

CALIFORNIA COASTAL COMMISSION

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 Commission Action:

**W7e****STAFF REPORT: REGULAR CALENDAR****RECORD PACKET COPY****APPLICATION NUMBER:** 5-04-019**APPLICANT:** Santa Catalina Island Company**AGENT:** Michael B. Whitby, Director of Real Estate Planning**PROJECT LOCATION:** Isthmus Cove Pier at Two Harbors, Santa Catalina Island, County of Los Angeles.

PROJECT DESCRIPTION: Renovate existing 178-foot long pier and attached floating docks, including replacement of all sixty timber piles with ACZA-treated timber piles wrapped in polyethylene; replacement of pile caps, stringers, bracing, decking and handrails; renovation of existing fueling station; construction of a two-story, 576 square foot Harbor Master/pier administrative building; and installation of a new vessel sewage pump-out system.

LOCAL APPROVAL: Los Angeles County Dept. of Regional Planning, Plot Plan Review, Case No. 49695, 3/15/2004.

STATE APPROVALS: California Dept. of Fish & Game, Approval Letter for Isthmus Pier at Two Harbors, SCI, 10/20/2004.
 California State Lands Commission Amended Lease No. 6438.1, 4/5/2004.
 California Regional Water Quality Control Board, Section 401 Certification, File No. 04-048, 6/24/2004 (Modification).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to the protection of marine resources, public access and water quality. The recommended conditions require the permittee to: a) annually inspect each timber pile treated with ACZA (Ammoniacal Copper Zinc Arsenate) to ensure that the polyethylene sleeve around each pile is preventing ACZA from entering the marine environment, b) report to the Executive Director the results of the annual inspection, and c) repair any pile and/or pile wrapping in order to prevent ACZA from entering the marine environment. The applicant agrees with the recommendation. **See Page Two for the motion and resolution necessary to carry out the staff recommendation.**

SUBSTANTIVE FILE DOCUMENTS:

1. Los Angeles County Santa Catalina Island certified Local Coastal Program (LCP), January 9, 1990.
2. Coastal Development Permit 5-00-101 (Catalina Is. Yacht Club Pier, Avalon, SCI).
3. Coastal Development Permit 5-00-093 (Howlands Landing Pier, SCI).
4. Coastal Development Permit 3-04-072 (Moss Landing Pier Renovation, Monterey Co.).
5. California Regional Water Quality Control Board Section 401 Certification, File No. 04-048, 6/17/2004 & modification 6/24/2004.
6. California Dept. of Fish & Game Letters for Isthmus Pier at Two Harbors, SCI, 3/5/2004, 7/14/2004, 10/20/2004.
7. California Dept. of Fish & Game Office of Spill Prevention and Response Permit No. 30869-00-002, 5/31/2004.
8. California State Lands Commission Letter for Isthmus Pier at Two Harbors, SCI, 10/7/2004.
9. California State Lands Commission Amended Lease No. 6438.1, 4/5/2004.
10. U.S. Army Corps of Engineers Permit Application, Project No. 2004-00835-KW.
11. Eelgrass & Caulerpa Survey for Isthmus Cove Pier, by Dr. Kathy Ann Miller, 2/10/2004.

STAFF RECOMMENDATION:

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

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-04-019 per the staff recommendation as set forth below."*

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.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. 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. 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.

III. Special Conditions

1. Permit Compliance

The permitted use of the approved development is for boating-related uses only. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

2. Construction Responsibilities and Debris Removal

By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs.

- A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
- B. Staging and storage of construction machinery and storage of debris shall not take place on the beach.
- C. Any and all debris resulting from construction activities shall be removed from the beach and pier area on a daily basis and disposed of at an appropriate location.
- D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- E. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- F. Silt curtains will be utilized to control turbidity during placement of all piles.

- G. Netting, tarps and/or other forms of barriers shall be installed between the water and the pier to prevent any unpermitted material from entering the Pacific Ocean.
- H. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
- I. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- J. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- K. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during project staging, demolition and construction. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
- L. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- M. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the beach or in the water, and that the project has not created any hazard to navigation.

3. Best Management Practices (BMP) Program

By acceptance of this permit, the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

A. Boat Cleaning and Maintenance Measures:

- 1. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.
- 2. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
- 3. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

B. Solid and Liquid Waste Management Measures:

All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or gutter.

C. Petroleum Control Management Measures:

Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicant shall recycle the materials, if possible, or dispose of them in accordance with hazardous waste disposal regulations. The boaters shall regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. Boaters shall use preventive engine maintenance, oil absorbents, bilge pump-out services, or steam cleaning services as much as possible to clean oily bilge areas. Bilges shall be cleaned and maintained. The use of detergents or soaps that can be discharged by bilge pumps is prohibited.

4. Timber Treatment

A. The use of creosote treated wood is prohibited. Timber pilings treated with Ammoniacal Copper Zinc Arsenate (ACZA) may be used only if wrapped PRIOR TO INSTALLATION in a water tight plastic (i.e. polyethylene) sleeve, and in a manner acceptable to the Executive Director as follows:

1. The plastic wrapping material shall be a minimum of one-tenth of an inch thick and durable enough to maintain its integrity during pile driving and for at least ten years thereafter.
2. All joints shall be sealed to prevent leakage.
3. Measures shall be taken to prevent ACZA from dripping over the top of the plastic wrapping into State Waters. These measures may include wrapping pilings to the top or installing collars to prevent dripping.
4. The plastic wrapping on piles shall extend a minimum of 18 inches below the mudline.

Unwrapped timber treated with ACZA may be used for diagonal bracing below the pier deck only where it will not come into contact with marine waters.

B. Inspection and Maintenance Program. In order to ensure the integrity of each pile and its plastic wrapping, the permittee shall inspect each pile installed under this permit, on the day of installation and on an annual basis thereafter. The pile inspections shall be undertaken at low tide by boat, SCUBA or other equally effective method. For the life of the piles, the permittee shall provide to the Executive Director an annual report with photographs containing the results of the annual pile inspection and a description of the repairs necessary to maintain the integrity of the piles and their wrappings. If the pile inspection indicates that repairs are necessary, the applicant shall immediately complete those repairs that are exempt from coastal development permit requirements, and shall apply for an amendment to this permit for those repairs requiring a permit. The Executive Director shall determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations.

C. New Information. If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for pile replacement, and are feasible to implement, the permittee shall, after consultation with the Executive Director, revise procedures or use alternative materials consistent with the new information. The substitution of

alternative pile materials may be authorized by the Executive Director if the Executive Director determines that substitute material has no potential for significant adverse impacts upon coastal resources. Other revisions, including but not limited to the use of other preservative-treated, wrapped or coated piles, may require an amendment to this permit.

5. Resource Agencies

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

6. Public Access To and Along the Shoreline

The applicant and the development shall not interfere with public access along the shoreline in the project area (except for the temporary disruptions that may occur during the completion of the permitted development).

7. Assumption of Risk

A. By acceptance of this permit, the applicant, on behalf of (1) itself; (2) its successors and assigns and (3) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v).

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a copy of a lease agreement, in a form and content acceptable to the Executive Director, between the applicant and the State of California acting through the State Lands Commission, incorporating all of the above terms of subsection A of this condition.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the renovation of the existing 178-foot long timber pier located in Isthmus Cove on Catalina Island (Exhibit #1). In order to rebuild the pier in the same location and configuration, the applicant is proposing to disassemble the existing pier piece-by-piece, and then reassemble it using new replacement pieces (e.g. piles, braces, etc.) as needed (Exhibit #3). The pier's existing fueling, fire protection, electrical and plumbing systems would be removed and reinstalled on the renovated pier structure, as would the utility crane, hoists and floating docks that are attached to the end of the pier. The fueling station would be moved temporarily to the base of the pier while the renovation project is completed. The applicant has located the proposed project staging areas away from the water as shown on Exhibit #2.

The pier is currently supported by sixty timber piles in various stages of decay. The proposed project involves the replacement of all the existing piles, except for ones that are determined to be strong enough to remain in place. The sixty replacement piles would also be timber piles, each one treated with Ammoniacal Copper Zinc Arsenate (ACZA) and wrapped in a polyethylene sleeve. The applicant has agreed not to use creosote treated timber in the project. The new piles would be driven into the earth by drop hammer. No side jetting is being proposed. The old piles would be pulled-out or cut off at ground level. No dredging is proposed.

The rest of the pier (i.e. pile caps, stringers, bracing, decking and handrails) would also be replaced as needed. The applicant is proposing to use unwrapped timber treated with ACZA for the diagonal bracing below the pier deck, only where it will not come into contact with marine waters.

A two-story, 312 square foot Harbor Master's office is the only building on the existing pier. The proposed project would be replace the existing 312 square foot building with a new two-story, 576 square foot Harbor Master's office building, all within the same footprint as the existing building (Exhibit #4). The larger building would allow the Los Angeles County Baywatch Search and Rescue Team to maintain a permanent presence on the pier. The proposed project also includes the installation of a new vessel sewage pump-out system. The proposed pump-out system would eliminate the need for boaters to go to Avalon or the mainland to properly dispose of their vessel's sewage.

The existing pier and attached floating docks are used by recreational boaters, which number about 80,000 per year, mostly between May and October (75%). Dinghies are used to transport people between the pier and vessels moored in the cove. Passengers arriving via cross-channel carriers also use the pier to embark and disembark. County Baywatch and the Harbor Patrol use the pier for their daily water operations. The fueling station on the existing pier provides the island's only source of fuel for public safety and recreational boating outside of Avalon and the mainland. The applicant states that the pier is open year-round, 24-hours a day, and that fishing is sometimes allowed from the pier. The applicant has not proposed any change in dock use as part of this permit application.

A temporary pier is not being proposed as part of the project. The applicant is hoping to minimize or eliminate a complete closure of the pier by renovating the pier section-by-section or piece-by-piece, rather than completely demolishing the pier and rebuilding it. Also, the proposed renovation would occur primarily during the winter and early spring season when there are fewer people using the pier. The applicant is working with the nearby University of Southern California (USC) Wrigley Institute to provide alternate access to the shore during the proposed pier renovation project, if needed. The Wrigley Institute's pier in Fisherman's Cove, about one mile east of the applicant's pier, is the only other pier near Isthmus Cove.

The northeast facing shoreline in the project area is comprised of coarse gravel and sand. The pier deck is about nine feet higher than the mean high tide line (Exhibit #3). On February 10, 2004, Dr. Kathy Ann Miller inspected the project area and found no eelgrass (*Zostera marina*) or noxious algae (*Caulerpa taxifolia*) (Exhibit #6). The proposed project has received the approval of the Los Angeles County Department of Regional Planning Department. The applicant has received a Section 401 Certification from the California Regional Water Quality Control Board (File No. 04-048), and a preliminary approval from the U.S. Army Corps of Engineers (Project No. 2004-00835-KW). The California Department of Fish and Game has reviewed the proposed project, which includes the implementation of best management practices (e.g., the use of silt curtains and a debris boom), and determined that it would not have a significant adverse effect on marine resources (Exhibit #5).

B. Marine Resources

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

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging

waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project involves structural repairs to a pier, including the driving of sixty timber piles treated with Ammoniacal Zinc Copper Arsenate (ACZA). Due to the project's location in and over coastal waters, it is necessary to ensure that construction activities will be carried out in a manner that will not adversely affect water quality or marine resources. It is also necessary to evaluate the material used to treat and wrap new timber, as certain substances may have an adverse impact on water quality.

Commission staff has contacted the California Department of Fish and Game (CDFG) staff to request information on the requirements for use of certain materials in the proposed project. According to the CDFG, the use of any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous materials or substance is normally prohibited on pier piles in state waters. Creosote is included in this category. However, the currently proposed project does not include the use of any creosote treated timber in the proposed project.

The applicant proposes to use timber treated with ACZA which contains copper, zinc, and arsenic. These chemicals are used to help preserve timber that is used in or near water. Until recently, little research has been conducted on the release of wood preservatives from existing structures and the environmental impacts, if any, of those releases. In each of the studies, measurable amounts of preservatives were shown to be released into the environment. While the degree of environmental accumulation and biological impacts appear to be low, some release does occur.¹ Recognizing the potential impacts of using ACZA and other chemically treated wood products in the marine environment, a precautionary approach is warranted.

In order to minimize exposure of the ACZA to marine waters, the piles are proposed to be wrapped with a polyethylene sheeting. No other pier components will be wrapped, as the piles are the only portion of the pier subject to constant submersion. Although the CDFG does not recommend the use of pressure treated woods in the marine environment, it has approved the proposed ACZA treatment in this case if the piles are wrapped as proposed (Exhibit #5).

The Commission is also concerned about the use of plastic in the marine environment due to the possible deterioration of the pile wrapping and subsequent increase in marine debris. Since plastic is an inorganic material, it does not biodegrade, but rather continually breaks down into ever-smaller pieces. The presence of plastics in the coastal and ocean environment is both widespread and harmful to human and marine life.

Consequently, it is necessary for the Commission to impose a special condition similar to that imposed through Coastal Development Permit Nos. 3-04-072 (Moss Landing Pier), 3-02-071 (Port SLO), 6-02-151 (NCTD), 5-01-234-A1 (San Clemente Pier), 5-99-150 (San Clemente Pier) and 5-99-382 (San Clemente Pier) requiring maintenance of the polyethylene wrapping that encases treated timber piles. Special Condition Four requires the permittee to annually inspect all piles and their wrappings installed as part of this project, and to undertake any repairs necessary to maintain the plastic wrapping (including patching any holes to ensure that the piles are completely encased) and/or the integrity of the piles. Only as conditioned will the

¹ *Guide for Minimizing the Effect of Preservative-treated Wood on Sensitive Environments*, Lebow and Tippie, prepared for United States Forest Service, February 2001.

proposed project ensure that marine resources and water quality be protected as required by Sections 30230 and 30231 of the Coastal Act.

In addition, the proposed project is located in and over coastal waters and adjacent to the beach; therefore, there is always the possibility that material from demolition or construction may end up in coastal waters. The applicant has located the proposed project staging areas away from the water as shown on Exhibit #2. In order to prevent adverse impacts to marine waters from construction and demolition activities, the Commission is imposing Special Condition Two, which provides for the safe storage of construction materials, protection of intertidal areas and the disposal of debris. Post-construction BMPs are required pursuant to Special Condition Three, so that boating-related activities at the pier do not result in adverse effects on marine resources. Special Condition Five requires the permittee to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Only as conditioned will the proposed project ensure that marine resources and water quality be protected as required by Sections 30230 and 30231 of the Coastal Act.

The proposed piles also constitute fill in coastal waters. Section 30233(a) of the Coastal Act addresses fill of open coastal waters as follows:

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

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

Section 30233(a) of the Coastal Act limits the fill of open coastal water to specific, enumerated uses and also requires that any project which results in fill of open coastal waters provide adequate mitigation and that the project be the least environmentally damaging alternative. The proposed project includes the replacement of sixty timber piles with piles of the same size in the same location. The proposed pile replacement is consistent with the requirements of Section 30233 (a), as follows:

Allowable Use - Section 30233(a)(4) of the Coastal Act allows fill of open coastal waters for the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. The proposed project, renovation of a recreational pier that provides public access and recreational opportunities, constitutes an allowable use under Section 30233(a)(4).

Least Environmentally Damaging Alternative - The proposed project will result in the replacement of piles weakened by age and the elements. The proposed diameter piles are the minimum size and amount necessary to withstand the loads created by tides and currents. The proposed project will use the minimum number and size of piles necessary to adequately support and secure the piers. Thus, the amount of fill needed to support the proposed allowable use is minimized. Also, the piles will be installed using a drop hammer, without side jetting, in order to reduce turbidity and

disturbance of the sea bottom. Therefore, the project, as proposed, is the least environmentally damaging alternative.

Adequate Mitigation - Section 30233 also requires that any project which results in fill of open coastal waters also provide adequate mitigation. Placement of the proposed piles in conjunction with the proposed project will displace bottom habitat, although a survey of the project site found no eelgrass. However, the pilings will provide new vertical habitat for marine organisms such as mussels, barnacles, limpets, littorine snails, red and brown seaweed, surfgrass, anemones, and polychaetes. Thus, adequate mitigation is provided by the proposed project in that the loss of bottom habitat is offset by the fact that the pilings themselves will provide new vertical intertidal habitat for marine organisms.

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

C. Recreation and Public Access

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project is conditioned to conform with the following Coastal Act policies which protect and 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.

The public currently has access to the Isthmus Cove Pier and along the shoreline at the project site. The proposed project involves the necessary renovation of the pier with no expansion or change in use, except for the addition of the sewage pump-out. Therefore, the pier will continue to be available for public use, and will continue to enhance public access to this part of Catalina Island.

The proposed project will not interfere with public access along the shoreline, except for the temporary disruptions that may occur during the completion of the permitted development. The applicant proposes to perform the proposed work in a manner that will allow limited access to the pier during construction. However, temporary closure to public access may be necessary at times (e.g. during deck plank replacement) to ensure safety. As described previously, the project will take place primarily during the winter and early spring season when there are fewer visitors to the pier, which will further reduce any adverse impacts to access.

Special Condition Six prohibits the applicant and the development from interfering with public access along the shoreline in the project area, except for the temporary disruptions that may occur during the completion of the permitted development. Only as conditioned can the proposed project be found consistent with the public access and recreation policies of the Coastal Act.

D. Visual Resources

Section 3025I of the Coastal Act states:

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

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected.

The proposed project is the renovation of an existing pier, with no change to its current configuration. The existing building on the pier, however, will be replaced by a larger building (Exhibit #4). The two-story, 312 square foot Harbor Master's office currently occupying the pier would be replaced by a new two-story, 576 square foot Harbor Master's office building. The new building is on the same footprint as the existing building. The new second story would be slightly larger than the second story of the existing building. The larger building would allow the Los Angeles County Baywatch Search and Rescue Team to maintain a permanent presence on the pier, in addition to the Harbor Patrol. A new restroom would also be provided. The proposed project will not add significant building bulk to the pier and will not have any adverse impacts on public views of the pier from the shoreline. Therefore, the proposed project is consistent with Section 30251 of the Coastal Act.

E. Hazards

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

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or

surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. However, no development in the water can be guaranteed to be safe from hazard. All development located in or near the ocean have the potential for damage caused by wave energy, floods, seismic events, storms and erosion.

The proposed project is located in the Pacific Ocean and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition of this permit (Special Condition Seven) ensures that the permittee understands and assumes the potential hazards associated with development in or near the water. Such knowledge is the first step towards the minimization of risks to life and property.

Due to the Pier's location over the ocean, the proposed renovation work will take place on State owned lands, and the applicant has obtained permission from the State Lands Commission for the proposed pier renovation. The State Lands Commission concurred that the proposed pier renovation is in conformance with the requirements its lease agreement (Amended Lease No. 6438.1). Special Condition Seven requires the applicant to amend its lease with the State Lands Commission to incorporate the terms of the condition. As conditioned, the proposed project is consistent with Section 30253 of the Coastal Act.

F. California Environmental Quality Act (CEQA)

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

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require a) maintenance of piling wrapping; b) implementation of construction and debris removal responsibilities; c) conformance with post-construction best management practices; d) protection of public access; and e) the permittee's assumption of risk.

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

G. Local Coastal Program

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

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The County of Los Angeles certified LCP for Santa Catalina Island is advisory in nature and may provide guidance. The Commission certified the Los Angeles County LCP for Santa Catalina Island on January 9, 1990. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

End/cp

Primary Material Staging area
 (Dec thru May During off season Period)
 Approx. 20' x 80'

Existing Floating Dock

Existing Pier

Ocean Line

Sea Wall

Bermed Construction Vehicle
 Fueling area.

Secondary Material Staging Area
 (June thru Nov During the peak season period)
 Approx. 20' x 80'

BEST MANAGEMENT PRACTICES (BMPs) FOR CONSTRUCTION ACTIVITIES

General Construction BMPs

Stocked sediments and other pollutants will be retained on site and may not be transported from the site via sheet flow, creeks, area drains, natural drainage courses or wind.

Sand bag will be placed around the perimeter of the staging area to prevent on flow and run-off of stormwater for the duration of the project.

Stockpiles of earth and other construction related materials will be protected from being transported from the site by the force of wind or water.

Trash and construction related solid wastes will be deposited into a covered receptacle to prevent contamination of rainwater and dispersal by wind.

Sediments and other materials will not be tracked from the site by vehicle traffic.

Any slopes with disturbed soils or denuded of vegetation will be stabilized so as to inhibit erosion by wind and water.

Hazardous Materials/Waste Management

Flammable, oils, solvents and other toxic materials will be stored in accordance with their labeling and will not contaminate the soil and surface waters. All approved storage containers will be protected from the weather. Spills will be cleaned up immediately and disposed of in a proper manner. Spills may not be washed into the drainage system.

Designated areas within the construction lay down areas will be used for hazardous materials storage, solid waste storage, hazardous waste storage, equipment re-washing area, and an equipment maintenance area. As indicated on the site plan, dirt berms will be constructed around each of these areas to contain any spill or leaks of contaminants or runoff from the area.

Non-stormwater runoff from equipment and vehicle washing and any other activity will be contained at the project staging site.

Excess or waste concrete will not be washed into the public way or any other drainage system. Provisions will be made to retain concrete wastes on site until they can be disposed of as solid waste.

Dust Control

Wind blown dust will be controlled by frequent application of water to freshly disturbed soil areas. If required, water trucks will be used continuously during excavation, loading, and grading operations to minimize the effects of windblown dust. Water will be applied several times each day. The project will comply with all air quality rules and regulations of the SCACMD.

Note:

The proposed staging areas are level and free of structures, vegetation, and other obstructions. Excavation and/or grading of this staging area will not be required, nor will they interfere with existing surface flows or stormwater run off from other site.

0 80 160

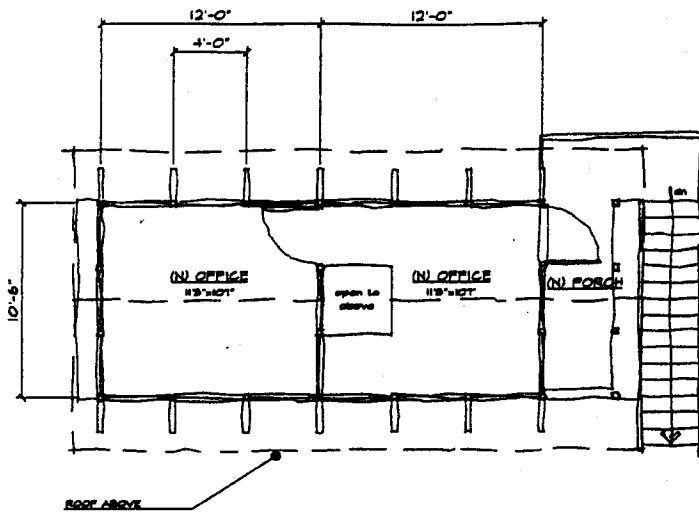
Approximate Scale
 (Feet)

COASTAL COMMISSION
 5-04-019

EXHIBIT # 2

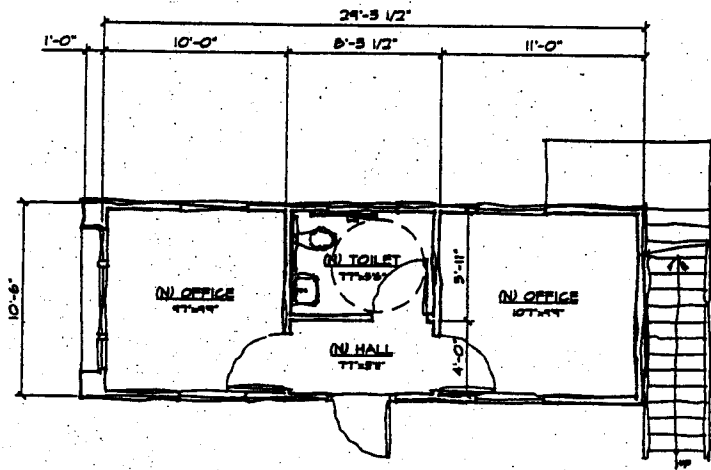
PAGE 1 OF 1

Staging Area Site Plan



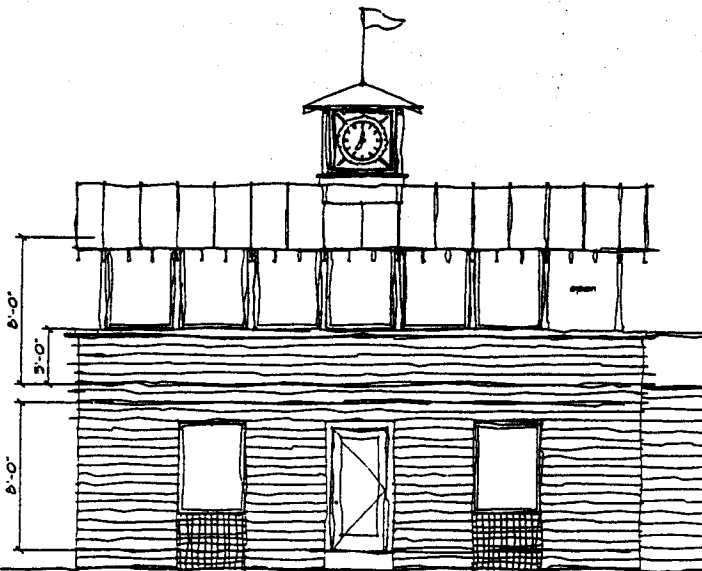
SECOND FLOOR PLAN

2610 S.F.

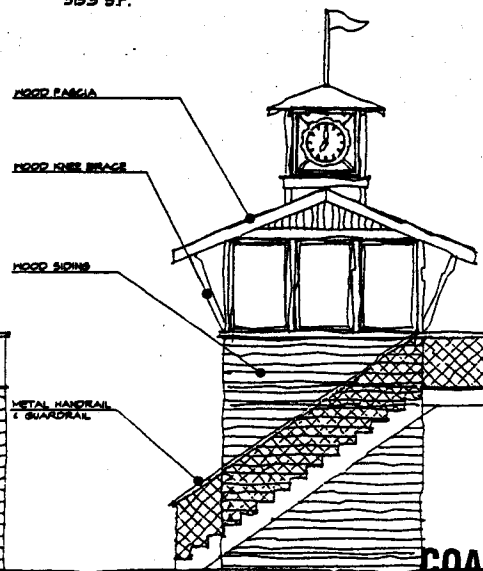


FIRST FLOOR PLAN

3153 S.F.



PIER SIDE ELEVATION



REAR ELEVATION

REVISIONS	BY

Santa Catalina Island Company
P.O. Box 737
150 Metropolis Avenue
Avaton, California 90704

New Building
for
Harbor Master / Baywatch
Two Harbors, Catalina Island California

SCHEME B
PROPOSED PLANS, ELEVATIONS

Date JULY '04
Scale 1/4"=1'-0"
Drawn JSP
Job HARBOR MASTER

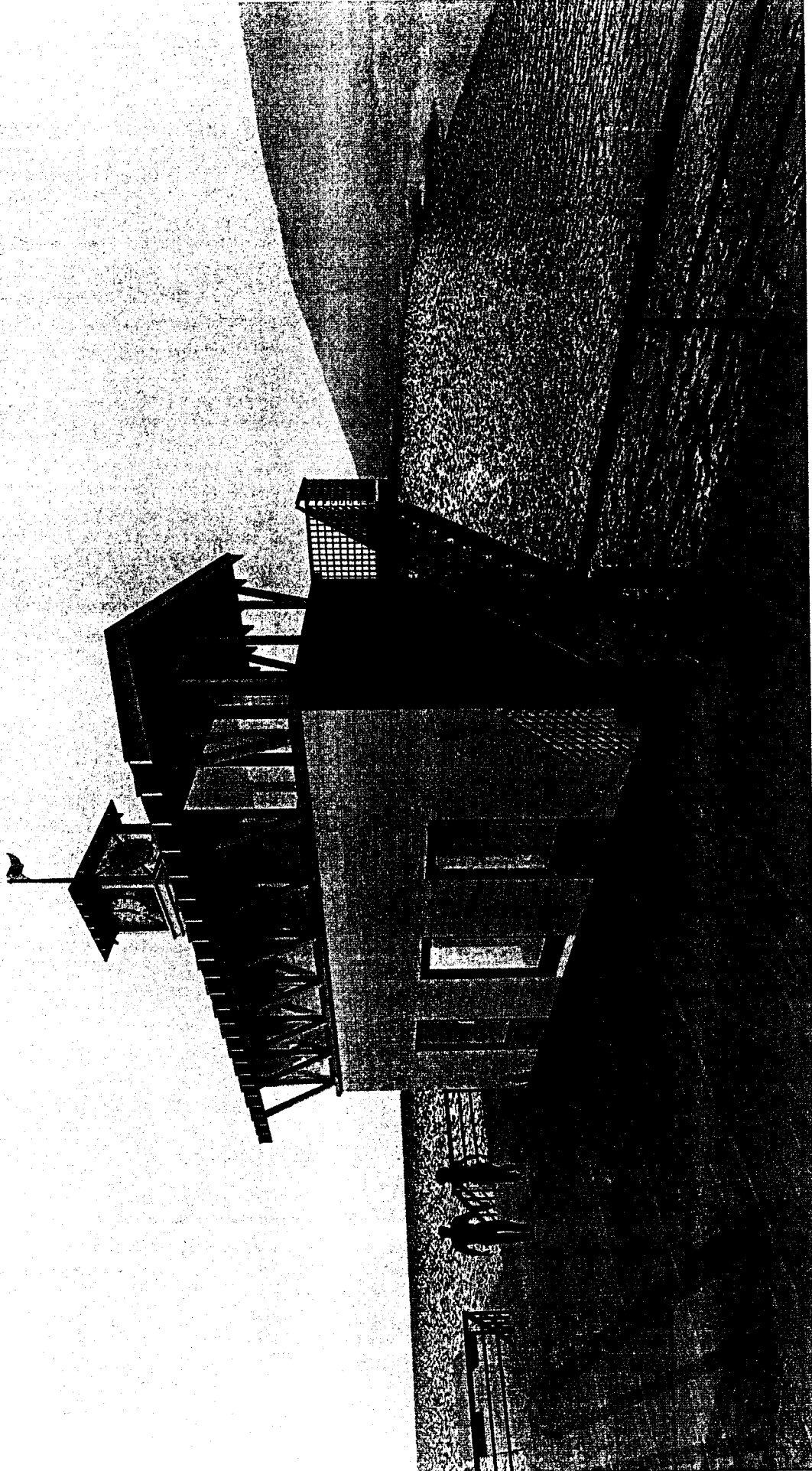
COASTAL COMMISSION

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EXHIBIT # 4

PAGE 1 OF 2

Proposed Pier Office



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5-04-019

EXHIBIT # 4


PAGE 2 OF 2

Artist Rendering - Proposed Pier Office

M e m o r a n d u m

To : Mr. Charles R. Posner
 California Coastal Commission
 South Coast Area Office
 200 Oceagate, Suite 1000
 Long Beach, California 90802-4302

Date : October 20, 2004

From : **ERIC J. LARSON** 
 Northern California Manager
 Bays and Estuaries Ecosystem Coordinator
 Department of Fish and Game

COASTAL COMMISSION

Subject : Renovation of the Isthmus Pier at Two Harbors, Santa Catalina Island Coastal Permit Application (CDP) No. 5-04-019

This letter is to clarify the Department of Fish and Game's (Department) position concerning repairs to the Isthmus Pier, located at Two Harbors on Catalina Island, Los Angeles County (applicant; Santa Catalina Island Company). It is our understanding that the proposed project description has been modified and the use of creosote treated piles has been eliminated from the project design. The current project description will replace the deteriorated piles (up to 60 piles) with polyethylene-wrapped ammoniacal copper zinc arsenate (ACZA) treated piles. It is our understanding that the plastic wrap would be sealed at all joints to prevent leakage and wrapping would extend up the pile past the splash zone. The piles would be driven by use of a drop hammer. Non-wrapped ACZA timbers, such as those used in diagonal bracings, would be above the splash zone.

Typically, the Department does not recommend pressure treated woods such as chromated copper arsenate, ACZA, and ammoniacal copper arsenate as there is a potential for these materials to leach into the water and cause harm to fish, plants, and/or birds. We prefer piles composed of benign materials such as plastics, metal or concrete, but realize that these options are not always feasible. The piles in the proposed project would be wrapped in polyethylene, so it is unlikely that the materials would be made available to marine waters. The unwrapped timbers would be above the splash zone and would not come into contact with marine waters.

The Department believes that the proposed project, as currently described, would not have a significant adverse effect on existing marine resources and habitats within the area. We do, however, recommend the project proponent utilize best management practices during pile removal and construction to prevent impacts to water quality and marine species, such as placement of a debris boom to catch construction debris, and retrieval of any construction debris from the seafloor. Additionally, any plastic wrappings that develop holes or leaks should be repaired or replaced in a timely manner. The Department reserves the right to modify or change the above determination based on additional findings or other pertinent information concerning the above mentioned project.

Mr. Charles R. Posner
October 20, 2004
Page Two

We thank you for the opportunity to express our concerns. Should you have any questions, comments, or concerns, please contact Ms. Marilyn Fluharty, Environmental Scientist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

cc: Ms. Marilyn Fluharty
Department of Fish and Game
San Diego, California

Mr. Michael Whitby
Santa Catalina Island Company
PO Box 737
Avalon, California 90704

COASTAL COMMISSION

EXHIBIT # 5
PAGE 2 OF 6

Memorandum

To : Mr. Charles R. Posner
Coastal Program Analyst
California Coastal Commission
South coast Area Office
200 OceanGate, Suite 1000
Long Beach, California 90802-4302

Date : July 14, 2004

From: **ERIC J. LARSON**
Department of Fish and Game
Marine Region- Belmont



Subject: Renovation of the Isthmus Pier at Two Harbors, Santa Catalina Island Coastal Permit Application (CDP) No. 5-04-019

In February 2004, Department of Fish and Game (Department) staff wrote you a letter concerning repairs to the Isthmus Pier (applicant-Santa Catalina Island Company). At that time we were told that the proposed project would involve the installation of 40 new creosote piles (as replacement piles) which would be wrapped with a polyethylene cover prior to installation. We were recently contacted by Mr. Michael Woodby (Santa Catalina Island Company) who informed us that the project has been modified and it is possible that up to 60 pilings will be replaced. It is our understanding 60 pilings is the total number of pilings currently associated with the pier.

The Department has a position of not approving the placement of creosote-treated wood products (e.g., pilings) in waters of the State. Rather, we prefer materials composed of benign materials such as plastic, metal or concrete. But because plastic, metal and concrete are not always feasible we accept the use of plastic wrapped creosote treated wood products under specific conditions and situations, as follows:

- *for repair of existing projects constructed using wood products (this is to help prevent hardships that would otherwise be caused by a need to redesign or replace existing structures if wood could not be used for repair work)*
 - *where the use of plastic-wrapped creosote pilings is restricted to marine waters,*
 - *where measures are taken to prevent damage to plastic wrap from boat use. Measures may include installation of rub strips or bumpers,*
 - *where measures are taken to prevent creosote from dripping over the top of plastic wrapping into State Waters (these measures may include wrapping pilings to the top or installing collars to prevent dripping),*
 - *where the plastic wrapping is sealed at all joints to prevent leakage,*
 - *where the plastic material is expected to maintain its integrity for at least ten years, and where plastic wrappings that develop holes*

COASTAL COMMISSION

Mr. Charles R. Posner
July 14, 2004
Page Two

In our February 2004 letter, we did not object to the use of 40 plastic wrapped creosote treated piling replacements, since the project was the repair of an existing wooden pier, and as long as the project applicant adhered to the remaining conditions.

However, based on the revised project description it appears that all the pilings will be replaced. If this is the case, then the project no longer meets our criterion for allowing the use of creosote treated replacement piles. This criterion was designed to prevent hardships to project applicants from having to redesign or having to replace other existing structures (e.g. pilings), not in need of repair, because they could not be used in conjunction with non-wooden materials (plastic, metal, concrete) due to structural integrity or some other engineering constraint. If all the pilings are to be replaced, then this becomes a new structure and as such does not meet the above criteria.

In light of the new information the Department recommends that the materials used in the new pier replacement project be composed of benign materials such as plastics, metals, or concrete. The Department reserves the right to modify or change the above determination based on additional findings or other pertinent information concerning the above mentioned project.

We thank you for the opportunity to express our concerns. Should you have any questions, comments, or concerns, please contact Ms. Marilyn Fluharty, Environmental Scientist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

cc: Ms. Marilyn Fluharty
Marine Region, San Diego

Mr. Michael Woodby
Santa Catalina Island Company
PO Box 737
Avalon, CA 90704

COASTAL COMMISSION

EXHIBIT # 5
PAGE 4 OF 6

Memorandum

To : Mr. Charles R. Posner
Coastal Program Analyst
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, California 90802-4802

Date : March 5, 2004

From : **ERIC J. LARSON**
Department of Fish and Game

Subject : Renovation of the Isthmus Pier at Two Harbors, Santa Catalina Island Coastal Permit Application (CDP) No. 5-04-019

Department of Fish and Game (Department) staff were recently contacted by Mr. Doug Oudin, Harbormaster at Two Piers in Isthmus Cove, Santa Catalina Island, concerning repairs to the Isthmus Pier (applicant; Santa Catalina Island Company). The pier has deteriorated over many years of public use and is in need of repair. The proposed project would repair and replace deteriorated elements "in-kind" utilizing the existing footprint. Pier renovation would include the installation of 40 new pressure treated piles creosote piles (as replacement piles) which would be wrapped with a polyethylene cover prior to installation. Deck boards would be pressure treated with ammoniacal copper zinc arsenate and handrails would be untreated lumber. The Department has the following comments on the proposed project.

The Department has a position of not approving the placement of creosote-treated wood products (e.g., pilings) in waters of the State, rather we prefer materials composed of benign materials such as plastics, metal or concrete. However, we realize that these options are not always feasible. Thus, we will accept the use of plastic wrapped creosote treated wood products under the following specific conditions and situations:

- for repair of existing projects constructed using wood products (this is to help prevent hardships that would otherwise be caused by a need to redesign or replace existing structures if wood could not be used for repair work),
- where the use of plastic-wrapped creosote pilings is restricted to marine waters,
- where measures are taken to prevent damage to plastic wrap from boat use. Measures may include installation of rub strips or bumpers,
- where measures are taken to prevent creosote from dripping over the top of plastic wrapping into State Waters (these measures may include wrapping pilings to the top or installing collars to prevent dripping),
- where the plastic wrapping is sealed at all joints to prevent leakage,
- where the plastic material is expected to maintain its integrity for at least ten years, and where plastic wrappings that develop holes or leaks are repaired or replaced in a timely manner.

COASTAL COMMISSION

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Mr. Charles R. Posner
March 5, 2004
Page 2

Since the proposed project is the repair of an existing wooden pier, we would not object to the use of creosote treated pilings as long as the project proponent adheres to the above-mentioned conditions and situations.

The Department is also concerned about the presence of any eelgrass (*Zostera marina*) habitat or the invasive green algae, *Caulerpa taxifolia* in the project vicinity. However, according to a letter dated February 20, 2004, from Kathy Ann Miller, Resident Scientist at Wrigley Marine Science Center, the area was surveyed for eelgrass and *Caulerpa taxifolia* on February 10, 2004 and both species were found to be absent in the vicinity of Isthmus Cove.

Thus, we believe that the proposed project, as currently described, would not have a significant adverse effect on existing marine resources and habitats within the area and we would concur with the issuance of a CDP for the proposed project.

We thank you for the opportunity to express our concerns. Should you have any questions, comments, or concerns, please contact Ms. Marilyn Fluharty, Environmental Scientist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

cc: Ms. Marilyn Fluharty, Marine Region, San Diego
Mr. Doug Oudin, PO Box 5086, Two harbors, Avalon, CA 90704-5086

COASTAL COMMISSION

EXHIBIT # 5
PAGE 6 OF 6

20 February 2004

To whom it may concern:

College of Letters, Arts
and SciencesWrigley Institute for
Environmental StudiesDr. Anthony F. Michaels
Director

Doug Oudin, the Two Harbors Harbormaster, asked me to determine the presence or absence of *Zostera marina* (eelgrass) and *Caulerpa taxifolia* (an invasive green alga) in the vicinity of the pier in Isthmus Cove, Santa Catalina Island. My colleague Dr. Jack Engle (UCSB) and I have mapped the distribution of *Zostera* throughout the California Channel Islands; I am very familiar with its preferred habitats.

I inspected the area on 10 February 2004. *Zostera* is absent from Isthmus Cove, probably for the following reasons:

- The cove is too exposed to wave action, especially when the weather comes from the northwest, which is frequent at this site. *Zostera* is typically found in sheltered areas, with populations in moderately exposed areas occurring deep (12-20+m).
- The substrate in the vicinity of the pier is coarse gravel and sand, with small rocks. It is too coarse and disturbed for *Zostera* to establish. *Zostera* is typically found in stable sandy or muddy substrates.
- The water in the area of the pier is too shallow (about 3m at MLLW). *Zostera* is typically subtidal but can grow as shallow as 3-4m only at extremely protected sites.

Caulerpa taxifolia is also absent from Isthmus Cove and Santa Catalina Island. In California, it has been reported from two shallow, warm protected mainland sites and, at last report, has been eradicated.

Respectfully submitted,



Kathy Ann Miller, Ph.D
Resident Scientist
Wrigley Marine Science Center, Santa Catalina Island
University of Southern California



Tsthume P. o. S. Catalina Is. 5-04-019

Exhibit #7

