

CALIFORNIA COASTAL COMMISSION

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Filed: 4/6/2006
49th Day: 5/25/2006
180th Day: 10/3/2006
Staff: Charles Posner - LB
Staff Report: 6/22/2006
Hearing Date: July 12, 2006
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-06-089**APPLICANT:** City of Long Beach Department of Public Works**AGENT:** Jorge M. Magaña, Project Development Division**PROJECT LOCATION:** Davies Launch Ramp, 6201 E. Second Street, Alamitos Bay, City of Long Beach, Los Angeles County.**PROJECT DESCRIPTION:** Repair a public boat launch ramp and 600 feet of eroded riprap shoreline, and install new signage and an electrical parking lot counter at the entrance and exit of the boat launch parking lot.

Lot Area	334,678 sq. ft. (7.7 acres)
Building Coverage	678 sq. ft. (restroom)
Pavement Coverage	330,000 sq. ft. (parking lot)
Landscape Coverage	4,000 sq. ft. (approx.)
Parking Spaces	260
Zoning	P – Public Park
Plan Designation	Public Boat Launch Ramp

LOCAL APPROVAL: City of Long Beach Local Coastal Development Permit, Case No. 0510-07, 11/21/2005.**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach certified Local Coastal Program (LCP), July 22, 1980.
2. Coastal Development Permit 5-97-216 (Davies Launch Ramp Improvements).
3. California Regional Water Quality Control Board Section 401 Certification, File No. 05-223, 2/15/2006.
4. U.S. Army Corps of Engineers Permit Application, Project No. 2006-00435-KW.
5. Eelgrass Survey at Davies Launch Ramp, by Tetra Tech, Inc., May 2004.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a coastal development permit for the proposed development with special conditions relating to the protection of marine resources, public access and water quality. The applicant 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 5-06-089 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. Permit Compliance

Coastal Development Permit 5-06-089 permits only the development expressly described and conditioned herein. This permit does not permit the seaward extension of the shoreline or the seaward extension of any shoreline protective device. 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. 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.

2. California Least Tern

In order to minimize adverse impacts to least tern foraging in the waters adjacent to the project site, no work shall occur during the least tern nesting season commencing March 15 and ending September 1.

3. 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 and marine habitat pursuant to the implementation of the following Best Management Practices (BMPs):

- A. The approved development shall not disturb or adversely affect the eelgrass beds that exist near the project site. Prior to the commencement of the project, all eelgrass beds along the shoreline at the project site shall be identified by buoys placed carefully by divers and in the presence of a biologist.
- B. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- C. The approved development shall be undertaken only during daylight hours.
- D. The non-woven geotextile used during the repair of the riprap shoreline shall be biodegradable. No plastics are permitted.
- E. 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.
- F. 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.
- G. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- H. Staging and storage of construction machinery and storage of debris shall not take place on the beach.
- I. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- J. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to

prevent runoff/sediment transport into Alamitos Bay and a pre-construction meeting to review procedural and BMP guidelines.

- K. Any and all demolition/construction material shall be removed from the site within three days of completion of demolition/construction and disposed of at an appropriate location outside of the coastal zone.
- L. 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.

4. Best Management Practices (BMP) Program

By acceptance of this permit, the applicant agrees that the docking and launching of boat(s) at the public launch ramp shall be managed in a manner that protects water quality pursuant to the implementation of the following Best Management Practices (BMPs):

A. Boat Cleaning and Maintenance Measures:

1. In-the-water boat cleaning and maintenance that results in the discharge of soaps, paints or debris is prohibited.
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.

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 to 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.

5. Public Access To and Along the Waterway

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).

6. Caulerpa Taxifolia Pre-Construction Survey

- A. No earlier than ninety days nor later than thirty days prior to commencement or re-commencement of any development authorized under this coastal development permit (the "project"), the applicant shall undertake a survey of the project area and a buffer area at least ten 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.
 - B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
 - C. Within five business days of completion of the survey, the applicant shall submit the survey for the review and approval of the Executive Director; and, to the Surveillance Subcommittee of 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. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provide evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant have revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
7. Eelgrass Survey
- A. Pre Construction Eelgrass Survey. Prior to commencement of any development authorized in the water under this coastal development permit, a valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in Section A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

8. 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.

9. Assumption of Risk

By acceptance of this permit, the applicant, on behalf of a) itself; b) its successors and assigns and c) 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.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Long Beach proposes to repair an existing public boat-launching ramp in Alamitos Bay known as Davies Launch Ramp (Exhibit #2). The proposed project includes: 1) reconstruction of two segments of eroded rip-rap shoreline (approximately 600 linear feet), 2) repair of the damaged concrete launch ramp, and 3) installation of an electrical parking lot counter at the entrance and exit of the boat launch parking lot, along with a new electronic sign at the entrance that will indicate either "Parking Available" or "Lot Full" (Exhibit #6). No work is proposed to the existing floating dock and piles at the launching area. The City is scheduling the proposed work to occur outside of the peak summer months in order to avoid the least tern nesting season and the high summer boating season.

The proposed reconstruction of the eroded rip-rap shoreline would occur at two locations (Zones One and Four) that comprise approximately six hundred linear feet of the 1,600-foot long rip-rap shoreline at the boat launching facility (Exhibit #3). Zone One, a 360-foot long segment of eroded shoreline, abuts the concrete launch ramp at the eastern end of the facility. Zone Four, situated at the western end of the facility, is 240 feet long. The proposed shoreline reconstruction will be done by removing what remains of the existing rip-rap shoreline in Zones One and Four (approximately 1,450 cubic yards of material), and then constructing the new rock embankments in Zones One and Four (Exhibit #4). Rocks that have fallen down below the zero elevation (0' MLLW) will be pulled off of the bay floor and re-used, unless the removal of such rocks would disturb the beds of eelgrass that exist within a few feet of the shoreline at the -2.0' elevation (Exhibit #4). Any rocks found within the eelgrass beds will be left in place so as to not disturb the sensitive habitat area. All work will be done from the landside of the shoreline.

The new rock embankments in Zones One and Four will be constructed by laying 20,700 square feet of non-woven geotextile under approximately 250 cubic yards of new Class D stone bedding, and then covering the smaller stone bedding with approximately 1,625 cubic yards of ¼ ton stone rip-rap (Exhibit #4). The toe of the new rock embankments will be established in the same footprint as the existing riprap shoreline so there will be no further extension of the rocky shoreline into the bay beyond what already exists. No new rocks or other materials are proposed to be placed beyond/below the zero (0') elevation. Most of the eelgrass is growing at the -2.0' elevation and lower, so the proposed shoreline reconstruction will not adversely affect the eelgrass beds.

The only part of the proposed project that involves placement of new material below the low water elevation (0' MLLW) is the repair of the lower portion of the 160-foot wide concrete launch ramp that is damaged from years of use by boat trailers hauling boats in and out of Marine Stadium. The proposed repair of the ramp area entails the filling of a 8'x 3' collapsed section of the ramp with new concrete, and placing approximately 75 cubic yards of rock in concrete along the lower ramp area (toe) to fill in an undermined area and to protect against future erosion (Exhibit #5). Also, any other depressed sections of concrete will be patched with concrete to match the existing grade of the ramp.

The portion of the boat launching facility situated inland of the shoreline will be improved with the proposed installation of a vehicle counting system (with conduits and wiring) at the entrance and exit of the facility's parking lot, along with a new six-foot tall monument-style sign at the entrance that will electronically indicate either "Parking Available" or "Lot Full" (Exhibit #6). Although the facility's parking lot is situated landward of the current water line, the entire project is within the Commission's area of original jurisdiction because the facility is on State Tidelands. Because the proposed project is located in the Commission's area of original jurisdiction, the necessary coastal development permit must be issued by the Commission.

B. Davies Launch Ramp and Marine Stadium

Davies Launch Ramp, built in 1965, is a 24-hour, seven days-a-week public boat launching facility. A 160-foot wide ramp provides boaters with direct access to the waters of Alamitos Bay (Exhibit #3). A 350-foot long floating dock located near the ramp allows for simultaneous loading and unloading of people and gear from multiple boats. Entrance to the facility is through an automated gate with an entrance/parking fee of eight dollars. Exit from the site is through a driveway with reverse flow tire damaging devices (tiger teeth). The parking area for the launch ramp currently contains 260 parking spaces. The facility has a boat wash rack complete with grease trap and filter for protection of water quality, and a 678 square foot restroom built pursuant to Coastal Development Permit 5-97-216 (City of Long Beach).

Davies Launch Ramp and its parking lot are located on State Tidelands in the Marine Stadium area of Alamitos Bay in southeast Long Beach (Exhibit #2). Long Beach Marine Stadium is a combination of water and land facilities used for public recreation and special water-related events. The Marine Stadium area was formerly submerged lands and subject to tidal influence. Marine Stadium was dredged out of this area in preparation for the 1932 Olympics, and the dredged spoils were used to fill adjacent areas. The water area in Marine Stadium is approximately one mile long and five hundred feet wide and is contiguous with Los Cerritos Channel, the Long Beach Marina and the rest of Alamitos Bay. Marine Stadium was the site of past Olympic rowing competitions and is currently used for rowing, water skiing, jet skiing, and boat racing. While Marine Stadium is surrounded by residential development, the entire circumference of the stadium is accessible to the public. Approximately two thousand public parking spaces are located in various parking lots situated around the sides of the stadium.

C. Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed development is located in coastal waters along the shoreline of Alamitos Bay (See Exhibits). The standard of review for the proposed development 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.

Section 30240 of the Coastal Act, which protects sensitive habitat areas, states:

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

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

The portion of the proposed project in coastal waters (subtidal and intertidal areas) involves the reconstruction of approximately six hundred linear feet of eroded rip-rap shoreline and the repair of a damaged concrete boat launch ramp (Exhibits #3-5). The applicant has designed the proposed project and has proposed mitigation measures in order to avoid adversely impacting any marine resources. The marine resources in the project area include the productive waters of the bay and the beds of eelgrass that have been mapped (Tetra Tech, Inc., May 2004) along the shoreline in the project area at the -2.0' MLLW elevation (Exhibit #4). The applicant proposes to conduct the work from land and will avoid disturbance of the eelgrass beds by limiting the extent of the shoreline repair. Also, the proposed project is scheduled to occur outside of the spring and summer months in order to avoid the least tern nesting season.

1. Construction Impacts to Water Quality and Habitat

The Commission recognizes that chemical pollution and siltation adversely affect water quality, biological productivity and coastal recreation. The proposed work is located within coastal waters that support both sensitive species and recreational activities. Therefore, it is important that the work be performed in a manner that avoids or minimizes adverse impacts to water quality and marine resources. In order to minimize adverse construction impacts, the Commission imposes **Special Condition Three** to require the implementation of best management practices (BMPs), including a requirement that the eelgrass beds be marked by buoys (by divers and in the presence of a biologist) before the commencement of construction. Construction is only permitted during daylight hours in order to minimize disturbance of the adjacent sensitive habitat areas in the bay. The condition also requires the proper storage of construction materials and the recovery of any non-buoyant debris by divers as soon as

possible after loss. Only as conditioned to protect the marine habitat from adverse construction impacts does the proposed project comply with the marine resource and sensitive habitat provisions of the Coastal Act.

2. Post Construction Water Quality and Habitat Protection Plan

The Coastal Act requirements to protect the biological productivity and quality of coastal waters do not end after the proposed project is constructed. The proposed development must also be maintained in a manner that sustains water quality and marine habitat. In order to reduce water pollution in the project site that may result from day-to-day boating activities, the Commission imposes **Special Condition Four** requiring the applicant to implement a water quality management plan for daily boating operations at the boat launching facility. The water quality management provisions addresses the cleaning, fueling, lubricating and maintenance of vessels in the water and complies with the Commission's water quality requirements marina development. Only as conditioned to protect the marine habitat from adverse water quality and lighting impacts does the proposed project comply with the marine resource and sensitive habitat provisions of the Coastal Act.

3. Sensitive Species Impacts – Toxic Algae

A non-native and invasive aquatic plant species, *Caulerpa taxifolia* (herein *C. taxifolia*), has been discovered in parts of Southern California. *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 Sea. From an initial infestation of about one square yard it grew to cover about two acres by 1989, and by 1997, blanketed about ten thousand 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 Sea, it grows on sand, mud and rock surfaces from the very shallow subtidal to about 250 feet 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 Sea has had serious negative economic and social consequences because of impacts to tourism, recreational diving and the commercial fishing industry.

Because of the grave risk to native habitats *C. taxifolia* was designated a prohibited species in the United States in 1999 under the Federal Noxious Weed Act. In 2001, AB 1334 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 may occur. 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 all shallow water marine habitats in California are at risk of infestation.

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. The group consists of representatives from several State, federal, local and private entities. The goal of SCCAT is to locate and completely eradicate all *C. taxifolia* infestations.

So far, *C. taxifolia* has not been found anywhere in the Alamitos Bay area. However, to ensure that *C. taxifolia* is not present in the project area before the permitted project commences, **Special Condition Six** requires the applicant to survey the project area for *C. taxifolia* no earlier than ninety days nor later than thirty days prior to commencement or re-commencement of any development authorized under this coastal development permit. Only as conditioned does the Commission find that the proposed project conforms with the marine resource and sensitive habitat provisions of the Coastal Act.

4. Sensitive Species Impacts – Eelgrass

Eelgrass (*Zostera marina*) is an aquatic plant that grows in dense beds in shallow, subtidal or intertidal unconsolidated sediments. Eelgrass is considered worthy of protection because it functions as important habitat and foraging area for a variety of fish and other wildlife, according to the Southern California Eelgrass Mitigation Policy (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (DFG). For instance, eelgrass beds provide areas for fish egg laying, juvenile fish rearing, and waterfowl foraging. Sensitive species, such as the California least tern, a federally listed endangered species, utilize eelgrass beds as foraging grounds.

As previously stated, the project site was surveyed for eelgrass in May 2004 and eelgrass beds have been mapped along the shoreline in the project area at the -2.0' MLLW elevation (Exhibit #4). No new rocks or other materials are proposed to be placed beyond/below the zero (0') elevation, so the proposed project completely avoids the mapped eelgrass beds.

Although the proposed project has been designed to avoid any adverse impacts to the eelgrass beds by limiting the extent of the shoreline work, the applicant proposes to conduct another pre-construction eelgrass survey within sixty days of the start of the project, and to also conduct a post-construction eelgrass survey within thirty days of completion in order to comply with the Southern California Eelgrass Mitigation Policy (SCEMP). **Special Condition Seven** sets forth the criteria for the proposed pre-construction and post-construction eelgrass surveys. If the pre-construction eelgrass survey identifies any eelgrass within the project area that would be impacted by the proposed project, the applicant is required to amend the permit. Only as conditioned does the Commission find that the proposed project conforms with the marine resource and sensitive habitat provisions of the Coastal Act.

5. Fill of Coastal Waters

The proposed project includes the reconstruction of approximately 600 linear feet of eroded riprap shoreline and the repair of a damaged concrete boat launch ramp (Exhibits #3-5). The toe of the new rock embankments will be established in the same footprint as the existing riprap shoreline so there will be no further extension of the rocky shoreline into the bay beyond what already exists (See **Special Condition One**). Therefore, the proposed shoreline repair does not involve the filling of any open coastal waters or wetlands. Even so, the reconstruction of the rock embankment within the intertidal zone necessitates the implementation of the construction best management practices required by **Special Condition Three** which require,

among other things, that the eelgrass beds in the project area be marked by buoys (by divers and in the presence of a biologist) before the commencement of construction. In addition, no plastic is permitted to be in the embankment and construction is only permitted during daylight hours in order to minimize disturbance of the adjacent sensitive habitat areas.

The only part of the proposed project that involves placement of new material below the low water elevation (0' MLLW) is the repair of the lower portion of the 160-foot wide concrete launch ramp (Exhibit #5). The proposed repair of the ramp entails the filling of a 8'x 3' collapsed section of the ramp with new concrete, and placing approximately 75 cubic yards of rock in concrete along the lower ramp area (toe) to fill in an undermined area and to protect against future erosion (Exhibit #5). The proposed 75 cubic yards of rock in concrete (8'x160'=1,280 square feet) along the toe of the existing ramp constitutes 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 fill for the proposed ramp repair 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 new or expanded boating facilities that provide public access and recreational opportunities. The proposed project (ramp repair for recreational boating) provides public access and recreational opportunities, and constitutes an allowable use under Section 30233(a)(4).

Least Environmentally Damaging Alternative - The project site is already heavily used for loading and unloading boats from trailers. The lower ramp area is not a highly productive environment because of the ramp's continued use. No eelgrass has been found near the lower ramp area. This repeated activity (24-hours, seven days-a-week) at the public boat launching facility is the cause of the damage to the existing ramp. The proposed project is the least environmentally damaging alternative because the proposed repair will reduce siltation and turbidity caused by repeated disturbance of the damaged lower ramp area by boat trailers. Without the proposed repairs, the siltation and turbidity caused by repeated disturbance of the damaged lower ramp area will continue to adversely affect water quality. The proposed concrete and rock toe is stable and non-destructive to marine life (post-placement). The proposed fill is minimum amount necessary to provide a functional and safe boat

ramp during low tides. Thus, the amount of fill needed to support the proposed allowable use is minimized. Also, by **Special Condition Three** requires the implementation of the construction best management practices to reduce adverse impacts to water quality and marine resources. Therefore, as conditioned, the proposed project is the least environmentally damaging alternative.

Adequate Mitigation - Section 30233 also requires that any project which results in fill of open coastal waters shall also provide adequate mitigation. The proposed fill is in a highly disturbed subtidal area at the lower part of a heavily used public boat ramp (8'x160'=1,280 square feet). The proposed fill will remain entirely underwater - it does not create any new land area. Therefore, the proposed fill will alter an eight-foot wide segment of subtidal area, but will not displace any existing habitat. Typically, the placement of concrete and rocks in a subtidal environment creates a new hard substrate on which many types of marine organisms can thrive (e.g., mussels, barnacles, limpets, littorine snails, red and brown seaweed, surfgrass, anemones, and polychaetes). The use of the site as a public boat ramp, however, makes it very difficult for marine organisms to become established, as boat trailers would crush them. Thus, no additional mitigation is required, as the proposed project does not have a new adverse impact to mitigate.

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

In addition, **Special Condition Eight** 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 Commission also finds that the project, as conditioned, is consistent with Section 30240 of the Coastal Act because the proposed development has been sited and designed to prevent impacts which would significantly degrade sensitive habitat areas, and will be compatible with the continuance of such habitat areas.

D. 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, as conditioned, will conform with the following Coastal Act policies that protect and encourage public access and recreational use of coastal areas. 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 (which is scheduled to be completed during the winter low boating season).

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 30211 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in part:

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

As stated in the above public access policies, the Coastal Act requires that maximum access and recreational opportunities be provided for all people. The Coastal Act also protects the public's right to access the sea and encourages the development of recreational facilities.

Section 30224 of the Coastal Act states:

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

Section 30234 of the Coastal Act states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30224 of the Coastal Act states that recreational boating activities should be encouraged. Section 30234 of the Coastal Act states that recreational boating facilities shall be protected and upgraded. The above stated policies of the Coastal Act also require that developments near the coast provide maximum public access and lower-cost recreational opportunities. The proposed project involves repairs to an existing recreational boating facility that provides excellent public access and coastal recreation opportunities. The public boat launch is always open and costs only eight dollars to access.

Although the proposed project may temporarily interrupt the public's use of the boat launch facilities, the proposed repairs will ensure that it will be able to continue to provide maximum public access, lower-cost recreational opportunities, and water-oriented recreational activities

in conformance with the Chapter 3 policies of the Coastal Act. The proposed project will improve the public's ability to access the sea by providing an improved facility for the public to interface with the coastal environment. As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to 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.

E. Visual Resources

Section 30251 of the Coastal Act states:

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

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 includes a new six-foot high sign at the entrance to Davies Boat Launch, about five hundred feet from the water's edge (Exhibit #3). The proposed monument-style sign will electronically indicate either "Parking Available" or "Lot Full" in order to inform the boating public if space is available in the parking lot (Exhibit #6). The proposed project will have no negative impacts on coastal views or resources because the new sign will not: a) obstruct views to or along the coast from publicly accessible places; b) adversely impact public access to and use of the water; c) adversely impact public recreational use of a public park or beach; or d) otherwise adversely affect recreation, access or the visual resources of the coast. Therefore, the proposed project is consistent with Section 30251 of the Coastal Act.

F. 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 minimize risks to life and property by repairing a damaged public boat ramp and two segments of eroded riprap shoreline. 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 and boating accidents. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition of this permit (**Special Condition Nine**) 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. The proposed project is consistent with Section 30253 of the Coastal Act.

G. California Environmental Quality Act (CEQA)

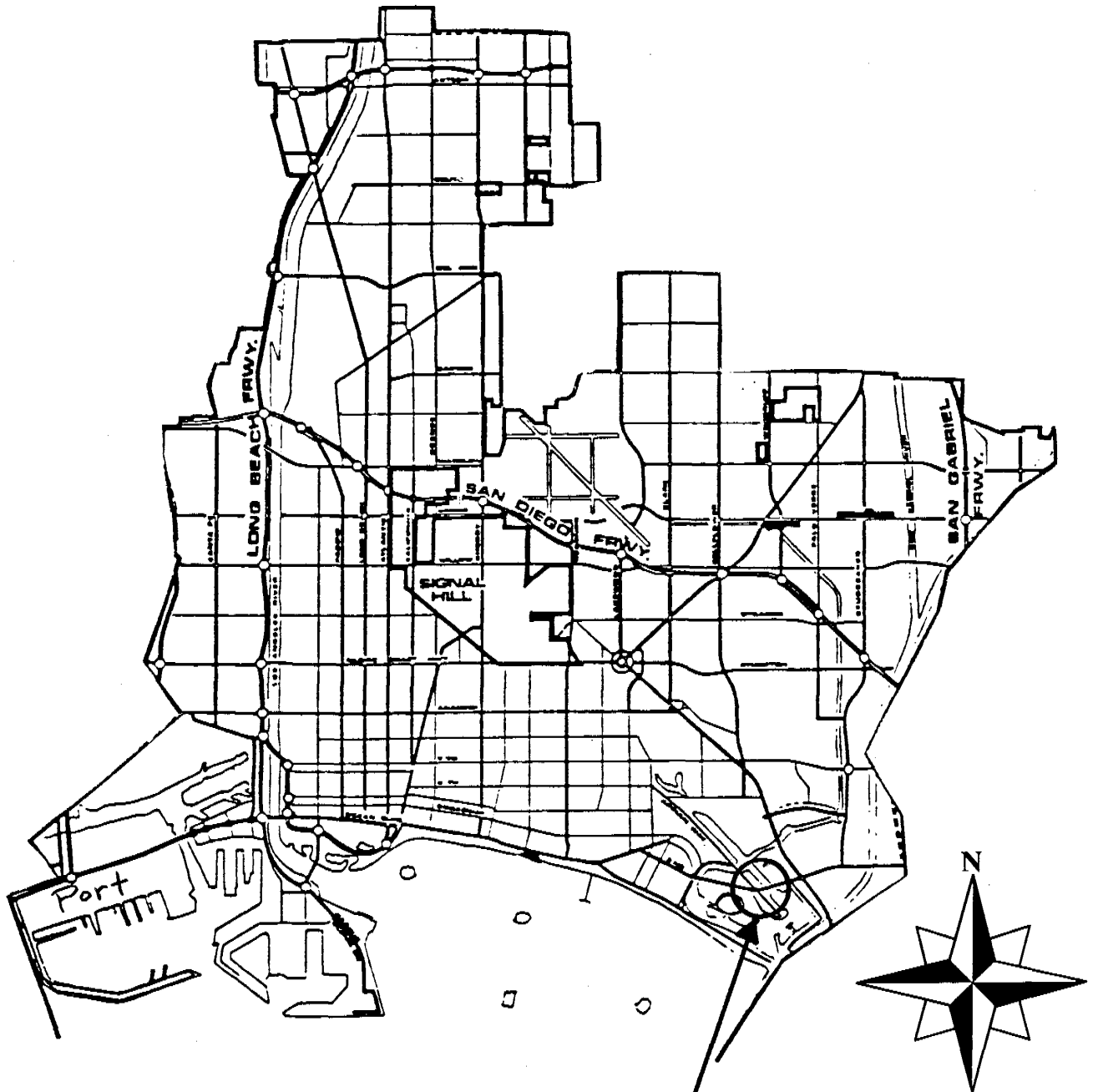
Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental 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) avoidance of sensitive habitat; b) implementation of construction responsibilities; and, c) conformance with post-construction best management practices. 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.

H. 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 City of Long Beach LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP 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.

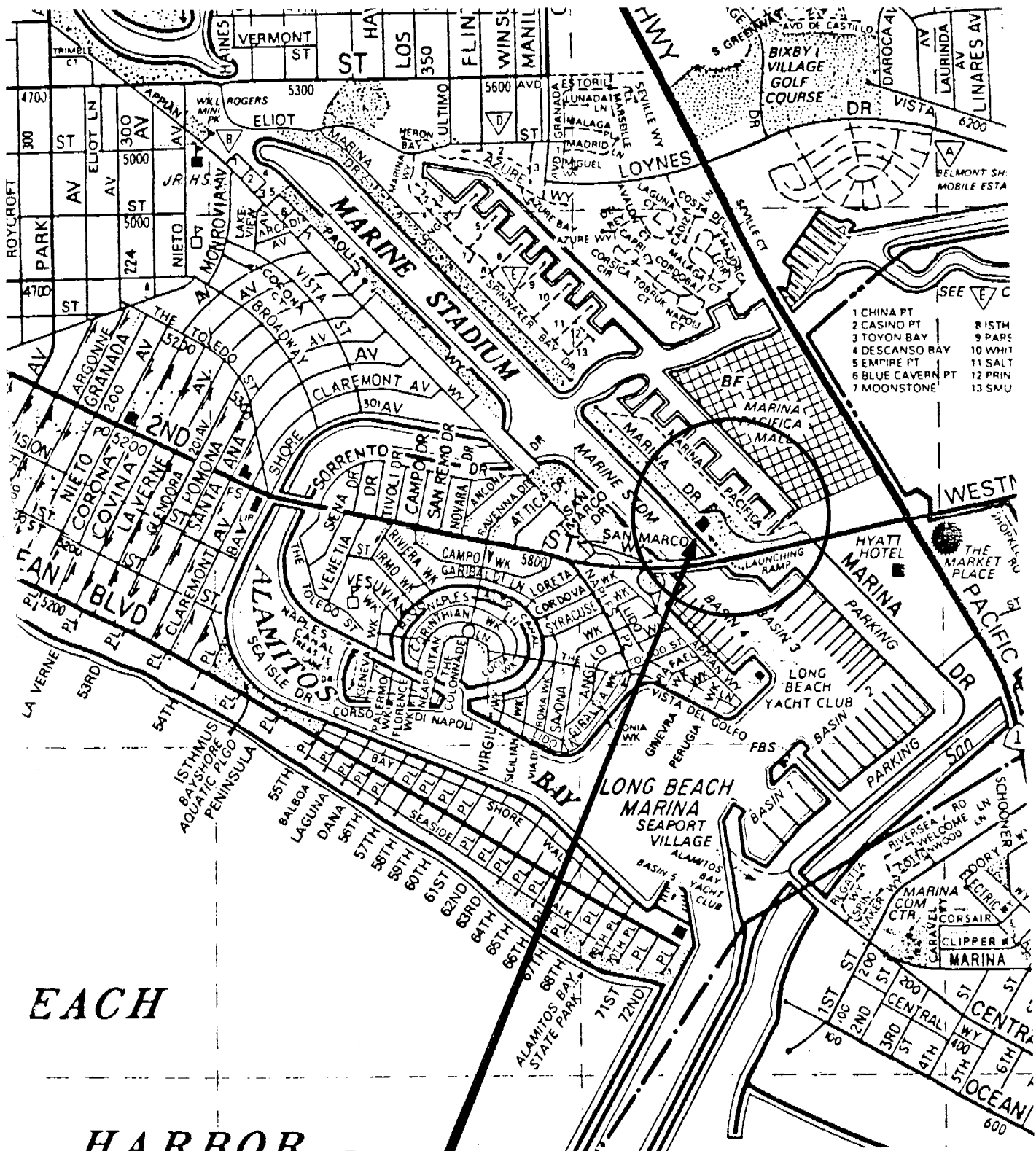
City of Long Beach



Site
Davies Launch Ramp

COASTAL COMMISSION
5-06-089

EXHIBIT # 1
PAGE 1 OF 1



EACH

HARBOR

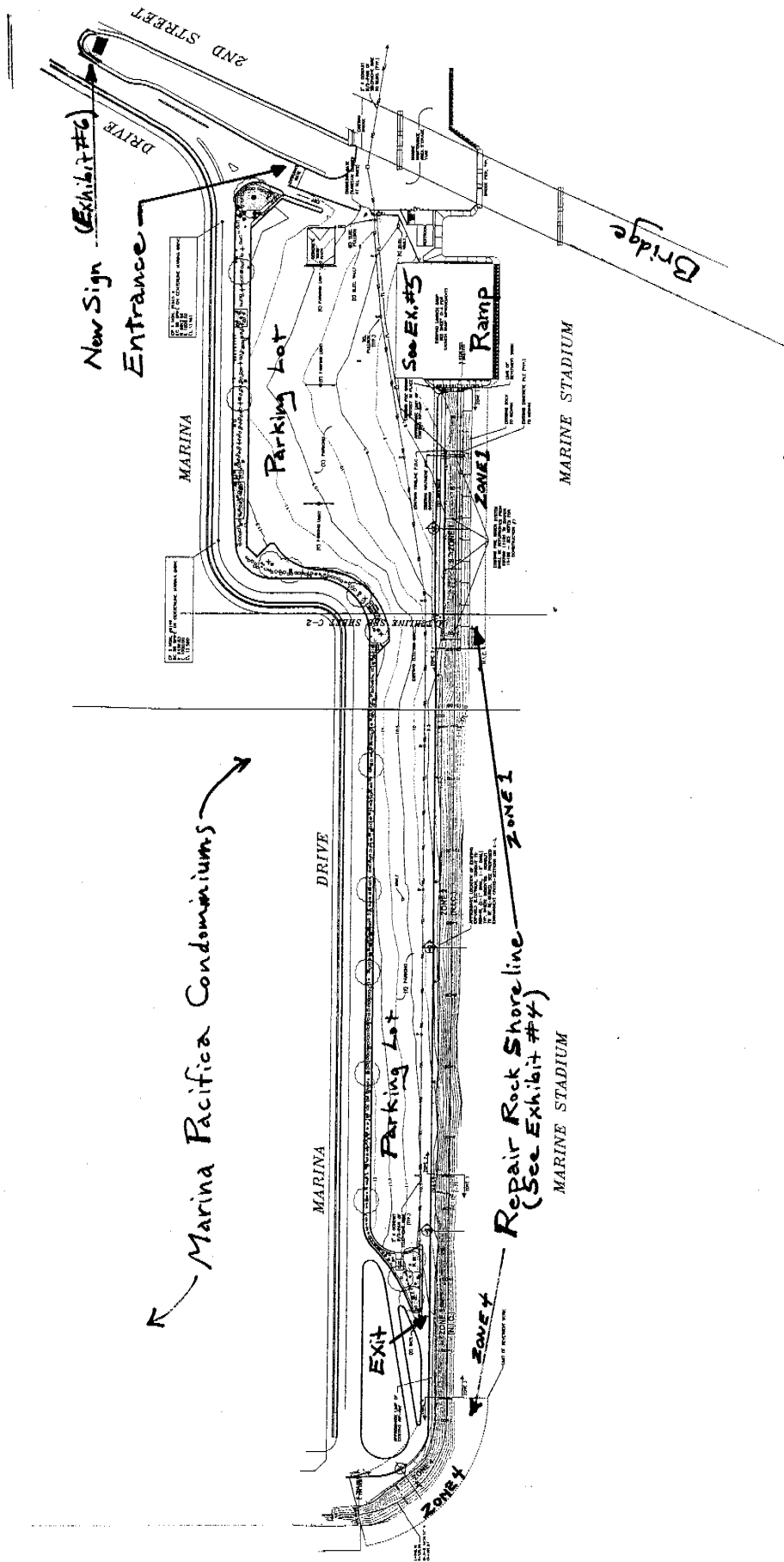
Site

Davies Launch Ramp

COASTAL COMMISSION
 5-06-089

EXHIBIT # 2

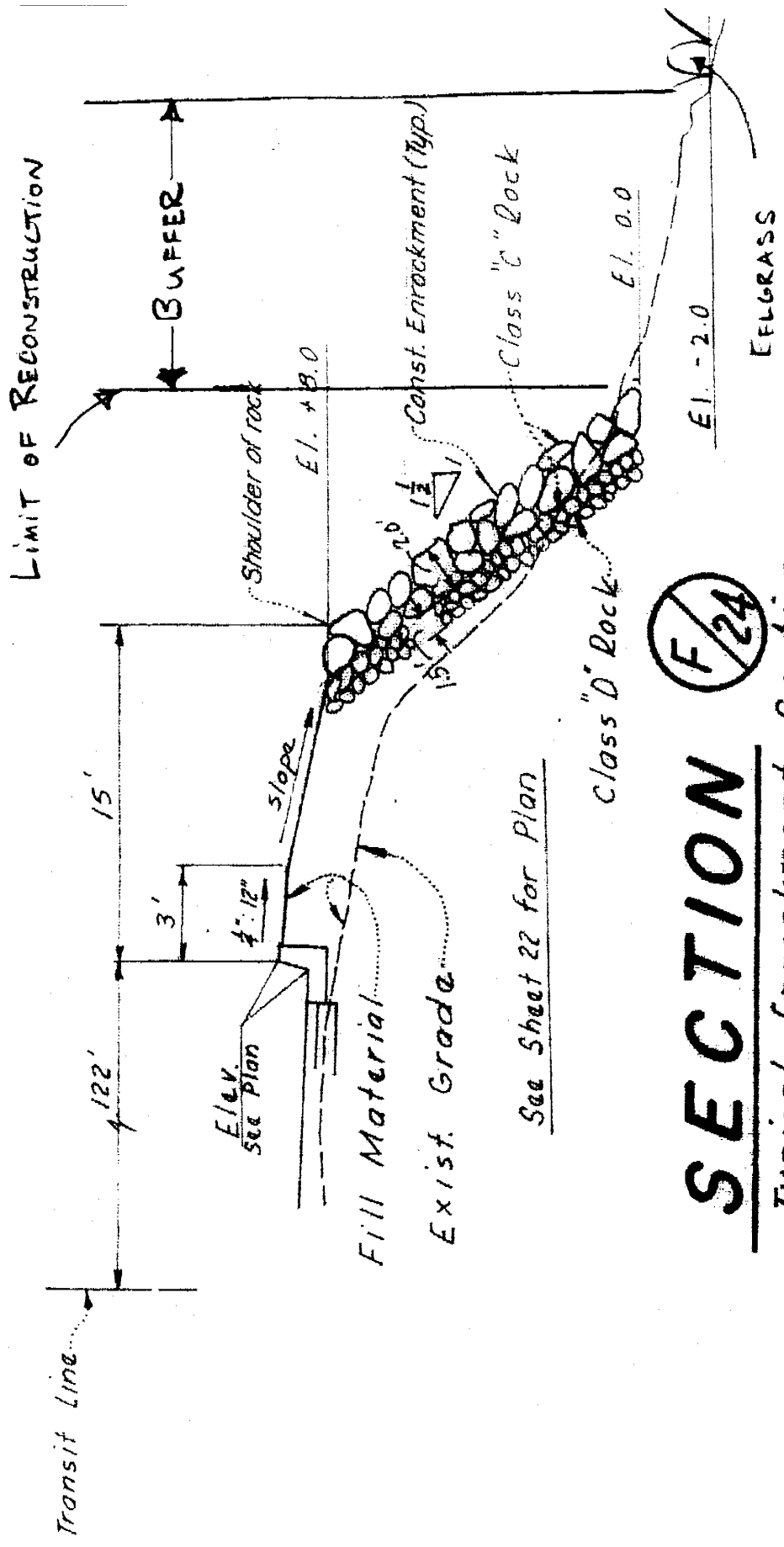
PAGE 1 OF 1



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 5-06-089
 EXHIBIT # 3
 PAGE 1 OF 1

← Marina Pacifica Condominiums

Repair Rock Shoreline
 (See Exhibit #4)

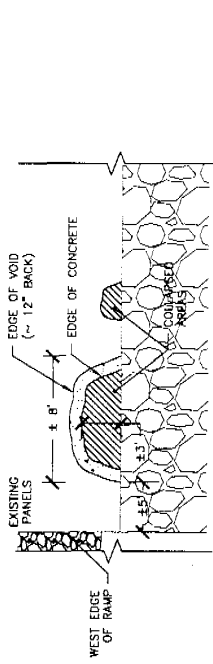


See Sheet 22 for Plan

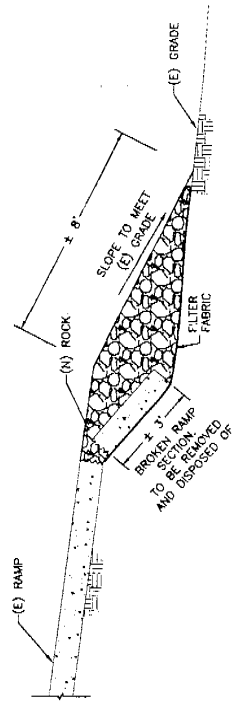
F/24

SECTION

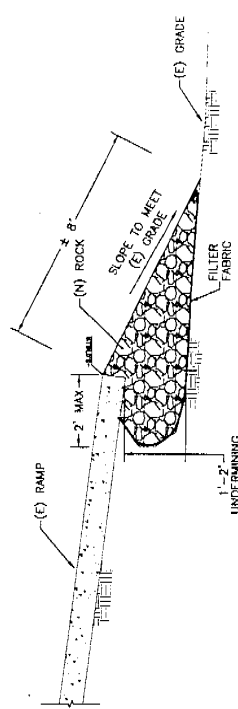
Typical Enrockment Section
Between Sta. 68+04.20 & Sta. 19+36
No Scale



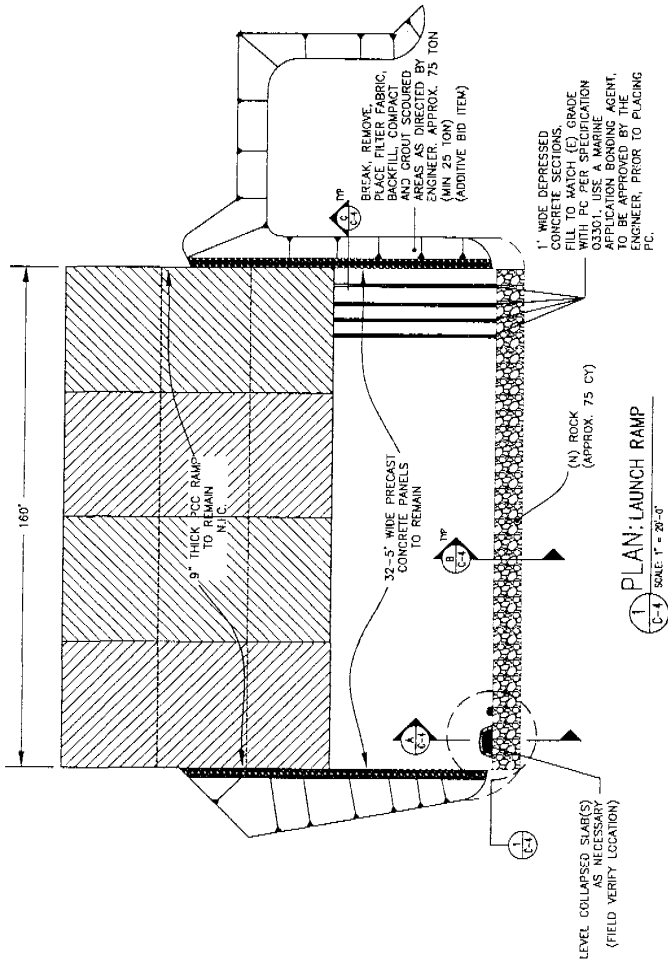
1 **DETAIL: LAUNCH RAMP**
SCALE: 1" = 2'-0"



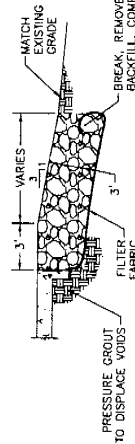
A **SECTION: WORST CASE**
SCALE: 1" = 2'-0"



B **SECTION: TYPICAL**
SCALE: 1" = 2'-0"



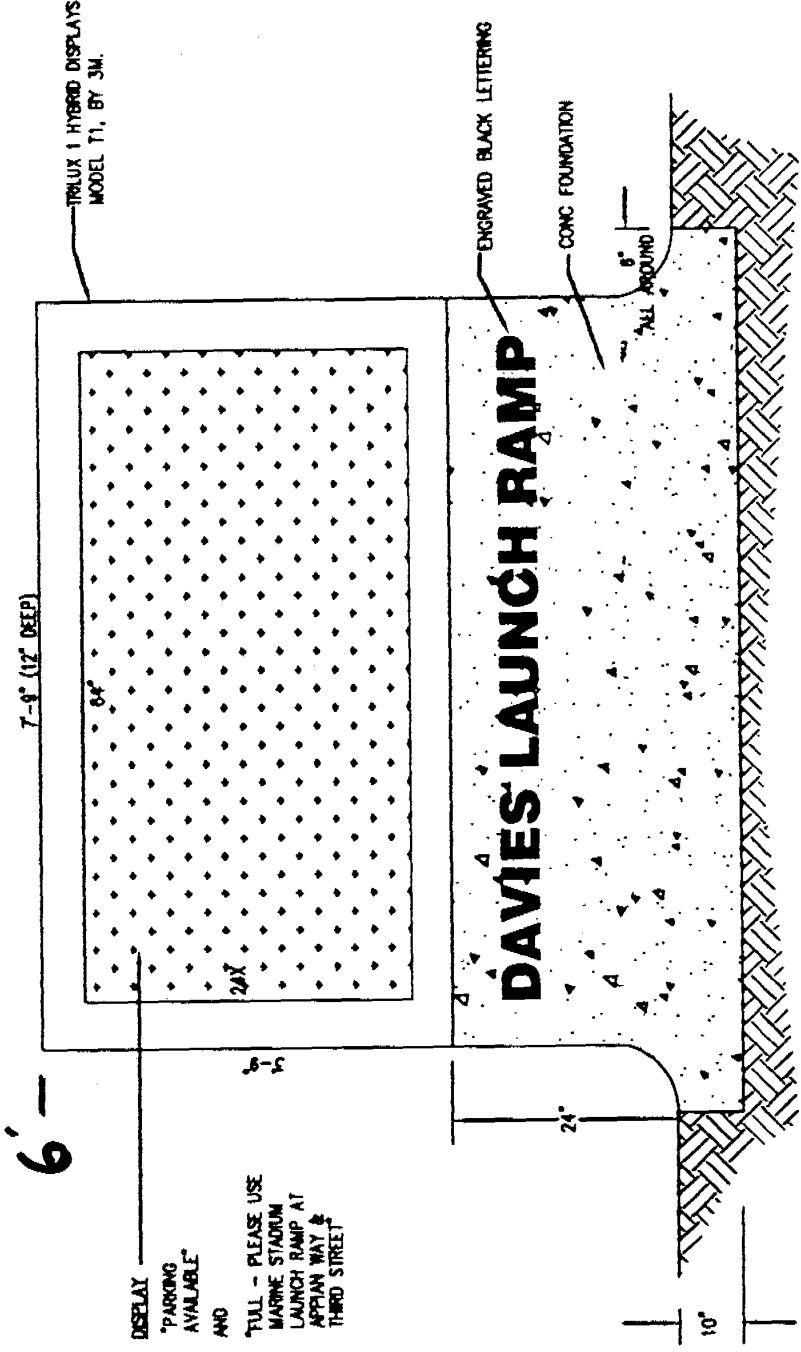
1 **PLAN: LAUNCH RAMP**
SCALE: 1" = 2'-0"



C **SECTION**
SCALE: 1" = 2'-0"

5. THE INFORMATION SHOWN HEREIN IS BASED ON OLD PROJECT NO. 473031-90, B-3804, THE CONTRACTOR SHALL VERIFY AS-BUILT CONDITIONS PRIOR TO SUBMITTING A BID, AND SHALL INFORM THE ENGINEER OF ANY DISCREPANCIES. THE CONTRACTOR SHALL INSPECT LAUNCH RAMP AND VERIFY LOCATION OF COLLAPSED PANELS PRIOR TO THE START OF CONSTRUCTION. CONCRETE SHALL BE MINIMUM 4,000 PSI, TYPE V, TREMIE CONCRETE, PER SPECIFICATION 01301. ROCK SHALL BE PER CALTRANS CONCRETE ROCK SLOPE PROTECTION, CALTRANS SECTION 72, METHOD B PLACEMENT (TYP FOR (A)). ROCK SHALL BE PER CALTRANS BACKING NO. 2 ROCK FOR LAUNCH RAMP TOE PROTECTION, CALTRANS SECTION 72, METHOD B PLACEMENT, (TYP FOR (A)). LOCAL SURFACE IRREGULARITY OF PLACED ROCKS SHALL NOT VARY FROM FINISHED PLANE BY MORE THAN 3" MEASURED AT RIGHT ANGLES OF THE ROCK.

Ramp Repair



DISPLAY
 "PARKING
 AVAILABLE"
 AND
 "FULL - PLEASE USE
 MARINE STADIUM
 LAUNCH RAMP AT
 APPIAN WAY &
 THIRD STREET"

