

CALIFORNIA COASTAL COMMISSION

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Commission Action:



W16a

STAFF REPORT: MATERIAL AMENDMENT

APPLICATION NUMBER: 5-03-151-A1

APPLICANTS: Santa Catalina Island Co. & Santa Catalina Island Conservancy

AGENT: W.F. (Oley) Olsen, Vice President, Santa Catalina Island Co.

PROJECT LOCATION: Catalina Harbor/Wells Beach, Santa Catalina Island Isthmus, Los Angeles County.

PROJECT DESCRIPTION: Install three new moorings within an existing anchoring/mooring area and in the vicinity of eelgrass.

SUMMARY OF STAFF RECOMMENDATION

The underlying permit (5-03-151), approved on February 8, 2006, authorized the installation of 32 new moorings within four existing mooring areas, but only if no eelgrass was found at the sites during the required pre-construction survey (See Appendix A for conditions of the approved permit). The pre-construction eelgrass survey, conducted on March 1-2, 2006, found small patches of eelgrass near Wells Beach at Catalina Harbor where three of the new moorings (H1, G1 & G2) were going to be installed. The presence of the eelgrass at the project site triggered the need for a permit amendment pursuant to Special Condition 4.A of the coastal development permit, which states: "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."

The applicants' biologist and the California Department of Fish and Game have reviewed the situation and both concur that the three proposed moorings (H1, G1 & G2) are environmentally superior to the continued use of anchors in the area. Therefore, staff is recommending **APPROVAL** of the permit amendment with a special condition requiring, among other things, that the applicants install the moorings in the presence of a biologist without disturbing the patches of eelgrass.

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).
2. Coastal Development Permit 5-03-151 (SCI Co. & SCI Conservancy).
3. California Regional Water Quality Control Board Section 401 Certification, File No. 04-114, 9/14/2004.
4. California Dept. of Fish & Game Comment Letter for Mooring Project PRC 3639.1, 8/10/2004.
5. California State Lands Commission Amended Lease No. 3639.1.
6. U.S. Army Corps of Engineers Permit Application, Project Nos. 2003-00850-JLB through 2003-00860-JLB.
7. Biological Survey for Proposed New Moorings at Santa Catalina Island, by Dr. Kathy Ann Miller, 4/19/2004.
8. Marine Biological Resource Surveys and Alternatives Analysis for Proposed New Moorings at Santa Catalina Island, by Lauren E. Garske, Marine Biologist, 3/4/2006.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

MOTION: *"I move that the Commission approve with special conditions the proposed amendment to Coastal Development Permit 5-03-151 per the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 the coastal development permit amendment on the ground that the development as amended, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Condition of the Permit Amendment

Note: The Special Conditions of the underlying permit, Coastal Development Permit 5-03-151, are still in effect (See Appendix A).

1. Construction Responsibilities

By acceptance of this permit amendment, the applicants agree 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. In order to avoid rocky substrate, eelgrass beds and other sensitive marine resources, each concrete block for the new moorings shall be placed carefully by divers and in the presence of a biologist.
- B. The approved development shall be installed only during daylight hours.
- C. 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.
- D. Staging and storage of construction machinery and storage of debris shall not take place on the beach.
- E. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- F. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- G. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- H. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- I. At the end of the construction period, the permittees 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.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

This permit amendment request involves the proposed installation of three new moorings (H1, G1 & G2) near Wells Beach in Catalina Harbor (Exhibit #2). The underlying permit (5-03-151), approved on February 8, 2006, authorized the installation of twenty new moorings in Catalina Harbor and twelve new moorings at three other existing mooring areas at the island.¹ Coastal Development Permit 5-03-151 required the applicants to conduct a pre-construction eelgrass survey of the four project sites to determine whether any eelgrass had grown since the

¹ The 32 moorings approved by Coastal Development Permit 5-03-151 are at: 1) White's Cove/Landing (two new moorings), 2) Emerald Bay (two new moorings), 3) Isthmus Cove (eight new moorings), and 4) Wells Beach/Catalina Harbor (twenty new moorings).

previous surveys were conducted during October 2003. The Commission's February 8, 2006 approval for the installation of the 32 new moorings was contingent upon the required pre-construction surveys showing that no eelgrass was present at the approved installation sites.

The pre-construction eelgrass surveys, conducted on March 1-2, 2006, found several small patches of eelgrass near Wells Beach where three of the twenty new Commission-approved moorings (H1, G1 & G2) were about to be installed. No eelgrass was found to be growing where any of the other new moorings had been approved. The presence of the small patches of eelgrass at the Catalina Harbor project site triggered the need for a permit amendment pursuant to Special Condition 4.A of Coastal Development Permit 5-03-151, which states in part:

"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."

In response to the discovery of the small patches of eelgrass near Wells Beach, the applicants submitted this permit amendment request seeking Commission authorization to install the last three new moorings while taking care to avoid adversely affecting the eelgrass (Exhibit #4). The California Department of Fish and Game has reviewed the situation and concludes that the proposed moorings are environmentally superior to the continued use of anchors in the existing mooring area (Exhibit #5). The applicants' marine ecologist, Lauren E. Garske, also states that the three proposed moorings are environmentally superior to the continued use of anchors in the area.

"It is generally accepted that moorings minimize disturbance to infaunal communities in the stable sand characteristic of most of these sites when compared to repetitive anchoring. The concrete mooring blocks and chains tend to be stable and non-destructive to marine life. In fact, they provide hard substrate for a variety of seaweeds and invertebrates to grow upon, as well as structure that attracts fish. ... It would be advantages to install the proposed mooring blocks now since the patches are still scattered and the impact of direct contact can be minimized if not altogether avoided. However, as these continue to mature and evolve into beds, such will become more challenging. It should be noted that *Zostera* can thrive in mooring fields so it is the initial threat of installation that is greatest, not the actual presence. At other locations within Isthmus Cove, we have repeatedly observed *Zostera* growing within one meter of existing moorings, providing evidence for this as a viable option."²

The installation of each proposed mooring involves the placement of two one-ton concrete blocks (bow weight and stern weight) on the ocean floor, to which each end of a vessel can be secured by a chain (Exhibit #3). The concrete blocks, each about 4' x 4', are lowered into the ocean by hoist from a mooring service vessel, then set on the sea bottom with guidance by underwater divers. Each mooring includes a small buoy that identifies the number and location of the mooring.

² Marine Biological Resource Surveys and Alternatives Analysis for Proposed New Moorings at Santa Catalina Island, by Lauren E. Garske, Marine Ecologist, Wrigley Marine Science Center, Santa Catalina Island, University of Southern California, 3/4/2006.

The installation of the three proposed new moorings would increase the total number of the applicants' moorings around the island from 720 to 752. The State Lands Commission leases all of the Santa Catalina Island submerged lands (except Avalon Bay) jointly to the applicants: the Santa Catalina Island Company and the Santa Catalina Island Conservancy. On October 20, 2005, the State Lands Commission amended the applicants' lease in order to allow the installation of 32 new moorings, including the three moorings proposed by this amendment.

B. Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed development is located in the coastal waters of Catalina Harbor, an existing developed harbor on the southern side of the isthmus on Santa Catalina Island (Exhibit #1). 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.

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 proposed project involves the placement of six one-ton concrete blocks on the ocean floor (two for each mooring) to anchor the vessels at the three proposed new moorings (Exhibit #3). The applicants have carefully proposed mitigation measures in order to avoid adversely impacting any marine resources like eelgrass (*Zostera marina*). In order to avoid adversely impacting the small patches of eelgrass growing at the project site, divers will carefully place the six one-ton concrete blocks on the ocean floor in the presence of a marine biologist (Exhibit #4). The applicants assert that no eelgrass beds will be affected by the proposed project. The California Department of Fish and Game has reviewed the proposal and concludes that the proposed moorings are environmentally superior to the continued use of anchors in the existing mooring area (Exhibit #5).

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, the proposed development must 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 a special condition to require the implementation of best management practices and the presence of divers and a biologist during the placement of the proposed mooring weights on the ocean floor. Construction is only permitted during daylight hours in order to minimize disturbance of the adjacent sensitive habitat areas. 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 sites that may result from day-to-day boating activities, and to protect adjacent sensitive habitat areas from adverse impacts caused by nighttime lighting, the Commission imposed a special condition on the underlying permit (5-03-151) that requires the applicants to implement a water quality management plan for daily boating operations and to restrict nighttime lighting to only that necessary for navigational safety (See Appendix A). 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. 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 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 goal of SCCAT is to locate and completely eradicate all *C. taxifolia* infestations. 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.

The Commission imposed a special condition on the underlying permit (5-03-151) that required the applicants to survey the four original project sites for *C. taxifolia* (See Appendix A). On March 1-2, 2006, the applicants' Marine Ecologist surveyed the project areas to determine the presence of the invasive alga *Caulerpa taxifolia*. No *Caulerpa taxifolia* was observed during the survey, and there have been no reports of it ever being found around the island.

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 stated previously in this report, the three proposed new moorings are in an area where small patches of eelgrass are growing. The applicants assert that no eelgrass beds will be affected by the proposed project (Exhibit #4). In order to avoid adversely impacting the small patches of eelgrass growing at the project site, divers will carefully place the six one-ton concrete blocks on the ocean floor in the presence of a marine biologist (Exhibit #4). Once the moorings are in place, the eelgrass can grow without being adversely impacted by dropped anchors. No anchoring will occur in the project area once the moorings are installed. The California Department of Fish and Game has reviewed the proposal and concludes that the proposed moorings are environmentally superior to the continued use of anchors in the existing mooring area (Exhibit #5). As conditioned to avoid the eelgrass beds, the Commission find that the proposed project conforms with the marine resource and sensitive habitat provisions of the Coastal Act.

5. Sensitive Species Impacts – Xantus's Murrelets

Xantus's Murrelets are small fish-eating birds in the Alcid family that nest and forage along the rocky cliffs near Wells Beach and the northwestern end of Santa Catalina Island. These birds are considered by California Department of Fish and Game to be a globally rare seabird species and are a threatened species candidate under the California Endangered Species Act. Nighttime lighting and noise near the birds' habitat, which often emanates from dive boats near the rocky shoreline, can disturb and disorient the birds and lead to increased mortality rates.

The Commission recognizes the moorings are proposed to be installed within an existing mooring field within Catalina Harbor, and that the proposed moorings will not increase the amount of boating activity that already occurs there. Nonetheless, Special Condition 5.D of the underlying permit (5-03-151) requires the applicants to educate the boaters about the Xantus's murrelets and to limit nighttime lighting:

- 5.D. Nighttime lighting in the mooring areas shall be limited to only the illumination necessary for navigational safety, and the lessor shall distribute public education materials on sensitive habitats (including information about nesting areas at Catalina Harbor used by Xantus's murrelets, one of the rarest seabird species in the North Pacific).

Only as conditioned does the Commission find that the proposed project conforms with the marine resource and sensitive habitat provisions of the Coastal Act.

6. Fill of Coastal Waters

The proposed project includes the placement of six one-ton concrete blocks on the ocean floor (two for each mooring) to anchor vessels in the mooring area (Exhibit #4). The proposed concrete blocks 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 fill for the proposed moorings 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 (new moorings 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 currently used for anchoring vessels. Repeated dropping, lifting and dragging of anchors on the seafloor disturbs and damages the bottom habitat. The proposed project is the least environmentally damaging alternative because the new moorings will eliminate disturbance of the bottom habitat caused by the repeated anchoring. The proposed concrete blocks are stable, non-destructive to marine life (post-placement), and

provide a hard surface for colonization by marine organisms. The proposed concrete blocks are the minimum size and amount necessary to safely secure the vessels against the tides and currents. Thus, the amount of fill needed to support the proposed allowable use is minimized. Also, as conditioned, the concrete blocks will be carefully installed by divers in the presence of a biologist to minimize disturbance of the sea bottom, and the installation of the moorings shall occur only during daylight hours to avoid adverse impacts to adjacent marine habitat caused by nighttime lighting. 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. Placement of the proposed concrete blocks in conjunction with the proposed project will replace some mud and sandy bottom habitat with hard substrate on which many types of marine organisms can thrive. The concrete blocks will provide new habitat area for marine organisms such as mussels, barnacles, limpets, littorine snails, red and brown seaweed, surfgrass, anemones, and polychaetes. Eelgrass beds, which grow on sandy bottom, will be avoided and will not be affected by the proposed project. Thus, adequate mitigation is provided by the proposed project in that the loss of mud and sandy bottom habitat is offset by the fact that the concrete blocks will provide new hard bottom habitat for marine organisms.

For the reasons discussed above, the Commission finds that the project, as conditioned, is consistent with Sections 30230, 30231 and 30233 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.

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, as conditioned, will conform with the following Coastal Act policies that 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 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 proposed project, located within coastal waters and also between the nearest public road and the sea, involves the expansion of recreational boating facilities. As proposed, three new moorings will be installed in Catalina Harbor (Exhibit #2).

The Commission finds that the proposed new moorings will not displace any free anchorage areas and will not adversely affect public access and recreation. The proposed project will not interfere with public access along the shoreline, as no work is proposed on land. The proposed development will improve recreational boating opportunities and public access. Therefore, the proposed project is consistent with the public access and recreation policies of the Coastal Act.

D. 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 development involves the placement of weights (concrete blocks) underwater and buoys that floats on the surface within an existing mooring field (Exhibit #2). The proposed project will not have any adverse impacts on public views from sea or from the shoreline. Therefore, the proposed project is consistent with Section 30251 of the Coastal Act.

E. 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.

F. 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.

APPENDIX A
Special Conditions
Coastal Development Permit 5-03-151

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

By acceptance of this permit, the applicants agree that the permitted development shall be conducted in a manner that protects water quality and marine habitat pursuant to the implementation of the following BMPs.

- A. In order to avoid rocky substrate, eelgrass beds and other sensitive marine resources, each concrete block for the new moorings shall be placed carefully by divers and in the presence of a biologist.
- B. The approved development shall be installed only during daylight hours.
- C. 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.
- D. Staging and storage of construction machinery and storage of debris shall not take place on the beach.
- E. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- F. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
- G. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
- H. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
- I. At the end of the construction period, the permittees 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. 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 applicants 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 applicants 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).

APPENDIX A
Special Conditions
Coastal Development Permit 5-03-151

- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicants shall not proceed with the project until 1) the applicants 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 applicants 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.

4. Eelgrass Survey

- A. Pre Construction Eelgrass Survey. Prior to commencement of any development authorized 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 applicants 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 applicants 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 applicants 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 applicants 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.

5. Best Management Practices (BMP) Program

By acceptance of this permit, the applicants agree that the long-term water-borne berthing of boat(s) in the approved moorings will be managed in a manner that protects water quality and habitat pursuant to the implementation of the following BMPs.

- A. Boat Cleaning and Maintenance Measures:

APPENDIX A
Special Conditions
Coastal Development Permit 5-03-151

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 applicants 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.

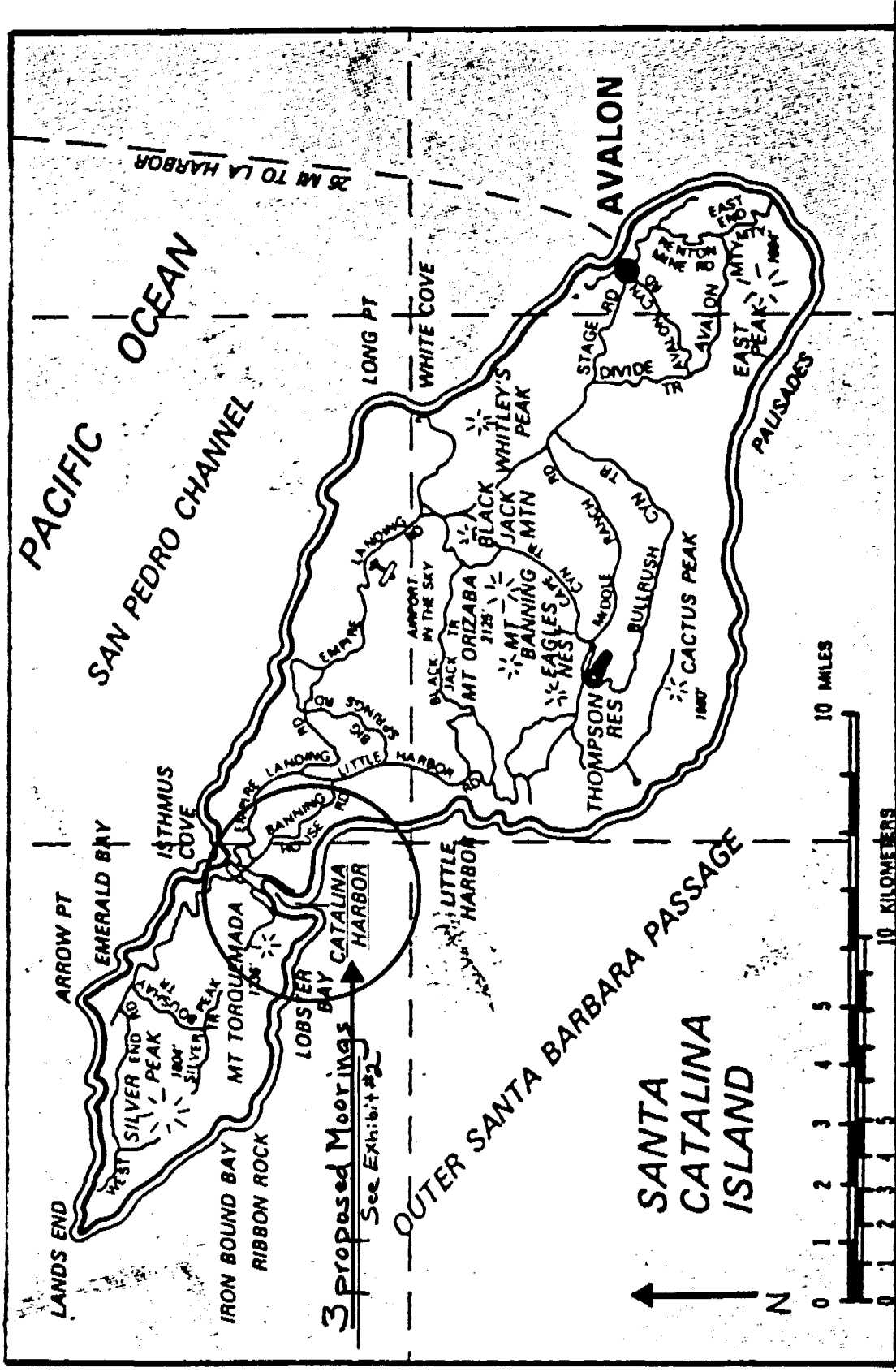
C. Petroleum Control Management Measures:

Oil absorbent materials should be examined at least once a year and replaced as necessary. The applicants 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.

- D. Nighttime lighting in the mooring areas shall be limited to only the illumination necessary for navigational safety, and the lessor shall distribute public education materials on sensitive habitats (including information about nesting areas at Catalina Harbor used by Xantus's murrelets, one of the rarest seabird species in the North Pacific).

6. Resource Agencies



The permittees 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.






COASTAL COMMISSION
5-03-151-A1


EXHIBIT # 1
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Parcel 10 - Catalina Harbor

 Mooring Zone
  Restricted Anchorage
 Bow & Stern (Shallow)

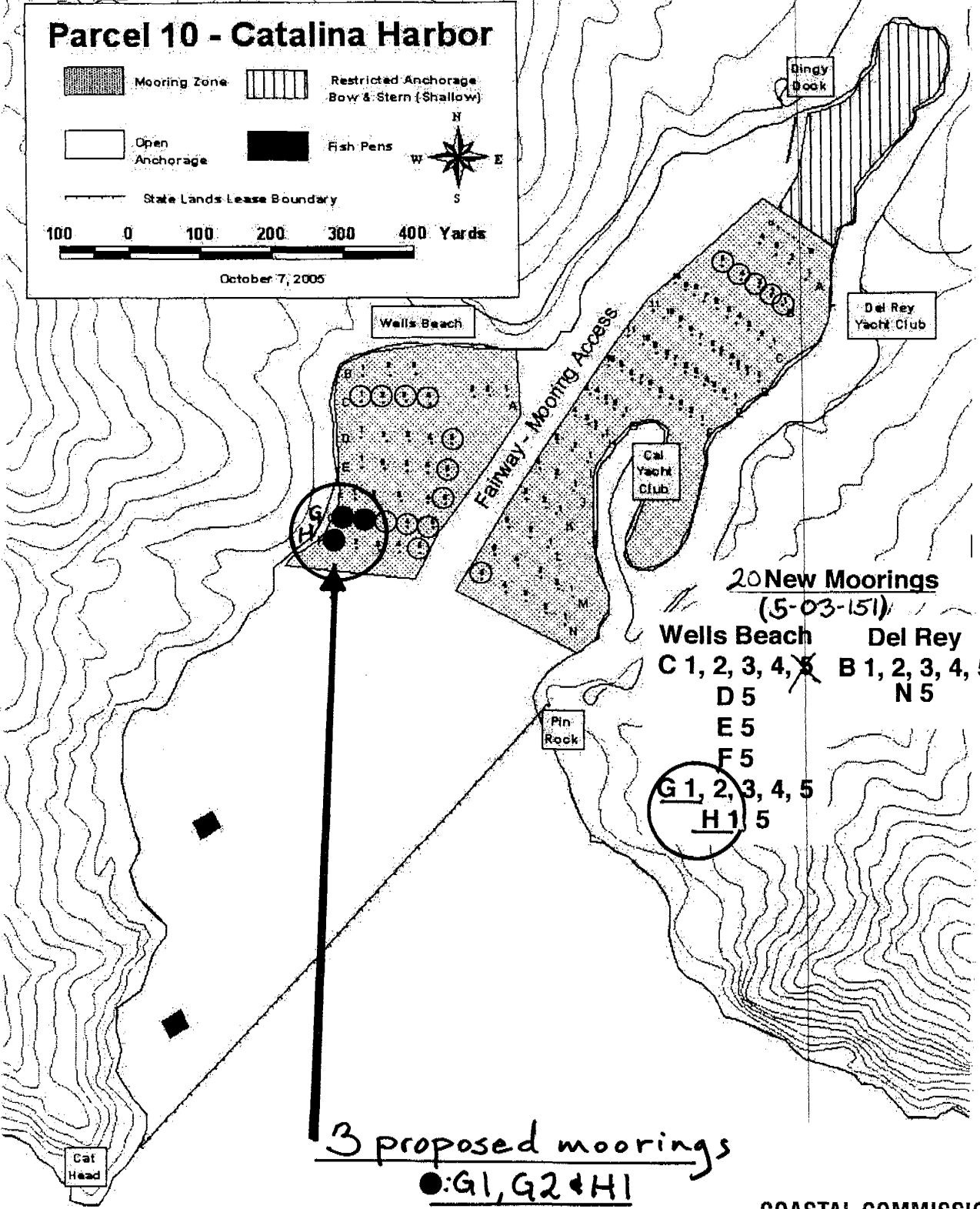
 Open Anchorage
  Fish Pens

 State Lands Lease Boundary





October 7, 2005



20 New Moorings
(5-03-151)

- | | |
|------------------------|-----------------|
| Wells Beach | Del Rey |
| C 1, 2, 3, 4, 5 | B 1, 2, 3, 4, 5 |
| D 5 | N 5 |
| E 5 | |
| F 5 | |
| <u>G 1, 2, 3, 4, 5</u> | |
| <u>H 1 5</u> | |

3 proposed moorings
●:G1, G2 & H1

COASTAL COMMISSION
5-03-151-A1

EXHIBIT # 2
PAGE 1 OF 1

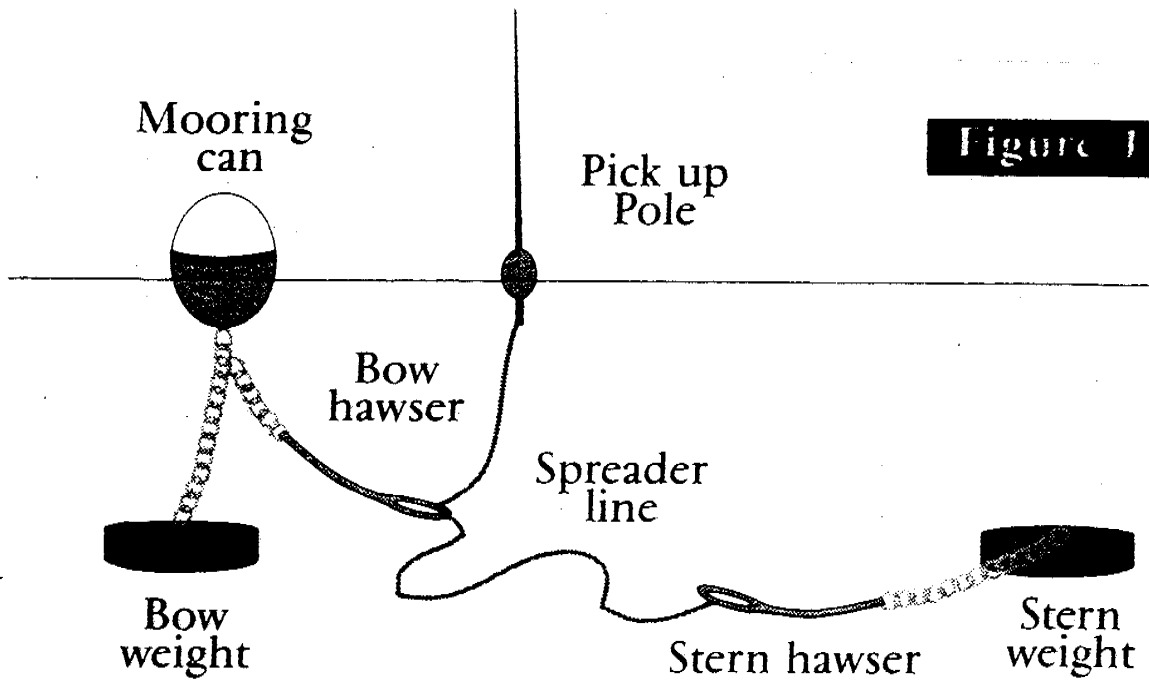


Figure 1

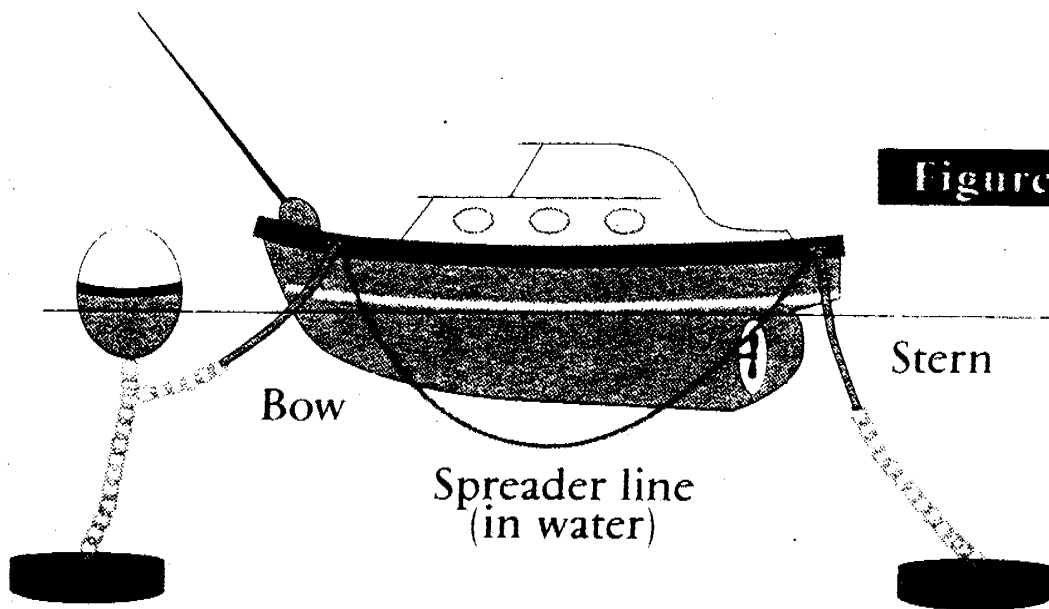


Figure 2

Mooring Plan

COASTAL COMMISSION
5-03-151-A1

EXHIBIT # 3
PAGE 1 OF 1



SANTA CATALINA ISLAND COMPANY

April 21, 2006

RECEIVED
South Coast Region

APR 25 2006

CALIFORNIA
COASTAL COMMISSION

Mr. Charles Posner
California Coastal Commission
200 OceanGate
10th Floor
Long Beach, CA 90802

Re: CDP 5-03-151 32 New Moorings around Catalina Island

Dear Chuck;

Please accept this letter as a formal request to amend our CDP 5-03-151 by adding back Wells Beach moorings H1, G1 and G2.

We have consulted with the Department of Fish and Game and we feel that the new moorings can be installed with out affecting eel grass in the vicinity of the new moorings. We propose to have a marine biologist diving with our crew when we place the new mooring weights to insure that there is no adverse impact on the surrounding clumps of eel grass. After the installation of the new moorings, the eel grass population will no longer be affected by the boating public anchoring where these populations exist.

If you find a need for additional information, please call me at 310-510-2000 ext.1448.

Your prompt action this request will be greatly appreciated.

Sincerely

W.F. (Oley) Olsen
Group Vice President

Cc: Mel Dinkel
Doug Oudin

COASTAL COMMISSION
5-03-151-A1

EXHIBIT # 4
PAGE 1 OF 1

5-03-151

Chuck Posner

From: Marilyn Fluharty [MFluharty@dfg.ca.gov]
Sent: Thursday, April 13, 2006 10:52 AM
To: Chuck Posner
Subject: Moorings at Catalina Island

Hi Chuck,

I received a 5 March 2006 report for a recent eelgrass survey at Catalina Island where the proposed moorings are going in. Small sporadic patches of eelgrass were observed at the Wells Beach location (where only 1 plant was observed prior). I have spoken to Oley Olsen who has informed me that the proposed moorings can be installed without damage to these existing plants. Given that boats would continue to drop anchor and moor in this area without moorings, and in the process negatively impact eelgrass, I believe it would be environmentally less damaging to install the moorings are proposed. Please let me know if you have any questions.

Marilyn J. Fluharty
California Dept. Fish and Game
Marine Region
4949 Viewridge Avenue
San Diego, CA 92123
858-467-4231 fax 858-467-4299

COASTAL COMMISSION
5-03-151-A1

EXHIBIT # 5
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