

**CALIFORNIA COASTAL COMMISSION**

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**TH 17b**

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Staff: Fernie Sy-LB  
Staff Report: April 19, 2007  
Hearing Date: May 9-11, 2007  
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT**

**APPLICATION NO.:** 5-05-428-A1

**APPLICANTS:** County of Orange Dept. of Public Works  
Attn: Hualin Hsu-Wingard

**PROJECT LOCATION:** Edinger Avenue Bridge, Huntington Beach (Orange County)

**DESCRIPTION OF PROJECT ORIGINALLY APPROVED:**

At the March 2006 Commission Hearing, the Commission approved Coastal Development Permit No. 5-05-428-[County of Orange] for bridge repairs consisting of removal and replacement of 30 ft. wide x 300 ft. long area of existing asphalt-topped corrugated metal decking and pile cap reinforcement with intermittent bridge closure.

**DESCRIPTION OF AMENDMENT:**

The proposed amendment request is to replace four (4) wooden piles and repair six (6) other piles in Bent No. 15, which support the bridge.

**SUMMARY OF STAFF RECOMMENDATION:**

Commission staff recommends that the Commission **APPROVE** the proposed amendment with **SIX (6) SPECIAL CONDITIONS** requiring: **1)** adherence to prior conditions; **2)** Pile Monitoring and Maintenance; **3)** pre and post-construction eelgrass surveys and if eelgrass is discovered within the project vicinity, that impacts be avoided and, if unavoidable, mitigated pursuant to the *Southern California Eelgrass Mitigation Policy*; **4)** a pre-construction survey for *Caulerpa taxifolia* be done and if its presence is discovered, the applicant shall not proceed with the project until a) the applicant provides evidence to the Executive Director that all *Caulerpa taxifolia* within the project and buffer areas have been eliminated or b) the applicant has revised the project to avoid any contact with *Caulerpa taxifolia*; **5)** conformance with the Streambed Alteration Agreement (#1600-2006-0353-R5) from the California Department of Fish and Game (CDF&G) dated March 2, 2007; and **6)** that construction not take place during the "peak" coastal recreation season.

**SUBSTANTIVE FILE DOCUMENTS:**

City of Huntington Beach certified Local Coastal Program (used as guidance in this area of original permit jurisdiction); Coastal Development Permit No. 5-05-428-[County of Orange]; Letter to the County of Orange from Chambers Group, Inc. dated July 28, 2006; Letter to the County of Orange from Commission staff dated October 11, 2006; Letter to the County of Orange from California Department of Fish and Game (CDFG) dated October 3, 2006; Letter to Commission staff from the County of Orange dated November 14, 2006; Letter to the County of Orange from Commission staff

dated December 15, 2006; Letter to Commission staff from the County of Orange dated January 24, 2007; and Letter from the County of Orange dated January 4, 2007.

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**LOCAL APPROVALS RECEIVED:**

Addendum IP 06-401 to Mitigated Negative Declaration IP 04-408; Pre-Authorization from the United States Army Corps of Engineers (USACOE) under Nationwide Permit Number #3 dated October 13, 2006; Clean Water Act (CWA) Section 401 authorization from the Regional Water Quality Control Board (RWQCB) dated September 29, 2005; Streambed Alteration Agreement (#1600-2006-0353-R5) from the California Department of Fish and Game (CDF&G) dated March 2, 2007; Approval-in-Concept from the City of Huntington Beach Planning Department dated January 8, 2007.

**LIST OF EXHIBITS**

1. Vicinity Map
2. Project Plans
3. Streambed Alteration Agreement (#1600-2006-0353-R5) from the California Department of Fish and Game (CDF&G) dated March 2, 2007

**PROCEDURAL NOTE:**

The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

The amendment request involves changes to a previously approved bridge repair project. The subject application is being forwarded to the Commission because the Executive Director has determined that the proposed amendment is a material change and affects conditions required for the purposes of protecting coastal resources or coastal access.

Section 13166 of the Commission Regulations also calls for the Executive Director to reject a permit amendment request if it would lessen the intent of the previously approved permit.

The proposed amendment would not lessen the intended effect of Coastal Development Permit No. 5-05-428 envisioned in the Commission's March 2006 action approving the project with conditions. Therefore, the Executive Director accepted the amendment request.

**STANDARD OF REVIEW:**

The subject site is located within the City of Huntington Beach, which has a certified Local Coastal Program. However, due to the project location over and in coastal waters, the project is within an area of the Commission's retained permit jurisdiction. Nonetheless, the City's certified Local Coastal Program may be used as guidance.

**STAFF RECOMMENDATION:**

Staff recommends that the Commission **APPROVE** the permit amendment application with special conditions.

**MOTION:**

*I move that the Commission approve permit amendment CDP #5-05-428-A1 pursuant to the staff recommendation.*

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

**RESOLUTION:**

**I. APPROVAL WITH CONDITIONS**

The Commission hereby approves a coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development as conditioned, located between the first public road and the sea, will be in conformity with the certified LCP and the public access and recreation policies of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **III. SPECIAL CONDTIONS**

#### **A. PRIOR CONDITIONS**

Unless specifically altered by this amendment, all regular and special conditions attached to Coastal Development Permit No. 5-05-428 remain in effect, with the following exception: To the extent development specifications in any plans approved by the Executive Director pursuant to this amendment are inconsistent with specifications listed in any plans approved prior to this amendment, compliance with which was required by the existing permit conditions, those requirements for compliance with those prior plans are hereby modified as necessary, but only as necessary, to require compliance with the new plans. In addition, all standard and special conditions imposed under Costal Development Permit No. 5-05-428 that could apply equally to this amendment, are so applied.

#### **B. ADD THE FOLLOWING CONDITIONS**

##### **4. PILE MONITORING AND MAINTENANCE**

Pilings treated with a multi-layer coating consisting of an epoxy and poly-wrap shall be used only if coated PRIOR TO INSTALLATION, and in a manner acceptable to the Executive Director as follows:

- A. The material used shall be durable and a minimum of one-tenth of an inch thick.
- B. All joints shall be sealed to prevent leakage.
- C. To prevent the introduction of toxins and debris into the marine environment, the use of plastic coated pilings (e.g. high density polyethylene or polypropylene), shall conform to the following requirements:

Inspection and Maintenance Program. The permittee shall exercise due diligence in periodically inspecting pilings to be repaired under this permit, and shall immediately undertake any repairs necessary to maintain the coating and/or structural integrity of the pilings. On an annual basis for all piles coated with a plastic material that may come into contact with rubble and other floating debris, and on a biannual basis for those that will not, beginning one and two years (as applicable) following the date that the first pile is installed, the permittee shall conduct a piling inspection to ensure the integrity of the pile, and that all corrective actions have or will be immediately undertaken to maintain the plastic coating and/or integrity of the pile. The

applicant shall provide to the Executive Director the results of the monitoring annually for the life of the piling(s). The inspections shall be undertaken by boat, SCUBA or other equally effective method. If the monitoring results indicate repairs are necessary, the applicant shall immediately complete those repairs that are exempt from coastal development permit requirements, and shall apply for an amendment to this permit for those repairs requiring a permit. Alternatively, the permittee may submit a different timeline for the piling inspection program that ensures that the plastic coating and structural integrity of the pile is properly maintained; the alternative timeline shall be reviewed and approved by the Executive Director, **prior to the issuance of the permit.**

New Information. If federal or state regulatory agencies, through new or better scientific information, determine that environmentally less damaging materials or methods are available for pilings, and are feasible to implement, the permittee shall, after consultation with the Executive Director, revise procedures or use alternative materials consistent with the new information. The substitution of non-plastic piling materials may be authorized by the Executive Director if the Executive Director determines that substitute material has no potential for significant adverse impacts upon coastal resources. Other revisions, including but not limited to the use of other preservative-treated, wrapped or coated piles, may require an amendment to this permit.

## **5. EELGRASS SURVEYS**

- A. Pre Construction Eelgrass Survey.** A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area, which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.
- B. Post Construction Eelgrass Survey.** If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be

prepared in consultation with the California Department of Fish and Game. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

**6. PRE-CONSTRUCTION CAULERPA TAXIFOLIA SURVEY**

- A.** Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development permit (the “project”), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B.** The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C.** Within five (5) business days of completion of the survey, the applicant shall submit the survey:
  - (1) for the review and approval of the Executive Director; and
  - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043), or their successors.
- D.** If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. **CONFORMANCE WITH THE STREAMBEAD ALTERATION AGREEMENT FROM THE CALIFORNIA DEPARTMENT OF FISH AND GAME**

The applicant shall conform with the Streambed Alteration Agreement (#1600-2006-0353-R5) from the California Department of Fish and Game (CDF&G) dated March 2, 2007.

8. **TIMING OF CONSTRUCTION**

By acceptance of this permit, the applicant agrees to minimize adverse impacts to public use of the Sunset Aquatic Park resulting from construction activities on the Edinger Avenue Bridge as required below:

- A. No construction shall occur during the “peak” coastal recreation season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year. The applicant shall schedule the project and make allowances for project suspension such that complete restoration of public access to the facilities at Sunset Aquatic Park occurs during the “peak” coastal recreation season.
- B. A minimum of one (1) lane of traffic along the Edinger Avenue Bridge will be maintained at all times.

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

A. **PROJECT LOCATION, HISTORY AND DESCRIPTION**

The project site is the Edinger Avenue Bridge, which spans the Bolsa Chica Channel between the Cities of Huntington Beach and Seal Beach (Exhibit #1). The wooden timber bridge was originally constructed in 1968 and is approximately 30 feet wide and 300 feet long, with a single travel lane in each direction. The bridge provides the only public access (both vehicular and pedestrian) to the Sunset Aquatic Park/Sunset Harbor Marina. The Sunset Aquatic Park includes a marina, a public boat launch ramp with multiple lanes, boat and trailer parking, car parking areas, a boat repair yard and public picnic areas. If the existing bridge were to fail, there would be no public roadway access to the aquatic park.

The bridge is located within the City of Huntington Beach, which has a certified Local Coastal Program. However, due to the project location over coastal waters, the project is within an area of the Commission’s retained permit jurisdiction. Nonetheless, the City’s certified Local Coastal Program may be used as guidance. The bridge is located within a County right-of-way that traverses the Bolsa Chica Channel. The land use designation of the channel is Open Space – Water (OS – W). The City of Huntington Beach Planning Department finds the County maintenance project exempt from a CDP pursuant to Section 245.08F of the LCP. The work is not exempt from Coastal Commission permit requirements because the repair and maintenance activities proposed will occur over and in coastal waters, thereby involving a risk of substantial adverse environmental impact pursuant to California Code of Regulations Section 13252.

In March 2006, the County of Orange obtained Coastal Development Permit No. 5-05-428 for bridge replacement work that was recently completed in June of 2006. During the bridge deck replacement project, further investigation of the bridge support structures revealed that several piles were degraded as a result of their exposure to natural forces. As a result of this degradation, the project, which includes the replacement and/or repair of ten (10) piles in Bent No. 15, is needed to ensure that the recently repaired bridge deck is not compromised by the degraded piles supporting the bridge. In addition, emergency measures including a Traffic Control Plan and weight restriction have been implemented in July 2006, to ensure safe use of Edinger Avenue Bridge until repairs are in place.

The bridge pile improvement project includes the replacement or repair of each of the ten (10) timber piles in Bent No. 15 (four (4) piles will be replaced and six (6) piles will be repaired). The replaced or repaired piles will remain in the same footprint. The County will use three (3) different methods to implement the proposed project and they are described below (Exhibit #2):

1. POST PILE METHOD

For Piles # C, F, H, and I: The County will replace the deteriorated portions of those piles by using the Post Pile Method, which includes splicing new section of wood into the pile in the area of the deterioration. This method includes the following steps:

- a) Cut out the base down to the point where it is 75 to 80 percent intact;
- b) Insert the new pile section, securing it to the existing stub with a pin at the base and apply splash Epoxy to the mating ends to provide filler for an imperfect surface mating to provide bearing;
- c) Wedge or corbel block at the top and pin the top.
- d) Wrap the spliced area with fiberglass jacket and Epoxy filler; and
- e) Poly-Wrap the pile to keep the borers out and to suffocate the ones already inside.

2. REPAIR PILE METHOD

For Piles # A, B, D and E: Since the deterioration of these piles are less extensive, the County will use the Repair Pile Method to repair the piles. This method includes the following steps:

- a) Place a prefabricated fiberglass jacket (2-piece, tongue and groove) around the damaged section of pile, leaving a one-half to three-fourths inch gap around the pile;
- b) Fill the void with hydro-ester epoxy to restore the full strength of the pile; and
- c) Poly-Wrap the pile to keep the borers out and to suffocate the ones already inside

3. WRAP PILE METHOD



For Piles # G and J: The County will use the Wrap Pile Method. This method includes the following steps:

- a) Clean the surface of the piles to remove marine growth and deterioration;  
and
- b) Poly-Wrap the piles to prevent future damage by marine borers.

The epoxy and poly wrap that will be used are FX-70 Insert Corrosion-Free System manufactured by Fox Industries Engineered Products.

An eelgrass and *Caulerpa* survey was conducted on July 20, 2006 by Chambers Group and no *Caulerpa* or eelgrass was discovered.

The proposed project will also result in the temporary removal of a section of rip-rap. A backhoe and manual labor will be used to pull away the rip-rap along the bank and around the base of Bent No. 15 and No. 16 piles to build a working platform next to the repair area, which will serve as a construction access. The backhoe will work from a pad or platform that will be created at the base of the rip-rap, just beyond the bridge footprint. Dirt will be excavated from the bank and replaced along with rip-rap to create the platform, which will be partially on the water and partially on the existing rip-rap. Equipment to be used to erect the new sections of pile includes a combination of a hand-cranked crane and come-alongs. The new pile sections will be floated in to the construction area. All removed rip-rap will be restored to existing grade upon completion of repair work. Presently no vegetation exists at the rip rap.

The proposed pile replacement and repair work will: 1) refurbish identified piles in the same footprint as the current bridge; and 2) restore the temporarily removed riprap to the pre-existing condition upon the completion of the work. There will be temporary impact to the channel during pile repair; however; no additional fill of wetlands is proposed.

## **B. WATER QUALITY/MARINE RESOURCES**

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the*

*protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30233 (a) of the Coastal Act states:

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

*(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*

*(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*

*(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*

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

*(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

*(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*

*(7) Restoration purposes.*

*(8) Nature study, aquaculture, or similar resource dependent activities.*

Section 30240 (b) of the Coastal Act states:

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly*

*degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

1. Construction Impacts to Water Quality

Construction will occur directly over and in coastal waters. As such, there is a possibility that construction phase activities could result in adverse water quality impacts. In addition, there is a possibility that improper staging and storage of equipment could have impacts on both water quality and nearby wetland habitat. Wetlands and other sensitive habitat are known to exist in the project vicinity

Potential construction phase impacts include improper storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or in a manner which allows such materials to be discharged into the Bolsa Chica Channel and coastal waters via rain or urban runoff. These actions would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species ability to see food in the water column. In order to assure that the proposed project does not result in any accidental or unanticipated discharges, spills or other activities that could harm marine resources and water quality, and to assure the applicant is aware of their responsibility to provide a debris catching device under this coastal development permit, the Commission previously imposed a Special Condition on the original permit that required the applicant to implement the proposed water quality measures. That Special Condition is also necessary for the currently proposed project. Therefore, the Commission imposes **SPECIAL CONDITION NO. A**, which requires that unless specifically altered by this amendment, all standard and special conditions attached to Coastal Development Permit No. 5-05-428 remain in effect and equally applied to this amendment.

Because the work will take place along the Westerly channel bank, both above and below the waterline, it will be necessary to take advantage of low tide conditions. Working during the lowest tidal conditions will facilitate construction by minimizing the underwater work, and in doing so, minimize turbidity. Additionally, hand excavation around the base of the four (4) (Post Pile Method) timber piles will take place to minimize turbidity. Also, no cofferdam or dewatering measure is proposed for the project repair.

2. Post-Construction Impacts to Water Quality

The proposed project also involves the replacement or repair of ten (10) timber piles, which will be coated with an epoxy and poly wrap (FX-70 Insert Corrosion-Free System). It is necessary to evaluate the material used to treat and coat any timber coatings, as certain substances may have an adverse impact on water quality. Water Quality staff reviewed the proposed epoxy and poly wrap and determined that they were acceptable. However, the Commission is concerned about the use of plastic in the marine environment due to the possible deterioration of the pile coating and subsequent increase in marine debris. Since plastic is an inorganic material, it does not biodegrade, but rather continually breaks down into ever-smaller pieces. The presence of plastics in the coastal and ocean environment is

both widespread and harmful to human and marine life. Consequently, it is necessary for the Commission to impose a special condition requiring maintenance of the epoxy and poly-wrap coating that encases the timber pilings. **SPECIAL CONDITION NO. 4** requires the applicant to periodically inspect all pilings installed as part of this project, and shall immediately undertake any repairs necessary to maintain the plastic coating (including patching any holes to ensure that the piles are completely encased) and/or the integrity of the piles. Every two years following initial pile installation, the applicant shall inspect the piles to ensure their integrity, and to ensure that all corrective actions have been or will be immediately undertaken to maintain the plastic coating and/or the integrity of the piles. An alternative maintenance schedule may be approved by the Executive Director if it is found to achieve the same objective.

3. Wetland

The project site is located East of the entrance to the Sunset Aquatic Park, which is known to support some sensitive habitat and species. A formal wetlands delineation of jurisdictional waters was prepared for the Sunset Harbor Marina EIR (April 2004) that identified several areas within the Sunset Aquatic Park/Sunset Harbor Marina that exhibited wetland characteristics. Vegetated desilting basins have been identified immediately West of the bridge. Wetlands are also known to be present in the vicinity of an existing gravel boat storage area and around a dredge spoil stockpile near the bridge. The Seal Beach National Wildlife Refuge, located North of the site, also supports sensitive habitat and species, including salt marsh. According to the applicant, construction activities (including staging and storage) will not impact nearby wetlands or sensitive habitat. In order to verify that no construction staging takes place in a location that would adversely impact nearby wetlands, the Commission previously imposed a Special Condition on the original permit that required the applicant to submit a Construction Staging Plan for review prior to issuance of the Coastal Development Permit. Such a plan was submitted and subsequently approved prior to issuance of the permit. It was determined that no adverse wetland impacts would occur due to the location of the Construction Staging Area. The Construction Staging Area is an empty parcel adjacent to the bridge and Bolsa Chica Channel, belongs to the Orange County Flood Control District and serves as a maintenance vehicle access area. The applicant states that the same construction staging area shown on that plan will be used for the proposed project. Thus, no impacts to the wetland from construction staging will occur with the proposed project.

The Coastal Act limits the fill of open coastal water and also requires that any project which results in fill of open coastal waters provide adequate mitigation. One purpose for which fill is allowed is incidental public service purposes. Part of the proposed project requires the replacement or repair of ten (10) timber piles of the Edinger Avenue Bridge in the Bolsa Chica Channel. These bridge support pilings, and the temporary platform installed for construction access, are considered fill of coastal waters. This fill is necessary to maintain an existing bridge that provides the only vehicular and pedestrian access to the Sunset Aquatic Park/Sunset Harbor Marina. The Sunset Aquatic Park includes a marina, a public boat launch ramp with multiple lanes, boat and trailer parking, car parking areas, a boat repair yard and public picnic areas. If the existing bridge were to fail, there would be no public roadway access to the aquatic park. The fill is associated with maintaining the existing bridge in functional condition. No expansion of road capacity is created by the project. The Commission finds the fill to be associated with an incidental public service and is therefore an allowable purpose under the Coastal Act. The project can be found

consistent with the Coastal Act, only if it is the least environmentally damaging feasible alternative and feasible mitigation measures have been provided to minimize environmental effects. One way to minimize environmental damage is to limit fill. In order to adequately and safely access the Edinger Avenue Bridge, the applicant had proposed the replacement or repair of then (10) timber piles. No new piles are proposed. This is the minimum amount of work necessary to sufficiently support the bridge, which will result in continued public access to Sunset Aquatic Park. Thus, the project as proposed is the least environmentally damaging alternative. Also any project which results in fill of open coastal waters also needs to provide adequate mitigation. The proposed project meets this requirement because the replaced or repaired pilings provide vertical habitat for marine organisms.

4. Eelgrass

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

The site was surveyed on July 20, 2006 for eelgrass and none was found. Eelgrass surveys completed during the active growth (typically March through October) phase of eelgrass are valid for 60-days with the exception of surveys completed in August-October. A survey completed in August - October shall be valid until the resumption of active growth (i.e., March 1). The project is agendaized for the May 2007 Coastal Commission Hearing and by this time the eelgrass survey would not continue to be valid since 60-days would have passed since the eelgrass survey. Thus, an up-to-date eelgrass survey must be conducted. Therefore, the Commission is imposing **SPECIAL CONDITION NO. 5**, which requires pre and post-construction eelgrass surveys and if eelgrass is discovered within the project vicinity, that impacts be avoided and, if unavoidable, mitigated pursuant to the *Southern California Eelgrass Mitigation Policy*.

5. *Caulerpa taxifolia*

Also, as noted above, eelgrass is a sensitive aquatic plant species which provides important habitat for marine life. Eelgrass grows in shallow sandy aquatic environments which provide plenty of sunlight. Around the year 2000, a non-native and invasive aquatic plant species, *Caulerpa taxifolia* (herein *C. taxifolia*), was discovered in parts of Huntington Harbor (Emergency Coastal Development Permits 5-00-403-G and 5-00-463-G) which occupies similar habitat. *C. taxifolia* is a tropical green marine alga that is popular in the aquarium trade because of its attractive appearance and hardy nature. In 1984, this seaweed was introduced into the northern Mediterranean. From an initial infestation of about 1 square yard it grew to cover about 2 acres by 1989, and by 1997 blanketed about 10,000 acres along the coasts of France and Italy. Genetic studies demonstrated that those populations were from the same clone, possibly originating from a single introduction. This seaweed spreads asexually from fragments and creates a dense monoculture

displacing native plant and animal species. In the Mediterranean, it grows on sand, mud and rock surfaces from the very shallow subtidal to about 250 ft depth. Because of toxins in its tissues, *C. taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation in the Mediterranean has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing<sup>1</sup>.

Because of the grave risk to native habitats, in 1999 *C. taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001 the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species including *C. taxifolia*.

In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50°F. Although warmer southern California habitats are most vulnerable, until better information is available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

In response to the threat that *C. taxifolia* poses to California's marine environment, the Southern California *Caulerpa* Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *C. taxifolia* infestations in Southern California. The group consists of representatives from several state, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

If *C. taxifolia* is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. The site was surveyed on July 20, 2006 for *C. taxifolia* and none was found. *C. taxifolia* surveys are valid for 90-days. The project is agendized

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<sup>1</sup> References

Meinesz, A. (Translated by D. Simberloff) 1999. *Killer Algae*. University of Chicago Press

Chisholm, J.R.M., M. Marchioretta, and J.M. Jaubert. Effect of low water temperature on metabolism and growth of a subtropical strain of *Caulerpa taxifolia* (Chlorophyta). *Marine Ecology Progress Series* 201:189-198

Ceccherelli, G. and F. Cinelli. 1999. The role of vegetative fragmentation in dispersal of the invasive alga *Caulerpa taxifolia* in the Mediterranean. *Marine Ecology Progress Series* 182:299-303

Smith C.M. and L.J. Walters. 1999. Fragmentation as a strategy for *Caulerpa* species: Fates of fragments and implications for management of an invasive weed. *Marine Ecology* 20:307-319.

Jousson, O., J. Pawlowski, L. Zaninetti, A. Meinesz, and C.F. Boudouresque. 1998. Molecular evidence for the aquarium origin of the green alga *Caulerpa taxifolia* introduced to the Mediterranean Sea. *Marine Ecology Progress Series* 172:275-280.

Komatsu, T. A. Meinesz, and D. Buckles. 1997. Temperature and light responses of the alga *Caulerpa taxifolia* introduced into the Mediterranean Sea. *Marine Ecology Progress Series* 146:145-153.

Gacia, E. C. Rodriguez-Prieto, O. Delgado, and E. Ballesteros. 1996. Seasonal light and temperature responses of *Caulerpa taxifolia* from the northwestern Mediterranean. *Aquatic Botany* 53:215-225.

Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga *Caulerpa taxifolia* introduced into the Mediterranean. *Aquatic Botany* 51:163-169.

for the May 2007 Coastal Commission Hearing and by this time the *C. taxifolia* survey would not continue to be valid since 90-days would have passed since the *C. taxifolia* survey. Thus, an up-to-date *C. taxifolia* survey must be conducted. Therefore, in order to assure that the proposed project does not cause the dispersal of *C. taxifolia*, the Commission imposes **SPECIAL CONDITION NO. 6**, which requires the applicant, prior to commencement of development, to survey the project area for the presence of *C. taxifolia*. If *C. taxifolia* is present in the project area, no work may commence and the applicant shall seek an amendment or a new permit to address impacts related to the presence of the *C. taxifolia*, unless the Executive Director determines that no amendment or new permit is required.

6. Local Approvals

- a) The United States Army Corps of Engineers (USACOE) has issued a Denial Without Prejudice Letter under Nationwide Permit Number #3 dated October 13, 2006. It stated that a Nation Wide Permit #3 will be granted, pending the approval of the CDP amendment.
- b) The Regional Water Quality Control Board (RWQCB) has issued a Clean Water Act (CWA) Section 401 authorization dated September 29, 2005.
- c) The California Department of Fish and Game (CDF&G) has issued a Streambed Alteration Agreement ((#1600-2006-0353-R5)) dated March 2, 2007(Exhibit #3). This agreement includes a number of conditions. For example, the agreement requires that all disturbed portions of the streambed or banks shall be restored to the pre-existing condition or better and staging/storage area for equipment and materials shall be located outside of the stream. In order to assure that the applicant conforms to the requirements set forth in this agreement, the Commission imposes **SPECIAL CONDITION NO. 7**, which requires conformance with the Streambed Alteration Agreement and incorporates those requirements as conditions of this coastal development permit.

**CONCLUSION**

To minimize the adverse impacts upon water quality and the marine environment, **FIVE (5) SPECIAL CONDITIONS** have been imposed. **SPECIAL CONDITION NO. A** requires that unless specifically altered by this amendment, all standard and special conditions attached to Coastal Development Permit No. 5-05-428 remain in effect and equally applied to this amendment. **SPECIAL CONDITION NO. 4** requires the applicant to periodically inspect all pilings installed as part of this project, and shall immediately undertake any repairs necessary to maintain the plastic coating (including patching any holes to ensure that the piles are completely encased) and/or the integrity of the piles. **SPECIAL CONDITION NO. 5** requires pre and post-construction eelgrass surveys and if eelgrass is discovered within the project vicinity, that impacts be avoided and, if unavoidable, mitigated pursuant to the *Southern California Eelgrass Mitigation Policy*. **SPECIAL CONDITION NO. 6** requires that a pre-construction survey for *Caulerpa taxifolia* be done and if its presence is discovered, the applicant shall not proceed with the project until a) the applicant provide evidence to the Executive Director that all *Caulerpa taxifolia* within the project and/or buffer area has been eliminated or b) the applicant has revised the project to avoid any contact with *Caulerpa taxifolia*. **SPECIAL CONDITION NO. 7** requires conformance with the Streambed

Alteration Agreement (#1600-2006-0353-R5) from the California Department of Fish and Game (CDF&G) dated March 2, 2007

The Commission finds that, as conditioned, the proposed project will ensure that marine resources and water quality be protected as required by Sections 30230, 30231, 30233 and 30240(b) of the Coastal Act.

**C. PUBLIC ACCESS**

Section 30210 of the Coastal Act states, in pertinent part:

*...maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs...*

Section 30213 of the Coastal Act states, in pertinent part:

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

As discussed previously, the proposed project involves the repair of an existing bridge leading to the Sunset Aquatic Park. The park includes a marina, a public boat launch ramp with multiple lanes, boat and trailer parking, car parking areas, a boat repair yard and public picnic areas. If the existing bridge were to fail, there would be no vehicular access to the aquatic park. As such, the proposed project will allow continued access to a public boating facility, thereby maintaining public access and recreation at the subject site.

Due to the potential hazard posed by the deteriorated piles at Bent No. 15, the County has implemented a Traffic Control Plan, which directs traffic around the more severely damaged end of the damaged Bent No. 15 where the majority of the deteriorated piles exist. This plan will remain in effect until the work to repair or replace the affected piles in Bent No. 15 is completed (approximately four (4) weeks). All of the work necessary to implement the proposed project will occur at Bent No. 15, below the bridge structure. The bridge will be open to traffic during the work phase and will be controlled by signs, barricades, delineators, and warning lights.

The pile repair work will take place both above and below the waterline without any dewatering measure, it will be necessary to take advantage of low tide conditions. Therefore, the hours of construction may vary from standard working hours established by the County of Orange (i.e. 7am to 5pm). As a result, construction activities may occur before 7am and after 5pm. However, the applicant has stated that construction activities will not interfere with traffic on the bridge, which will continue during the work phase subject to the Traffic Control Plan currently in effect.

Construction is scheduled to not to take place during the "peak" coastal recreation season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year.

In order to maintain public access, the Commission has imposed **SPECIAL CONDITION NO. 7**, which requires that construction not take place the during the "peak" coastal recreation season.

**CONCLUSION**



To maintain public access, **ONE (1) SPECIAL CONDITION** has been imposed. **SPECIAL CONDITION NO. 1** requires that construction not take place during the “peak” coastal recreation season.

The Commission finds that, as conditioned, the proposed project will ensure that public access be protected as required by Sections 30210 and 30213 of the Coastal Act.

**D. LOCAL COASTAL PROGRAM (LCP)**

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. An LCP for the City of Huntington Beach was effectively certified in March 1985. However, the proposed development is occurring within an area of the Commission’s original permit jurisdiction, due to the project location seaward of the mean high tide line. Consequently, the standard of review is the Coastal Act and the City’s LCP is used only as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

**E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096(a) of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or further feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

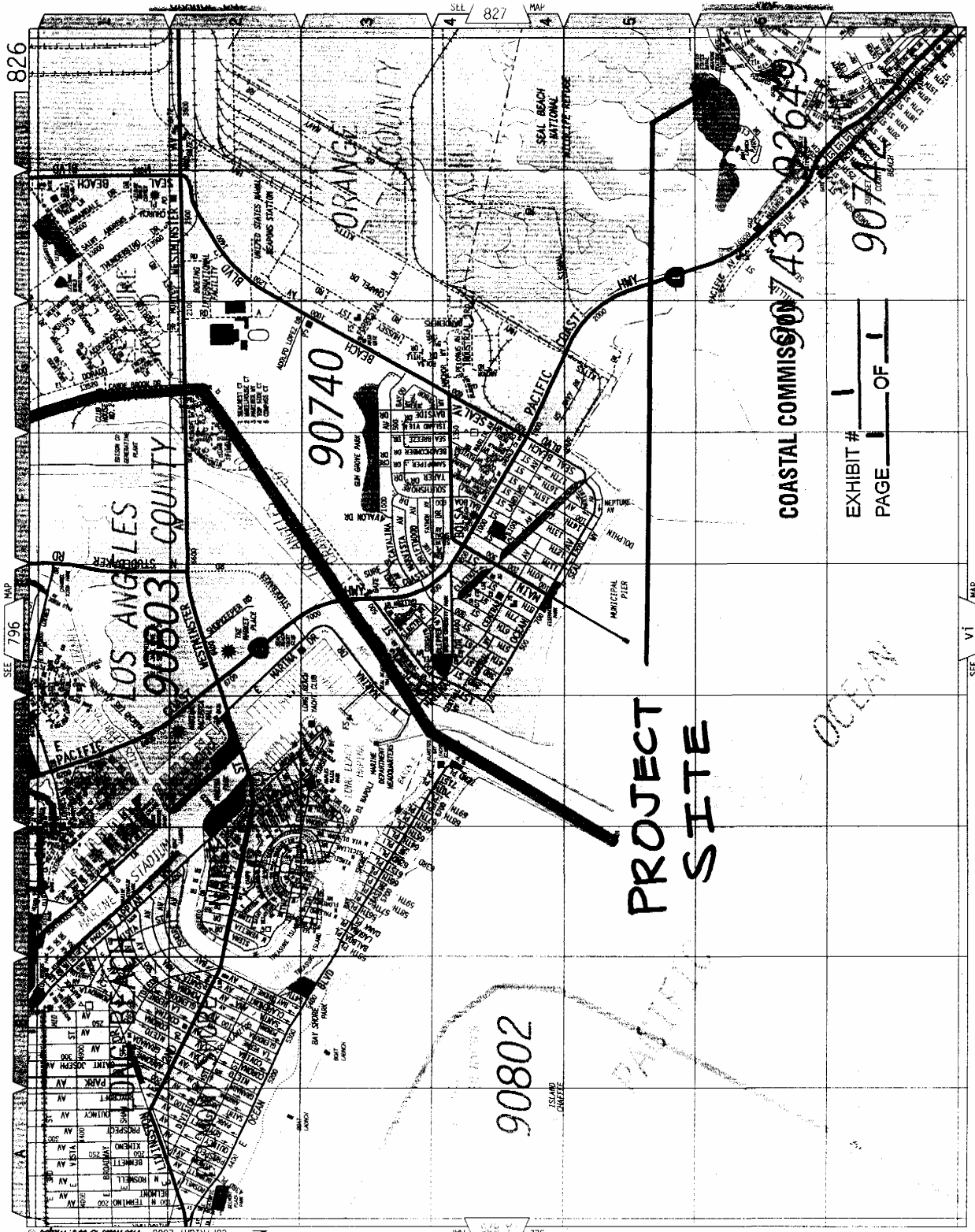
The County of Orange is the lead agency for California Environmental Quality Act (CEQA) purposes. A Mitigated Negative Declaration IP 04-408 was prepared and approved for the original project in 2005. For the currently proposed project, addendum IP 06-401 to Mitigated Negative Declaration IP 04-408 was prepared and approved in 2006. A number of mitigation measures were required with approval of this CEQA document, for example: 1) incorporation of standard procedures to reduce impacts to air quality; and 2) complete closure of the bridge during the project will not occur. The Coastal Commission adopts additional mitigation measures, found below, to ensure that the proposed project will conform with the requirements of the Coastal Act.

The proposed project is located in an urban area. All infrastructure necessary to serve the site exists in the area. As conditioned, the proposed project has been found consistent with the water quality, marine resources, and public access policies of Chapter 3 of the Coastal Act. Mitigation measures include: **1)** adherence to prior conditions; **2)** Pile Monitoring and Maintenance; **3)** pre and post-construction eelgrass surveys and if eelgrass is discovered within the project vicinity, that impacts be avoided and, if unavoidable, mitigated pursuant to the *Southern California Eelgrass Mitigation Policy*; **4)** a pre-construction survey for *Caulerpa taxifolia* be done and if its presence is discovered, the applicant shall not proceed with the project until a) the applicant provides evidence to the Executive Director that all *Caulerpa taxifolia* within the project and buffer areas have been eliminated or b) the applicant has revised the project to avoid any contact with *Caulerpa taxifolia*; **5)** conformance with the Streambed Alteration Agreement (#1600-2006-0353-R5) from the

California Department of Fish and Game (CDF&G) dated March 2, 2007; and **6)** that construction not take place during the “peak” coastal recreation season.

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

H:\FSY\Staff Reports\May07\5-05-428-A1-[County of Orange]MA(HB)



SEE 796 MAP

826

SEE 827 MAP

SEE V1 MAP

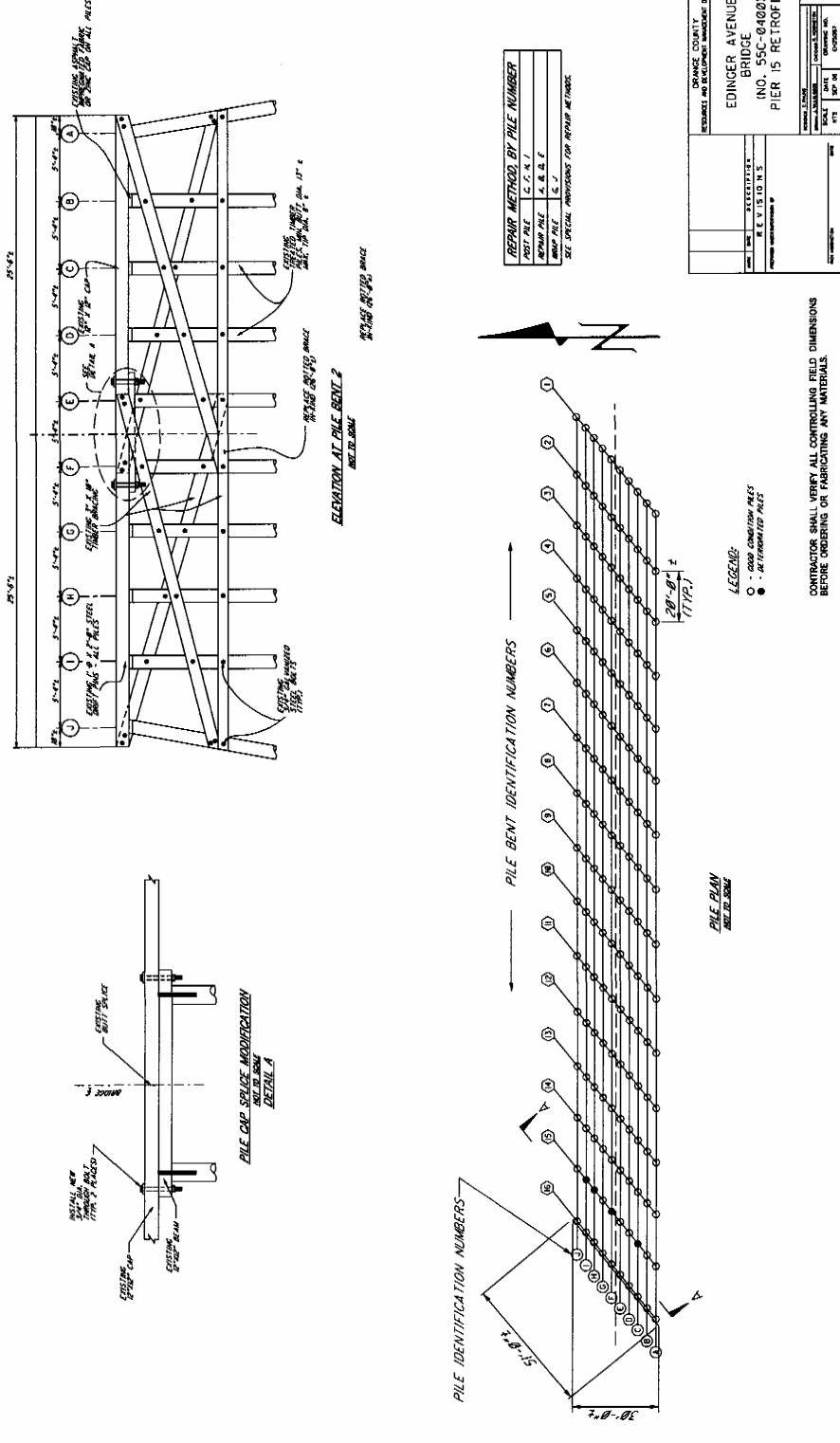
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SEE A 805 MAP



COASTAL COMMISSION

EXHIBIT # 2  
 PAGE 1 OF 2





State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor



**DEPARTMENT OF FISH AND GAME**

South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123  
(858) 467-4201



March 02, 2007

**RECEIVED**  
South Coast Region

MAR 6 2007

CALIFORNIA  
COASTAL COMMISSION

County of Orange  
Resources and Development Management Department  
Attn: Hualin Hsu-Wingard  
300 N. Flower Street  
Santa Ana, CA 92703

Dear Ms. Hsu-Wingard:

Enclosed is Streambed Alteration Agreement # **1600-2006-0353-R5** that authorizes work on the Edinger Avenue Bridge project impacting Bolsa Chica Channel, tributary to Anaheim Bay/Huntington Harbor in Orange County. This action is authorized under Section 1602 of the Fish and Game Code and has been approved by the California Department of Fish and Game. Pursuant to the requirements of the California Environmental Quality Act (CEQA), the Department filed a Notice of Determination (NOD) on the project on March 02, 2007. Under CEQA regulations, the project has a 30-day statute of limitations on court challenges of the Department's approval.

The Department believes that the project fully meets the requirements of the Fish and Game Code and CEQA. However, if court challenges on the NOD are received during the 30-day period, then an additional review or even modification of the project may be required. If no comments are received during the 30-day period, then any subsequent comments need not be responded to. This information is provided to you so that if you choose to undertake the project prior to the close of the 30-day period, you do so with the knowledge that additional actions may be required based on the results of any court challenges that are filed during that period.

Please contact Naeem Siddiqui at (562) 493-6897 if you have any questions regarding the Streambed Alteration Agreement.

Sincerely,

  
Michael J. Mulligan  
Deputy Regional Manager

Enclosure

cc: Naeem Siddiqui

Revised 11/05

**COASTAL COMMISSION**

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PAGE 1 OF 7

**CALIFORNIA DEPARTMENT OF FISH AND GAME**  
South Coast Region  
4949 Viewridge Avenue  
San Diego, California 92123

Notification No. 1600-2006-0353-R5  
Page 1 of 6

**AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION**

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and James A. Miller of the County of Orange, Resources and Development Management Department (P.O.C Hualin Hsu-Wingard, phone No. 714-834-3609, fax No. 714-667-6500) 300 N. Flower Street Santa Ana, CA 92703; Tel. No. 714-834-2319; fax No. 714-796-0107, hereinafter called the Operator, is as follows.

WHEREAS, pursuant to Section 1602 of California Fish and Game Code, the Operator, on the 12<sup>th</sup> day of September, 2006, notified the Department that they intend to divert or obstruct the natural flow of, or change the bed, channel, or bank of, or use material from the streambed(s) of, the following water(s): Bolsa Chica Channel, tributary to Anaheim Bay/Huntington Harbor, Orange County, California. Lat 33.72953° N; Long -118.07062° N;

WHEREAS, the Department has determined that such operations may substantially adversely affect those existing fish and wildlife resources within the Bolsa Chica Channel, tributary to Anaheim Bay/Huntington Harbor, specifically identified as follows: All aquatic and wildlife resources.

THEREFORE, the Department hereby proposes measures to protect fish and wildlife resources during the Operator's work. The Operator hereby agrees to accept the following measures/conditions as part of the proposed work.

If the Operator's work changes from that stated in the notification specified above, this Agreement is no longer valid and a new notification shall be submitted to the Department. Failure to comply with the provisions of this Agreement and with other pertinent code sections, including but not limited to Fish and Game Code Sections 5650, 5652, 5937, and 5948, may result in prosecution.

Nothing in this Agreement authorizes the Operator to trespass on any land or property, nor does it relieve the Operator of responsibility for compliance with applicable Federal, State, or local laws or ordinances. A consummated Agreement does not constitute Department's endorsement of the proposed operation, or assure the Department's concurrence with permits required from other agencies.

This Agreement becomes effective the date of the Department's signature and terminates October 15, 2007, for project activities only. This Agreement shall remain in effect for that time necessary to satisfy the terms/conditions of this Agreement.

Pursuant to Section 1600 *et seq.*, the Operator may request one extension of the Agreement; the Operator shall request the extension of this Agreement prior to its termination. The one extension may be granted for up to five years from the date of termination of the Agreement and is subject to Departmental approval. The extension request and fees shall be submitted to the Department's South Coast Region office at the above address, Attn: Streambed. If the Operator fails to request the extension prior to the Agreement's termination, then the Operator shall submit a new notification with fees and required information to the Department. Any construction/impacts conducted under an expired Agreement are a violation of Fish and Game Code Section 1600 *et seq.* For complete information see Fish and Game

**COASTAL COMMISSION**

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PAGE 2 OF 7

**Streambed Alteration Conditions for Notification No.: 1600-2006- 0353-R5 Page 2 of 6**

Code Section 1600 *et seq.*

All provisions of this Agreement remain in force throughout the term of the Agreement. Any provisions of the Agreement may be amended or the Agreement may be terminated at any time provided such amendment and/or termination is agreed to in writing by both parties. Mutually approved amendments become part of the original Agreement and are subject to all previously negotiated provisions.

It is understood that the Department has entered into this Streambed Alteration Agreement for purposes of establishing protective provisions for fish and wildlife. The decision to proceed with the project is the sole responsibility of the Operator, and is not required by this Agreement. It is further agreed that all liability and/or incurred cost related to or arising from the Operator's project and the implementation of the fish and wildlife protective conditions of this Agreement, remain the sole responsibility of the Operator. The Operator agrees to hold harmless the State of California and the Department against any related claim made by any party or parties for personal injury or any other damages.

The Department reserves the right to suspend or cancel this Agreement under one or more of, but not limited to, the following circumstances:

- a. the Department determines that the information provided by the Operator in support of the Notification/Agreement is incomplete or inaccurate;
- b. the Department obtains new information that was not known to it in preparing the terms and conditions of the Agreement;
- c. the project or project activities as described in the Notification/Agreement change; and
- d. the conditions affecting fish and wildlife resources change or the Department determines that project activities will result in a substantial adverse effect on the environment.

Before any suspension or cancellation of the Agreement, the Department will notify the Operator in writing of the circumstances which the Department believes warrant suspension or cancellation. The Operator will have seven (7) working days from the date of receipt of this notification to respond in writing to the circumstances described in the Department's notification. Upon receipt of the Department's notification, the Operator shall cease all project activities which the Department specified in its notification. The Operator shall not continue the specified activities until that time when the Department notifies the Operator in writing that methods and/or measures have been identified, agreed upon, and implemented to adequately address the reasons for which the Department suspended or cancelled this Agreement.

The Department reserves the right to enter the project site at any time to ensure compliance with terms/conditions of this Agreement.

**Project Location**

The Edinger Avenue Bridge is located at the western terminus of Edinger Avenue. The bridge spans the Bolsa Chica Channel prior to its connection to Sunset Way East in Sunset Aquatic Park / Sunset Harbor Marina in the City of Huntington Beach, County of Orange.

**COASTAL COMMISSION**

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PAGE 3 OF 7



**Streambed Alteration Conditions for Notification No.: 1600-2006- 0353-R5 Page 3 of 6**

**Project Description**

The Operator proposes to alter the streambed by replacement and repair of heavily deteriorated in all 10 piles of Bent 15 of the Edinger Bridge. The Bridge is approximately 30 feet wide and 300 feet long, with a single travel lane in each direction. The County will replace the deteriorated portions of those piles determined to be heavily deteriorated by employing a "posting" method, which includes splicing new section of wood into the pile in the area of the deterioration. This method includes the following steps:

- Cut out the base down to the point where it is 75 to 80 percent intact.
- Insert the new pile section, securing it to the existing stub with a pin at the base and apply splash epoxy to the mating ends to provide filler for an imperfect surface mating to provide bearing.
- Wedge or corbel block at the top and pin at the top.
- Wrap the spliced area with fiberglass jacket and epoxy filler as previously identified
- Poly-wrap the pile to keep the borers out and to suffocate the ones already inside
- Where the deterioration is less extensive (i.e., 40 to 50 percent deterioration), it will be possible to repair the piles. The repair method that will be employed is identified below.
- Place a prefabricated fiberglass jacket (2-piece, tongue and groove) around the damaged section of pile, leaving a one-half to three-fourths inch gap around the pile.
- Fill the void with hydro-ester epoxy to restore the full strength of the pile:
- Poly-wrap the pile to keep the borers out and to suffocate the ones already inside

The remaining piles in Bent 15 not repaired will also receive the Poly-wrap to protect against future damage by marine borers. Because the work will take place along the westerly channel bank, both above and below the waterline, it will be necessary to take advantage of low tide conditions. Therefore, the hours of construction will extend beyond normal working hours established by the County of Orange (i.e., 7:00 a.m. to 5:00 p.m.) As a result, construction activities may occur before 7:00 a.m. and after 5:00 p.m. Removal of some riprap will be required in order to implement the proposed repairs. A backhoe and manual labor will be used to pull away the riprap. The backhoe will work from a pad or platform that will be created at the base of the riprap, just beyond the bridge footprint. Dirt will be excavated from the bank and replaced along with riprap to create the platform, which will be partially on the water and partially on the existing riprap. Equipment to be used to erect the new sections of pile includes a combination of a hand-cranked crane and come-along. The new pile sections will be floated in to the construction area. The contractor will be staging in the empty parcel adjacent to the bridge and Bolsa Chica Channel. The parcel belongs to the Orange County Flood Control District and serves as a maintenance vehicle access area.

**CONDITIONS**

The following provisions constitute the limit of activities agreed to and resolved by this Agreement. The signing of this Agreement does not imply that the Operator is precluded from doing other activities at the site. However, activities subject to Fish and Game Code Section 1600 *et seq.* and not specifically agreed to and resolved by this Agreement shall require separate notification..

**COASTAL COMMISSION**

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**Streambed Alteration Conditions for Notification No.: 1600-2006- 0353-R5 Page 4 of 6**

**General**

1. If the Operator or any of the individuals mentioned below violate any of the terms or conditions of this Agreement, all work shall terminate immediately and shall not proceed until the Department and Operator determine what actions are necessary to address the violations.
2. The agreed work includes activities associated with the Project Location and Project Description described above. Specific work areas and mitigation measures are described in the 1602 notification package, Eelgrass and Caulerpa Survey report dated, July 28, 2006 prepared by Chambers Group, Edinger Avenue Bridge Pile Retrofit plans and Addendum IP 06-401 to Mitigated Negative Declaration IP 04-408 for the Edinger Avenue Bridge Pile repair, documents submitted by the Operator, and shall be implemented as proposed unless directed differently by this Agreement.
3. The Operator shall provide a copy of this Agreement to all contractors, subcontractors, and the Operator's project supervisors. Copies of the Agreement shall be readily available at work sites at all times during periods of active work and must be presented to any Department personnel, or personnel from another agency upon demand.
4. The Operator shall notify the Department, in writing, at least five (5) days prior to initiation of project activities and at least five (5) days prior to completion of project activities. Notification shall be sent to the Department at the South Coast Region office, Attn: Streambed, SAA#1600-2006-0353-R5.

**Impacts**

5. The Operator shall not temporary impact more than 0.046 acre of jurisdictional Channel consisting of rip-rap and no vegetation exist onsite.

**Mitigation**

6. All disturbed portions of the streambed or banks shall be restored to the pre-existing condition or better.
7. Work with mechanical/heavy equipment in flowing water should be minimized. If flowing water is present or is anticipated, sandbags or other suitable barriers should be placed in the watercourse to isolate the work area from the flowing water. All material utilized for the barrier shall be removed from the floodplain of the watercourse upon project completion.
8. Any watercourse crossings/construction, whether temporary or permanent, shall be designed and/or placed so that they do not impede, or tend to impede the passage of fish pursuant to Fish and Game Code Section 5901 and 5937. It is recommended that you contact the Department regarding any fish passage problems that may be encountered.
9. If a stream channel has been altered during the operations, its low flow channel shall be returned as nearly as possible to pre-project conditions without creating a possible future bank erosion problem, or a flat wide channel or sluice-like area. If a lake margin has been altered, it shall be returned as nearly as possible to pre-project conditions without creating a future bank erosion problem. The gradient of the streambed or lake margin shall be returned to pre-project grade unless such operation is part of a restoration project, in which case, the change in grade must be approved by the Department prior to project commencement.

**COASTAL COMMISSION**

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**Streambed Alteration Conditions for Notification No.: 1600-2006- 0353-R5 Page 5 of 6**

10. The Operator shall submit a post-compliance Report to the department within thirty (30) days from the date construction is completed.

**Fish and Wildlife Protection**

11. No gasoline or diesel engines shall be stored or operated under the structure/bridge.
12. Flow diversions around work shall be done in a manner that prevents pollution and/or siltation and provides flows to reaches downstream of the work area. Flows to downstream reaches shall be provided during all times that the natural flow would support aquatic life. Said flows shall be sufficient quality and quantity, and of appropriate temperature to support fish and other aquatic life both above and below the diversion. Normal flows shall be restored to the affected stream immediately upon completion of work at that location.

**Equipment and Access**

13. Access to the work site shall be via existing roads and access ramps.
14. No equipment shall be operated in ponded or flowing areas. When work in a flowing stream is unavoidable, the entire project area shall be isolated as stated in condition No. 7 above. All BMPs shall be strictly adhered to.
15. Staging/storage areas for equipment and materials shall be located outside of the stream.
16. No equipment maintenance shall be done within or near any stream channel where petroleum products or other pollutants from the equipment may enter these areas under any flow.

**Pollution, Sedimentation and Litter**

17. The clean-up of all spills shall begin immediately upon observation of the spill. The Department shall be notified immediately by the Operator of any spills and shall be consulted regarding clean-up procedures.
18. Project-related raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic life, shall be prevented from contaminating the soil and/or entering the waters of the State. These materials, placed within or where they may enter a stream/lake, by the Operator or any party working under contract with, or with the permission of the Operator shall be removed immediately upon observation of their presence.
19. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State. When operations are completed, all excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.
20. The Operator shall comply with all litter and pollution laws. All contractors, subcontractors and employees shall also obey these laws and it shall be the responsibility of the Operator to ensure compliance.
21. Any and all garbage/debris found within the stream channel shall be removed immediately.

**COASTAL COMMISSION**

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Streambed Alteration Conditions for Notification No.: 1600-2006- 0353-R5 Page 6 of 6

disposed of by the Operator.

**CONCURRENCE**

COUNTY OF ORANGE, RDMD

CALIFORNIA DEPT. OF FISH AND GAME

Sonia Nasser 2/14/07  
(signature) (date)

MJ Mulligan 3/2/07  
(signature) (date)

Sonia Nasser, PE  
Manager, Proj Mgmt &  
Regulatory Permits  
Public Works

Michael J. Mulligan, Deputy Regional Manager

Prepared by, Naeem Siddiqui.

**COASTAL COMMISSION**

EXHIBIT # 3  
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