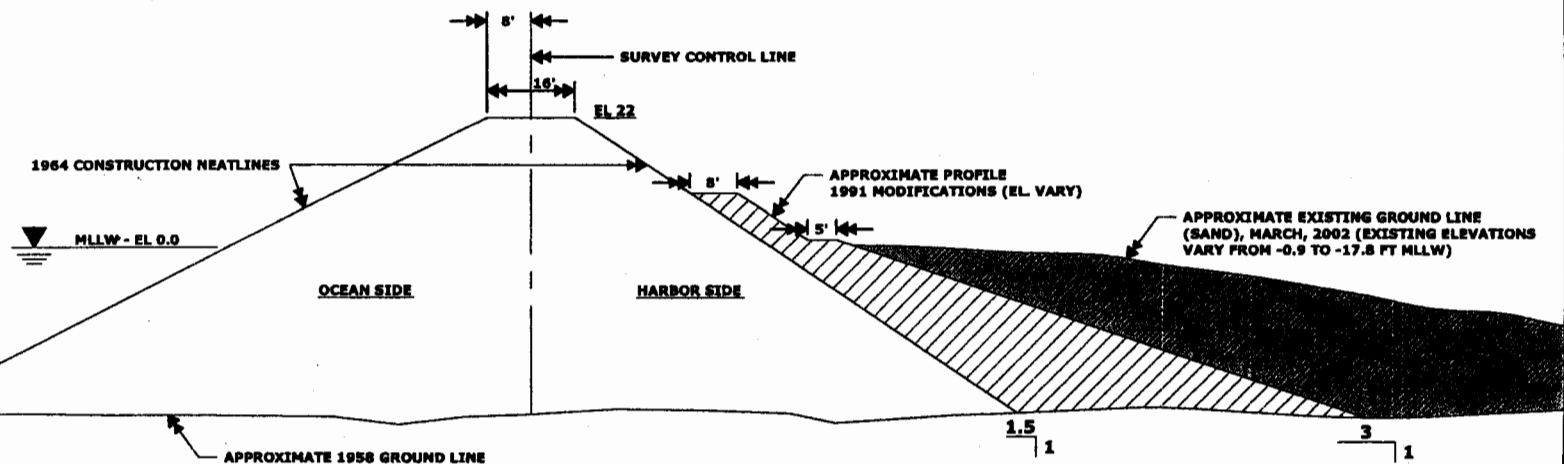
Dredge Plan



California Coastal Commission

A

A'



LEGEND



AREA OF EXCAVATION

APPROXIMATE PROFILE 1991
MODIFICATIONS (EL. VARY)

**Applied
Environmental
Technologies, Inc.**

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

CROSS SECTION A - A'
KING HARBOR DREDGING PROJECT
REDONDO BEACH, CALIFORNIA

PLATE REFERENCE 08390202A

MAY 20, 2003

PROJECT NUMBER 04

EXHIBIT NO. 3

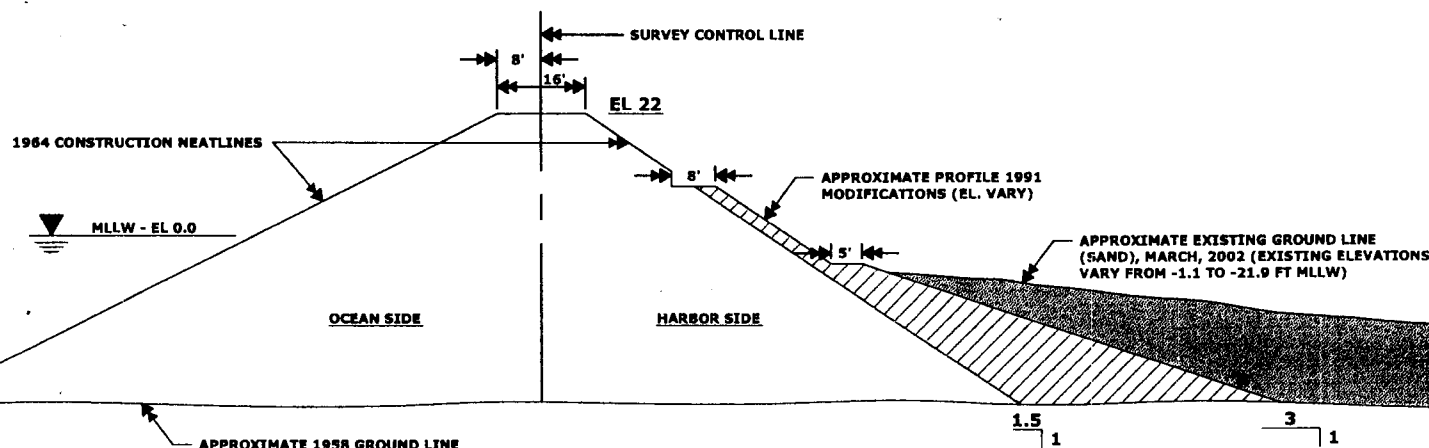
Application Number

5-04-007/
CC-32-64Cross Section
A - A'

California Coastal Commission

B

B'



LEGEND
 AREA OF EXCAVATION
 APPROXIMATE PROFILE 1991 MODIFICATIONS (EL. VARY)



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**CROSS SECTION B - B'
 KING HARBOR DREDGING PROJECT
 REDONDO BEACH, CALIFORNIA**

PLATE REFERENCE 08390202B

MAY 20, 2003

PROJECT NUMBER

EXHIBIT NO. 4

Application Number

5-04-007/
 CC-32-04

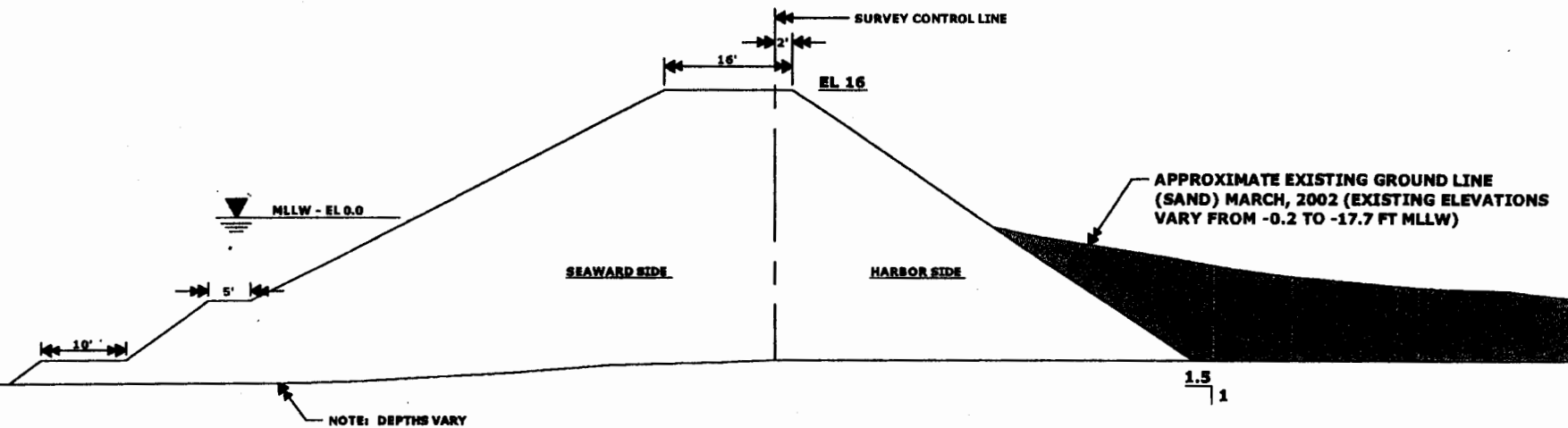
Cross Section

B-B'

California Coastal Commission

C

C'



LEGEND



AREA OF EXCAVATION



**Applied
Environmental
Technologies, Inc.**

4561 Market Street, Suite B • Ventura, California 93003
Phone (805) 650-1400 Fax (805) 650-1576

CROSS SECTION C - C'
KING HARBOR DREDGING PROJECT
REDONDO BEACH, CALIFORNIA

PLATE REFERENCE 08390202C

MAY 23, 2003

PROJECT NUMBER

EXHIBIT NO. 5

Application Number

5-04-007
CC-32-04

Cross Section

C-C'

California Coastal Commission



California Regional Water Quality Control Board

Los Angeles Region

Over 51 Years Serving Coastal Los Angeles and Ventura Counties

Recipient of the 2001 Environmental Leadership Award from Keep California Beautiful

Terry Tamminen
Secretary for
Environmental
Protection

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>



Arnold Schwarzenegger
Governor

May 5, 2004

Mr. Richard W. Parsons
RWP Dredging Management
2271 Encinos Road
Ojai, CA 93023

RECEIVED

MAY 10 2004

CALIFORNIA
COASTAL COMMISSION

TENTATIVE WASTE DISCHARGE REQUIREMENTS KING HARBOR MAINTENANCE DREDGING (FILE NO. 03-068)

We have completed our review of your application to this Board for waste discharge requirements for your proposed discharge of wastes. Enclosed are copies of tentative waste discharge requirements and a receiving water monitoring program for dredging and disposal of dredged material from the King Harbor Maintenance Dredging project in the Redondo Beach area. A copy of our Standard Provisions, General Monitoring and Reporting Requirements (Attachment N) also is enclosed.

In accordance with the California Water Code, this Board, at a public meeting to be held on June 10, 2004, at 9:00 a.m., Metropolitan Water District Board Room, 700 N. Alameda St., Los Angeles, California, will consider the enclosed tentative requirements and comments submitted in writing regarding any or all portions thereof. The Board will hear any testimony pertinent to these discharges and the tentative requirements. It is expected that the Board will take action at the hearing; however, as testimony indicates, the Board at its discretion may order further investigation.

Written comments and any exhibits must be submitted to the Executive Officer not later than May 24, 2004. Failure to comply with this requirement is grounds for the Regional Board to refuse to admit the proposed written comment or exhibit into evidence (Title 23 CCR Section 648.2). If materials are not submitted in a timely manner, the Regional Board may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. If any other party demonstrates prejudice resulting from admission of written testimony or exhibits not timely submitted, the Regional Board may refuse to admit it.

Should you have any questions, please telephone me at (213) 576-6718.

J. MICHAEL LYONS
Environmental Specialist IV

Enclosures

Cc: See attached mailing list

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

EXHIBIT NO. 6

APPLICATION NO.

5-04-007/CC-32-04

Tentative Waste
Discharge Requirements

CRWQCB



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

EXHIBIT NO. 7

Application Number

5-04-007
CC-32-04

Ltr. from Dept.
of Army Corps

California Coastal Commission

REPLY TO
ATTENTION OF:

September 2, 2003

Office of the Chief
Regulatory Branch

City of Redondo Beach
Attention: Lyn Greenham
415 Diamond Street
Redondo Beach, California 90277

Dear Ms. Greenham:

Reference is made to your application dated May 22, 2003, for a Department of the Army (DA) permit to maintenance dredge approximately 60,000 cy in King Harbor, and dispose of the material in the surf zone between the Ruby and Topaz Street groins and two basins within the harbor as outlined in your May 22, 2003 application, in King Harbor in Redondo Beach, Los Angeles County, California.

Enclosed is a "Provisional Permit." This provisional permit is NOT VALID and does not constitute authorization for you to do work. The provisional permit describes the work that will be authorized, including general and special conditions which will be placed on your final DA permit, should you receive a Section 401 water quality certification from the California Regional Water Quality Control Board (RWQCB) and Coastal Zone Management (CZM) consistency concurrence from the California Coastal Commission (CCC). No work is to be performed until you have received a validated copy of the DA permit.

By Federal law, no DA permit can be issued until a Section 401 certification has been issued (or waived) and the CCC has concurred with your CZM consistency certification. These requirements can be satisfied by obtaining Section 401 certification/waiver, or evidence that 60 days have passed since you submitted a valid application to the RWQCB for certification, and CZM consistency concurrence, or evidence that 6 months have passed since you applied to the CCC for concurrence. Be aware that any conditions on your Section 401 certification or CZM concurrence will become conditions on your DA permit, unless the Corps of Engineers deems these conditions to be either unreasonable or unenforceable.

WHEN YOU RECEIVE SECTION 401 CERTIFICATION/WAIVER AND CZM CONSISTENCY CONCURRENCE, THE FOLLOWING STEPS NEED TO BE COMPLETED:

1. The owner or authorized responsible official must sign and date both copies of the provisional permit indicating that he/she agrees to comply with all conditions stated in the permit.

2. The signer's name and title (if any) must be typed or printed below the signature.
3. Both signed provisional permits must be returned to the Corps of Engineers at the above address (Attention: CESPL-CO-R).
4. The Section 401 certification and CZM concurrence must be sent to the Corps of Engineers with the signed provisional permits.

Should the Section 401 certification and/or CZM concurrence contain conditions which might result in a modification to the provisional permit, by signing and dating both copies of the provisional permit and returning them to the Corps of Engineers (along with the permit fee, Section 401 certification, and CZM concurrence), we will assume you agree to comply with all Section 401 certification and CZM concurrence conditions which are added to the provisional permit.

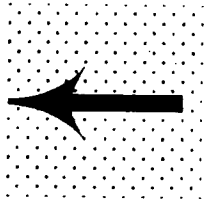
Should either the RWQCB deny certification or the CCC not concur with your consistency determination, then the DA permit is considered denied without prejudice. If you subsequently obtain Section 401 certification and CZM concurrence, you should contact this office to determine how to proceed with your permit application.

If you have any questions, please contact Joshua L. Burnam of my staff at (213) 452-3294.

Sincerely,



David J. Castanon
Chief, North Coast Section
Regulatory Branch



Enclosures

