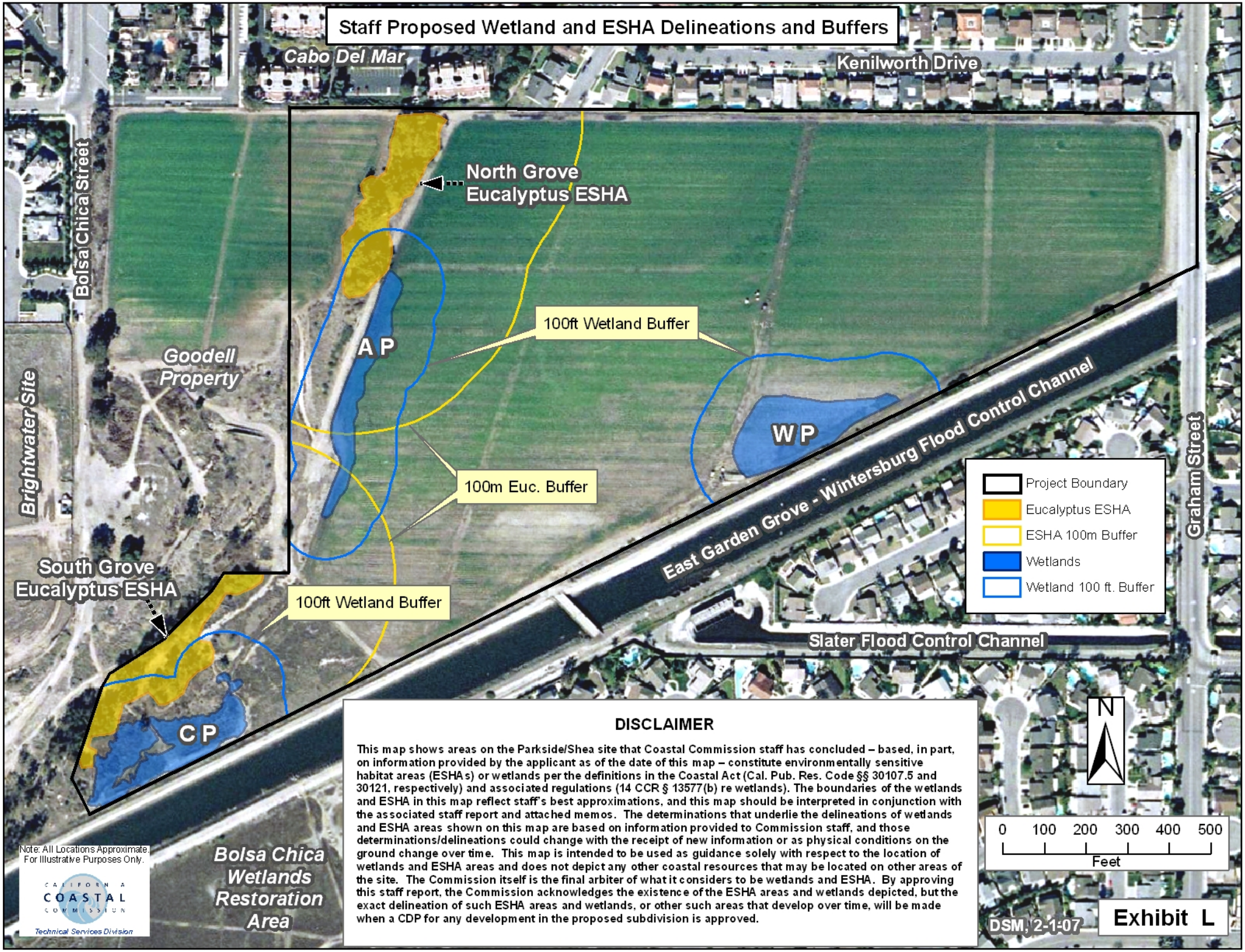
Staff Proposed Wetland and ESHA Delineations and Buffers
Cabo Del Mar
Kenilworth Drive
Bolsa Chica Street
North Grove
Eucalyptus ESHA
100ft Wetland Buffer
A P
Goodell
Property
Brightwater Site
W P
100m Euc. Buffer
East Garden Grove - Wintersburg Flood Control Channel
Graham Street
South Grove
Eucalyptus ESHA
100ft Wetland Buffer
Project Boundary
Eucalyptus ESHA
ESHA 100m Buffer
Wetlands
Wetland 100 ft. Buffer
Slater Flood Control Channel
C P
N
0 100 200 300 400 500
Feet
Note: All Locations Approximate.
For Illustrative Purposes Only.
CALIFORNIA COASTAL COMMISSION
Technical Services Division
Bolsa Chica
Wetlands
Restoration
Area
DISCLAIMER
This map shows areas on the Parkside/Shea site that Coastal Commission staff has concluded – based, in part, on information provided by the applicant as of the date of this map – constitute environmentally sensitive habitat areas (ESHAs) or wetlands per the definitions in the Coastal Act (Cal. Pub. Res. Code §§ 30107.5 and 30121, respectively) and associated regulations (14 CCR § 13577(b) re wetlands). The boundaries of the wetlands and ESHA in this map reflect staff's best approximations, and this map should be interpreted in conjunction with the associated staff report and attached memos. The determinations that underlie the delineations of wetlands and ESHA areas shown on this map are based on information provided to Commission staff, and those determinations/delineations could change with the receipt of new information or as physical conditions on the ground change over time. This map is intended to be used as guidance solely with respect to the location of wetlands and ESHA areas and does not depict any other coastal resources that may be located on other areas of the site. The Commission itself is the final arbiter of what it considers to be wetlands and ESHA. By approving this staff report, the Commission acknowledges the existence of the ESHA areas and wetlands depicted, but the exact delineation of such ESHA areas and wetlands, or other such areas that develop over time, will be made when a CDP for any development in the proposed subdivision is approved.
DSM, 2-1-07
Exhibit L

CALIFORNIA COASTAL COMMISSION
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MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist / Wetland Coordinator

TO: Meg Vaughn

SUBJECT: Raptor Habitat at Parkside

DATE: July 28, 2006

Documents reviewed:

Bomkamp, T. (Glenn Lukos Associates). May 29, 2004. Raptor usage and nesting study of the Parkside Estates property, City of Huntington Beach, Orange County, California. An updated letter report to R. Metzler (Shea Homes). Original report was dated January 7, 2004.

Harrison, J. (LSA). March 31, 2006. Memorandum to J. Dixon and M. Vaughn (CCC) re: "Response to Mark Bixby's raptor update."

LSA. May 11, 2006. Analysis of raptor use of the eucalyptus groves adjacent to Shea Homes Parkside Estates.

Bloom, P. (consulting zoologist). June 8, 2006. Letter report to M. Stirdivant (Bolsa Chica Land Trust) concerning raptor use of eucalyptus trees along the edge of the Bolsa Chica mesa and of adjacent areas.

Moore, K. (raptor biologist). July 13, 2006. Letter to J. Dixon (CCC) detailing field observations that were summarized in Bloom (2006), above.

The palm trees and eucalyptus trees that border the Bolsa Chica mesa have been considered important habitat for raptors by the resource agencies since at least 1979[1]. On the early maps, the eucalyptus ESHA was truncated by a straight line along the extension of Bolsa Chica Street. This did not correspond with any natural feature and there is no functional distinction between the more-or-less continuous line of trees to the west and east of that line. The Coastal Commission has recognized the eucalyptus

[1] U. S. Fish and Wildlife Service. May 1979. U.S. Fish and Wildlife Service special report: Bolsa Chica Area. Prepared by Ecological Services, Laguna Niguel, California; California Department of Fish and Game (CDFG). June 3, 1982. Environmentally sensitive areas at Bolsa Chica.

trees, including the line of trees that extends east of Bolsa Chica Street[2], as an Environmentally Sensitive Habitat Area (ESHA) because of the important ecological functions they provide to many species of raptors and other birds of prey who use the trees for perching, roosting and nesting and for hunting and safe movement corridors.

The grove of eucalyptus trees at the base of the mesa at the northern boundary of the Shea Parkside property provides the same type of ecological services as do the rest of the trees bordering the mesa. The following species have been observed in the north grove: white-tailed kite, merlin, red-shouldered hawk, turkey vulture, great horned owl, barn owl, peregrine falcon, Cooper's hawk, red-tailed hawk, and osprey. Of these, red-tailed hawk, Cooper's hawk, osprey, barn owl, and turkey vulture have been observed perching or roosting and Cooper's hawks were observed to nest there in 2005 and 2006. The presence of an old nest thought to have been built by great horned owls suggests that the grove has also supported nesting birds of prey in previous years. LSA (2006) calculates that 26% of the raptor observations made by local citizens were in the north grove. However, LSA suggests that this is a reason why the north grove should not be considered ESHA. Other reasons are: 1. "primary" use of the north grove is limited to red-tailed hawks (a common species) and Cooper's hawks (a species "adapted" to residential development); 2. several other species are adapted to urban settings; 3. the entire eucalyptus grove is not natural; 4. raptor predation of other sensitive bird species in the lowlands is a problem; 5. there is heavy human pedestrian traffic around the north grove. Most of these objections to eucalyptus ESHA were also raised by LSA relative to Hearthside Homes's Brightwater application and were implicitly rejected by the Commission in its adopted findings that recognized the eucalyptus trees as ESHA. The only new argument is that the northern grove is used somewhat less than the other areas and most heavily by two species. The important facts are that these trees provide the same services to raptors as do the rest of the trees bordering the mesa and that the raptor habitat at Bolsa Chica, of which these trees are a significant part, supports a remarkable diversity of birds of prey. The guild of avian predators interacts importantly with the rest of this ecosystem and should be protected. It is also noteworthy that a small cluster of monarch butterflies were observed roosting in the north grove during fall, 2005.

The northern grove of eucalyptus trees is especially valuable because of its role in the ecosystem of providing perching, roosting, and nesting opportunities, hunting areas, and safe movement corridors for a diverse assemblage of raptor sprecies. Therefore, the northern grove meets the definition of ESHA in the Coastal Act. I recommend that this ESHA be provided with a 100-meter buffer. The inner two-thirds of the buffer should be restored to natural habitat that would provide foraging opportunities for raptors. The outer one-third of the buffer would be appropriate for passive recreation such as hiking trails, benches, picnic tables (with covered trash receptacles), etc. The landform within the buffer area should not be significantly altered as a result of adjacent development activities.

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[2] The Commission adopted findings for Hearthside Homes Brightwater development on October 13, 2006 that included this section of trees as part of the ESHA. LSA (2006) is incorrect in asserting that this is an area that I am currently proposing as an "ESHA addition."

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MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist

TO: Meg Vaughn

SUBJECT: California Gnatcatchers and Southern Tarplant at Parkside

DATE: December 19, 2006

Documents Reviewed:

Erickson, R. (LSA). November 13, 2006. California gnatcatcher use of the Parside Estates Property. Memorandum to J. Dixon and K. Schwing (CCC).

Harrison, J. (LSA). November 10, 2006. Results of focused southern tarplant (*Centromadia parryi* ssp. *australis*) survey, Parkside Estates project site, Huntington Beach, California

Stirdivant, M. (Bolsa Chica Land Trust). August 3, 2006. Letter to Chairman Caldwell and Commissioners re Parkside.

California Gnatcatchers

California gnatcatchers (*Polioptila californica californica*) are listed as "threatened" under the Endangered Species Act. Gnatcatchers have been present in the vicinity of the Bolsa Chica mesa since at least September 2004. Both LSA biologists and members of the public (e.g., M. Bixby email November 30, 2004) have observed gnatcatchers on many occasions. In both 2005 and 2006, California gnatcatchers successfully nested in the coastal sage scrub[1] growing on the southern bluff of the mesa and foraged there until their young fledged. LSA has designated this area as the birds' "core territory." Subsequently, both adults and young were observed in nearby areas foraging in a variety of habitats, including ruderal vegetation. After the breeding season, gnatcatchers may be found in a wide variety of habitats, especially during fall dispersal[2]. Although it is my professional opinion that the foraging habitat outside the coastal sage scrub at Bolsa Chica does not meet the definition of Environmentally Sensitive Habitat Area (ESHA) under the Coastal Act, it is worth noting that the areas of

[1] In a previous action (Hearthside Homes App. 5-05-020; Revised Findings 10-13-05), the Commission found this coastal sage scrub habitat to be an Environmentally Sensitive Habitat Area.
[2] Atwood, J.L and D.R. Bontrager. 2001. California Gnatcatcher (*Polioptila californica*). *In* The Birds of North America, No. 574 (A. Poole, and F. Gill, Eds.). Philadelphia: The Academy of Natural Sciences

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Application Number:

marginal habitat where gnatcatchers have been observed are not proposed for development.

Southern Tarplant

Southern tarplant (*Centromedia parryi* ssp. *australis*) is a California Native Plant Society "1b.1" species[3]. CNPS "1b" species are eligible for listing under the California Endangered Species Act and significant occurrences of such rare species meet the definition of ESHA under the Coastal Act. For example, in its action on Hearthside Homes's Brightwater application, the Commission found that both the area on the lower bench that supported thousands of individuals of southern tarplant and the area around the seasonal pond on the upper bench that supported hundreds of individuals during some years met the definition of ESHA. Scattered individuals on the upper bench of the mesa were not included in the ESHA designation. A focused survey of the Parkside site in fall, 2006 documented the presence of 42 individual southern tarplant distributed in 6 locations. The densest area contained 23 plants. In contrast to the habitats on the Bolsa Chica mesa, the scattered areas containing southern tarplant on the Parkside property do not appear to be significant habitat for this species, and it is my opinion that these areas do not meet the definition of ESHA under the Coastal Act. The proposed flood protection berm would cover an area that supported 5 plants in 2006 and the natural water treatment berms and ponds would cover an area that supported 15 plants in 2006. Appropriate mitigation for this loss of coastal resources would be the planting of tarplant along the edge of wetland "AP".

[3] LIST 1B: Rare, threatened, or endangered in California and elsewhere; 0.1: Seriously endangered in California

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MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist / Wetland Coordinator

TO: Meg Vaughn

SUBJECT: Parkside Estates

DATE: January 25, 2007

Documents reviewed:

L.L. Lee and P. Fielder (Entrix). December 14, 2006. Letter report to M. Stirdivant (Bolsa Chica Land Trust) regarding: "Peer review and recommendations concerning wetland delineations on the Shea/Parkside property, Huntington Beach, Orange County.

J. Dixon (CCC). December 15, 2006. Email to L. Lee and P. Fiedler (Entrix) regarding their December 14, 2006 report on wetlands at the Shea property.

L. Lee (Entrix). December 27, 2006. Email to J. Dixon (CCC) responding to December 15, 2006 email queries.

T. Bomkamp (Glenn Lukos Assoc.), A. Homrighausen (LSA), and M. Josselyn (WRA). January 18, 2006 [should be 2007]. Letter to M. Vaughn (CCC) regarding: "Entrix report …and responses to e-mails from Dr. John Dixon (dated January 5, 2007) [apparently should be December 15, 2006] and Dr. Lyndon lee (dated December 27, 2006)."

T. Bomkamp (Glenn Lukos Assoc.), A. Homrighausen (LSA), and M. Josselyn (WRA). January 18, 2007. Letter to M. Vaughn and J. Dixon (CCC) regarding: "Comments regarding December 14, 2006. Entrix letter report (Entrix report) addressed to Mr. Marc Stirdivant, Balsa Chica Land Trust."

S. Lohman (LSA). January 18, 2007. Memorandum to J. Harrison (LSA) regarding: "Shea Homes/Parkside Estates property - hydric soil assessment."

T. Bomkamp (Glenn Lukos Assoc.), A. Homrighausen (LSA), and M. Josselyn (WRA). January 18, 2007. Letter to M. Vaughn and J. Dixon (CCC) regarding: Response to request for additional vegetation data and comments addressing Dr. Lyndon Lee e-mail response to your e-mail dated December 15, 2006."

Dr. Lyndon Lee and Dr. Peggy Fiedler were commissioned by the Bolsa Chica Land Trust to make a one-day field visit to the Shea/Parkside property to assess wetland conditions on the site and make an independent determination of the accuracy and adequacy of the wetland delineations that have been conducted by the wetland consultants for Shea Homes and by Coastal Commission staff. They concluded that (1)

the extent of wetland areas “AP” and “WP,” as mapped by Commission staff are underestimates, (2) a dug channel in the southwest corner of the site meets the Coastal Commission definition of wetland due to the presence of hydric soils and wetland vegetation, and (3) the elliptical area at the site of the old horse arena “likely” has hydric soils. These conclusions were based largely on professional judgment. There were no quantitative estimates of cover or predominance of wetland indicator species. Sixteen soil pits were dug and the soil characterized. The soil at five locations was judged to be hydric or “probably hydric” based on field indicators of ponding, which was assumed to have had a duration of at least 7 days. Estimates of the duration of ponding made by a local citizen were also considered, but not critically reviewed. Dr. Lee characterized the intent of their efforts as follows: “Please understand that we were on the ground to spot check - not to delineate. We would suggest that the immediate practical use you could make of our efforts goes directly to insisting on being in the field to delineate with a qualified team in the right season….”

The consultants for Shea Homes have provided lengthy technical rebuttals to the assertions in the Entrix report and have reiterated their previous conclusion that there are no wetlands on the portion of the property that is proposed for development - in particular the areas designated “AP” and “WP.” They also conducted some additional field work and quantitatively documented that most areas under discussion do not currently have a preponderance of wetland indicator species.

There is nothing in any of these reports that warrants a change to the recommendations in my memorandum to you dated July 27, 2006. The consultants for the Bolsa Chica Land Trust acknowledge the presence of wetlands at “AP” and “WP,” but suggest that they are actually somewhat larger than delineated, and also suggest that wetlands may be present at at least two other locations. However, they provide no data upon which to base a delineation of additional wetland areas. The consultants for Shea Homes provide some additional quantitative vegetation data. However, I do not think that either the widespread occurrence of wetland indicator species documented by the consultants for the Land Trust or the lack of a preponderance of such species in several areas documented by Shea Homes’ consultants is particularly useful. The majority of the area is still under the influence of agricultural practices. The “AP” and “WP” were only recently fenced. The vegetation community will be very difficult to interpret for years, as is discussed in more detail in my earlier memorandum.

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22 January 2007

GEOTECHNICAL REVIEW MEMORANDUM

To: Meg Vauughn, Coastal Program Analyst
From: Mark Johnsson, Staff Geologist
Re: Characterization of bluff at Parkside Estates site

I am in receipt of two email messages from Mr. Jan Vandersloot, dated 3 August 2006 and 26 November 2006, and a letter from Eileen Murphy dated 8 December 2006. The gist of all three communications is that the southeast-facing bluff at the northwestern corner of the Parkside Estates property owned by Shea Homes should be considered a "coastal bluff" under California Code of Regulations, Title 14 ("14 CCR"), §13577(h), which states, in pertinent part:

> Coastal bluff shall mean:
>
> (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and
>
> (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).

As I reported in my review memo of 24 July 2006, it is my opinion (and, I believe, the consensus of the geological community) that the subject bluff was carved by the ancestral Santa Ana river as it meandered across the Bolsa Chica lowlands over the recent geologic past. In contrast to, for example, Huntington Cliffs to the southeast, the dominant force responsible for creating the bluffs was river erosion, not marine erosion. For this reason, from a genetic and geomorphologic perspective, this bluff clearly is not a coastal bluff.

Mr. Vandersloot and Ms. Murphy argue that the toe of this bluff was "most probably subject to marine erosion within the past 200 years" by citing an 1873 T-sheet that shows tidal channels adjacent to the toe of the bluff. I concur that there is strong evidence that there were tidal wetlands in the Bolsa Chica lowlands prior to dike construction in the early twentieth century, but tidal wetlands generally are not the site of extensive marine erosion. Indeed, they are commonly depositional, not erosional, and serve as an efficient buffer from marine erosion. There may have been isolated erosion on the outer curves of the meanders of some of the tidal channels, but this does not constitute "marine erosion" in the way that most geologists would use the term.

Both authors cite several other points that indicate to them that the bluff should be considered a coastal bluff.

Mr. Vandersloot refers to the Statewide Interpretive Guidelines that define a bluff as having a minimum vertical relief of 10 feet, and correctly notes that the bluff has a vertical relief of 40-50 feet. There is no dispute that the topographical features at northwestern corner of the subjet property do, indeed, constitute "bluffs." However, the referenced guidelines do not address the question of whether they are "coastal" bluffs. As indicated above, from a geomorphologic perspective, they are river bluffs, not coastal bluffs.

Mr. Vandersloot also points out that the U.S. Army Corps of Engineers required a Section 10 Rivers and Harbors Act permit for "this property" (to which property he is referring I am not sure), and in doing so acknowledged an historic connection to the sea. Again, there is no doubt that the Bolsa Chica wetlands were (and are once more) connected to the sea. But this does not mean that the bluffs overlooking these wetlands are coastal bluffs, either genetically or statutorily.

Mr. Vandersloot indicates that the bluffs lie between the first public road and the sea (the tidal Bolsa Chica wetlands). Mr. Vandersloot presumably finds that relevant because 14 CCR §13577(h)(2) defines "coastal bluff" to include "those bluffs, the toe of which . . . lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2)," and those sections reference development "between the sea and the first public road paralleling the sea." However, the official Post LCP Certification Permit and Appeal Jurisdiction Map (revised 26 May 1981) indicates that Pacific Coast Highway is the first public road from the sea. Whether some road other than Pacific Coast Highway should be mapped as the first public road is beyond the scope of this memo. This memo therefore expresses no opinion regarding whether the bluffs at issue here meet the legal definitions of a coastal bluff under CCR 14 §13577(h)(2) based on their toe being located between the sea and the first public road paralleling the sea.

Both authors present photographs of Pectin shells on and imbedded in the bluff face. It is not entirely clear to me what they feel that this demonstrates. Ms. Murphy writes that "this, shows that the toe of the bluff was *not* [emphasis added] historically subject to marine erosion but that the toe lies within an area otherwise identified in Public Resources Code Section 30603 (a) (1) or (2)." I do not understand how the shells show that. Further, the presence of shells in or on the bluff face hardly demonstrates historic marine erosion within the past 200 years for any of the following reasons:

- The shells may be more than 200 years old

- The shells may, in fact, be of the same age as the marine terrace deposits that make up the bluff, and indicate marine conditions when these sediments were deposited.

or, and I believe most likely

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- The shells may represent debris from the extensive Native American archeological site that occupied the bluff top in this vicinity prior to its removal for construction of Hearthside Home's Brightwater Development. Extensive midden deposits were part of this site, and it is logical to believe that other middens and debris might be located nearby, such as at the Shea property.

In summary, I believe that the bluff at the Shea Home property is best described as a river bluff and is not a coastal bluff in a genetic or geomorphic sense. I take no position on the legal question of what constitutes the first public road paralleling the sea, however, so to my knowledge it is possible that a correction or update to that designation could place these river bluffs in the statutorily defined category of coastal bluff as allowed by 14 CCR §13577(h)(2) and Public Resources Code section 30603(a)(1).

I hope that this review is helpful. Please do not hesitate to contact me if you have further questions.

Sincerely,

Mark Johnsson, Ph.D., CEG, CHG
Staff Geologist

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25 January 2006

GEOTECHNICAL REVIEW MEMORANDUM

To: Meg Vaughn, Coastal Program Analyst
From: Mark Johnsson, Staff Geologist
Re: Tidal flooding issues at Parkside Estates site

With regard to the above-referenced project and issue, I have reviewed the following documents:

1) County of Orange, 2006, "Development plans for the Bolsa Chica Lowlands restoration", 2 p. letter addressed to James Trout and Jack Fancher dated 28 August 2006 and signed by N. Majaj (PE).

2) City of Huntington Beach, 2006, "Bolsa Chica Wetlands flood protection", 1 p. letter addressed to James Trout and Jack Fancher dated 7 September 2006 and signed by T. Hopkins (PE).

3) Hunsaker and Associates, 2006, "Coastal Commission e-mail dated August 23, 2006 response to questions--LCPA No. 1-06; CDP Application No. 5-06-327", 6 p. letter addressed to Meg Vaughn dated 21 September 2006 and signed by S.E. Barnhart (CE 25167).

4) Exponent, 2006, "Bolsa Chica "pocket": Flood and tidal protection for existing homes and Parkside Estates", 11 p. technical memorandum dated 21 September 2006 and signed by N.M. Jordan (PE 44012).

5) U.S. Fish and Wildlife Service, 2006, "Concerns for ocean flooding between the Bolsa Chica Mesa and the East Garden Grove-Wintersburg Flood Channel", 4 p. letter addressed to Nadeem Majaj, Robert Beardsley, and Peter Douglas dated 24 October 2006 and signed by J.M. Fancher.

6) Exponent, 2006, "Review of U.S. Fish and Wildlife Service letter of October 24, 2006 re Bolsa Chica restoration pocket", 23 p. technical memorandum dated 31 October 2006 and signed by N.M. Jordan (PE 44012).

In addition, I have had numerous conversations with Neil Jordan (Exponent) and Steve Barnhart (Hunsaker and Associates), hydrologic consultants for the project. I also have discussed the project with Travis Hopkins (City Engineer, City of Huntington Beach), Nadeem Majaj (Manager, Flood Control Division, County of Orange), Jack Fanscher (Bolsa Chica Restoration Project Manager, U.S. Fish and Wildlife Service), and Michael McCarthy (Moffat-Nichol, consultant to the Bolsa Chica Restoration Project). I have visited the site numerous times, and have twice viewed the "oil field road" discussed below at periods of very high tide (4 to 6 feet, MLLW, NGVD29; all subsequent vertical elevations in this memo refer to this datum unless otherwise indicated).

The applicants propose to construct a "Vegetated Flood Protection Feature" (VFPF) at the southwestern corner of the Parkside Estates development, that would extend from the northern levee of the East Garden Grove-Wintersburg Flood Control Channel (EGGWFCC) to the river bluff to the north. This VFPF, essentially an earthen levee with an internal sheet pile wall, was required by both the City and the County in their earlier approvals of the project. It is my understanding that this requirement was imposed as a result of a Conditional Letter of Map Revision (CLOMR) issued by the Federal Emergency Management Agency (FEMA). In conjunction with improvements to the EGGWFCC northern levee, the VFPF would allow the Parkside Estates site, as well as a large area of the City of Huntington Beach to the northeast, to be removed from the functional floodplain as defined by FEMA. There is some flexibility in the allowable location and structure of the VFPF, but it must extend from the northern levee of the EGGWFCC to the river bluff to the north, have an elevation of at least 11 feet, and meet FEMA design requirements (44 CFR Ch. 1 § 65.10) in order to allow these areas to be removed from the FEMA-defined floodplain. It is impossible to site the VFPF in an area that is not either within mapped Eucalyptus-ESHA, wetlands, or their buffers as recommended by staff.

The VFPF was initially deemed necessary because the levees of the EGGWFCC are uncertified and generally believed to be insufficient to withstand a 100-year storm event. Although the northern levee will be upgraded along the Parkside Estate site as part of the project, failure of the levee downstream of the development would allow waters to enter not only the Parkside Estates site, but also an area of approximately 170 acres, developed with approximately 800 homes, within the City of Huntington Beach. This is the existing condition, and this is why FEMA has currently defined this area as lying within the 100-year floodplain.

In July 2006, the area between the northern levee of the EGGWFCC and the river bluff downstream (southwest) of the Parkside Estates site was connected to the ocean and opened to tidal flow as part of the Bolsa Chica Restoration Project. Two four foot by four foot box culverts were opened through the EGGWFCC levee at its downstream extremity, connecting Inner Bolsa Bay with this area, known as the "Pocket." Although originally designed to function as a "muted tidal" wetland, eyewitness accounts indicate that the entire area is now routinely flooded to a depth of several feet. On both occasions that I examined the site during periods of high tide, I observed this to be the case. The incursion of seawater is halted at a dirt road, on an elevated bed, that was constructed across the Pocket during oil field operations in the early twentieth century. This road crosses the EGGWFCC and extends across the Pocket to Bolsa Mesa. The road, originally at an elevation of less than 4 feet, was never intended to function as a levee.

Concern that failure of this *de facto* levee, either by overtopping or by seepage, would result in a flood hazard to the development to the north and east (with elevations as low as –4 feet) prompted both the County of Orange and the City of Huntington Beach to request re-evaluation of the hydrologic characteristics of the muted tidal flow in the Pocket, and a request that it be included in the FEMA certification of the levees for the Bolsa Chica Restoration Project (references 1 and 2). According to my conversations with Mr. Jack Fanscher, the Fish and Wildlife Service responded to the perceived threat by adding fill to the oil field road, raising its elevation. According to surveys performed by the applicant, the minimum surface elevation of the road is now approximately 7.6 feet.

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Coastal Commission staff expressed concerns that the VFPF would impact ESHA or ESHA buffers. Numerous meetings and discussions ensued concerning the need for the VFPF, as well as various alternative options for its location or construction. These questions were addressed in references 3 and 4.

Reference 3 provides design constraints on the VFPF. Essentially any structure that is consistent with 44 CFR Ch. 1 § 65.10 can be used; ranging from a vertical floodwall to a broad earthen levee. The latter was chosen as it seems to be least visually intrusive and the relatively gently sloping sides can support habitat. Reference 4 summarizes previous hydrologic analyses (also cited in my 24 July 2006 Geotechnical Review Memorandum), and includes a "focused pocket flood and tidal protection analysis." This analysis makes use of the U.S. Army Corps of Engineers UNET one-dimensional, unsteady flow mathematical model. The model was constrained to have no levee breaches in the EGGWFCC upstream of the box culverts connecting to Inner Bolsa Bay. Citing apparent seepage failures already occurring in the oil field road, this *de facto* levee is assumed to breach at the surveyed elevation of this seepage on the inland side of the road. This modeling, with appropriate assumptions detailed in reference 4, demonstrates that a combination of very high tides plus either a coastal storm surge or an inland storm event would result in flooding across the Parkside Estates site, into existing homes to the northeast. The applicant has provided modeling results that document that, over several tidal cycles, water would essentially be "pumped" into these neighborhoods from the Pocket at high tides. Until the storm surge or inland flood event subsided, there would be insufficient time at low tides for much of this water to escape seaward. Indeed, because many of these neighborhoods are well below sea level, flooding to depths of as much as 1.8 feet would persist after the storm event.

Reference 5 is a response from the Fish and Wildlife Service to the concerns raised in references 1 and 2. It reiterates that the tidal regime in the Pocket was designed to be "muted" and not subject to the full tidal range of Outer Bolsa Bay. The letter states that the top elevation of the oil field road is 8.7 feet NAVD88, or 6.3 feet NGVD29. The maximum anticipated water elevation in the Pocket is 5.8 feet NAVD88, or 3.4 feet NGVD29. Nevertheless, fill has been added to the road to increase its elevation to a minimum elevation of approximately 7.6 feet (NGVD29), as surveyed by the applicant and reported in reference 6. The letter concedes that no modeling was conducted as part of the Bolsa Chica Restoration Project to address levee failure downstream of the VFPF, and agrees that such a failure poses a flood threat to the Parkside Estates site. It also states that the mitigation measures proposed by Parkside would address this threat.

Reference 6 is the applicant's response to reference 5. In it, the threat to the Parkside Estates site and approximately 800 homes in the 170 acre watershed to the northeast from a breach of the EGGWFCC levee downstream of the Parkside Estates site and upstream of Inner Bolsa Bay is reiterated—this is the threat that was not modeled by the Bolsa Chica Restoration Project. Reference 6 states that the VFPF is an integral part of the mitigation strategy cited in reference 5, and as such was required by FEMA in their CLMOR. This requirement was also imposed by the City of Huntington Beach and the County of Orange. Further, the applicant believes, and I concur, that the existing oil field road was not designed to function as a levee, and its failure by seepage and/or overtopping must be considered in any tidal flooding model.

EXHIBIT#Q
Page 3 of 4
Application Number:
HNB-MAJ-1-06
California Coastal Commission

In summary, I concur with the applicant and his hydrologic consultants that some combination of reinforcement of the EGGWFCC levee and an additional levee/floodwall between the northern levee of the EGGWFCC and the river bluff to the northwest is a necessary component of flood control protection to assure that the Parkside Estates site will be free of flood hazards in a 100-year flood event. A byproduct of these improvements will be protection of some 800 homes currently at risk.

Several alternatives exist to provide this protection:

1) Improving the north levee off the EGGWFCC for its entire length from the Parkside Estates site to Inner Bolsa Bay would reduce the risk of its failure during an inland storm event. Although this would prevent flood waters from directly entering the pocket, it would do nothing to protect against breaching of the *de facto* oil field road levee from a storm surge in Inner Bolsa Bay. Further, it is conceivable that, as the applicant contends, elevated flood waters in Inner Bolsa Bay would flow into the Pocket through the new culverts even if there were no levee breach.

2) The oil field road could be raised and improved to function as a certifiable levee. In order for this alternative to be effective, the northern levee of the EGGWFCC also would need to be improved from the Parkside Estates site to the oil field road. While this alternative would provide flood protection against both inland and tidal flooding, it would require construction on lands not owned by Shea Homes, but by the State. Further, because of the extensive Eucalyptus ESHA between the Parkside Site and the oil field road, there would be potentially severe environmental impacts due to such construction.

3) As proposed by Shea Home, a flood protection feature—a flood wall or levee—could be constructed on their property between the northern levee of the EGGWFCC and the river bluff. This would protect the Shea Site and an additional 170 acres to the northeast, but would offer no protection to the Pocket or to the Eucalyptus ESHA between the oil field road and the Parkside Estates site.

I hope that this review is helpful. Please contact me if you have additional questions

Sincerely,

Mark Johnsson, Ph.D., CEG, CHG
Staff Geologist

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Page 4 of 4
Application Number:
HNB-MAJ-1-06
California Coastal Commission

SheaHomes

Caring since 1881

Our Vision ... to be the most respected builder in the country

January 23, 2007

Ms. Meg Vaughn, Coastal Program Analyst
Mr. Karl Schwing, Supervisor, Regulation and Planning
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RE: Parkside Estates
LCP Amendment Request No. 1-06
CDP Application No. 5-06-327

Dear Meg and Karl,

The purpose of this letter is to provide clarity on our position and preference with respect to land use considerations of the WP area within Parkside Estates, and requesting that the LCPA hearing be scheduled, as anticipated, in February.

As stated in numerous submissions to Coastal Commission Staff, the Wintersburg Channel north levee along our property frontage is in serious need of improvement. The levee has been weakened by increased erosion, invasion of burrowing animals and a lack of maintenance. Levee maintenance has been minimal at best – and only conducted in a few small localized areas. The Orange County Flood Control District (OCFCD) has no budgeted money to widen and upgrade the north levee, so without the proposed Parkside Estates improvements, critically necessary repairs will not occur in the near future. Additionally, the introduction of water to the Bolsa Chica "Pocket" area has created an urgent need for another levee at our property's westerly area to constrain tidal flooding in the event of a high tide occurrence during an intense storm session. This levee (the "VFPF") was anticipated by the City of Huntington Beach and FEMA, but the untimely flooding of the pocket before construction of flood protection was not anticipated. Both of these existing situations are "regional" problems that if left uncorrected, leave several hundreds of homes and families at risk of flooding.

We, along with principals from the three biological firms working on our development proposal for several years, very firmly believe, based on compelling and overwhelming evidence, that the WP area is not a wetlands today. We fully intend to argue that fact at our Coastal Commission hearings. As such, we firmly believe there is no need, either biologically or legally, to preserve the area "as is," and the levee improvements and proposed grading should occur along the levee adjacent to the WP area as with areas outside of the WP.

Shea Homes Limited Partnership, Southern California Division
An independent member of the Shea family of companies

603 S. Valencia Avenue, Brea, CA 92823 Phone 714-985-1300 Fax 714-792-2500 www.sheahomes.com/scal

HNB LCPA 1-06 Exhibit R 1/4

However, should our arguments concerning the status of the WP area not prevail with Staff, we ask Staff and Commissioners to consider all aspects when deciding the fate of the WP area land use. We realize the Coastal Act suggests preservation of resources; however, as Staff and Commissioners weigh all issues associated with preservation of the WP area, we suggest consideration be given towards alternative approaches that offer a biologically superior alternative, as well as superior flood and safety considerations.

During a meeting with Coastal Commission Staff in early November 2006, we were requested to provide additional information relative to construction impacts to levee and grading improvements along and around the WP area, respectively. It was understood that FEMA and the City of Huntington Beach would need to provide opinions of the proposed levee improvements along the WP area and the City would need to provide opinion of the proposed grading around the WP area.

Our engineers subsequently created two pages of designed cross-sections depicting how the East Garden Grove Wintersburg north levee could be improved with a double sheet pile system, analogous to a cofferdam, along the WP area, as well as cross sections of how the grading could occur around the WP area. These were promptly forwarded to FEMA for review and comment, and were sent to you with documentation that stated the WP area could be preserved intact during the levee and grading improvements and would not have any post-construction impacts.

We have received and forwarded to you three e-mails from FEMA's engineering consultant, Michael Baker, Jr. A letter from FEMA/Washington DC is forthcoming, and we have been assured that its content will not deviate from the opinions of FEMA's engineering consultant. In summary, FEMA's engineering consultant makes two general statements[1]:

1. *Regardless of the specific engineering design, the levee project is required to meet the requirements of Section 65.10 of the NFIP regulations to be credited with providing protection from the flood having a 1-percent chance of being equaled or exceeded in any given year.*

2. *In addition, if your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.*

[1] Email from B. Koper, Michael Baker Jr. to N. Jordan, Exponent, Subject: 07-09-0411P: City of Huntington Beach, Orange County, Fri 1/19/2007 7:26 AM.

R2

FEMA will require the Parkside Estates' civil engineer design and certify levee improvements to meet Federal certification requirements. FEMA will also rely on the local communities (City and OCFCD) for approving any site specific requirements over and above minimum NFIP requirements. We are confident we can meet FEMA's certification requirements as reflected in all of the designed cross-sections provided. However, these options may not provide the optimum solutions for the communities. Clearly, several other factors should be weighed by Staff and Commissioners when considering the WP area.

Given the existing elevation of the WP area at approximately 1.2 ft MSL (NAVD 1988 datum), the existing elevation of the top of levee at approximately 11.0 ft and the pad elevation of our proposed homes at approximately 7.0 ft, it is clear that the WP area will be in a hole if it is preserved in place. This will result in an approximate 16' high vertical wall where the north edge of the levee joins the south side of WP area. The easterly, northerly and westerly edges around the WP area (and buffer) would join an upward 2:1 slope that would join the proposed elevation of approximately 7.0 ft. While this plan could comply with Coastal Commission regulations, our team's biologists do not feel it would result in a wetland area as viable as could be established if the WP were eliminated and mitigated at the westerly area of the project site to create a larger, consolidated wetland, as explained later in this letter.

Although options are available to meet minimum NFIP requirements, the communities clearly prefer levees to be earthen backed (or earthen reinforced), without standing water bodies or wetlands on sides opposite those of water containment. Not only does this provide optimum structural integrity and reduced maintenance, but the dry, earthen backed area provides an area of inspection against leakage and water penetration. If a wetland were in this area, such inspections would be more difficult, even though FEMA might accept the operation, inspection, and maintenance program as meeting minimum NFIP requirements.

Preservation of the WP area "as is" will result in other less than optimum consequences. The WP area "hole" would need extensive and intrusive maintenance by either a homeowners association or public agency, depending on alternative, to prevent its becoming a trash collector that would minimize its resource value. Additionally, unless the WP area could be irrigated, landscaped with new plants, and intrusively maintained to avoid fire and vector (pest) hazards, the primary vegetation will be that of "upland weeds" – clearly not attractive for anyone and contrary to Coastal Commission's intentions.

We request consideration and evaluation of what resource values exist today in the WP area, what they might become during and following our Parkside Estates development, and consider if other options of support could be realized.

R3

If the Commission finds that development can occur within the WP area as long as impacts are mitigated, we believe that mitigation could and should occur within the CP area of our Parkside Estates development plan, and result in an environmentally superior alternative to preserving the WP area in place. Wetlands exist within the CP today, although they are somewhat degraded. With WP mitigation, this would be an attractive area for wetland restoration and expansion to compensate for development of the WP area. The end result would be a consolidated wetland area of high quality, immediately adjacent to the Bolsa Chica restoration and the south Eucalyptus grove. We believe that this presents a more logical approach to the long-term planning for creation and preservation of wetlands and other sensitive coastal resources at the edge of Bolsa Chica.

The concept of "balancing", as provided for in Section 30007.5 of the Coastal Act, has been used in prior land use decisions of the Commission – and we believe that approach has application here. Clearly, allowing the WP area to be developed at the benefit of enhancement to the CP could be a win/win for the public, the community, the City, the OCFCD, FEMA and the Commission.

Parkside Estates proposes to make many costly and needed regional infrastructure improvements that the County and City would not otherwise make or benefit from. We urge Staff and the Commission to weigh the WP area land use possibilities from a perspective of what is best for the community. The information we have submitted on the matter of the WP has been fully responsive and comprehensive and is nearly complete, with the only pending matter being a formal response from FEMA to document its informal responses, which you have already received. We respectively request your support for development within the WP area, and that the LCPA applicable to Parkside Estates be agenized for a Coastal Commission hearing in February 2007.

Yours truly,

Ron Metzler
Vice President, Planning and Entitlement

cc: Mark Johnsson, Coastal Commission Staff
Jack Gregg, Coastal Commission Staff
Dr. John Dixon, Coastal Commission Staff
Deborah Lee, Coastal Commission Staff
Sherilyn Sarb, Coastal Commission Staff
Scott Hess, City of Huntington Beach
Mary Beth Broeren, City of Huntington Beach
Dave Webb, City of Huntington Beach
Terri Elliott, City of Huntington Beach
Nancy Lucast
Steve Kaufmann
Parkside Estates Team of Scientists and Engineers

R4

CITY OF HUNTINGTON BEACH

2000 Main Street P.O. Box 190 California 92648

Robert F. Beardsley, P.E.
Director

Department of Public Works
(714) 536-5431

January 23, 2007

Ms. Meg Vaughn, Coastal Program Analyst
Mr. Karl Schwing, Supervisor, Regulation and Planning
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

RECEIVED
South Coast Region
JAN 25
CALIFORNIA
COASTAL COMMISSION

RE: Parkside Estates
LCP Amendment Request No. 1-06
CDP Application No. 5-06-327

Dear Ms. Vaughn and Mr. Schwing:

The developer, Shea Homes, has made a request of the City of Huntington Beach to consider a design alternative that would limit the improvement of the levee along the C05 Wintersburg Channel to the developed frontage in lieu of the entire length of the property as originally required under the conditions of approval for the project. The City would find this improvement alternative acceptable if the following conditions are met:

1. All flood protection improvements must be completed in full conformance with, and subject to the review and design requirements of the City of Huntington Beach, the County of Orange, and the U. S. Army Corps of Engineers (COE).
2. The improvements must be certified by the U.S. Army Corps of Engineers to be substantially in conformance with the Conditional Letter of Map Revision issued by the Federal Emergency Management Agency (FEMA) for the subject property.
3. The Vegetated Flood Protection Feature (VFPF) must extend from the C05 Wintersburg Channel levee to the bluffs on the westerly side of the project, and the elevation of the top of the VFPF must match or exceed the required top of the proposed levee to provide the minimum freeboard above the maximum expected water surface in the channel for a 100-year storm event.
4. The VFPF must be constructed to the minimum requirements of the U. S. Army Corps of Engineers for a certified levee improvement as shown in COE manual EM 1110-2-1913, latest amendment. No runoff from the project shall be permitted to outlet over the top of the VFPF except in a concrete lined swale to eliminate the potential for erosion of the levee.
5. The maintenance and access road along the top of the levee and the top of the VFPF must comply with the minimum requirements of the City, County and the COE.

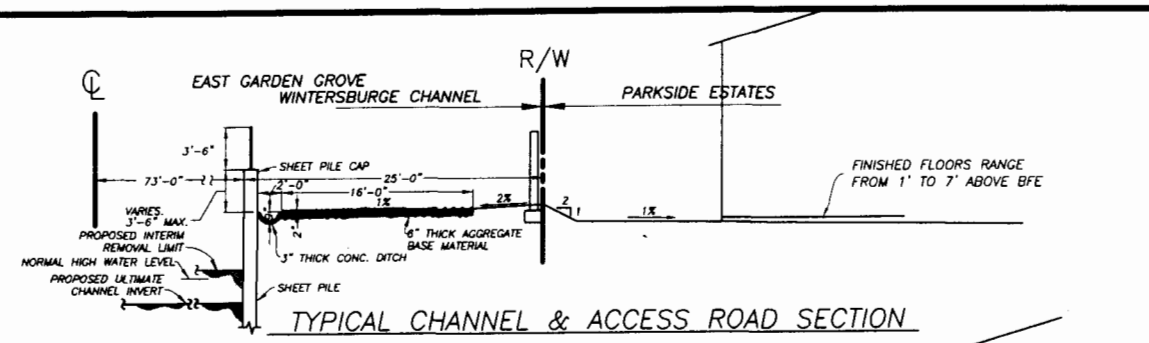
If you have any questions about the stipulations contained in this letter, please feel free to contact either myself, or Mr. David Webb, Deputy Director of Public Works, at (714) 536-5431.

Sincerely,

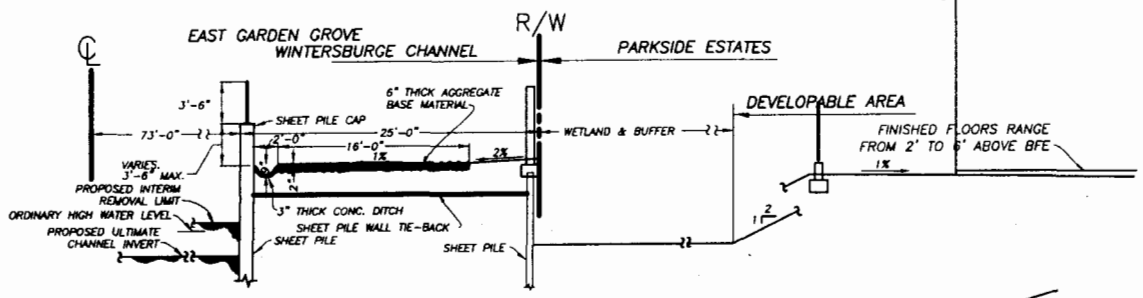
Travis K. Hopkins, PE
City Engineer

TKH/TE: cs

Cc: David Webb, Deputy Director of Public Works
Scott Hess, Acting Director of Planning
Mary Beth Broeren, Principal Planner
Terri Elliott, Principal Civil Engineer
Robert Righetti, Engineering Resources, Inc.
Ron Metzler, Shea Homes

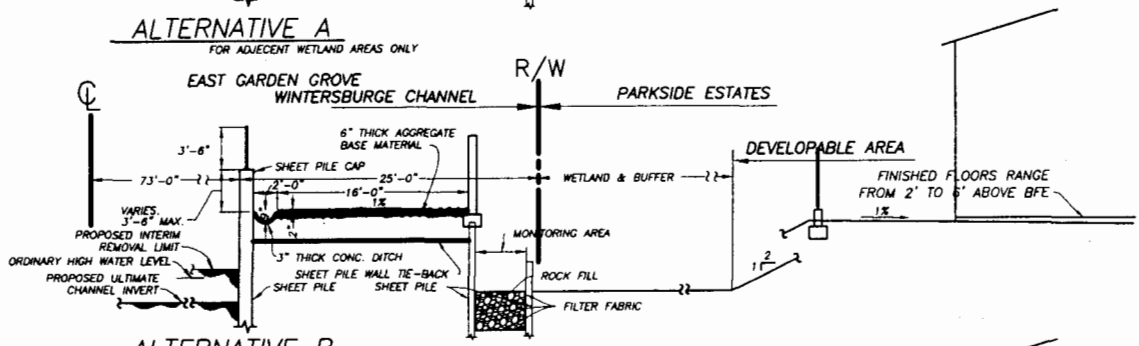


TYPICAL CHANNEL & ACCESS ROAD SECTION



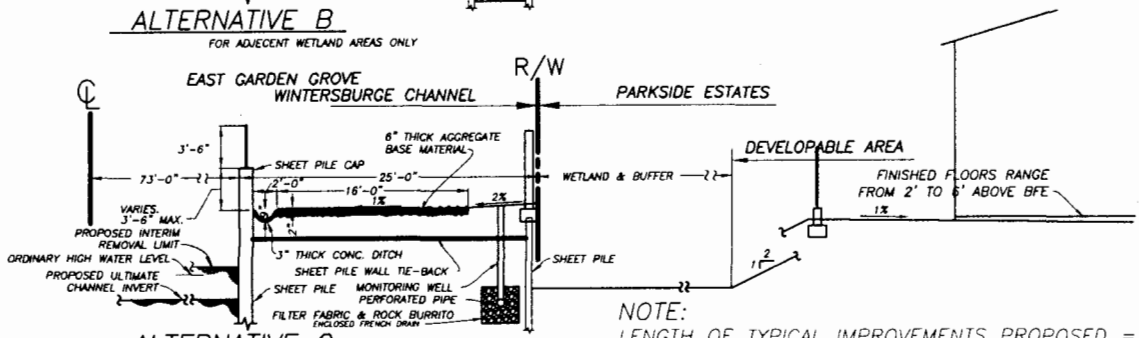
ALTERNATIVE A

FOR ADJECENT WETLAND AREAS ONLY



ALTERNATIVE B

FOR ADJECENT WETLAND AREAS ONLY



ALTERNATIVE C

FOR ADJECENT WETLAND AREAS ONLY

NOTE:
LENGTH OF TYPICAL IMPROVEMENTS PROPOSED = 1600 L.F. LENGTH OF ALTERNATIVE IMPROVEMENTS PROPOSED = 600 L.F

ALTERNATIVE CHANNEL & ACCESS ROAD SECTION AT WETLAND

ALL LEVEES CERTIFIABLE PER 44 CFR 65.10

GRAPHIC SCALE 1"=5'

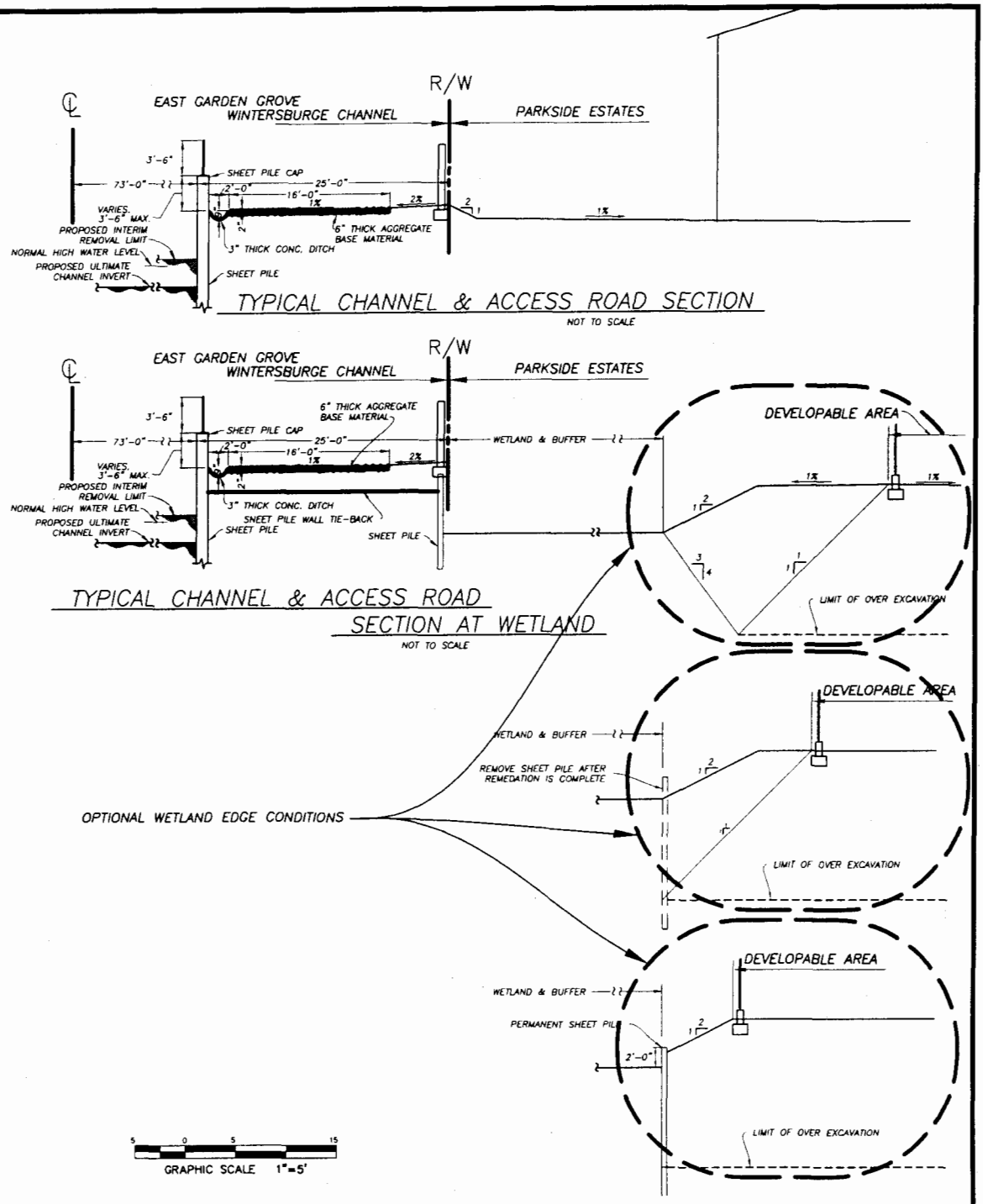
ALTERNATIVE CHANNEL & ACCESS ROAD SECTIONS

DATE: 11-17-06

COASTAL COMMISSION
HNB LCPA 1-06

EXHIBIT # I

PAGE 1 OF 2



TYPICAL CHANNEL & ACCESS ROAD SECTIONS

DATE: 11-14-06

T2

Federal Emergency Management Agency

Washington, D.C. 20472

JAN 2 5 2007

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Neil M. Jordan, P.E.
Senior Engineer
Exponent Failure Analysis Associates
320 Goddard Way, Suite 200
Irvine, CA 92618

Dear Mr. Jordan:

This responds to a request that the Federal Emergency Management Agency (FEMA) comment on the effects that proposed project alternatives would have on the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for Orange County, California and Incorporated Areas, in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In your e-mail message dated November 13, 2006, you requested that FEMA evaluate the effects that proposed alternatives for the Shea Homes Parkside Estates development along the northern overbank of East Garden Grove - Wintersburg Channel, from approximately 3,200 feet downstream to just downstream of Graham Street, would have on the flood hazard information shown on the effective FIRM and FIS report.

The existence of the WP Wetland along the above-mentioned reach raises some concerns about the integrity of the proposed levee or floodwall, such as seepage; piping; stability; settlement, plus liquefaction in seismic areas; and, possibly, creation of a landside-saturated condition. The alternatives you mentioned in your e-mail of November 21, 2006, need to be reviewed. To document that the proposed project will provide base (1-percent-annual-chance) flood protection, you must submit to FEMA a geotechnical site characterization report that outlines the local geology, soil stratigraphy, ground water, soil parameters (strength, permeability, piping potential and consolidation), seismic considerations, tidal fluctuations, and any other information needed for project evaluation and design. In addition, a project plan and associated detailed cross sections must be submitted before FEMA can determine which alternative(s) would provide base flood protection.

Regardless of the specific engineering design, the proposed levee project must meet the requirements of Section 65.10 of the National Flood Insurance Program (NFIP) regulations (copy enclosed) to be credited with providing protection from the base flood. Paragraph 65.10(b) of the NFIP regulations states that for levees to be recognized by FEMA, evidence must be provided that adequate design and operation and maintenance systems are in place to provide reasonable assurance that base flood protection exists. The Conditional Letter of Map Revision dated June 6, 2002 (Case No. 01-09-393R), provided FEMA's comments on the effects that the proposed project would have on the flood hazard information shown on the effective FIRM if the project were built as proposed.

Each affected community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State law will be obtained. State or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If the State of California, Orange County, or the City of Huntington

COASTAL COMMISSION
HNB LCPA 1-06
EXHIBIT # U
PAGE 1 OF 2

Beach has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

If you have general questions about your request, FEMA policy, or the NFIP, please call the FEMA Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627). If you have specific questions concerning your request, please call the Revisions Coordinator for your State, Mr. Rami Quttaineh, who may be reached at (703) 960-8800, ext. 5287.

Sincerely,

Max H. Yuan, P.E., Project Engineer
Engineering Management Section
Mitigation Division

For: William R. Blanton Jr., CFM, Chief
Engineering Management Section
Mitigation Division

Enclosure

cc: The Honorable Gil Coerper
Mayor, City of Huntington Beach

The Honorable Chris Norby
Chairman, Orange County
Board of Supervisors

Mr. Ron Metzler
Shea Homes Parkside Estates

U2

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January 26, 2007

Mark Johnsson, Ph.D.
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco CA 94105

RE: FEMA response to Parkside Estates levee design

Dear Dr. Johnsson:

In response to your initial request of November 3, 2006 and in reference to our two interim emails and letter response of January 23, I am attaching the letter from Federal Emergency Management Agency dated January 25, 2007.

Upon receipt of the letter, Mr. Neil Jordan of E^{x}ponent discussed its contents with Michael Baker Jr., FEMA's engineering consultant who drafted the letter for FEMA, and confirmed that the two principal points of the emails and our January 23 letter are correct as stated:

1. Whatever levee is constructed must meet the requirements of FEMA regulations in 44 CFR 65.10, and
2. Each affected community (City and County in this case) may set higher standards for construction or limit development in floodplain areas.

FEMA's engineering consultant stressed that FEMA's letter is *not* a request for submittal of geotechnical and other engineering work at this time. In fact, no further action regarding FEMA issues is expected or needed until the Letter of Map Revision (LOMR) submittal, which occurs after construction of the flood protection features. FEMA's process provides only two opportunities to submit documents: at the time of the CLOMR submittal and the time of the LOMR submittal. The LOMR process cannot begin until after completion of construction.

FEMA's additional information points in the second paragraph of its January 25 letter will be fulfilled during the engineering design process in which levee concepts developed following the Coastal Commission hearings are converted by geotechnical and civil engineers into construction drawings that are signed and sealed by Parkside's engineering team. This act is the certification that the levee as constructed will meet FEMA requirements in Section 65.10.

COASTAL COMMISSION
HNB LCPA 1-06
EXHIBIT # ✓
PAGE 1 OF 2

Shea Homes Limited Partnership, Southern California Division
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603 S. Valencia Avenue, Brea, CA 92823 Phone 714·985·1300 Fax 714·792·2500 www.sheahomes.com/scal

The construction plans will be reviewed by the two affected communities, the County of Orange and the City of Huntington Beach. The construction itself will be inspected by Orange County Flood Control District, the ultimate owner of the levee.

Upon completion of the flood control-related structures, as-built plans will be certified by the Parkside engineering team. These plans will be included in a request to FEMA for a Letter of Map Revision (LOMR) and will include:

- Point-by-point certification that the levee and related structures meet FEMA requirements in Section 65.10
- Revision of hydraulic modeling to address floodplain changes, including the Bolsa Chica restoration
- Certification that each of the conditions in the June 2002 Conditional letter of Map Revision (CLOMR) have been addressed, and
- Public notification of changes in Base Flood Elevations.

To briefly review, the design engineer (in this case Parkside's engineering team), not FEMA or a third party, certifies the levee and other flood protection features. Certification is submitted to FEMA in the request for LOMR. FEMA and FEMA's engineering consultant review and approve the submittal, and only then does FEMA issue a LOMR after the appropriate public notification period.

As we wrote in our January 23 letter to you, we are confident that we can meet FEMA requirements in Section 65.10 and other provisions in the National Flood Insurance Program for any of the levee alternatives.

Sincerely,
Shea Homes

Ron Metzler
VP, Planning and Entitlement

Encl.: FEMA letter of Jan. 25, 2007

cc: The Honorable Gil Coerper, Mayor, City of Huntington Beach
The Honorable Chris Norby, Chair, Orange County Board of Supervisors
Mr. Scott Hess, City of Huntington Beach
Mr. Dave Webb, City of Huntington Beach
Ms. Meg Vaughn, California Coastal Commission

V2

T 8c

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ENDORSEMENTS

Amigos de Bolsa Chica
Algalita Marine Research Foundation
Anza Borrego Foundation
Ballona Wetlands Land Trust
City of Huntington Beach
Friends of Harbors, Beaches and Parks
Huntington Beach Wetlands Conservancy
Huntington Beach Tomorrow
Orange Coast League of Women Voters
Orange County Coastkeeper
Sea and Sage Audubon
Sierra Club Angeles Chapter
Surfrider Foundation
Tree Society
Wildlands Conservancy

August 3, 2006

Ms. Meg Caldwell, Chair
Members of the Commission
California Coastal Commission
200 Oceangate – 10th Floor
Long Beach, CA 90802

RE: Item Tu 8c - Major Amendment Request No. 1-06 to the City of Huntington Beach Certified Local Coastal Program (For Public Hearing and Commission Action August 8-11, 2006 meeting in San Pedro).

Dear Ms. Caldwell and Members of the Commission:

These comments are submitted on behalf of the Bolsa Chica Land Trust, a grassroots, nonprofit organization of nearly 5,000 members residing in California and twenty other states. Our objective is to provide recommendations to the California Coastal Commission (CCC) which will ensure protection of the coastal zone resource values of the Bolsa Chica ecosystem in Huntington Beach, California.

The Bolsa Chica Land Trust urges that the Land Use Plan Amendment and the Implementation Plan be denied as submitted, and further recommends that any other action on the Land Use Plan Amendment and the Implementation Plan be continued until such time as additional protections to wetland areas, sensitive species, and Environmental Sensitive Habitat Areas (ESHAs) have been included in the modifications

I. The LCP Amendment must recognize and provide all mandated protections to wetland habitat on the Shea/Parkside property.

Section 30233 (a) of the Coastal Act reads in part: 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.

5200 Warner Avenue - Suite 108 - Huntington Beach, CA 92649 - (714) 846-1001
www.bolsachicalandtrust.org

COASTAL COMMISSION
HNB LCPA 1-06
EXHIBIT # W
PAGE 1 OF 13

While federal wetlands regulatory definitions are cited and applied in several of the developers' documents, the Coastal Commission's definition of wetlands supersedes all others as the lead jurisdiction on this property. The Coastal Commission's wetlands definition (California Coastal Commission. 1981b. Statewide Interpretive Guidelines. As revised) reads as follows:

> Presence or absence of hydric soils and/or hydrophytes alone are not necessarily determinative when the Commission identifies wetlands under the Coastal Act"; and Wetlands must have **one or more** (emphasis added) of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. – Cowardin, L.M. et al. 1979. *Classification of Wetlands and Deepwater Habitats of the United States*, U.S. Fish and Wildlife Service.

Wetlands Vegetation – Vegetation data has been compiled by local resident Mark Bixby over a four-year period during which time he visited the Shea property no less than once each week. His studies of hydrophytic vegetation were conducted by systematically walking transects the length and breadth of the property, unlike the developer's consultants who looked for vegetation randomly. Mr. Bixby has compiled an extraordinary amount of photographic evidence which can be found on his website at www.bixby.org/parkside. Mr. Bixby has catalogued the presence of seven Obligate Wetland species, four Facultative Wetland (+) species, seven Facultative Wetland species, two Facultative Wetland (-) species, and twenty Facultative species of vegetation on the property.

In a report to the Bolsa Chica Land Trust dated March 21, 2005 and submitted to the Coastal Commission, biologist Christina Schaefer of Technology Associates International Corporation stated in part:

> The website also confirms the presence of wetlands plants in certain locations of the site, specifically in the southern, south central, and southwestern portion of the site, including such obligates as curved sicklegrass (*Parapholis incurve*), pickleweed (*Salicornia virginica*), and saltmarsh sandspurry (*Spergularia marina*).

This is particularly important when one recalls that the majority of the Shea property is under intensive agricultural use. Much of it is rarely fallow yet wetland plants germinate quickly in multiple locations when given the chance. Moreover, a comparison of the vegetation found in the adjacent East Garden Grove-Wintersburg Flood Control Channel confirms that every significant wetland plant species that can found within the channel (which is self-evidently a wetland) can be found on the Shea property as well.

W2

Please see the attached exhibit entitled "Vegetation – adding it all together" for a composite map overlaying the range of all FACW or greater indicator species found on the Shea property. We contend that the areas shaded in orange qualify as wetlands under Section 30233 of the Coastal Act.

Hydrology – The Bixby website presents an unprecedented amount of data on the hydrology of the Shea property which must be viewed to be fully appreciated. In California, land can be considered a wetlands if surface ponding is observed for 7 or more consecutive days per season. Certain areas of the Shea property do meet this standard on a recurring basis. The Bixby website contains data for twenty-one ponding seasons going back to 1958/59. While it would be impractical to reiterate all of this ponding data here, we believe a recent sampling would be beneficial. The following data were collected at seven sites on the Shea property and are from the 2005/06 rainfall season, which was considered to be "average":

City Parcel Adjacent to Wintersburg Channel (WP Wetland)
14 consecutive days – December 31, 2005 to January 13, 2006

(It should be noted that ponding was severely impaired at this location after the property owner used a box blade scraper to fill a portion of the area with soil shortly after CCC staff ecologist John Dixon issued his draft memo of December 15, 2005 which stated that wetlands were present at this location. See footnote 2, page 25, of the Staff Report).

City Parcel Western Agricultural Boundary (AP Wetland)
46 days – January 12, 2006 to February 26, 2006
85 days – February 27, 2006 to May 22, 2006

Terminus of Greenleaf Street site
7 days – February 27, 2006 to March 5, 2006

Former County Parcel Palm Tree site
8 consecutive days – December 31, 2005 to January 7, 2006
14 consecutive days – February 27, 2006 to March 12, 2006
20 consecutive days – March 27, 2006 to April 15, 2006

Former County Parcel Test Well site
8 consecutive days – December 31, 2005 to January 7, 2006
54 consecutive days – February 27, 2006 to April 21, 2006

Former County Parcel Gas Pipeline site
14 consecutive days – February 27, 2006 to March 12, 2006
40 consecutive days – March 19, 2006 to April 25, 2006

W3

Former County Parcel Vernal Pools site
7 consecutive days – October 10, 2005 to October 22, 2005
14 consecutive days – December 31, 2005 to January 13, 2006
62 consecutive days – February 20, 2006 to April 21, 2006

Photographic evidence of this data is readily available on the Bixby website. Please see the attached exhibit entitled "Hydrology – adding it all together" for a composite map of all ponds in all seasons that met the 7-day standard. We contend that the areas shaded in orange qualify as wetlands under Section 30233 of the Coastal Act.

Soils – Absent the ability to access the site to perform independent testing on the Shea property, verification of the assertions of the developers' consultants relating to hydric soil conditions is not possible. In a letter to the Bolsa Chica Land Trust dated June 13, 2005, Ron Metzler, Vice President, Planning and Entitlement for Shea Homes stated in part: "We do not believe it is appropriate or helpful to have your biologist conduct vegetation and soil studies on our subject property, and therefore deny your request to do so." We would like to know what Shea Homes is afraid of. Moreover, we would welcome soils testing conducted by an independent and impartial party and urge the Commission to pursue this at the applicant's expense.

In a report to the Bolsa Chica Land Trust dated June 12, 2006 and submitted to the Coastal Commission, biologist Julie Fontaine of Trestles Environmental stated:

> GLA, under the recommendations of Michael Joselyn of WRA, employed the *alpha-alpha* dipyridyl dye for proof of anaerobiosis. The studies were utilized and interpreted to determine when anaerobic conditions commended in saturated soil. Unfortunately the use of the dye does not demonstrate *when* anaerobiosis commences, only that there is the presence of reduced iron in the soil solution. Both GLA and Dr. Josselyn failed to consider basic principals of reducing chemical reactions in hydric soil."

Fontaine further stated:

> Incorrect is the statement relating to the duration of saturated conditions (25-40 day) in the soils studied on the property for this given time frame. In order to effectively provide proof of anaerobiosis, the Shea Homes consulting team should collect redox measurements during soil saturation. This will provide information on the point where oxygen levels in the soil are depleted, as well as the duration that anaerobic conditions persist during soil saturation.

W4

At best, the developer's hydric soil information is inconclusive. Redoximorphic features are present in some areas. Recent data collection could not provide sufficient information to establish whether hydric soil criteria has or has not been met.

Extent of Wetlands - We believe that Staff's estimation that approximately two acres of wetland area exists at the site understates the full extent of wetlands on the Shea property.

In a report to the Bolsa Chica Land Trust dated October 8, 2005 and submitted to the Coastal Commission, biologist Julie Fontaine of Trestles Environmental stated:

> Trestles has prepared a wetland map, generated based upon empirical data and data collected by others, where the CCC definition of wetland has been met on the property. The 5-acre "County parcel meets the definition based upon vegetation, soils, and hydrology on approximately 1.5 acres. A portion of the 45 acre "City" parcel meets the definition of wetlands based upon vegetation and hydrology in areas adjacent to the Wintersburg Channel and in the northern portion of the property. This includes approximately 7.9 acres of EPA-delineated area in the northern portion of the site. . . and 3.3 acres along the Wintersburg Channel.

Please see attached Figure 1.

Biologist Christina Schaeffer in her report of March 21, 2005 stated:

> . . . I conclude that the site currently contains pockets of wetlands under the Coastal Commission's definition. . . These pockets are mainly concentrated in the southern, south-western, and south-central portion of the site, with irregular ponding occurring in the south-eastern portion of the site along the flood control channel. Judging by ponding patterns published on the website, regularly inundated/saturated areas make up approximately 30 percent of the site, and more during unusually wet years.

The Bixby data demonstrates that an even larger portion of the property meets the Coastal Commission definition of wetlands. Please see the attached exhibits referenced under Vegetation and Hydrology. We contend that the areas shaded in orange qualify as wetlands under Section 30233 of the Coastal Act.

The Bolsa Chica Land Trust urges that an independent review of all wetlands indicators and data be conducted by a panel of independent experts under the direction of CCC staff. This is not without precedent and would be similar to the procedure used by CCC to assess raptor habitat and needs at the adjacent Brightwater/Bolsa Chica Mesa site.

W5

II. The LCP Amendment must recognize and provide all mandated protections to the Environmentally Sensitive Habitat Areas on the Shea/Parkside property.

Section 30107.5 of the Coastal Act reads: "Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem which could be easily disturbed or degraded by human activities and developments.

The Shea property contains significant Environmentally Sensitive Habitat area. In a report to the Bolsa Chica Land Trust dated June 8, 2006 and submitted to the Coastal Commission, raptor expert Peter H. Bloom stated:

> Raptor use (nesting, roosting, and foraging) of the Eucalyptus ESHA and adjacent area on the Bolsa Chica Mesa has been documented by my work from 1982 to the present to include California state listed peregrine falcon, as well as osprey, fully protected white-tailed kite, red-shouldered hawk, red-tailed hawk, Cooper's hawk, kestrel, turkey vulture, northern harrier, great horned owl and barn owl. This parcel is a vital ecological magnet for the area for raptor perching, nesting, and foraging; and bodes that the existing California State declared Environmentally Sensitive Habitat Area (ESHA) (1976) should be expanded to include an additional 325 meters of Eucalyptus grove along the eastern edge of the Bolsa Chica mesa.

Mr. Bloom concluded:

> Based on analysis of fieldwork accomplished by myself and others, I strongly recommend that this additional portion is the best and healthiest segment of raptor habitat in the immediate vicinity of the ESHA and should be conserved as additional segments of the existing ESHA.

III. The LCP must recognize and provide ESHA protection for the following endangered, threatened, or rare species which have been overlooked in the Staff Report.

Coastal California Gnatcatchers – In a report to the Bolsa Chica Land Trust dated December 22, 2004 and submitted to the Coastal Commission, biologist Robert A. Hamilton stated:

W6

> I have verified the presence of a pair of federally threatened Coastal California Gnatcatchers (Polioptila californica californica) that have been reported in the Bolsa Chica area in recent weeks. . . At 9:10 a.m. on 21 December 2004, Mark Bixby and I walked the Wintersburg Channel levy west and south from Slater Street to the area where a pair of California Gnatcatchers had been reported. Upon reach this area, I played a tape of California Gnatcatcher vocalizings, as authorized on Federal 10(A) Permits TE-799557. After the birds responded, I spent approximately 20 minutes observing and photographing them.

Numerous additional observations of gnatcatchers have been made subsequently by Mark Bixby and other local residents and photographic evidence is recorded on his website. Impacts to California Gnatcatchers and their habitat have been addressed in prior Commission actions. ESHA protection must be afforded this federally Threatened species on the Shea property.

Southern Tarplant – While Southern Tarplant is not a state or federally listed species, it is classified as a rare and endangered plant (List 1B.1) by the California Native Plant Society. Although at least a dozen stands of Southern Tarplant have been reported to the Commission and Shea Homes by Mark Bixby, no survey for Southern Tarplant has ever been performed on the Shea property. A thorough field survey should be conducted over more than one peak blooming season to establish the location of Southern Tarplant using transects over the 50 acre site. Locations should be mapped and marked using GPS coordinates.

Coastal Development Permit No. 5-05-020 dated December 15, 2005 for the adjacent Hearthside Homes/Brightwater development stated that "No development, as defined in Section 30106 of the Coastal Act, shall occur within the Southern Tarplant and Seasonal Pond Environmental Protection Area approved by the Executive Director in the final habitat management plan." And, indeed, a Southern Tarplant and Seasonal Pond Protection Area has been set aside in the Hearthside development.

The same protections must be afforded Southern Tarplant on the Shea property.

Fairy Shrimp – Multiple species of Fairy Shrimp have been observed in the vernal pools located on the Shea property. They are short-lived animals that hatch and reproduce during a short interval in the winter when vernal pools are filled with water. Fairy shrimp cysts fall to the bottom of the pool where they withstand the hot, dry summers of California. After one or more dry seasons, the cysts will hatch when the pools are once again inundated and the cycle of life begins again.

The endangered San Diego Fairy Shrimp are known to be present at Fairview Park in Cosa Mesa, approximately six miles away from the Shea property. Although

W7

observations of Fairy Shrimp are well documented on the Bixby website, no official survey meeting U.S. Fish and Wildlife Service protocols has ever been done to determine the exact species present on the property.

Wandering Skipper Butterfly – Although the Wandering Skipper Butterfly was never observed by the developer's consultants during preparation of the EIR, they have been observed and photographed on the Shea property every year four the last four years by local residents at Bolsa Chica. The Bixby website has a map specifying the locations where the Wandering Skipper has been found. ESHA protection must be afforded this federal Species of Concern on the Shea property.

IV. The LCP must require that adequate buffer areas be established to protect sensitive coastal resource and values on the Shea/Parkside property as mandated by the Coastal Act.

Section 30240 (a) of the California Coastal Act states in part: "Environmentally Sensitive Habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas."

The Bolsa Chica Land Trust applauds the decision by Staff to recognize the existence of eucalyptus ESHA along the southern and western boundary of the property and we fully support the establishment of a 100-meter buffer around the ESHA. Both the U.S. Fish and Wildlife Service and the state Department of Fish and Game have supported this buffer requirement. Adequate buffer width is required to provide essential raptor foraging area.

It is critical that the there be complete connectivity between the eucalyptus ESHA area on the southern portion of the property and the staff-recommended ESHA on the northern portion of the property. Raptor expert Pete Bloom, whose work led to the initial establishment of eucalyptus ESHA at Bolsa Chica, stated in a personal communication that this was, in fact, his intention when his original report was written in 1982. There is no logical reason for an ESHA boundary to end at a legal boundary that wildlife cannot see and will not observe. The eucalyptus ESHA must be preserved in its entirety.

As Bloom stated in his report to the Bolsa Chica Land Trust of June 8, 2006:

> Maintaining ecosystem integrity (see Karr 1992, De Leo and Levin 1997) of the Eucalyptus ESHA remains an important attribute for maintaining the remnant local raptor ecosystem component, present and future contributions to the regional raptor population and migration corridor, and to support prey components that contribute to a functional

W8

ecosystem. The currently non-protected segment of the Eucalyptus ESHA is critical to that task, and its loss would contribute to further degradation of local ecosystem integrity.

Moreover, we consider the imposition of a "public view park," even within the outer third of the ESHA buffer, to defeat the purpose of the buffer and contend that it is inconsistent with the mandates of the Coastal Act.

V. Conclusion

In conclusion, we respectfully request that the Commission DENY the Land Use Plan Amendment and Implementation Plan as submitted. We further request that the Commission DENY the Land Use Plan Amendment and Implementation Plan even as modified, until such time as additional independent analyses can be completed and adequate protections for wetland areas and ESHA have been included in the modifications.

Sincerely,

Marc Stirdivant
Executive Director
Bolsa Chica Land Trust

cc: Ms. Meg Vaughn
Dr. John Dixon

W9

Vegetation – adding it all together

W10

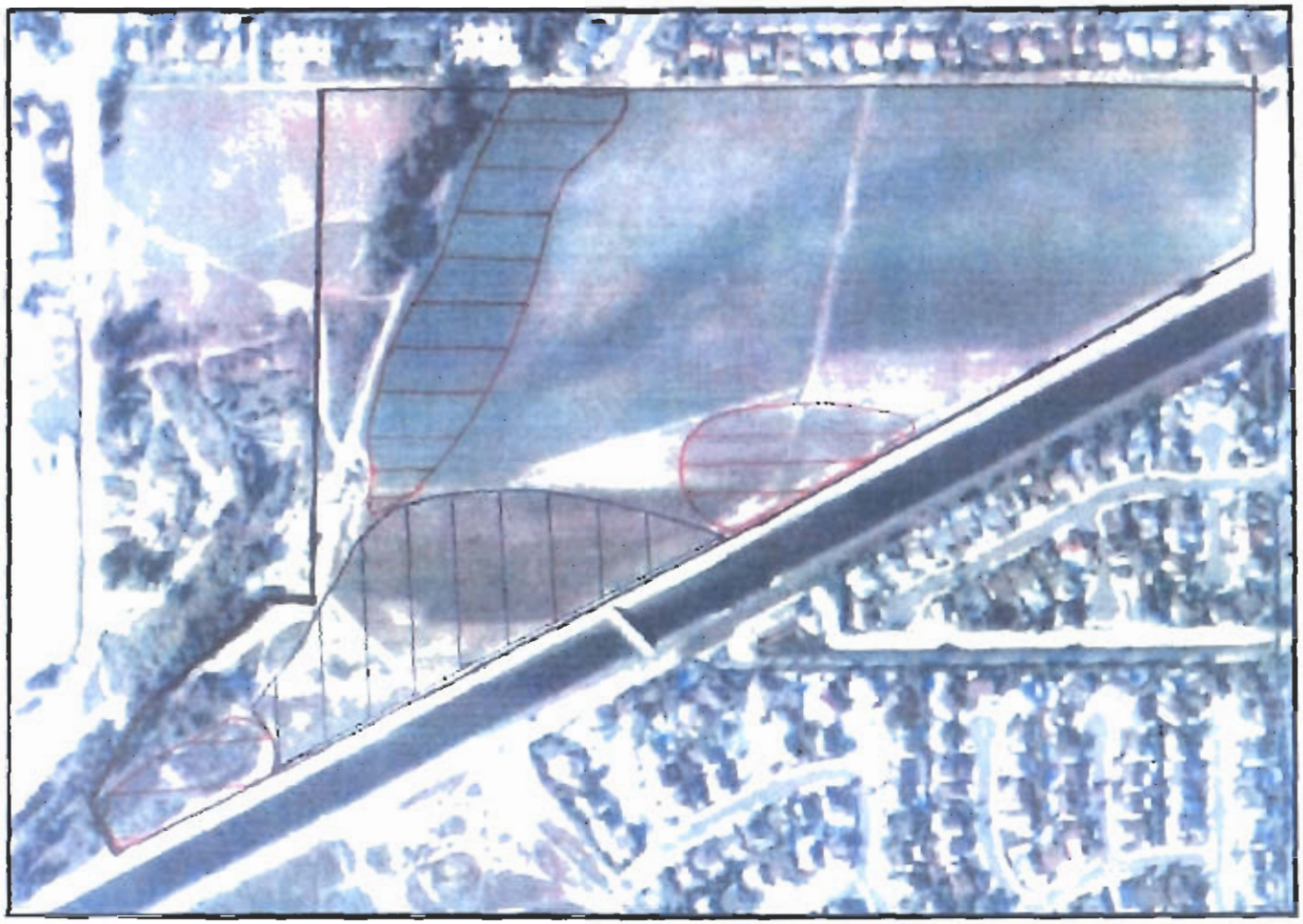
Vegetation – adding it all together

W10

Hydrology – adding it all together

W11

Figure 1. Coastal Commission Wetland Map (2000 Aerial)



Area meeting definition of Coastal Commission wetlands

Fill area of potential Coastal Commission wetlands

ESHA - adding it all together

W13

Letter Received in Support

COASTAL COMMISSION
HNB LCPA 1-06
EXHIBIT # X
PAGE 1 OF 6

HUNTINGTON BEACH
CHAMBER of COMMERCE

UNITED STATES CHAMBER OF COMMERCE
ACCREDITED
★ ★ ★ ★

RECEIVED

January 15, 2007

Ms. Meg Vaughn
California Coastal Commission
200 Oceangate – 10th Floor
Long Beach, CA 90802

RE: **Parkside Estates: Huntington Beach residents and businesses will save millions of dollars annually with approval of Huntington Beach LCPA and Shea Homes Parkside Estates CDP**

Dear Ms. Vaughn:

The Huntington Beach Chamber of Commerce rarely takes a position on residential development projects because it is highly unusual for a new neighborhood to have an impact – positive or negative – on a significant part of our city. However, in the case of Shea Homes' proposed Parkside Estates project, we have taken a position in support because of the considerable flood control and economic benefits it will bring to Huntington Beach residents and businesses.

I am sure you are already familiar with the levee improvements, new flood barrier, new pumps, new storm drains and other flood control improvements Shea Homes has committed to undertaking at its own expense upon project approval. These improvements, which will cost Shea Homes approximately $15 million to install, are not currently funded by the city or county, so the improvements will not be made absent approval of Parkside Estates.

You are also probably aware that these improvements will allow FEMA to certify a new flood map, thereby reducing or eliminating flood insurance premiums for some 7,000 homeowners and business owners in Huntington Beach. Based on our experience, residential flood insurance premiums in the affected area range from approximately $800 to $1400 annually. Many people in the affected area live on fixed incomes, so these savings will be particularly meaningful to them. Most homes and businesses in the affected area must carry flood insurance, but because the requirement is imposed by the mortgage lender, not FEMA, not all residents and business owners necessarily carry it. Our review shows that it is a very conservative assumption that the Parkside Estates project would result in aggregate savings of several million dollars in flood insurance

X1

19891 Beach Blvd., Suite 140
Huntington Beach, CA 92648
(714) 536-8888
(714) 960-7654 Fax
www.hbchamber.com

- Creating a strong local economy
- Promoting the community
- Providing networking opportunities
- Representing the interests of businesses with government
- Political action

premiums annually in the area. If this money could stay in our community instead of being paid to insurance companies in other cities and states, it would be a great benefit to Huntington Beach's local businesses, which would receive as sales some of the money no longer spent on flood insurance.

Beyond insurance, the Coastal Commission should also consider the cost of flooding, which would be avoided in many neighborhoods with the construction of flood control improvements at Parkside Estates. In 1992, the Corps of Engineers calculated flood damage in its Santa Ana River Basin and Orange County report, which serves as a Flood Damage Reduction Study. It calculated average annual flood damage from channel and levee failure within the East Garden Grove-Wintersburg Channel watershed to be approximately $3.8 million (2006 dollars). (It should be noted that the Corps study did not adequately compensate for higher than anticipated increases in home costs in the area.) If conservatively half the Corps' projected annual damage occurred downstream of the I-405 freeway, and half the remaining damage is prevented by Parkside Estates regional flood control improvements, there would be about $1 million in average annual flood damage cost avoidance. Avoiding this cost can be considered a cost saving, and should weigh in favor of a decision to approve the Parkside Estates project.

We understand that economic matters like this may not have significant weight in Coastal Commission deliberations. However, when you consider this matter in light of the considerable work Shea Homes has done to protect the property's wetland and other environmental resources, we believe the project clearly merits the support of the Huntington Beach Chamber of Commerce, and the California Coastal Commission.

Cordially,

Joyce Riddell, CCE
President

X2

Lettter supporting the drainage and flood protection improvements associated with the related coastal development permit application has been received

9/3/05

RECEIVED
SEP 0 8 2005
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
45 Fremont, Suite 20001
San Francisco, Ca 94105

Re: Wintersburg Channel

Dear Gentlemen, Ladies

The current catastrophe in New Orleans caused me to revisit a Los Angeles Time article on 4/25/05(enclosed) and highlight the importance of quickly finding a reasonable balance between protecting the environment and the people living next to the Wintersburg Channel. It is imperative that the cost/benefit analysis indicating repair and upgrade of the Winterburg Channel now rather then waiting to pay the much greater cost after a disaster occurs be heeded.

It pains me as a professional civil engineer to observe the failed dykes and levees around New Orleans because the elected officials and the people they represent did not have the will to spend the money in the past to provide adequate protection from the predicted damage that we are now witnessing from the level 4 and 5 hurricane. The real story to be told is not the human suffering that now is on TV but the history of the engineering studies that predicted this worst case scenario and the lack of will of our elected officials to act in a prudent and reasonable manner to construct adequate protections based on cost/benefit analysis.

As a resident next to the Wintersburg Channel (17192 Greenleaf Lane) since 1984, I appreciate the desire to keep the "bean field" pristine. However, as a civil engineer, I also understand the need to correct the serious drainage problems that currently exist in the area surrounding the Wintersburg Channel in conjunction with repairing and upgrading the Wintersburg channel. Shea Homes development for the "bean field" proposed a plan that includes a new storm sewer, additional pumps, sheet piling and reconfiguration of the Wintersburg channel. This benefit from the Shea Home development is a win/win situation for the City of Huntington Beach, the County and the Coastal Commission. The enclosed "Petition in Opposition" originated by the Bolsa Chica Land Trust ignored this benefit.

Whether or not you are for the Shea Home development, the upgrade of the drainage system and repair and upgrade of the Wintersburg Channel should be immediately funded to protect the Bolsa Chica Wetlands.

Sincerely,

X3

Joe Bulcy, P.E.
17192 Greenleaf Lane
Huntington Beach, CA 92649

gbulcy@aol.com

cc: Jill Hardy, Mayor, Huntington Beach
Herb Nakasone, Director, County Flood Control
LAT

Attach: LAT article 4/25/05
Shea Home "Petition in Opposition"

X4

RECE... 2005

Photographs by ALLEN J. SCHABEN Los Angeles Times

)UTING: *Ryan Mills, 14, left, and his sister Hannah, 12, of La Verne bicycle along the channel overlooking the Bolsa Chica wetlands. "The resource needs to be rotected . . . the time to do it is now," said Shirley S. Dettloff, a former Huntington Beach mayor and a founding member of Amigos de Bolsa Chica.*

Bolsa Chica Wetlands Are Still in Jeopardy

Restoration has begun, but a nearby eroded flood control channel could cause damage if heavy rains cause it to break.

By SARA LIN
Times Staff Writer

LAT 4/25/05

On the surface, the 30-year battle to save the Bolsa Chica wetlands in Huntington Beach from development appears to be near an end.

Herons and stilts, brown pelicans and snails are abundant. Construction crews are working — not on homes, but on a contoured tidal basin and inlet that will let the ocean flow into the wetland. And a developer's long-ago plan for thousands of homes and private marinas in the marshland has withered to just 349 houses on a mesa far from the water.

To environmentalists, Bolsa Chica represents a shining victory.

But a point of vulnerability remains: a 40-year-old flood control channel along the project's western edge. Its earthen levees withstood this year's heavy rains, but federal and county flood control officials say the East Garden Grove Wintersburg channel's eroded banks could fail in a severe storm and cause millions of dollars in damage to the restored wetlands.

Activists say it's something that needs fixing.

"The resource needs to be protected . . . the time to do it is now," said Shirley S. Dettloff, a former Huntington Beach mayor and founding member of Amigos de Bolsa Chica. "What comes down a flood channel in a big storm is not what you would want to see in the wetlands."

For the county, the state of the flood control channel is a story of a missed opportunity. Federal officials in charge of the wetlands restoration project at one time offered to split the cost of repairing the channel.

"We were interested in avoiding this scenario where the flood channel in a big storm falls into our project, causing hugely expensive damage," said Jack Fancher, a biologist with the U.S. Fish and Wildlife Service, which is overseeing the restoration.

The agencies sketched out a project that would improve the channel and increase its capacity. But state grants that would have helped the county pay its share of the project didn't materialize. And the county failed to finish an environmental report in time to fit in with U.S. Fish and Wildlife's project schedule.

So, the $65-million wetlands restoration is underway — with no channel improvements planned — while county and federal officials hope their luck holds over the next few winters.

"It's an earthen levee, and every rain washes some more dirt off the slope. In some places it's eye-opening," Fancher said. "What it looks like to the non-engineer is that you have an obvious bank erosion and that the likely failure in a big storm is a hole blown in the levee."

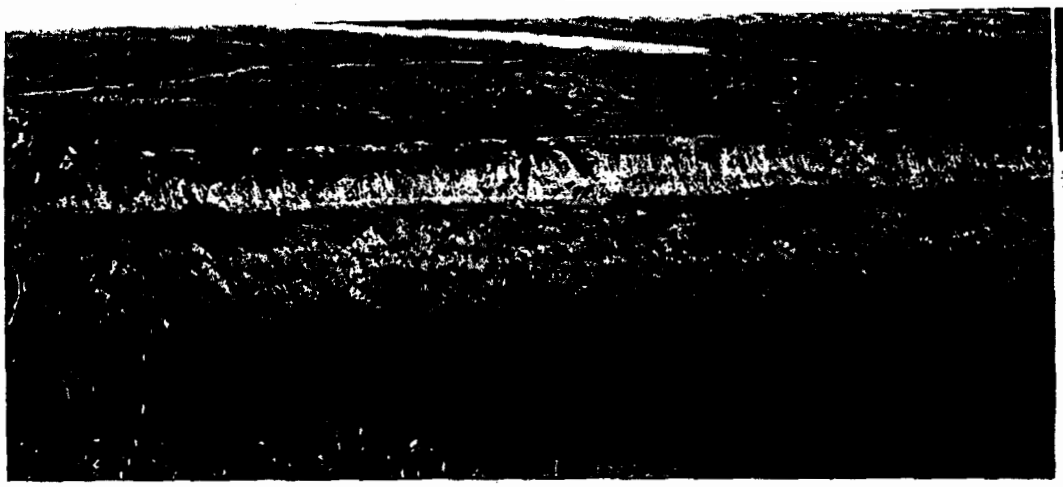
A similar situation developed during this year's winter rains when San Juan

[See Wetlands, Page B7]

ECOSYSTEM: *One of the many birds attracted to the wetlands stand on the banks of the flood channel.*

SAT-isfaction: Scoring a Perfect

X5



ALLEN J. SCHABEN *Los Angeles Times*

AT WORK: *After a decades-long battle by conservationists to save the Bolsa Chica wetlands, crews are working on a tidal basin and inlet that will once again allow the ocean to flow into the area.*

Bolsa Chica Wetlands Vulnerable in a Flood

[Wetlands, from Page B1]

Creek ate at its banks, forcing scores of families to be evacuated.

County flood control officials say they are aware of the potential problem the Wintersburg channel poses for Bolsa Chica but say they don't have the money to improve it.

Other sections of the channel that run behind homes pose a far greater risk, said Herb Nakasone, the county's director of public works.

The East Garden Grove Wintersburg channel was one of several earthen channels built in the 1950s to withstand a 10-year storm. It carries runoff from Anaheim, Garden Grove and Santa Ana. Concrete lining has been added to upstream portions to protect homes, but the bottom end of the creek has received little attention.

Nakasone said people should not become complacent because the levee held up this year. He said it didn't fail because the county was largely spared the inch-per-hour high-intensity storms that cause flooding.

"The storms we had were rainfall over a long period of time, affecting the larger rivers like the Santa Ana and San Juan Creek," Nakasone said. "We didn't have too many of those flashy storms. That's why the Wintersburg channel did well."

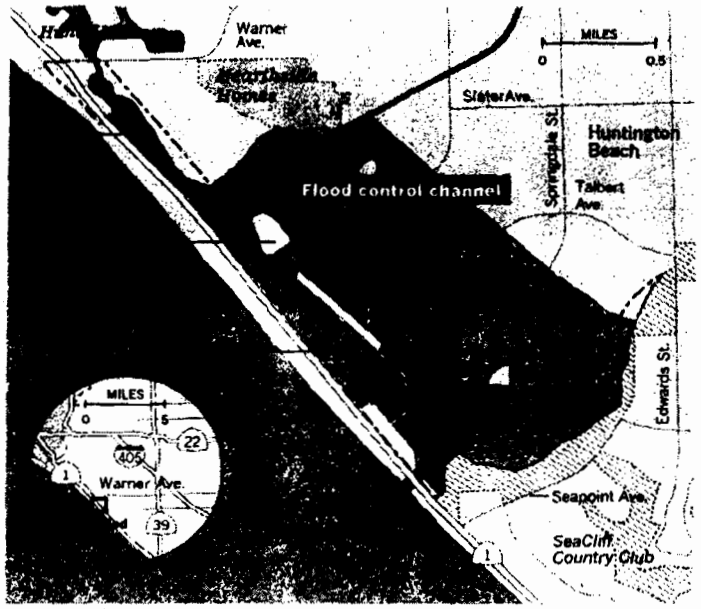
With just $15 million in the county's $80-million flood control budget for capital improvement projects such as upgrading flood channels, Nakasone said it was unlikely the county would get to work on the channel near Bolsa Chica within the decade.

The county's best option for repairing the channel soon is the Army Corps of Engineers, which usually picks up more than half the bill for flood control projects, Nakasone said. He estimated that improvements to the entire channel — including the section that abuts Bolsa Chica—would cost more than $100 million.

The county is 18 months away from completing a feasibility study that could result in the federal government funding a major improvement to the Wintersburg channel. But there is no shortage of such projects across the country in line for federal funding.

At risk

Recent restoration efforts in the Bolsa Chica wetlands could be compromised if heavy rains overwhelm the East Garden Grove Wintersburg flood control channel.



Sources: U.S. Fish and Wildlife Service; California State Lands Commission

Los Angeles Times

Letters Opposing LCPA
As
Proposed

COASTAL COMMISSION
HNB LCPA 1-06
EXHIBIT # Y
PAGE 1 OF many

RECEIVED
South Coast Region
AUG 2 2006
CALIFORNIA
COASTAL COMMISSION

July 30, 2006

Agenda Tu 8-C
Eileen Murphy

California Coastal Commission
% Meg Vaughn
200 Oceangate, 10th Floor
Long Beach CA 90802-4316

I am writing in FAVOR of the staff recommendation for agenda item Tu 8-c to deny the LCP Amendment No 1-06 as submitted and also to DENY the IP amendment 1-06 as submitted.
The staff should be congratulated on their thorough preparation of this report. Since the wetlands without the dikes, roads and shallow fills were 440 acres of wetlands. In my opinion the buffers should be 100 meters at least instead of 100 feet.
In the LA Times article Sunday 7/30 *State tries to save wetlands Pearl* by Deborah Schoch The article about the Los Cerritos in Seal Beach. Schoch quotes professor Richard Ambrose, director of the environmental science and engineering program at UCLA. Ambrose concluded "This is a classic case of the difficulties that urban wetlands face. A proposed project next to wetlands generally needs a buffer of 100 to 200 meters or about 330-660 feet"
Please vote in favor of the staff recommendations and deny the LCP and IP amendments.

Respectfully submitted
Eileen Murphy

Eileen Murphy
201 21st Street
HB CA 92648

RECEIVED
South Coast Region
AUG 2 2006
CALIFORNIA
COASTAL COMMISSION

Tu 8C

Sara M. Mathis
17071 Berlin Lane
Huntington Beach, CA 92649

July 30, 2006

Ms. Meg Vaughn
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4316

Reference: Huntington Beach – Shea Homes Parcel – Graham Street

Dear Ms. Vaughn:

I am in FAVOR of the staff recommendation for agenda item Tu 8-c to DENY the LUP Amendment No. 1-06 as submitted, and also to DENY the IP Amendment 1-06 as submitted.

The entire subject parcel is part of the Bolsa Chica wetlands system, despite the owner's ongoing efforts and tactics to convert it to something else. In addition to the presence of ponding and wetland plant species, which have been well-documented on the site, the fact that the subject parcel is one to two feet below sea level and requires overexcavation, dewatering, and 260,000+ cubic yards of imported fill material to make it suitable for building should provide evidence enough that the site is a wetland and not suited for residential development. Clearly, last year's hurricanes have shown us the ramifications associated with draining and filling wetlands for residential development.

The California Coastal Commission is required to protect the functions and values of the wetlands in my watershed. If the California Coastal Commission allows the subject parcel to be drained, filled, and developed, they will destroy habitat for endangered wildlife and plant species, which have been well-documented on the site, further degrade my watershed's water quality due to increased pollution and storm water runoff, increase the surrounding area's vulnerability to flooding, and eliminate scarce open space and yet another vital productive ecosystem from our coastal area.

Respectfully submitted,

Sara M. Mathis

Sara M. Mathis

Re: Tu 8-c
Bob & Betty Hogan

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South Coast Region
AUG 2 2006
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
Attn: Meg Vaughan
200 Oceangate, 10th Floor
Long Beach, CA 90802-4316

California Coastal Commission:

Our house is in the tract immediately to the east of the Parkside property at issue in the agenda item. We are in FAVOR of the staff recommendation for agenda item Tu 8-c to DENY the LUP Amendment No. 1-06 as submitted, and also to DENY the IP Amendment 1-06 as submitted.

Sincerely,
Robert M. Hogan
Betty R. Hogan

Bob & Betty Hogan
17302 Forbes Lane
Huntington Beach, CA 92649

Dear Ms. Vaughn:
RE: LCPA and CDP for Huntington Beach and Parkside Estates

I do not encourage the

I am familiar with the Shea Homes Parkside Estates project and ~~strongly encourage the Coastal Commission's~~ approval of Local Coastal Program Amendment 02-02, as proposed by the City of Huntington Beach and Shea Homes, and a Coastal Development Permit for the Parkside Estates project based on the plan. ~~The plan protects wetlands and Environmentally Sensitive Habitat Areas, improves water quality by treating currently untreated runoff, and will lead to much-needed improvements to the local flood control system, which would reduce flood risk in my neighborhood.~~ I am in favor of the staff recommendation to deny LUP #1-06 and IP 1-06.

Signature: Mary Camarillo

Name:

Address:

Mary Camarillo
16192 Brent Circle
Huntington Beach, CA 92647-3344

Del Webb
High Sierra
Casino/Hotel Lake Tahoe

(702) 588-6211
Post Office Box C
Lake Tahoe, Nevada 89449

Years in Gaming 25
Del Webb Hotels

PETALUMA CA 949
05 OCT 2005 PM 1 L

United [redacted]

"IT'S HIGH TIME YOU GOT HERE!"

From Amala Peroman, 810 Regency Ct.
Walnut Creek, Calif. 94597

Dear Coastal Commissioners — Re: Shea + Parkside Project - Hty. Beach Calif.

We support the staff's recommendation of July 26th to deny the Land Use Plan Amendment and Implementation Plan. We also request that the Commission deny the Land Use Plan Amendment and Implementation Plan even with staff's modifications, until such time as additional outside analysis can be completed and increased protections for wetlands and ESHA have been included in the modifications.

Thank You!

CALIF COASTAL COMMISSION - MEG VAUGHN
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CALIF. 90802-4416

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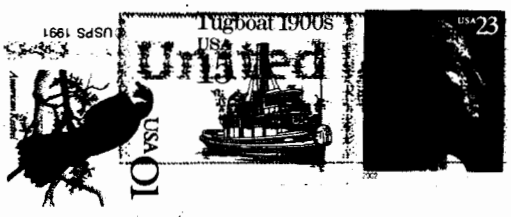

05 OCT 2006 PM

Dear Commissioners

RE: SHEA/PARKSIDE PROJECT
HUNTINGTON BEACH, CA

I support Commission staff's recommendation of July 26, 2006 to Deny the Land Use Plan Amendment and Implementation Plan, as submitted. In addition, I request that the Commission Deny the Land Use Plan Amendment and Implementation Plan even with staff's modifications --- until such time as additional outside analysis can be completed and that increased protections for our wetlands and ESHA have been included.

Thank you.

D R Havlena

-D.R. HAVLENA
35690 Monte de Oro Road
Temecula, CA 92592-7002

MEG VAUGHN
CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
200 OCEANGATE — 10TH FLOOR
LONG BEACH CA 90802—4416

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SEP 2 9 2006

CALIFORNIA
COASTAL COMMISSION

September 25, 2006

California Coastal Commission
Soth Coast District Office
200 Oceangate -- 10th Floor
Long Beach, CA 90802-4416

Attention: Meg Vaughn

Dear Ms. Vaughn:

SLO Coast Alliance is a consortium of 45 environmental organizations, mostly centered on the Central Coast of California, but deeply interested in all things relating to the coast, the sea and streams leading to the sea. Our affiliated groups represent well over 22,000 supporters -- voters -- again, mostly along the coast.

The Board of Directors of the Alliance are concerned that 95% of California's historic wetlands has been lost to development. We are aware that the Shea/Parkside property in Huntington Beach constains substantial wetlands and environmentally sensitive habitat areas under Sections 30233 and 30240 of the Coastal Act. Accordingly, these wetland areas and ESHA must be protected.

The Alliance strongly supports Coastal Commission staff's recommendation of July 26, 2006 to deny the Land Use Plan Amendment and Implementation Plan as submitted. Further, we request that the Coastal Commission deny the flawed Amendment and Implementation Plan even with staff's modifications until such time as additional outside, independent analysis can be completed and increased protections for wetlands and ESHA have been included in the modifications.

Thank you for assistance in this matter, including sharing our opinion and request with the members of the Coastal Commission.

Sincerely,

/s/ Doug Buckmaster

Doug Buckmaster, Secretary-Treasurer
SLO Coast Alliance
(805) 927-4206

cc: Peter Douglas, Executive Director, CCC

California Coastal Commission
South Coast District Office
Deborah Lee, Sr. Deputy Director
200 Oceangate 10th Floor
Long Beach, CA.
90802-4416

RECEIVED
South Coast Region
AUG 7 2006
CALIFORNIA
COASTAL COMMISSION

August 1, 2006

Dear Ms. Lee,

I am writing in hopes of alerting the commission to significant problems with a proposed development that is being considered for approval at the August 8th hearing. The project is located in Huntington Beach, South Coast District. The proposal was submitted by the City of Huntington Beach, on behalf of Shea Homes, titled Amendment #1-06 (Parkside). I received a letter today from Shea Homes requesting neighboring support for the project with claims that the proposed housing project will provide much improved flood protection for neighboring homes. In reality, our neighborhood has experienced significant flooding problems this year as a result of property grading conducted by Shea.

What is of most concern to me is that the amendment does not include acknowledgement of the problems already encountered by grading activity conducted by Shea on the property. Shea had the property graded in late winter around the borders, and the adjacent neighborhood experienced significant flooding in numerous yards, and first floors from one rain. Subsequently, the streets and sidewalks of the adjacent neighborhood experienced months of water seepage, unrelated to rains.

The property is also described as used for agriculture but has actually been left in neglect for the last year, resulting in significant overgrowth and a current fire hazard. Shea, in preparation for the hearing, just this week finally cleared the overgrowth from the vacant field. At risk as a result of the neglected property were hundreds of homes, the Bolsa Chica Wetlands (currently under restoration), and a protected environment of a Eucalyptus grove.

The planned new neighborhood calls for the land to be filled in and elevated significantly above the level of the immediately adjacent neighborhood. There has been a lack of explanation as to how the homes next to the proposed elevated project will not be negatively

impacted by the difference in elevation, other than a line of vegetation between the two neighborhoods.

Shea does not appear to be considering the impact on this one neighborhood, but focuses on improvement of flood controls and creation of open park space. The land has also been left in neglect for the past year, yet was kept from being allowed to naturally develop back into the Wetlands that actually extend up to the property through plowing and replowing up until this year.

I am asking for the Commission's help in requiring the city and the development company to further examine and provide a sound plan for protecting the existing neighborhood on Graham and Warner that would be negatively impacted by the current proposal.

Thank you for your consideration.

Debi Windle, RN, MSN, CNS
17041 St. Andrews Lane
Huntington Beach, CA. 92649

Re: 8C

From Gary and Angela Dutra
6381 Shields Drive
Huntington Beach CA 92647

To Meg Vaughn
200 Oceangate
10th Floor
Long Beach CA 90802

RECEIVED
South Coast Region
AUG 7 2006
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COASTAL COMMISSION

Dear Madam:
We oppose the construction of 170 houses on the Upper Bolsa Chica Wetlands (also know as the bean field property, off Graham Street near Slater Avenue in Huntington Beach).
The further development of the land this close to the Bolsa Chica Wetlands will compromise the greater wetlands area ecosystems. It should be restored to a functioning wetlands. Our oceans, more than ever, need the filtration capabilities of the wetlands.

Sincerely,

Gary and Angela Dutra

Gary and Angela Dutra
6381 Shields Drive
Huntington Beach CA 92647
(714) 840 1297

7/31/06

Meg Vaughn
California Coastal Commission
200 Oceangate 10th Floor
Long Beach, CA 90802

RECEIVED
South Coast Region
AUG 7 2006
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Re: Coastal Commission Public Hearing
August 8, 2006 Item 8c Amendment
1-06

Dear Ms. Vaughn,

The purpose of this letter is to urge you and the Commission to agree with the staff report and deny LCP amendment.

There are significant wetlands on the property which should be preserved.

Thank you for considering this important issue.

Sincerely,

(Mr.) C.R. Robikon
4682 Warner Ave. B-204
Huntington Beach CA 92649

Mari A. Reynolds
6101 Wintergreen Drive
Huntington Beach, CA 92647
(714) 841-0118

August 2, 2006

RECEIVED
South Coast Region
AUG 7 2006
CALIFORNIA
COASTAL COMMISSION

California Coastal Commission
ATTN: Meg Vaughn
200 Oceangate - 10th Floor
Long Beach, CA 90802

Dear Ms. Vaughn,

My husband, Paul Reynolds, and I have been homeowners in Huntington Beach for over 12 years. We have two children, ages 6 and 9. We are strongly in favor of saving the Bolsa Chica Wetlands and slowing development in our city.

We are in FAVOR of the staff recommendation for agenda item Tu 8c to Deny the LUP Amendment No. 1-06 as submitted, and also to DENY the IP Amendment 1-06 as submitted.

We believe this city is growing out of control. If the current rate of building new housing continues, there will be no natural habitat area left for future generations in this city, and we will only have asphalt streets, cinderblock walls and a narrow strip of beach groomed for people, not wildlife, to show our children how we felt about ecology and nature.

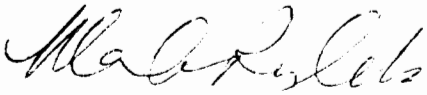
We believe there is not a need for new housing - a drive through Huntington Beach neighborhoods on any weekend will show you at least a hundred "Open House" signs for houses that have been sitting on the market until the owners either lower the price or take their houses off the market. There are plenty of good, sound houses that can be and should be refurbished to accommodate new residents.

Shea Homes has sent out pro-amendment sign-up cards, focusing on the end or reduction of flood insurance premiums if their housing project should go through. (The Amendment cited on the cards is 02-02). We are far from wealthy, but we would rather pay the almost $900 mandatory annual premium, something we strongly oppose, than face the prospect of losing more of the wetlands for something as unnecessary as new homes.

By the way, the return mail address of the flood insurance-focused cards is directed to you, but is addressed to Laer Pierce Associates in Laguna Hills. I'm sure many people wrote to you in protest of Shea Homes project, but you will never get their letters because they were mailed to Laer Pierce Associates.

Thank you for considering our views on this amendment.

Sincerely,



Dolores E. Beal
Re: Tu 8-c

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AUG 7 2006
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COASTAL COMMISSION

August 1, 2006

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4316

As a resident of Huntington Beach residing at 5352 Kenilworth Drive, I am in FAVOR of the staff recommendation for agenda item Tu 8-c to DENY the LUP Amendment No., 1-06 as submitted, and also to DENY the IP Amendment 1-06 as submitted.

Sincerely,

Dolores E Beal

Dolores E. Beal

5352 Kenilworth Dr.
Huntington Beach, CA 92649
(714) 840-3858

ROBERT & NANCY KIRKSEY
Agenda Item II 8c

August 3, 2006

California Coastal Commission

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COASTAL COMMISSION

No more building at Bolsa Chica!

We are in favor of the staff recommendation for agenda item 8c to Deny the LUP Amendment No. 1-06 as submitted, and also deny the IP Amendment 1-06 as submitted.

Thank you for considering our request.

Robert and Nancy Kirksey
6792 Via Angelina Dr
Huntington Beach, CA 92647

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South Coast Region
2006
COASTAL COMMISSION

Agenda Item; 8C July 31, 2006

Dear Commissioners:

Too much of our dwindling open space in Southern California has been developed and paved over already!

The Upper Wetlands is important habitat for species we want to have in our area; development there would also have a detrimental effect on the lower wetlands!

Please DO NOT allow development of the Upper Bolsa Chica Wetlands (Shea Homes Property)

Thank you!

Sincerely,

Mr. & Mrs. James Denison

Lionel Okun
3850 Lampson Ave., #314
Seal Beach, CA 90740-2797
(562) 431 8272)

August 2nd '06

California Coastal Commission,
South Coast Area Office,
200 Oceangate. ste 1000
Long Beach, CA 90802-4302

Attn of Meg Vaughn

Dear Madam,

re Agenda Tu 8 - c

I am writing in favour of the staff recommendation for agenda Tu 8-c to deny the LCP Ammendment 1-06 as submitted, and also to deny the IP ammendment 1-06, xx also as submitted.

Yours respectfully,

L. Okun

Lionel Okun

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South Coast Region
AUG 7 2006
CALIFORNIA
COASTAL COMMISSION

TUEC

Marjorie Allen

To Commission Members,

Briefly - I support your staff recommendations. I hope you will do the same, and deny the LCP. I would like to speak to this issue at the upcoming meeting.

Yours truly,

Marjorie Allen

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AUG 7 2006
CALIFORNIA
COASTAL COMMISSION

AUGUST 1, 2006

RECEIVED
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AUG 7 2006
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COASTAL COMMISSION

DEAR Ms. VAUGHN

I DISAPPROVE OF THE SHEA PROJECT LCPA 02-02.

I DONIT THINK THAT SHOULD BE DEVELOPED, BECAUSE OF SITE ISSUES. AND INCREASED TRAFFIC ON SLATER AVE.

THE OTHER REASON'S WILL BE APTLY ADDRESSED BY OTHER OPPONANTS I AM SURE.

I LIVE WEST OF THE SITE NEAR SLATER & EDWARDS. & HOPE VIEW SCHOOL.

YOURS TRULY

Martin Johnson

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South Coast Region
AUG 7 2006
CALIFORNIA
COASTAL COMMISSION

Earth Island Institute
300 Broadway, Suite 28
San Francisco, CA 94133-3312 USA

Telephone: 415-788-3666
Fax: 415-788-7324
Web: www.earthisland.org

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September 1, 2006

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

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Martha Davis
Veronica Eady
Maria Moyer-Angus
Susan Marie Reid
Lisa Wallace
Peter Winkler
Humphrey Wou

Executive Directors

John A. Knox
David Phillips

Re: Bolsa Chica

Dear Honorable Chair Meg Caldwell, California Coastal Commissioners, and Staff:

I am writing you today to urge you to be extremely critical of development plans on the Upper Bolsa Chica Wetlands. As you know, the community has been extremely committed to the protection and restoration of this are, and a proposal to bring 160 homes to the area flies in the face of the long, hard work accomplished by the community to restore this fragile area.

While much of the Bolsa Chica Wetlands has indeed been saved, the Upper Bolsa Chica Wetlands continue to face massive development pressures. The historic Upper Bolsa Chica Wetlands is slated by Shea/Parkside for the construction of more than 160 homes. But, as your staff reasonably points out, this area encompasses critical wetlands and ESHA, both deserving protection.

By the Commission's own standard, the wetlands vegetation present at the site require the protections traditionally offered to wetlands. Huntington Beach's approval of this development four years ago presents a clear violation of their Local Coastal Plan as development would also harm Environmentally Sensitive Habitat Area in the two eucalyptus groves.

Please look at the recommendations of Commission staff and do not allow the destruction of wetlands or ESHA. But also consider the vital importance of this wetland habitat to this urban area and insist that even more open space be set aside for conservation.

For the last several years, the Earth Island Institute has given 1.6 million dollars to the restoration of wetlands in Southern California. As the importance of wetlands habitats become more recognized, and community groups work diligently to restore these areas, the coast of California benefits greatly. Wetlands, themselves, are an endangered habitat, and the value of these areas was not recognized in the fast paced development of our coastline. Through restoration efforts, the value of these areas is clear: wetlands are critical to the: function of our coastal environment, improvement in water quality, and nourishment for fish, birds, and plants. In addition, the wetlands at Bolsa Chica serve as an invaluable educational resource for youth, neighbors, and visitors. On the development laden coastline of Huntington beach, the Bolsa Chica Reserve and wetlands is a glimpse of our historic coastline, and a reminder to our children that our coast is not just for hotels

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and luxury homes...but a vibrant environment, where the ocean meets freshwater, where birds stop to rest and eat, where fish create their nurseries, and where members of the community can learn about the natural processes of the California Coast. With the recent victories at Bolsa Chica and the reintroduction of the tidal flow to the wetlands, destroying associated ESHA would be a giant leap backward.

On behalf of Earth Island Institute, and the funding we have given to further restoration and education efforts in the Bolsa Chica wetlands, please protect this ESHA and set aside as much land as possible for conservation.

Sincerely,

Ariana Katovich
Director, Restoration Initiatives
Earth Island Institute

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SEP 6 2006
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Kathleen Menken
185-Tivoli Way , Sacramento, California 95819-1933

September 01, 2006 01:08 AM

Coastal Commission Chair Meg Caldwell
California Coastal Commission
45 Fremont Street, Ste 200
San Francisco, CA 94105-2219

Subject: Protect Wetlands and ESHA on the Upper Bolsa Chica Wetlands

Dear Coastal Commission Chair Caldwell:

While much of the Bolsa Chica Wetlands has indeed been saved, the Upper Bolsa Chica Wetlands continue to face massive development pressures. The historic Upper Bolsa Chica Wetlands is slated by Shea/Parkside for the construction of more than 160 homes. But, as your staff reasonably points out, this area ~~contains~~ Contains critical wetlands and ESHA, both deserving protection.

By the Commission's own standard, the wetlands vegitation present at the site require the protections traditionally offered to wetlands. Huntington Beach's approval of this development four years ago presents is a clear violation of their Local Coastal Plan as development would also harm Environmentally Sensitive Habitat Area in the two eucalyptus groves. !!

Please look at the recommendations of Commission staff and do not allow the destruction of wetlands or ESHA. But also consider the vital importance of this wetland habitat to this urban area and insist that even more open space be set aside for conservation. PLEASE!

Sincerely,
Kathleen Menken
Kathleen Menken

P.S. THERE'S Enough Problems IN The World HARMING WHAT WETLANDS ARE LEFT DOESN'T MAKE SENSE!

Amigos de Bolsa Chica
1976 30 years 2006
Working for Wetlands

Amigos de Bolsa Chica

P.O. Box 1563 Huntington Beach, CA 92647
Phone / Fax 714 840 1575 info@amigosdebolsachica.org www.amigosdebolsachica.org

Agenda Item 8C

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AUG 3 2006
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COASTAL COMMISSION

August 3, 2006

California Coastal Commission
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802
FAX (562) 590-5084

Ms. Vaughn:

On behalf of the Board of Directors of the Amigos de Bolsa Chica, I am offering our organization's support of the California Coastal Commission's Staff Report on Agenda Item 8C, LCP AMENDMENT REQUEST NO. 1-06 which recommends denial of both the Land Use Plan Amendment and the Implementation Plan Amendment No. 1-06 as submitted. The LUP Amendment and the IP Amendment as submitted clearly do not meet the requirements of or conform with the policies of the Coastal Act, nor do they comply with the California Environmental Quality Act.

We also support Staff's recommendation for approval of the LUP and IP amendments if they are modified to include Staff's suggestions for revising the footprints of the proposed land use designations that would be consistent with the Coastal Act regarding development in wetlands and development in and adjacent to ESHA. These are feasible alternatives which could substantially lessen the adverse impact that the Land Use Plan and Implementation Plan Amendments are likely to have on the environment and the established surrounding community.

Thank you for your time and consideration.

Thomas Anderson

Thomas Anderson

Thomas Anderson
President, Amigos de Bolsa Chica

Home ATTN: MEG VAUGHN
CALIF. COASTAL COMMISSION

welcome, and will be given two minutes each to speak.

Even if you do not choose to speak, **your presence at the hearing will be critical!** We need t **Commissioners to see that saving the Upper Wetlands is important to our community!** Ar **attending, you can donate your speaking time to others who may need it.**

Written comments can also be submitted to the Commission staff. In the upper right hand corner page you should put your name and the agenda item number (8c). Please summarize your positi or three pages. You may attach any exhibits you feel are necessary. You are discouraged from s written materials directly to the Commission on the day of the hearing as they will not have time t consider late submittals.

If you're not sure what to write, you can simply say: **I am in FAVOR of the staff recommendatio agenda item Tu 8c to Deny the LUP Amendment No. 1-06 as submitted, and also to DENY the Amendment 1-06 as submitted.**

Submit your written comments **by August 3rd** to:

California Coastal Commission
ATTN: Meg Vaughn
200 Oceangate – 10th Floor
Long Beach, CA 90802
FAX (562) 590-5084

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South Coast Region
AUG 7 2006
CALIFORNIA
COASTAL COMMISSION

Please call the Land Trust office at (714) 846-1001 for more information or if you would like carpool.

8/4/06
Sorry this is so informal — we are in favor of item Tu 8c to deny the amendment #1-06 & to deny as submitted — There is little left of Calif. wetlands — please help preserve this area for future generations.

Bolsa Chica Land Trust
5200 Warner Avenue #108
Huntington Beach, California 92649
(714) 846-1001
Office hours 9:30 am - 5:30 pm, Monday - Thursday
Contact us at: bclt@bolsachicalandtrust.org

2003-2006 © Bolsa Chica Land Trust

http://www.bolsachicalandtrust.org/

Scott & Marcia Atkinson
714-846-6802
bs2atkinson@hotmail.com
17941 Sturgeham Ln
HB 92649

June Nye
Agenda item Tu8-c

California Coastal Commission: 7-30-06

I am in favor of the Staff recommendation for agenda item Tu 8-c to DENY the LUP Amendment No. 1-06 as submitted, and also to DENY the IP Amendment ~~#~~ 1-06 as submitted.

Sincerely, June Nye

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South Coast Region
JUL 2 2006
CALIFORNIA
COASTAL COMMISSION

August 2006, item Tu 8-c
HB LCP Amendment No. 1-06
Julie Bixby

July 31, 2006

California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4316

Re: August 2006 agenda item Tu 8-c: Major Amendment Request No. 1-06 to the City of Huntington Beach Certified Local Coastal Program

Dear Commissioners:

If a picture is worth 1,000 words, then I offer up Exhibit A (attached), the Coastal Commission's own LCP status map. This map is unaltered, taken directly from the Commission's website. Please note where it states "MWD wetland" (MWD being the former owner of the land now owned by Shea Homes).

Don't underestimate the significance of the term "wetland" being used here. The Commission could very easily have used half a dozen other terms, such as property, parcel, field, site, farm, area, coastal, or just plain MWD as an identifier. But the Commission did not, because it is a wetland. It may be a seasonal wetland. It may be severely degraded due to Shea's relentless farming and repeated illegal grading, and from paint ball teens run amok, but make no mistake, it **is** a wetland. Shea Homes bought a piece of land that *the Commission long ago identified as a wetland.* Agenda item 8-c should be DENIED as submitted.

At this time I cannot support staff's additional recommendation to certify if modified as suggested for several reasons:

1. California Gnatcatchers, a federally threatened species; Wandering Skippers, a federal species of concern; and Southern Tarplant, a California Native Plant Society List 1B rare plant (and facultative), are not mentioned anywhere in this staff report, thus they are not protected by staff's recommended modifications. (In comparison, for the April 2005 staff report on the Hearthside Brightwater project at Bolsa Chica, Southern Tarplant was mentioned and was protected on that project.)

2. The exact acreage of the areas to be declared "Open Space Conservation" have not been officially determined. I don't think it's a wise idea to say "we certify this but will figure out the details later".

3. Staff seem to be suggesting that the four sensitive areas of (1) former county wetland, the (2) WP wetland, the (3) AP wetland, and the (4) Eucalyptus ESHA, all be protected in isolation. However, there are hydrophytic plants, brass buttons (facultative wetland) and salt sandspurry (obligate wetland), which regularly grow

between the WP & AP wetland areas. I saw them growing there this past April. The larger context must be considered.

4. In the July 30, 2006 California section of the LA TIMES, UCLA environmental science professor Dr. Richard Ambrose notes that "...a project next to a wetlands generally needs a buffer of about 100 to 200 meters, or about 330 to 660 feet." Even if you consider that figure overly generous and cut Dr. Ambrose's estimate by half, *that would still constitute 150 feet of buffer.* However, Commission staff are recommending a wetland buffer of only 100 feet. Additionally, considering the fact that Dr. Dixon's July 2006 memo uses a low rainfall year (2003-04) to estimate the radii of WP & AP, a 100 foot buffer would be completely insufficient for these areas in a high rainfall year.

In summary, LUP & IP 1-06 from the city of Huntington Beach should be DENIED as submitted due to non-compliance with the Coastal Act as stated in the staff report. Staff's recommendation that the LUP & IP be certified with the recommended modifications should also be DENIED due to omissions and shortcomings in the suggested changes.

Sincerely,

Julie Bixby

Julie Bixby

EXHIBIT 'A'

LCP Status
South Coast Area
As of July 1, 2005

Legend

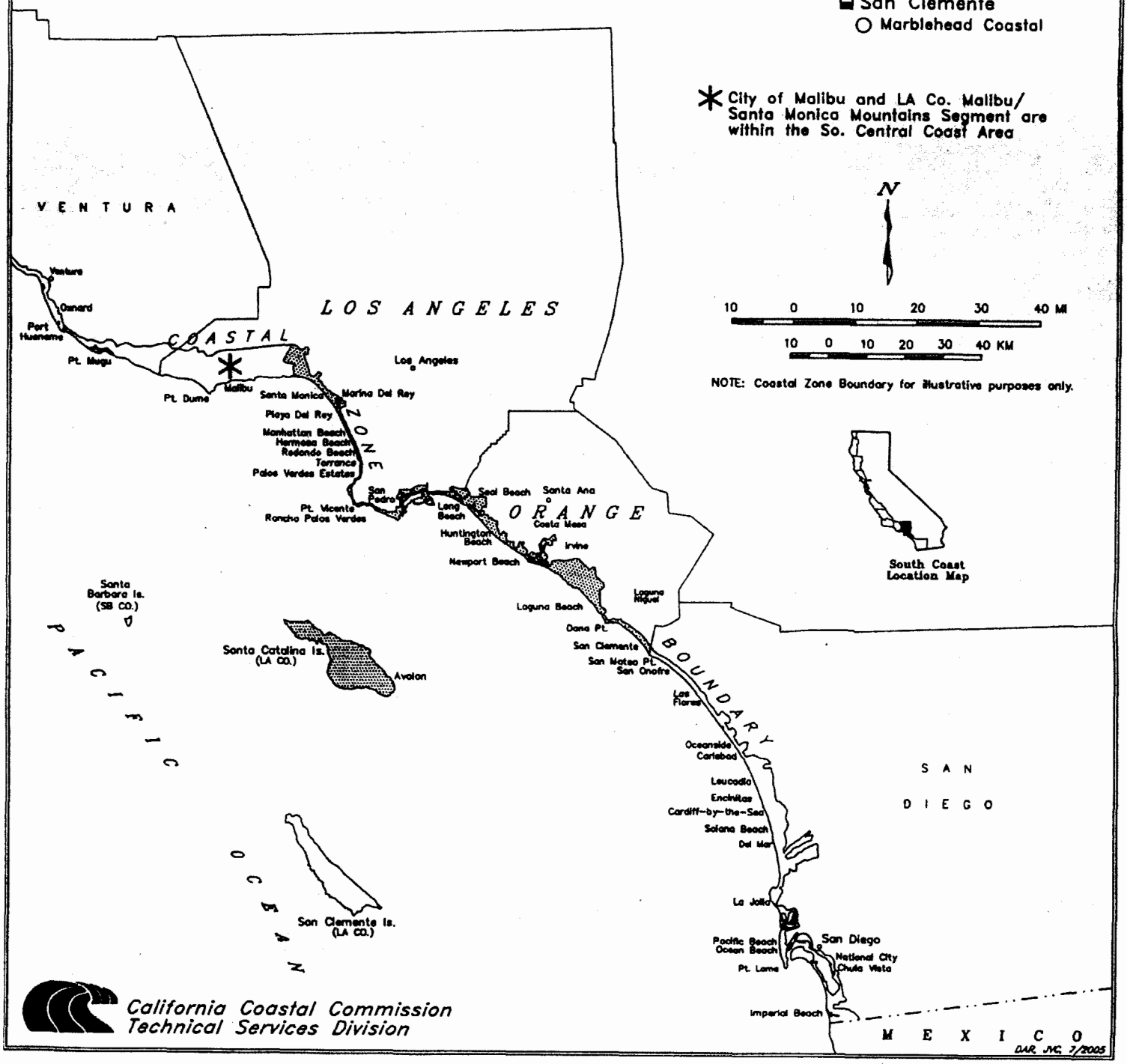
- County LCP Effectively Certified
- City LCP Effectively Certified
- City LUP Effectively Certified
- No LCP/LUP Effectively Certified
- Area of Deferred Certification

Los Angeles County
(2 of 4 segments)

- Los Angeles
- Santa Monica
  - Beach
  - Civic Center
- El Segundo
- Manhattan Beach
- Hermosa Beach
- Redondo Beach (1 of 2 segments)
  - Edison Easement
- Torrance
- Palos Verdes Estates
- Rancho Palos Verdes
- Long Beach
  - Cerritos Wetlands
- Avalon

Orange County
(4 of 7 segments)

- Seal Beach
- Huntington Beach
  - MWD Wetland
- Costa Mesa
- Newport Beach
- Irvine
- Laguna Beach
  - Irvine Cove
  - Hobo Canyon
  - Blue Lagoon
  - Three Arch Bay
- Laguna Niguel
- Aliso Viejo
- Dana Point
  - Dana Strands
- San Clemente
  - Marblehead Coastal



California Coastal Commission
Technical Services Division

Meg Vaughn

From: JonV3@aol.com

Sent: Thursday, August 03, 2006 2:20 AM

To: Teresa Henry; Peter Douglas; John Dixon; Deborah Lee; Meg Vaughn; Karl Schwing; Mark Johnsson

Subject: August 8, 2006 Meeting, Item Tu-8c, LCPA HNB-MAJ-LCPA1-06

August 3, 2006

Meg Caldwell, Chair, and Members
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

Re: Item Tu 8c- Major Amendment Request
No. 1-06 City of Huntington Beach
LCPA HNB-MAJ-LCPA1-06
August 8, 2006 meeting in San Pedro

Failure to Consider Coastal Bluff on the Subject Property

Dear Ms Caldwell, Coastal Commissioners and Staff,

I would like to comment on what I see is a major deficiency in the staff report for the above referenced matter that you will be considering on Tuesday, April 8, that is, a failure to consider the coastal resources represented by an unrecognized coastal bluff on the western and northwestern edge of the property.

The staff report alludes to a bluff on the northwestern side of the property on pages 45 and 46, and to a Geotechnical Review Memorandum by staff geologist Dr. Mark Johnsson as exhibit 1.

Page 45, second paragraph, states: "The northwestern corner of the site is crossed by a bluff, approximately 40-50 feet high, carved by the ancestral Santa Ana River."

Page 45, third paragraph, then states "The staff geologist's memo regarding the amendment site is attached as exhibit 1 and is hereby incorporated as though fully set fort herein, and the Commission concurs with and adopts the conclusions stated therein."

Page 46, second paragraph states: "No slope stability calculations have been performed on the bluff in the northwestern corner of the site, and it is likely that it is only marginally stable. This area is planned for open space, however, so slope stability in this area is not a concern."

However, this bluff qualifies as a "Coastal Bluff", and should be protected as such, with appealability to the Coastal Commission if alteration of this natural landform is contemplated in the future.

The Statewide Interpretive Guidelines define a bluff as having a vertical relief of 10 feet or more. This bluff has a vertical relief of 40-50 feet high.

A "Coastal Bluff" is defined as a bluff that is, or historically has been, subject to marine erosion, generally within the past 200 years. There is evidence of this bluff being subject to marine erosion in the last 200 years, because it overlooked tidelands prior to being cut off from tidal action by dams and flood control structures within the past 100-plus years.

Proof of this evidence is attached in the form of the US Coast Survey of 1873, less than 200 years ago. This Map shows the bluff being adjacent to tidal sloughs and tidelands. Being adjacent to tidelands would subject the toe of the bluff to marine erosion, and thus define it as a "coastal bluff". Please see attachment.

Moreover, the US Army Corps of Engineers required a Section 10 Rivers and Harbors Act permit for this property, thereby also acknowledging the historic connection to the sea of this property. Even today, tidal action extends up the adjacent Wintersburg Flood Control Channel to approximately Warner Avenue in Huntington Beach.

Defining this bluff as a "Coastal Bluff" is important for regulatory and jurisdictional reasons. Coastal bluffs are considered significant scenic and environmental resources and are to be protected under Sections 30251 and 30253. Developments within 300 feet of a coastal bluff can be appealed to the Coastal Commission after the area is certified under the local LCP. Although current plans might designate the bluff for open space, plans change and the bluff may be in jeopardy in the future unless its appealability to the Coastal Commission is retained.

Moreover, this coastal bluff contains major portions of the Eucalyptus Grove ESHA and the open space provides foraging habitat for the raptors utilizing the ESHA.

In addition, views of the Bolsa Chica wetlands and the ocean are available from this coastal bluff, making its preservation important as a scenic resource, both for the views to the bluff from roads such as Pacific Coast Highway and views from the bluff to the wetlands and the ocean.

For these reasons, I request that you recognize and define this bluff as a "Coastal Bluff", thus affording it protections that are given to the Coastal Bluffs under the Coastal Act and the ability to appeal any development within 300 feet of the Coastal Bluff.

Thank you.

Sincerely,

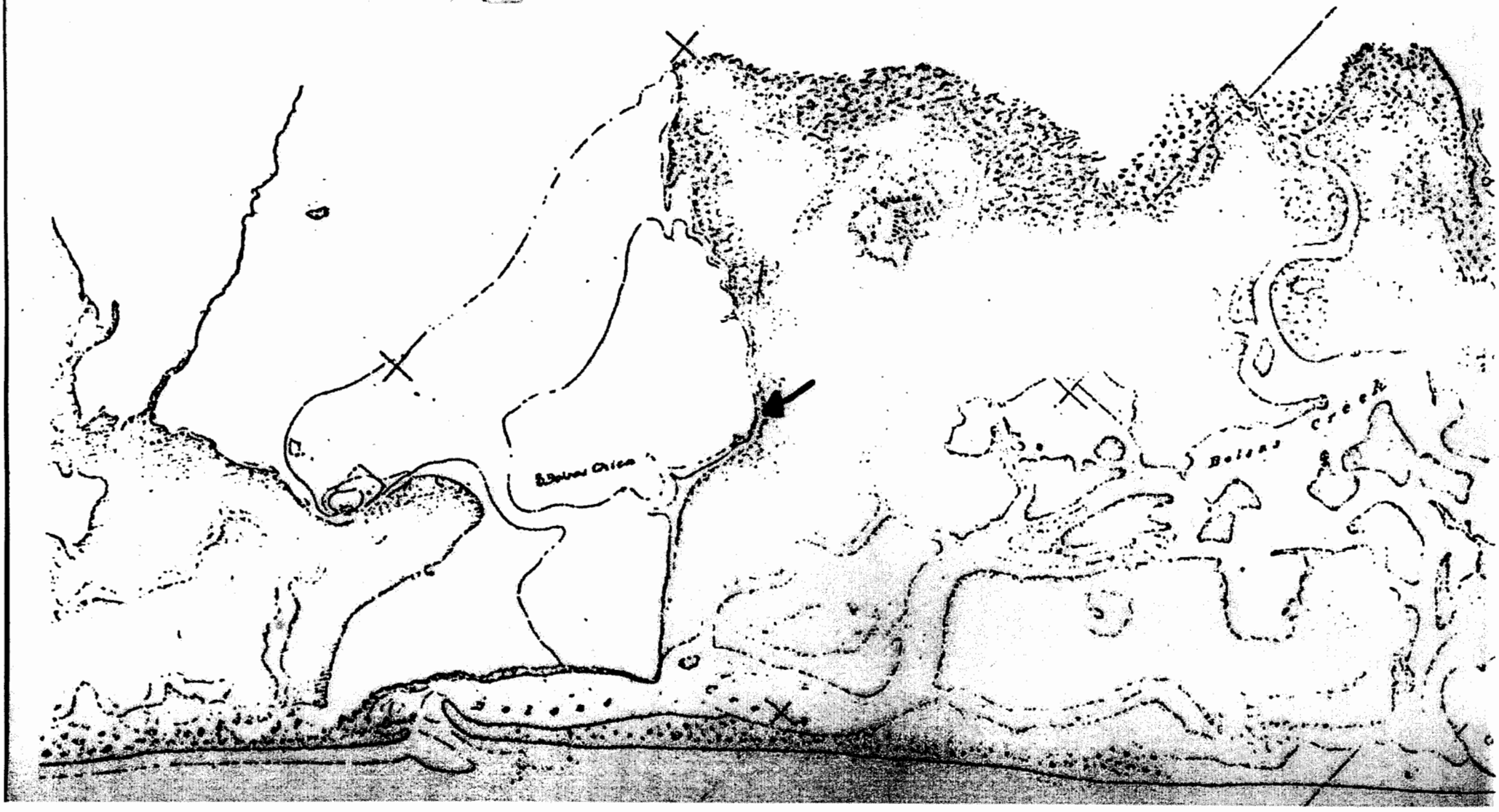
Jan D. Vandersloot, MD

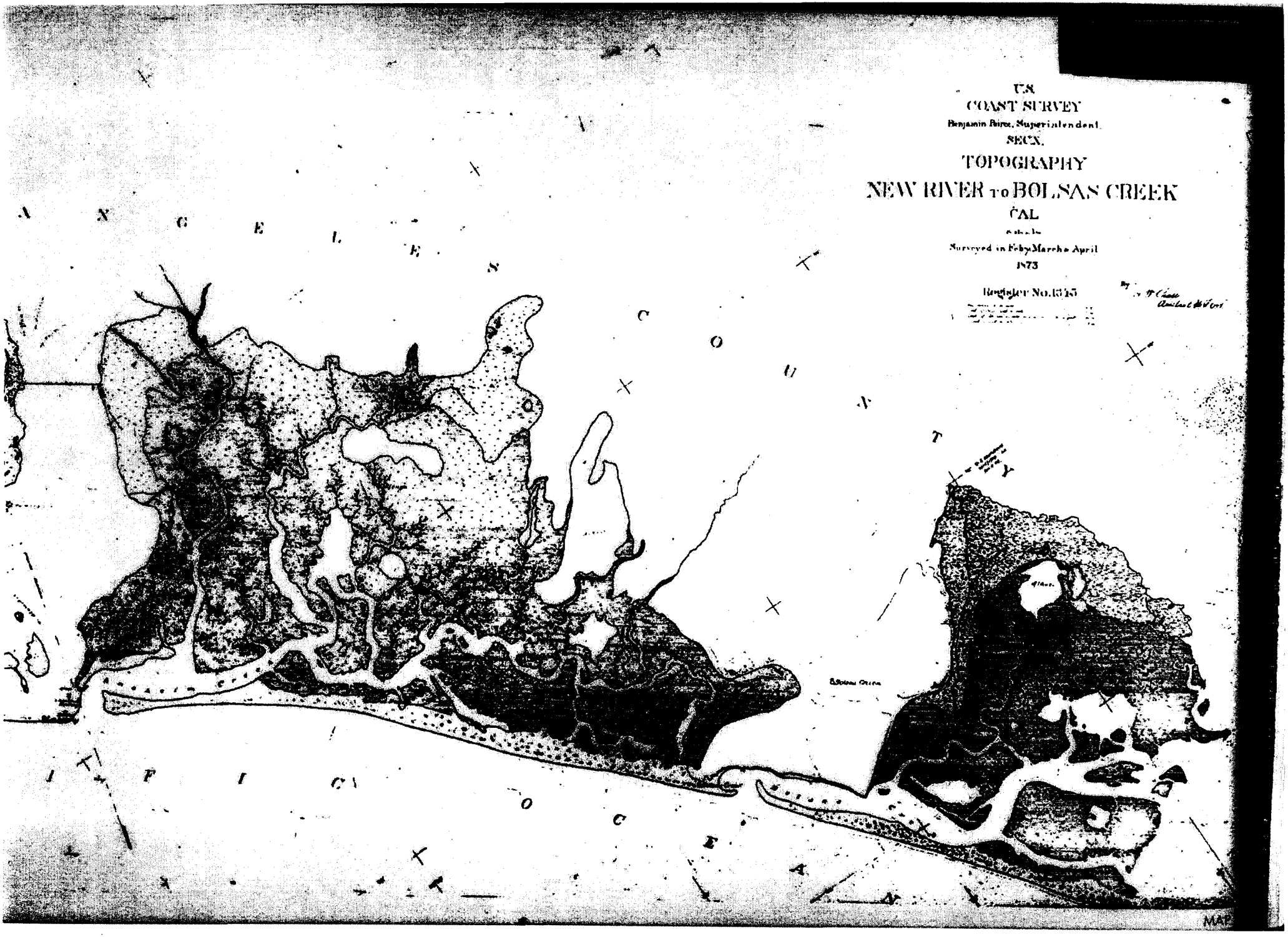
Jan D. Vandersloot, MD
2221 E 16th Street
Newport Beach, CA 92663
(949) 548-6326

Figure 2

FROM: US COAST SURVEY MAP 1873

TIDELANDS




U.S.
COAST SURVEY
Benjamin Peirce, Superintendent.
SECX.
TOPOGRAPHY
NEW RIVER to BOLSAS CREEK
CAL
Surveyed in Feby March & April
1873
Register No. 1545
A N G E L E S
C O U N T Y
P A C I F I C
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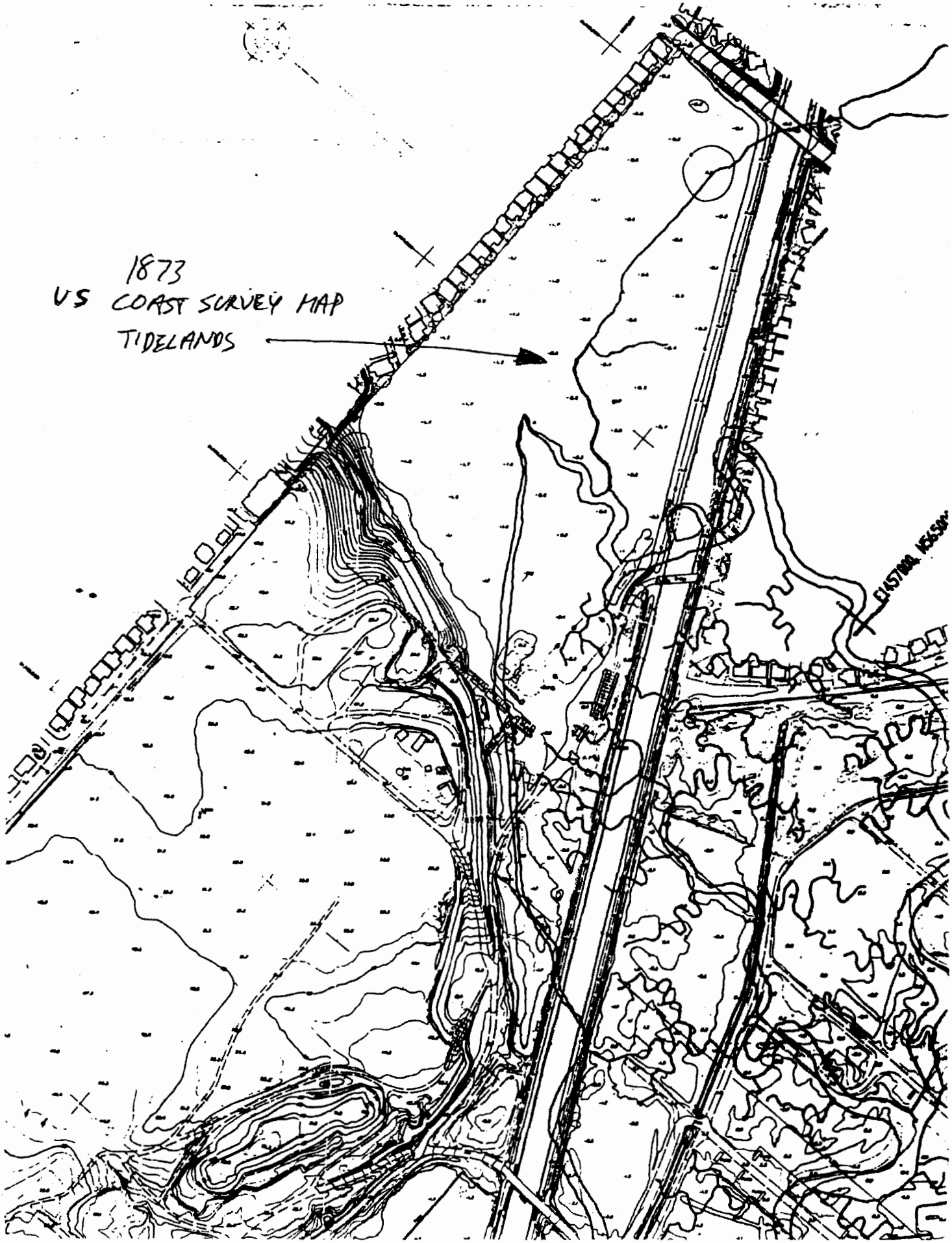
1873
US COAST SURVEY MAP
TIDELANDS

FIGURE 9. APPROXIMATE LOCATIONS OF TIDAL WATERS AT BOLSA CHICA, ORANGE COUNTY, CA IN 1873 AND 1874

(SOURCE: U.S. COAST AND GEODETIC SURVEY TOPOGRAPHIC CHARTS T1345 AND T1369)

August 1, 2006

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate 10th Floor
Long Beach, CA 90802-4316

I would like to express to you my agreement of the staff's recommendation for agenda Item: Tu-8c to DENY the LUP Amendment No. 1-106 as submitted, and also to DENY the IP Amendment 1-106 as submitted.

Sincerely,
Mary Jane Wiley
6192 Moonfield Dr
Huntington Beach, CA

Marinka Horack
21742 Fairlane Circle
Huntington Beach, CA 92646

July 31, 2006

California Coastal Commission
Attn: Meg Vaughn
200 Oceangate, 10th Floor
Long Beach, CA 90802-4316

RE: Agenda Item Tu 8-c. I am in favor of the staff recommendation to DENY the LUP Amendment No.1-06 as submitted, and also to DENY the IP Amendment 1-06 as submitted. [Shea property]

Dear Meg Vaughn and Coastal Commissioners:

I urge you to deny the LUP Amendment No. 1-06 and to deny the IP Amendment 1-06, regarding the Shea property at Bolsa Chica.

California has lost 95% of its coastal wetlands to development. California cannot afford to lose any more coastal wetlands.
Coastal wetlands are a rich and increasingly rare natural resource which:

- provide wildlife habitat for hundreds of species of animals and plants, including many endangered species;
- serve as flood control reservoirs;
- control pollution from urban runoff;
- provide groundwater recharge to regional groundwater basins;
- are among the most life-productive habitats on earth;
- serve a significant part in regulating global cycles of weather, and nutrient and water cycling.
- provide open space for hiking, nature study, photography, volunteer opportunities, and rest for us humans.

Historically, Bolsa Chica Wetlands covered 30 square miles. What is left is a small fraction. There is no justification for developing even one more acre. Protect what little wetlands remains. Vote to deny the LUP Amendment 1-06. Vote to deny the IP Amendment 1-06.

Thank you for your time and consideration. Thank you for your service to the people of California.

Sincerely,
Marinka Horack
Marinka Horack, California Resident for 57 Years

RECEIVED
South Coast Region

DEC 1 3 2006

CALIFORNIA
COASTAL COMMISSION

Dec.8, 2006
Dear Peter:
I wanted you to see what I was sending to the Commissioners.
Letter to the Commissioners.

I am sending you these pictures to urge you to vote to have the bluff on the northwest edge of the Shea property defined as a Coastal Bluff when the Shea project comes before you for a vote.

I have provided each of you Commissioners your own three pictures of the bluff and shells in the bluff that Dr. Jan Vandersloot took on November 26th.
The reason I am doing this is because the appeal area is within 300 feet of the top of the bluff edge. The Coastal bluff is defined if the toe of the bluff was historically exposed to marine influence within the past 200 years. The 1989 EPA map showed the tidal slough to run along the base of the bluff.

The California Code of Regulations Title 14,section 13577 defines a Coastal Bluff as (H) coastal bluffs Measure 300 feet both landward and seaward from the bluff line or edge

The pictures show the bluff edge and all the sea shells that are embedded in the bluff. This, shows that the toe of the bluff was not historically subject to marine erosion but the toe lies within an area otherwise identified in Public Resources code Section 30603 (a) (1) or (2).

The toe of the bluff at Shea most probably was subject to marine erosion due to the tidal lands that existed at the toe of the bluff.

I urge you after reviewing the pictures to be sure to vote that this bluff is a coastal bluff and should be protected as such.

Respectfully submitted,
Eileen

Eileen Murphy
201 21st Street
HB CA 92648
Ps. Exec. Director Peter Douglas was sent this same letter.

August 2, 2006

Ms. Meg Vaughn
California Coastal Commission

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South Coast Region
AUG 7 2006
CALIFORNIA
COASTAL COMMISSION

Dear Ms. Vaughn,

Yesterday, we received the enclosed material addressed to resident.

The letter says thousands of homes will be removed from the mandatory flood insurance zone is misleading and inaccurate. They are not the agency to determine that, and have no assurance that that will happen. However, they do state that FEMA must certify the improvements and then it's up to you to contact your insurance company make changes. How can they make these assertions? The accompanying map was indistinguishable.

This is a last minute attempt by Shea Homes to curry favor from the surrounding neighborhoods for their project on former Water Department swamplands. We are not in favor of this project because of the increased traffic, horrible access, and the real possibility that it will make the immediate neighborhood to the north a real swamp in normal rains.

We also object to the developer soliciting support for their project by putting a business reply card with your name on it addressed to their office. This method allows the company to collect many responses and then pick out only the supportive ones.
Did you authorize the use of your name and position for their use in this manner?
Does the Coastal Commission staff recognize this method of gaining support for a project as being valid?

We sincerely hope that any use of your name and position is not the way the Coastal Commission staff tries to solicit comments.

Finally, We are in FAVOR of the staff recommendation for agenda item Tu 8c to Deny the LUP Amendment No. 1-06 as submitted, and also to DENY the IP Amendment 1-06 as submitted.

Charles Osterlund

Charles and Constance Osterlund
5902 Nordina Dr.
Huntington Beach, CA 92649

Cons Both office

Monica Donley

5551 Mammoth Avenue , Sherman Oaks, California 91401

September 01, 2006 02:13 PM

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South Coast Region
SEP 15 2006
CALIFORNIA
COASTAL COMMISSION

Coastal Commission Chair Meg Caldwell
California Coastal Commission
45 Fremont Street, Ste 200
San Francisco, CA 94105-2219

Subject: Please Protect Wetlands and ESHA on the Upper Bolsa Chica Wetlands

Dear Coastal Commission Chair Caldwell:

While much of the Bolsa Chica Wetlands has indeed been saved, the Upper Bolsa Chica Wetlands continue to face massive development pressures. The historic Upper Bolsa Chica Wetlands is slated by Shea/Parkside for the construction of more than 160 homes. But, as your staff reasonably points out, this area encompasses critical wetlands and ESHA, both deserving protection.

By the Commission's own standard, the wetlands vegetation present at the site require the protections traditionally offered to wetlands. Huntington Beach's approval of this development four years ago presents a clear violation of their Local Coastal Plan as development would also harm Environmentally Sensitive Habitat Area in the two eucalyptus groves.

Please look at the recommendations of Commission staff and do not allow the destruction of wetlands or ESHA. But also consider the vital importance of this wetland habitat to this urban area and insist that even more open space be set aside for conservation.

Thank you for your help on this.

Monica Donley

7 copies received

Mrs. Nancy L. Grimes Agenda #(8c)

California Coastal Commission
ATTN: Meg Vaughn
200 Oceangaate – 10th Floor
Long Beach, CA 90802

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AUG 2 2006
CALIFORNIA
COASTAL COMMISSION

August 1, 2006

Dear California Coastal Commission:

I am in **FAVOR** of the staff recommendation for agenda item **Tu 8c** to **DENY** the LUP Amendment No. 1-06 as submitted, and also to **DENY** the IP Amendment 1-06 as submitted.

Sincerely,

Mrs. Nancy L. Grimes

Mrs. Nancy L. Grimes
8591 Mossford Drive
Huntington Beach, CA 92646

13 copies received

Dear Coastal Commissioners:

Re: Shea/Parkside Project, Huntington Beach, CA

As you know, 95% of California's wetlands have been lost to development. The Shea/Parkside property contains substantial wetlands and ESHA under Section 30233 and 30240 of the Coastal Act and must be protected.

I support Commission staff's recommendation of July 26, 2006 to DENY the Land Use Plan Amendment and Implementation Plan as submitted. I further request that the Commission DENY the Land Use Plan Amendment and Implementation Plan even with staff's modifications, until such time as additional outside analysis can be completed and increased protections for wetlands and ESHA have been included in the modifications.

Thank you.

Signature _____

Print Name Jim Walton

Address 4061 Figaro Circle

City, State, Zip Hunt. Bch., CA 92649

Over 1,000 copies recieved

CALIFORNIA COASTAL COMMISSION
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

MEMORANDUM

FROM: John Dixon, Ph.D.
Ecologist / Wetland Coordinator

TO: Meg Vaughn

SUBJECT: ESHA buffer at Parkside

DATE: January 31, 2007

Documents reviewed:

J. Dixon (CCC). July 28, 2006. Memorandum to M. Vaughn (CCC) regarding "Raptor habitat at Parkside."

In the above cited memorandum, I recommended that the northern eucalyptus grove along the western edge of the agricultural field at the Parkside site be considered an Environmentally Sensitive Habitat Area (ESHA) because of its role in the ecosystem of providing important ecological functions for a diverse assemblage of raptor species and that it be provided with a 100-m (328-foot) protective buffer. Regarding that buffer, I recommended that, "The inner two-thirds of the buffer should be restored to natural habitat that would provide foraging opportunities for raptors. The outer one-third of the buffer would be appropriate for passive recreation such as hiking trails, benches, picnic tables (with covered trash receptacles), etc." In reviewing this recommendation, I realize that there are internal conflicts, and that it could very reasonably be interpreted in such a way that it would be inadequately protective of the ESHA. Picnicking is generally considered an active park use by staff and a probable alternative to restoration would be non-native landscaping, including turf, which would encourage other active park uses. I am therefore revising my recommendation. I recommend that the 100-m ESHA buffer be restored to natural habitat that would provide foraging opportunities for raptors. Trails, viewing areas, interpretive signage, and benches could be allowed in the outer one-third of the ESHA but should be located in the 10 m closest to development where feasible.

Ex-Parte Communication Forms

COASTAL COMMISSION
HNB LCPA 1-06
EXHIBIT # AA
PAGE 1 OF 7

FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

Name or description of the project: Parkside Homes, Hunting Beach

Time/Date of communication: Nov. 2, 2006, 10am

Location of communication: 22350 Carbon Mesa Rd, Malibu, CA

Person(s) initiating communication: Donna Andrews

Person(s) receiving communication: Sara Wan

Type of communication: Meeting

Donna discussed the areas of disagreement with the staff on the wetlands. She handed me the attached "talking points". Stated that John Dixon was treating the wetland areas, AP and WP, as the same, even though he originally had originally treated them separately. I stated that I would have to look at the technical studies she left me, but:

1- An "artifact" of framing didn't matter- if it is wetlands now then it is a wetland
2- My understanding is that the judgement regarding the conditions in WP and AP as being similar to CP is because of the grading violation that now makes it difficult to look at only current conditions
3- That staff has always used a 7 day ponding criteria not a 14 day. She indicated that originally Dixon was open to using 14 days but has changed, even though they have provided extensive additional testing.

Discussed briefly the ESHA issue. Said they had many serveys and Dixon was prepared to accept them and not call the trees ESHA until he viewed the reports by Bixby. She questioned if Bixby knew the species. I said his web site had many photos and they were correct and that as a birder I could state that I didn't care how often you did "surveys" nothing is like being there all the time because the birds were never in the same location or present all the time and the only way to really know what's there is to be there regularly. She objected to changing based on these observations and I said, that it was appropriate to do so if new information is obtained, that Dixon could not simply ignore it.

We discussed the fact that the Bolsa Chica Land Trust wanted to have their expert be allowed to go on site and take test samples. I said it didn't matter to me but if they didn't allow it they ran the risk of them bringing this up in the hearing and stating that there was a need for more information, which the commission could ask for. If they feel the new testing won't show anything, then what's the problem? It will be carefully reviewed and if it doesn't show anything then that ends it.

RECEIVED
NOV 0 2 2006
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

We also discussed balancing, which they claim can be used here. I discussed balancing and its proper use, i.e. compare the project and its impacts and benefits to the no project alternative. Will the required changes in the flood control levee and WQ improvements not happen if the project doesn't? She said that their contention was that they wouldn't happen in the foreseeable future. I stated that the issue of time was not relevant as far as I am concerned. If they are required regardless, then that is not a benefit of the project. She stated she would get back with me on that issue and prove to me that it was.

Date: Nov. 2, 2006

Sara Wan

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SAN DIEGO COAST DISTRICT

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NOV 0 2 2006
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SAN DIEGO COAST DISTRICT

Talking Points for Wetland Discussion

Depth and Breadth of Studies

- Over 20 studies completed by Shea Homes on wetland issues, most with substantial input or direction from Commission staff
- Addressed all issues raised by the public
- Reached consensus with staff on numerous issues related to existing conditions

Areas of Agreement between Shea biologists and Dr. Dixon

- Portion of County parcel supports wetland identified per Corps standards and additional area per Commission definition
- Most of the City parcel is upland, with only two areas of contention --WP and AP
- Surface ponding does not occur for more than 14 days in most years (occurs in approximately 36 percent of years).
- Data provided by Shea consultants and opponents suggests that ponding in WP and AP for more than 7 days occurs in approximately 64 percent of years.
- Soil saturation is likely not sufficient to promote the formation of hydric soils in most years.

Areas of Disagreement between Shea biologists and Dr. Dixon

- Shea maintains that WP depression is strictly an artifact of farming, which likely did not exist prior to 1970; that the AP depression has been variable over the years and greatly influenced by farming, and that neither area provides significant wetland function in most years. Staff states that it is likely that surface ponding is sufficient to support a predominance of hydrophytes in the AP and WP in the future if farming operations cease. Shea believes it is not appropriate to base a wetland determination on predictions of vegetation in the future and that there is insufficient hydrology to support wetland vegetation.
- Staff bases above prediction on judgment that hydrological and other conditions in the WP and AP are similar to those in the CP. Shea consultants have demonstrated that there are significant differences in soil chemistry, groundwater and water supply; furthermore, hydric soils have been documented in CP, but not WP or AP
- Staff maintains that 7 days of ponding in most years is adequate hydrology to support wetlands. Shea consultants disagree; all available written guidance (e.g., Corps manual, draft Corps regional manual for arid regions, National Resource Council, [playa wetlands reference]) recommend a minimum of 14 to 18 days for wetland hydrology.

Long Beach (Parkside

ex parte e-mail from Sara J. Wan

received 8/1/05

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South Coast Region
2005
CALIFORNIA
COASTAL COMMISSION

From: Mark Bixby [mark@bixby.org]
Sent: Mon 8/1/2005 9:25 AM
To: LWan22350@aol.com
Subject: Re: a preview of a coming CCC attraction

Hi Sara,

I'd be able to meet with you next week. Just let me know date, time, and location within the hotel.

This project is not on the August agenda. Earliest next opportunity is October, but local staff didn't sound too confident.

The word from somebody on Peter Douglas' staff is that the reason this project keeps getting postponed (applicant recently withdrew and resubmitted to reset the clock) is that the applicant and John Dixon disagree over the amount of wetlands present. Since the applicant continues to insist that there are virtually no wetlands present, we opponents interpret Dixon's disagreement as vindication of our 3+ years of intensive site monitoring and regular communications with staff about wetland & ESHA issues. Dixon has visited the property at least twice, with me and other opponents present for one of those visits.

- Mark B.
714-625-0876

LWan22350@aol.com wrote:
> In a message dated 7/10/2005 5:31:33 PM Pacific Standard Time,
> mark@bixby.org writes:
>
> http://www.bixby.org/parkside/issues.html
>
> Mark,
>
> I haven not had time to fully review the web site you sent me. If you
> want to meet with me while I am at CCC hearings in Costa Mesa this next
> week, let me know. I am assuming this is not on the agenda for August.
>
> Sara
>
> PS Have you spoken with John Dixon on the habitat and wetland issues?

-- mark@bixby.org
Remainder of .sig suppressed to conserve expensive California electrons...

ex parte e-mail from Sara J. Wan received 7/11/05

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JUL 12 2005
CALIFORNIA
COASTAL COMMISSION

[Ex-parte communication. I have not opened the files so I don't know what the issue is --Sara Wan]

5-03-29
(Shea Homes "Parkside")

From: Mark Bixby [mark@bixby.org]
Sent: Sun 7/10/2005 5:31 PM
To: Sara Wan
Subject: a preview of a coming CCC attraction

Hi Sara,

The project that I am involved with here in Huntington Beach may be coming up on a future CCC agenda. Or not, since CCC staff has pushed out the project several times so far this year. It is NOT on the July agenda.

If you have time to review any of the following material and offer feedback, it would be appreciated. If you would rather just delete this message and NOT look at the material, that will be OK too.

The work-in-progress public hearing PowerPoint can be accessed in one of three ways:

http://www.bixby.org/mark/nwwr-ccc-lcpa-cdp.htm - "save to web" version (has some minor formatting issues that I haven't been able to solve)

http://www.bixby.org/mark/nwwr-ccc-lcpa-cdp.pdf - 32 MEGABYTE PDF version

http://www.bixby.org/mark/nwwr-ccc-lcpa-cdp.ppt - 110 MEGABYTE native PowerPoint file

Verbatim speaker notes are included with each of the above versions. It clocks it at 10-12 minutes of speaker time, so I will be recruiting time donors. IF a public hearing ever occurs, other opponents will be presenting additional material including reports from paid professional biological consultants. We will be telling a story of 30233 and 30240.

The PowerPoint is a distillation of three years of field work on my part. There is a companion web site that goes into all of the voluminous raw details. A convenient CCC-oriented entrypoint to the web site is:

http://www.bixby.org/parkside/issues.html

There's nothing in the PowerPoint or the web site that I haven't shared with staff and the applicant over the past 3 years by e-mail, snail-mail, and in-person meetings.

Thanks...
--
mark@bixby.org
Remainder of .sig suppressed to conserve expensive California electrons...

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: Mon, July 31, 2006, 3 pm
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication: Santa Rosa
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: Steve Kaufmann, Michael Jasculyn, Ron Metzler, Nancy Lucast, Mary Beth Brown

Person(s) receiving communication: Mike Reilly

Name or description of project: Shea Homes - Parkside Estates LCPA 1-06 Huntington Beach

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

City + property owner + consultants described site, site history, numerous biological studies, absence of wetlands characteristics, FEMA mandated levee + fill regs, tentative support for staff rec but clear preference for an alternative plan that consolidates open space

Aug 9, 2006
Date

Mike Reilly
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

RECEIVED
South Coast Region
AUG 17 2006
CALIFORNIA
COASTAL COMMISSION

FORM FOR DISCLOSURE OF EX PARTE COMMUNICATION

Date and time of communication: Mon, July 31, 2006, ~~[illegible]~~ 5:30 pm
(For messages sent to a Commissioner by mail or facsimile or received as a telephone or other message, date time of receipt should be indicated.)

Location of communication: Monterey
(For communications sent by mail or facsimile, or received as a telephone or other message, indicate the means of transmission.)

Person(s) initiating communication: Steve Kaufmann, Nancy Lucast, Michael Joselyn, Ron Metzler, Mary Beth Broeren,

Person(s) receiving communication: Dave Potter

Name or description of project: Shea Homes - Parkside Estates LCPA 1-06 Huntington Beach

Detailed substantive description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

City and property owner + consultants described site, site history, numerous biological studies, absence of wetland characteristics, FEMA-mandatory levee and fill requirements, tentative support for staff rec but preference for an alternative plan that consolidates open space.

Date

Dave Potter
Signature of Commissioner

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

RECEIVED
South Coast Region
AUG 17 2006
CALIFORNIA
COASTAL COMMISSION