

CALIFORNIA COASTAL COMMISSION

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Staff: Charles Posner - LB
Staff Report: 9/21/2006
Hearing Date: October 12, 2006
Commission Action:



Th12b

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-06-023

APPLICANT: City of Long Beach Water Department

AGENTS: K. Eric Leung, P.E., Director of Water Resources
Theresa Wu, Senior Civil Engineer

PROJECT LOCATION: Bixby Park Public Beach Parking Lot (2000-2300 E. Ocean Blvd.), including adjacent public beach, City of Long Beach, County of Los Angeles.

PROJECT DESCRIPTION: Installation and removal of two temporary experimental seawater intake wells and six temporary monitoring wells for aquifer test on public beach adjacent to the public beach parking lot.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach certified Local Coastal Program (LCP), July 22, 1980.
2. California Regional Water Quality Control Board Approval Letter (File No. 06-166), August 11, 2006.
3. Initial Study/Environmental Assessment for Under Ocean Floor Seawater Intake and Discharge Project, by RBF Consulting, August 29, 2005.
4. Coastal Development Permit 5-04-437 (City of Long Beach, Bixby Park Imps.).
5. Coastal Development Permit 5-05-417 (Metropolitan Water District of Orange Co.).
6. Coastal Development Permit 5-06-011 (City of Long Beach Water Dept.).

SUMMARY OF STAFF RECOMMENDATION

A coastal development permit is required from the Commission for the proposed project is located 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.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions that address the timing of the project, protection of marine resources, removal of the wells and restoration of the site, conformance with the requirements of resource agencies, and assumption of risk. The City agrees with the recommendation. **See Page Two for the Motion.**

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 5-06-023 per the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

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. Limitation of this Authorization

Coastal Development Permit 5-06-023 permits only the Installation and removal of two temporary experimental seawater intake wells and six temporary monitoring wells for aquifer test on public beach adjacent to the public beach parking lot as described in the project description of this staff report. This coastal development permit does not authorize the installation of any permanent well or any other activity that may be associated with a desalination facility, as such a proposal will require additional review for conformity to the Coastal Act which shall be conducted independently of the current decision, with the current decision exerting no influence over, or causing any prejudice to, the outcome of that separate decision.

2. Beach and Recreational Facility Closures - Timing of Project

The permitted development shall not occur during the “peak use” beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year. Beach area closures shall be minimized and limited to areas immediately adjacent to the permitted activities (not to exceed a one hundred foot radius around the wells sites). All beach areas and recreation facilities outside of the one hundred foot radius shall remain open and available for public use during the normal operating hours. The beach bicycle path shall remain open and available for public use during normal operating hours.

3. Water Quality

By acceptance of this permit, the permittee agrees that the proposed project shall be conducted in a manner that protects marine resources and water quality pursuant to the implementation of the following Best Management Practices (BMPs):

- A. All semi-solid and solid wastes generated by the project shall be contained and disposed of off-site at an appropriate location outside the coastal zone.
- B. 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.
- C. Machinery and construction materials not essential for the project are prohibited on the beach.
- D. Machinery and construction materials are prohibited at all times in the subtidal and intertidal zones.

4. Removal of Development and Restoration of the Site

All development permitted by Coastal Development Permit 5-06-023 (experimental seawater intake wells, monitoring wells, well casing, wellheads, pumps, etc.) shall be removed from the project site, and the beach restored to its pre-existing condition, within four weeks of initial installation, and in no case later than May 25, 2007 (the start of Memorial Day weekend).

5. Conformance with the Requirements of the 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. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

6. Assumption of Risk

By acceptance of this permit, the permittee acknowledges and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicants 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; and (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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Long Beach is requesting Commission authorization to install two temporary experimental seawater intake wells and six temporary monitoring wells for an aquifer test on public beach adjacent to the public beach parking lot at Bixby Park near downtown Long Beach (See Exhibits). The eight proposed vertical wells, each about twenty feet deep, will be drilled using a truck-mounted sonic drilling system¹ that does not generate drilling cuttings. The drill cores will be extracted and taken to a laboratory for testing. The proposed installation of the wells and the aquifer test would begin in late October or November of this year. Drilling is expected to occur over three consecutive days, only during daylight hours. The applicants also propose to remove all of the development from the site after completion of the aquifer test, which will last about three weeks. A security guard will be posted at the site during the entire time that the proposed temporary wells occupy part of the beach.

¹ The sonic drilling system employs a high frequency, mechanical vibratory head in conjunction with rotational power to advance a dual-casing drill-string into the subsurface.

The proposed activities would occur along the West Beach shoreline at Bixby Park, near the southern terminus of Junipero Avenue (Exhibit #2). The shoreline in the project area is a sandy public beach. Two wells sites are proposed, both on the sandy beach above the high tide line on the seaside portion of Bixby Park (Exhibit #3). One proposed well site is located at the western end of the public beach parking lot, near the City Lifeguard Station (Exhibit #3, p.1), and the other proposed well site is located at the eastern end of the public beach parking lot, between the water and the public restroom (Exhibit #3, p.2).

Each of the two proposed well sites includes one four-inch diameter seawater intake well (within a wider well casing), three two-inch diameter monitoring wells, a well pump powered by a portable generator, and a 5'x 5' discharge basin constructed with beach sand (Exhibit #3, p.3). Temporary orange plastic fencing will be erected around the two 70'x 70' well sites, one at each end of the Public Beach Parking Lot, to secure the well sites and equipment. All of the proposed development is temporary and will be completely removed after the three-week testing period concludes.

The proposed wells are expected to generate approximately 150,000 gallons of pumped water at a maximum rate of 25 gallons per minute. The pumped water is expected to immediately percolate into the sand after being discharged from a two-inch diameter pipe into two 5'x 5' discharge basins temporarily constructed on the beach with beach sand (Exhibit #3, p.3). The applicant has received an approval letter from the California Regional Water Quality Control Board for the proposed discharge of the water wells onto the beach (File No. 06-166).

The proposed wells and aquifer test would provide the data necessary for the design of an experimental "Under Ocean Floor Seawater Intake and Discharge Project" being considered on the project site by the City of Long Beach Water Department. Previously conducted data collection activities (e.g., seafloor bathymetry survey and bottom sediment sample collections) associated with the experiment were authorized by Coastal Development Permit 5-06-011 (City of Long Beach Water Dept.). The currently proposed aquifer test is necessary to determine the permeability of the beach sand, water quality and the effects of drawdown.

B. Marine Resources

The proposed activities will be occurring on the sandy beach immediately adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. In order to reduce the potential for construction related impacts on water quality, the Commission imposes Special Condition Three requiring the appropriate storage and handling of construction equipment, waste and materials to minimize the potential of pollutants to enter coastal waters. The water pumped from the proposed wells will be discharged directly onto the beach near the wells. Thus, the discharged water will percolate back into the same groundwater aquifer from which it was extracted. Nothing will be discharged directly into the ocean. The proposed discharge of water from the proposed wells will not adversely affect water quality because there is no potential for the introduction of pollutants into the discharged water. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

C. Public Access & Recreation

The public currently has unrestricted access along the shoreline at the project site. The proposed project will not interfere with public access and recreation along the shoreline, except for the temporary disruptions in two specific 70'x 70' areas that may occur during the completion of the permitted development. The permit is conditioned to limit the areal extent of the proposed project, and to restrict the timing of the project. Special Condition Four requires that the permittees remove all development from the project site (experimental seawater intake wells, monitoring wells, well casing, wellheads, pumps, etc.), and that the beach shall be restored to its pre-existing condition, within four weeks of initial installation, and in no case later than the start of Memorial Day weekend. Therefore, the permit conditions protect the public beach for recreational activities, and as conditioned, the proposed development will not have any new adverse impact on public access or nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

D. Local Coastal Program

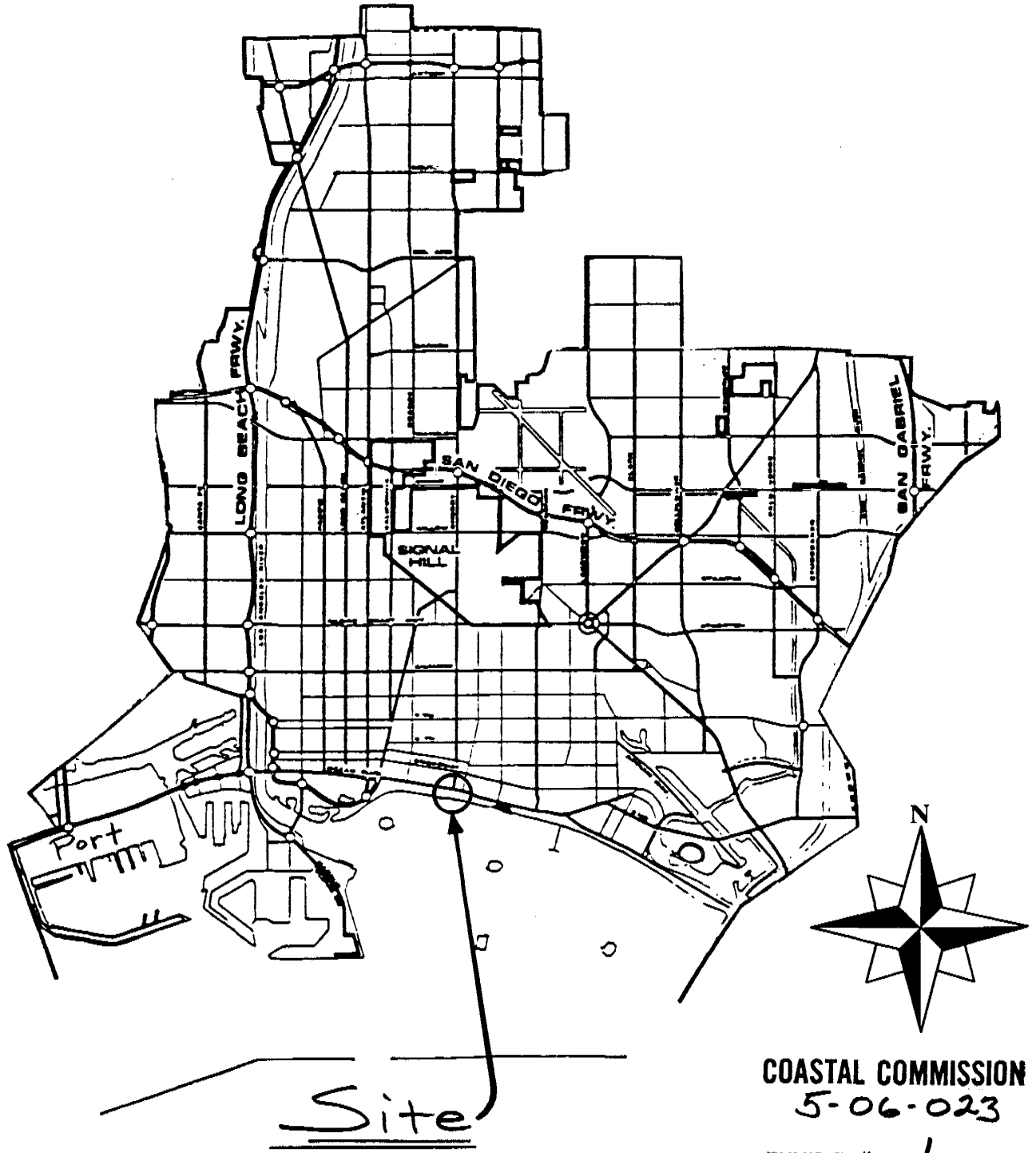
A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

E. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a 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, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

City of Long Beach



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EXHIBIT # 1
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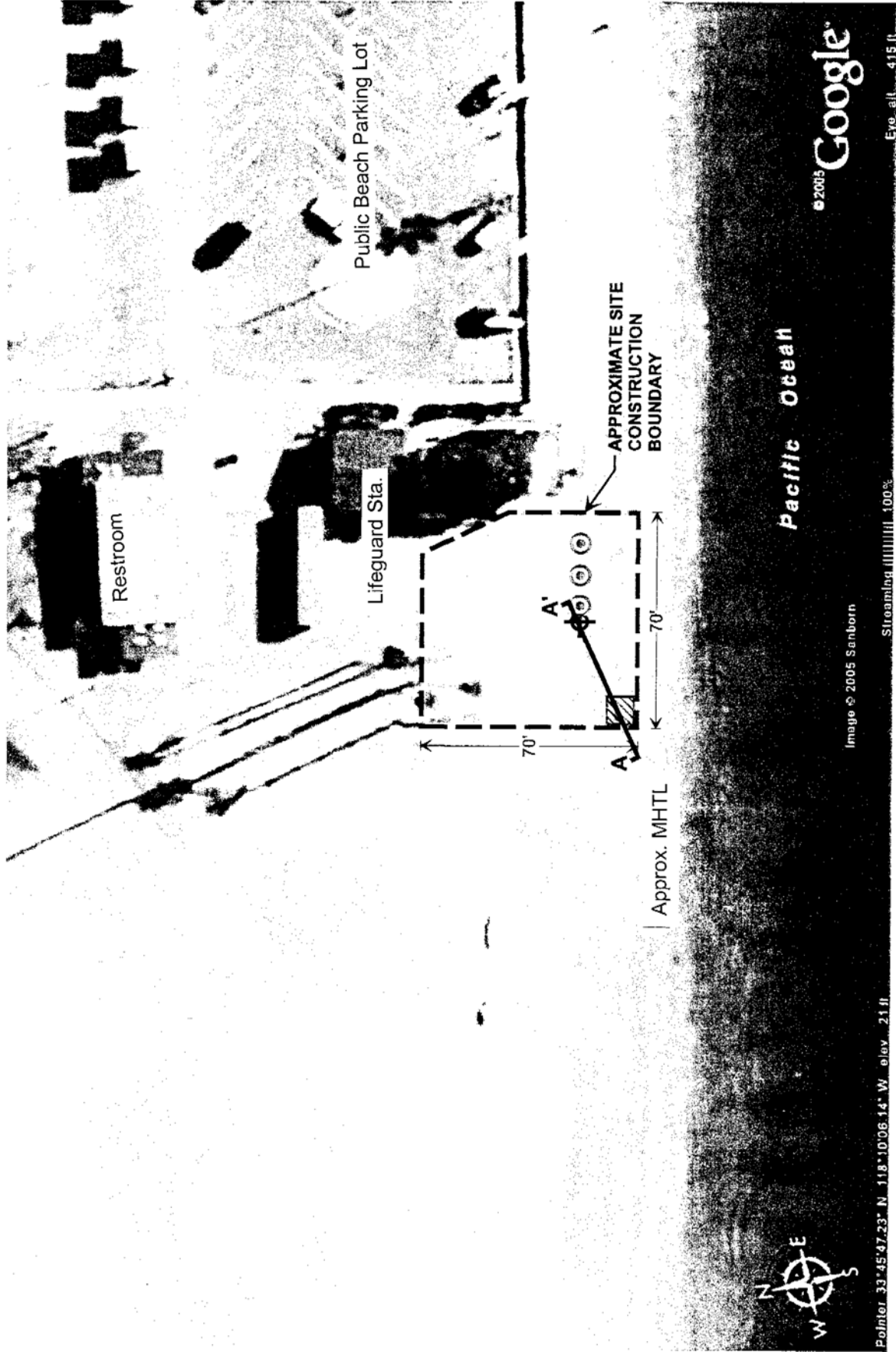


Project Site
Bixby Park

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EXHIBIT # 2

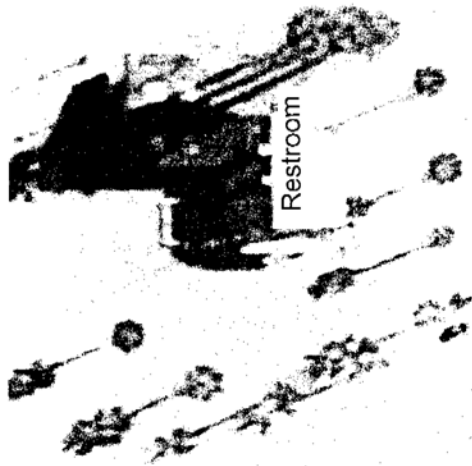
PAGE 1 OF 1



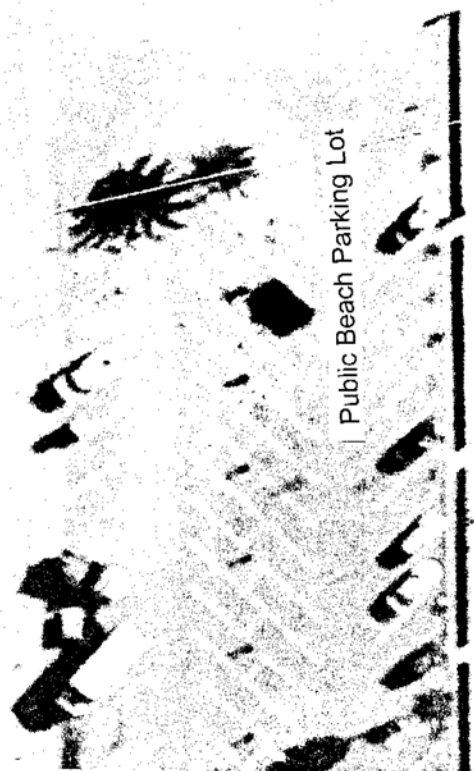
© 2005 Google
 Eye alt. 415 ft
 NORTH
 0 50'
 Approximate Scale

WELL CONSTRUCTION SITE MAP, WEST SITE
 Long Beach Under Ocean Floor
 Intake/Discharge Demonstration Project
 Long Beach, California

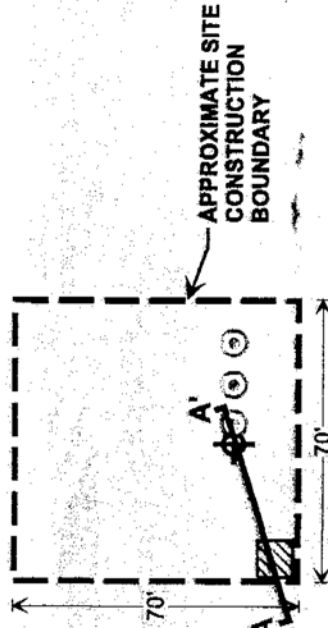
LEGEND
 Approximate test well location
 Approximate monitoring well location
 Proposed discharge basin
 A-A' Test well profile (refer to Plate 7)



Restroom



Public Beach Parking Lot



APPROXIMATE SITE CONSTRUCTION BOUNDARY

Approx. MHTL



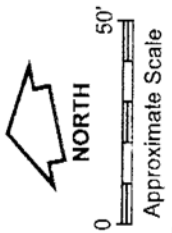
Point 33°45'41.39" N 118°09'45.34" W elev. 10.11
 Imagery © 2005 Sanborn
 Stream 100%
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LEGEND

- Approximate test well location
- Approximate monitoring well location
- Proposed discharge basin
- Test well profile (refer to Plate 7)

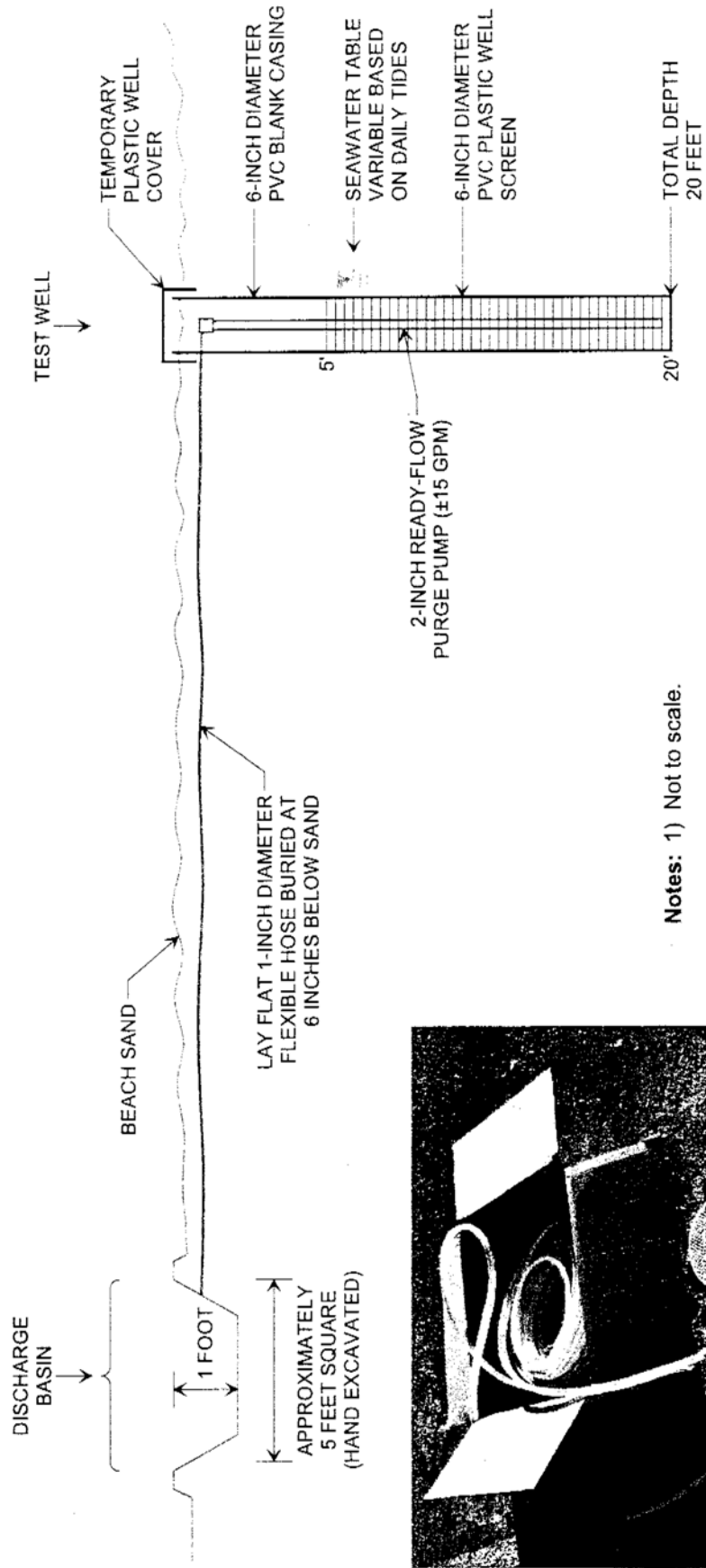
WELL CONSTRUCTION SITE MAP, EAST SITE

Long Beach Under Ocean Floor
 Intake/Discharge Demonstration Project
 Long Beach, California



A

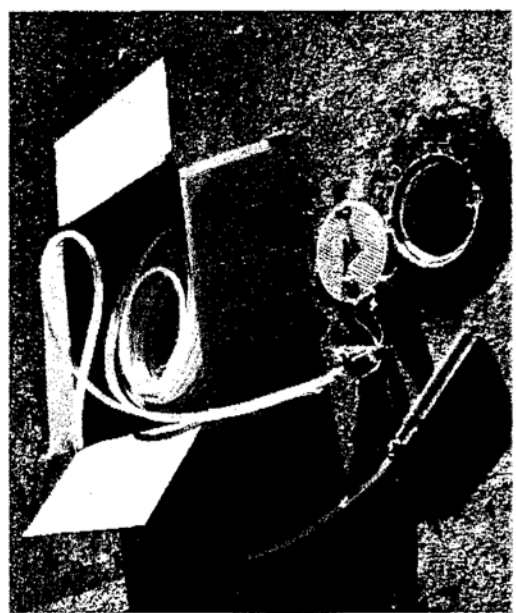
A'



Notes: 1) Not to scale.

2) Upon conclusion of aquifer testing discharge basin to be filled in and area leveled and raked.

3) Upon conclusion of aquifer testing test well casing to be pulled from ground and area tamped and raked.



Example of test well, pump, and discharge hose.

TEST WELL PROFILE SHOWING METHOD OF PROPOSED
 CONVEYANCE/DISPOSAL OF PRODUCED WATER
 Intake/Discharge Demonstration Project
 Long Beach, California