CALIFORNIA COASTAL COMMISSION
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Th6d

Filed:	3/28/2007
49th Day:	5/16/2007
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Staff:	Charles Posner - LB
Staff Report:	4/19/2007
Hearing Date:	May 10, 2007
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-07-054

APPLICANT: King Harbor Yacht Club

AGENT: Dr. Alita Rethmeyer

PROJECT LOCATION: Little Fisherman's Cove, Two Harbors, Santa Catalina Island, Los Angeles County.

PROJECT DESCRIPTION: Annual installation of a seasonal (June 15 - October 1) T-shaped floating dinghy dock (131 feet long, six feet wide), secured in place with weights and anchors (no piles).

SUBSTANTIVE FILE DOCUMENTS:

1. Los Angeles County Santa Catalina Island certified Local Coastal Program (LCP).
2. Coastal Development Permit 5-00-101 (Catalina Is. Yacht Club Pier, Avalon, SCI).
3. Coastal Development Permit 5-00-093 (Howlands Landing Pier, SCI).
4. Coastal Development Permit 5-03-151 (SCI Co. Moorings).
5. Coastal Development Permit 5-04-019 (Two Harbors Pier, SCI).
6. California Dept. of Fish & Game, Approval Letter for seasonal dinghy dock at Little Fisherman's Cove, Two Harbors, SCI, 3/22/2007 (Exhibit #6).
7. Los Angeles County Dept. of Regional Planning, Plot Plan Review, Case No. 2007-00261, 2/8/2007.
8. U.S. Army Corps of Engineers Permit Application, Project No. 2007-322.
9. Marine Biological Resources Assessment and Cultural Resources Survey for Little Fisherman's Cove Project Site, SCI, by Maile Tanaka, M.E.S.M. and Mitch Marken, Ph.D., 3/12/2007.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **APPROVAL** of the coastal development permit with special conditions relating to the protection of water quality, marine resources, and public access, and the applicant's assumption of risk. The applicant agrees with the recommendation. **See Page Two for the motion and resolution necessary to carry out the staff recommendation.**

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-07-054 per the staff recommendation."*

Staff recommends a **YES** vote. Passage of the motion will result in **APPROVAL** of the coastal development permit application with special conditions, and adoption of the following resolution and findings, as set forth in this staff report or as modified by staff prior to the Commission's vote. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Permit Compliance

The approved floating dinghy dock is permitted to be in the water each year only between the dates of June 15 and October 1. The permitted use of the approved development is for public boating-related uses only. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved plans must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required.

2. Construction Responsibilities and Debris Removal

By acceptance of this permit, the applicant agrees that the permitted development shall be conducted in a manner that protects water quality pursuant to the implementation of the following BMPs.

A. No construction materials, equipment, debris, or waste will be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion.
B. The use of creosote treated wood is prohibited.
C. Staging and storage of construction materials and machinery, and storage of debris, shall not occur within fifty feet of the high tide line.
D. Any and all debris resulting from construction activities shall be removed from the beach on a daily basis and disposed of at an appropriate location.
E. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
F. Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized.
G. Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
H. Sand from the beach, cobbles, or shoreline rocks shall not be used for construction material.
I. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control sedimentation impacts to coastal waters during project staging, demolition and construction. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.
J. The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
K. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the

beach or in the water, and that the project has not created any hazard to navigation.

3. Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

4. Public Access To and Along the Shoreline

The approved dock shall be available for use by the general public. The applicant and the development shall not interfere with public access along the shoreline in the project area (except for the temporary disruptions that may occur during the annual installation and removal of the permitted development).

5. Assumption of Risk

A. By acceptance of this permit, the applicant, on behalf of (1) itself; (2) its successors and assigns and (3) any other holder of the possessory interest in the development authorized by this permit, acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, flooding and erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v).

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a copy of a lease agreement, in a form and content acceptable to the Executive Director, between the applicant and *the State of California acting through the State Lands Commission,* incorporating all of the above terms of subsection A of this condition.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the annual installation of a 131-foot long, six-foot wide seasonal dingy dock at Little Fisherman's Cove on Catalina Island (Exhibit #1). The applicant, King Harbor Yacht Club, leases the land area at Little Fisherman's Cove from the landowner, Santa Catalina Island Company (Exhibit #2). The applicant is also in the process of obtaining final approval of a lease amendment from the State Lands Commission for the proposed project.

A 6'x 6' wooden deck on the landward end of the proposed development comprises the dock landing. The proposed dock landing would be placed immediately inland of the high tide line, and the dock floats would extend 131 feet seaward into the cove (Exhibit #3). The proposed T-shaped dock would be assembled using six pre-constructed 6'x 25' floating dock float segments made of high density polyethylene (Exhibit #3). The proposed floating dock would be anchored to the sandy beach by two 650 pound rail wheels, each three feet in diameter. Additional anchors in the water consist of two half-ton concrete weights (four feet in diameter) and six Danforth steel anchors (Exhibit #4). Galvanized steel chains would secure the proposed floating dock to its anchors. No piles are proposed.

The proposed floating dinghy dock would be installed at Little Fisherman's Cove annually on June 15th and remain in place until the end of the summer season (October 1st), although the proposed dock's anchors and concrete weights would remain in place permanently after their original installation (Exhibit #5). During the off-season (October 2 – June 14), the disassembled dock floats, the dock landing and two rail wheel weights would be stored on land at a Two Harbors equipment storage yard.

The applicant states that the proposed seasonal dinghy dock is needed to provide safer access between the moorings in the cove (where their large vessels are moored) and the shore by eliminating the need to haul each dinghy directly onto the beach, as currently is the practice. People use the dinghies (small boats) to transport themselves and gear between the large vessels offshore and the land. The proposed seasonal dock, which the general public will be allowed to use, would also help to relieve the crowded conditions that occur at the Isthmus dinghy dock during the summer season.

The northwest facing shoreline in the project area is comprised of coarse gravel and sand. On March 11, 2007, Biologist Maile Tanaka inspected the project area and found no eelgrass (*Zostera marina*) or noxious algae (*Caulerpa taxifolia)*.[1] The proposed project has received the approval of the Los Angeles County Department of Regional Planning Department. The applicant has also received a preliminary approval from the U.S. Army Corps of Engineers (Project No. 2007-322). The California Department of Fish and Game has reviewed the proposed project and determined that it would not have a significant adverse effect on marine resources (Exhibit #6).

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[1] Marine Biological Resources Assessment and Cultural Resources Survey for Little Fisherman's Cove Project Site, SCI, by Maile Tanaka, M.E.S.M. and Mitch Marken, Ph.D., 3/12/2007.

B. Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed development is located in the coastal waters of Little Fisherman's Cove at Santa Catalina Island (See Exhibits). The standard of review development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.
>
> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The proposed project involves the placement of two half-ton concrete weights (four feet in diameter) and six Danforth steel anchors on the sandy seafloor to secure the proposed 131-foot long floating dinghy dock in place (Exhibit #4). No piles are proposed. Galvanized steel chains would secure the proposed floating dock to its anchors. In addition to the proposed weights and anchors under the water is the placement on the sandy beach (at the landward end of the proposed dock) of two 650 pound rail wheels, each three feet in diameter, and a 6'x 6' wooden deck (the dock landing).

Biologist Maile Tanaka inspected the project area on March 11, 2007 and prepared a Marine Biological Resources Assessment for the project. According to the Marine Biological Resources Assessment, the sandy bottom at the project site is sparsely vegetated; the dominant plant being sargassum algae (*Sargassum muticum*) which occurs only in small sparsely distributed patches. No eelgrass (*Zostera marina*) or noxious algae (*Caulerpa taxifolia)* was found to be present at the site. Eelgrass (*Zostera marina*) is a sensitive marine resource protected by the Coastal Act. Surfgrass habitat (*Phyllospadix spp*.) was identified in the area, but not in the footprint of the proposed development. The assessment concludes that the project site is not a sensitive habitat area and that no eelgrass or other sensitive marine resources would be affected by the proposed development. The assessment also states that, although the shading from the proposed dinghy dock may adversely affect algae growth in a small limited area, the proposed project would be beneficial to marine life by providing an alternative landing for dinghies, thus eliminating the current practice of dragging the small boats across the intertidal zone when landing on the beach. Dragging of boats across the sandy sea bottom and beach disturbs the sediments, causes turbidity, and can crush organisms.

The California Department of Fish and Game has also reviewed the proposed project and determined that it would not have a significant adverse effect on marine resources (Exhibit #6).

Construction Impacts to Water Quality and Habitat

The Commission recognizes that chemical pollution and siltation adversely affect water quality, biological productivity and coastal recreation. The proposed work is located within coastal waters that support sensitive species and recreational activities. Therefore, it is important that the work be performed in a manner that avoids or minimizes adverse impacts to water quality and marine resources. In order to minimize adverse construction impacts, the Commission imposes **Special Condition Two** to require the implementation of best management practices during the installation of the proposed development. The use of creosote treated wood is prohibited. The condition also requires the proper storage of construction materials and the recovery of any non-buoyant debris by divers as soon as possible after loss. Only as conditioned to protect the marine habitat from adverse construction impacts does the proposed project comply with the marine resource and sensitive habitat provisions of the Coastal Act.

Fill of Coastal Waters

The proposed project includes the placement of two half-ton concrete weights (four feet in diameter) and six Danforth steel anchors on the ocean floor to anchor the proposed dinghy dock (Exhibit #4). The proposed anchors and concrete weights constitute fill in coastal waters. Section 30233(a) of the Coastal Act addresses fill of open coastal waters as follows:

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

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

Section 30233(a) of the Coastal Act limits the fill of open coastal water to specific, enumerated uses and also requires that any project which results in fill of open coastal waters provide adequate mitigation and that the project be the least environmentally damaging alternative. The fill for the proposed moorings is consistent with the requirements of Section 30233 (a), as follows:

Allowable Use - Section 30233(a)(4) of the Coastal Act allows fill of open coastal waters for new or expanded boating facilities that provide public access and recreational opportunities. The proposed project (a seasonal dinghy dock for recreational boating) provides public access and recreational opportunities, and constitutes an allowable use under Section 30233(a)(4).

Least Environmentally Damaging Alternative – The proposed project is the least environmental damaging alternative as it minimizes fill and disturbance of the seafloor because there are no piles proposed, and the floating dock would be in the marine environment only during the summer months. The proposed development would also reduce existing adverse impacts caused by the current practice of landing dinghies directly on the beach. The project site is currently used for landing dinghies. Repeated boat landings on the shoreline damage the intertidal habitat by disturbing the sediments, causing turbidity, and by crushing organisms. The proposed project is the least environmentally damaging alternative because the new floating dock will provide an alternative landing for dinghies, thus eliminating the current practice of dragging the small boats across the intertidal zone when landing on the beach. The proposed concrete blocks are stable, non-destructive to marine life (post-placement), and provide a hard surface for colonization by marine organisms. The proposed anchors are intended to remain in place, buried in sand, so as not to damage the seafloor by being dragged along by the currents. The proposed concrete blocks and anchors are a less environmental damaging alternative to permanent piles, as piles are permanent and must be pounded or drilled into the seafloor. Thus, the amount of fill needed to support the proposed allowable use is minimized by not using piles. Therefore, as conditioned, the proposed project is the least environmentally damaging alternative.

Adequate Mitigation - Section 30233 also requires that any project which results in fill of open coastal waters shall also provide adequate mitigation. Placement of the proposed concrete blocks and anchors in conjunction with the proposed project will replace some sandy bottom habitat (about fifteen square feet) with hard substrate on which many types of marine organisms can thrive. The concrete blocks and anchors will provide new habitat area for marine organisms such as mussels, barnacles, limpets, littorine snails, red and brown seaweed, surfgrass, anemones, and polychaetes. Eelgrass beds will not be affected by the proposed project. Thus, adequate mitigation is provided by the proposed project in that the loss of sandy bottom habitat is offset by the fact that the concrete blocks and anchors will provide new hard bottom habitat for marine organisms.

For the reasons discussed above, the Commission finds that the project, as conditioned, is consistent with Sections 30240 and 30233 of the Coastal Act.

In addition, **Special Condition Three** requires the permittees to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Only as conditioned will the proposed project ensure that marine resources and water quality be protected as required by Sections 30230 and 30231 of the Coastal Act. The Commission also finds that the project, as conditioned, is consistent with Section 30240 of the Coastal Act because the proposed development has been sited and designed to prevent impacts which would significantly degrade sensitive habitat areas, and will be compatible with the continuance of such habitat areas.

C. Recreation and Public Access

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project, as conditioned, will conform with the following Coastal Act policies that protect and encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

> In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in part:

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

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

Section 30224 of the Coastal Act states:

> Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting

> non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30234 of the Coastal Act states:

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

Section 30224 of the Coastal Act states that recreational boating activities should be encouraged. Section 30234 of the Coastal Act states that recreational boating facilities shall be protected and upgraded. The proposed project, located within coastal waters and also between the nearest public road and the sea, involves the installation of a seasonal recreational boating facility. Currently, the beach at Little Fisherman's Cove is identified in the certified County of Los Angles Local Coastal Program (LCP) for Santa Catalina Island as a recreation area that is open to the general public. The proposed project will not interfere with public access along the shoreline. The applicant has agreed to allow the general public to use the proposed seasonal dinghy dock. Therefore, the Commission finds that the proposed project, as conditioned, will enhance public access and recreational boating at Little Fisherman's Cove and is consistent with the public access and recreation policies of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states:

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

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected. The proposed development involves the seasonal installation of a 131-foot long floating dinghy dock at Little Fisherman's Cove. The proposed project will be visible only when it is in the water between June 15 and October 1st each year. The proposed structure extends about two feet above water level. Therefore, the proposed project will not have any significant adverse impact on public views from sea or from the shoreline. Therefore, the proposed project is consistent with Section 30251 of the Coastal Act.

E. Hazards

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area.

Section 30253 of the Coastal Act states, in part:

> New development shall:
>
> (l) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed project will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. However, no development in the water can be guaranteed to be safe from hazard. All development located in or near the ocean have the potential for damage caused by wave energy, floods, seismic events, storms and erosion.

The proposed project is located in the Pacific Ocean and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition of this permit (**Special Condition Five**) ensures that the permittee understands and assumes the potential hazards associated with development in or near the water. Such knowledge is the first step towards the minimization of risks to life and property.

Due to the development's location in the ocean, the proposed work will take place on State owned lands, and the applicant has obtained preliminary permission from the State Lands Commission staff for the proposed dinghy dock. The State Lands Commission is scheduled to amend the applicant's lease to specifically allow the proposed dock at its next meeting. **Special Condition Five** requires the applicant to amend its lease with the State Lands Commission to incorporate the terms of the condition.

F. California Environmental Quality Act (CEQA)

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

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, in the form of special conditions, require the implementation of construction responsibilities and the removal of the floating docks from the water except during the summer season (June 15 – October 1). As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

G. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act. A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The County of Los Angeles certified LCP for Santa Catalina Island is advisory in nature and may provide guidance. The Commission certified the Los Angeles County LCP for Santa Catalina Island on January 9, 1990. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

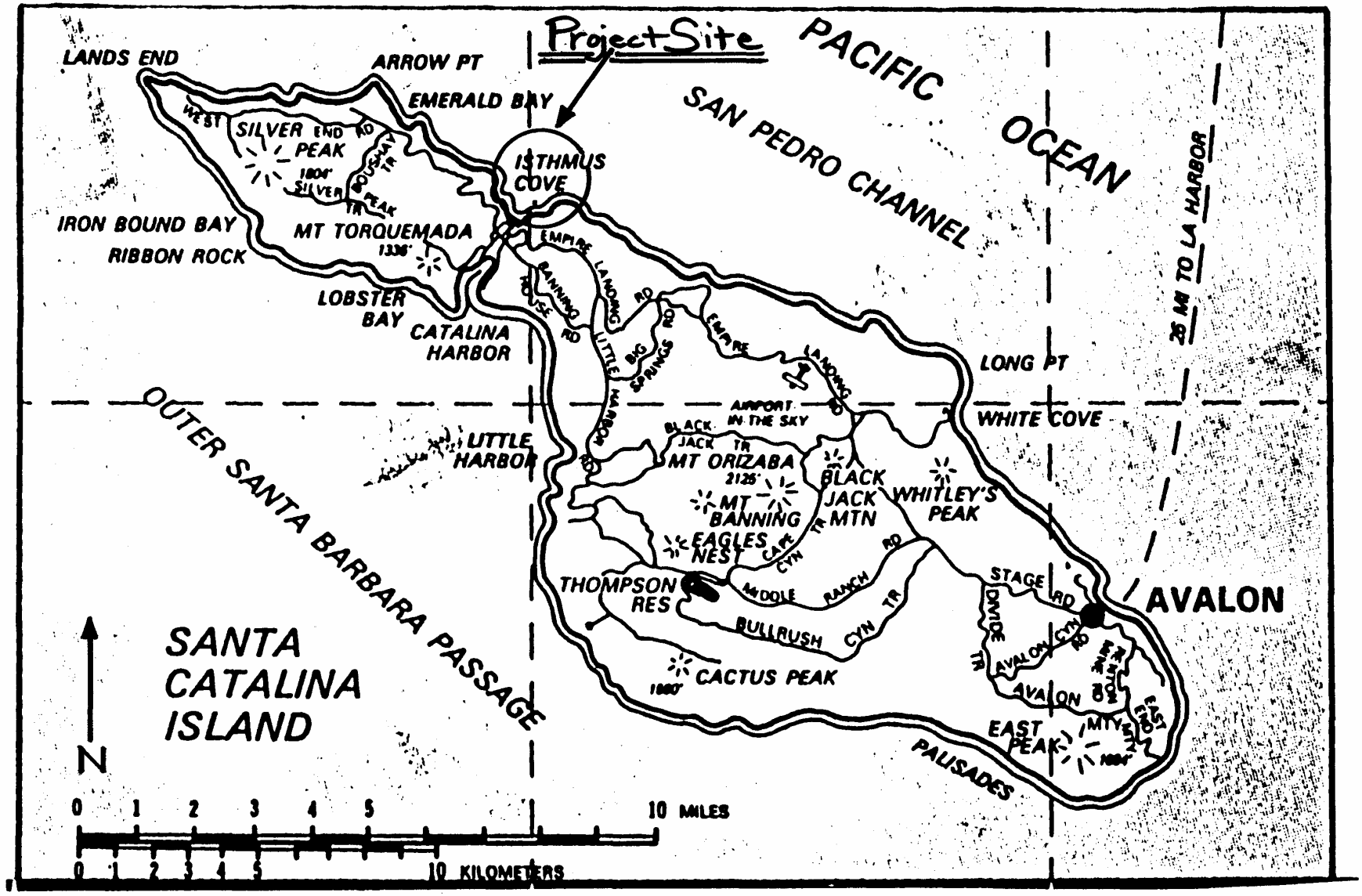

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EXHIBIT # 1
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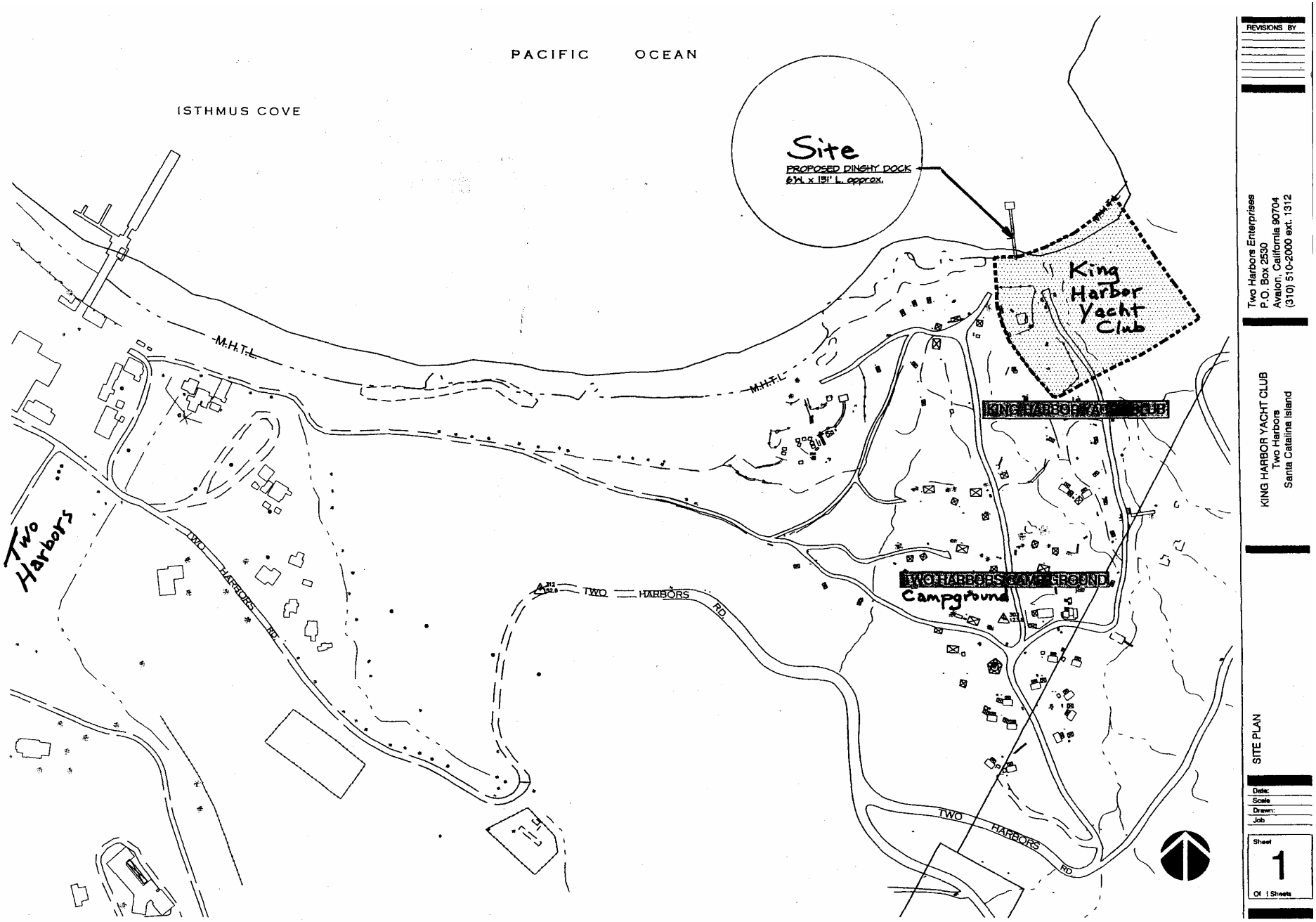


REVISIONS BY

Two Harbors Enterprises
P.O. Box 2530
Avalon, California 90704
(310) 510-2000 ext. 1312

KING HARBOR YACHT CLUB
Two Harbors
Santa Catalina Island

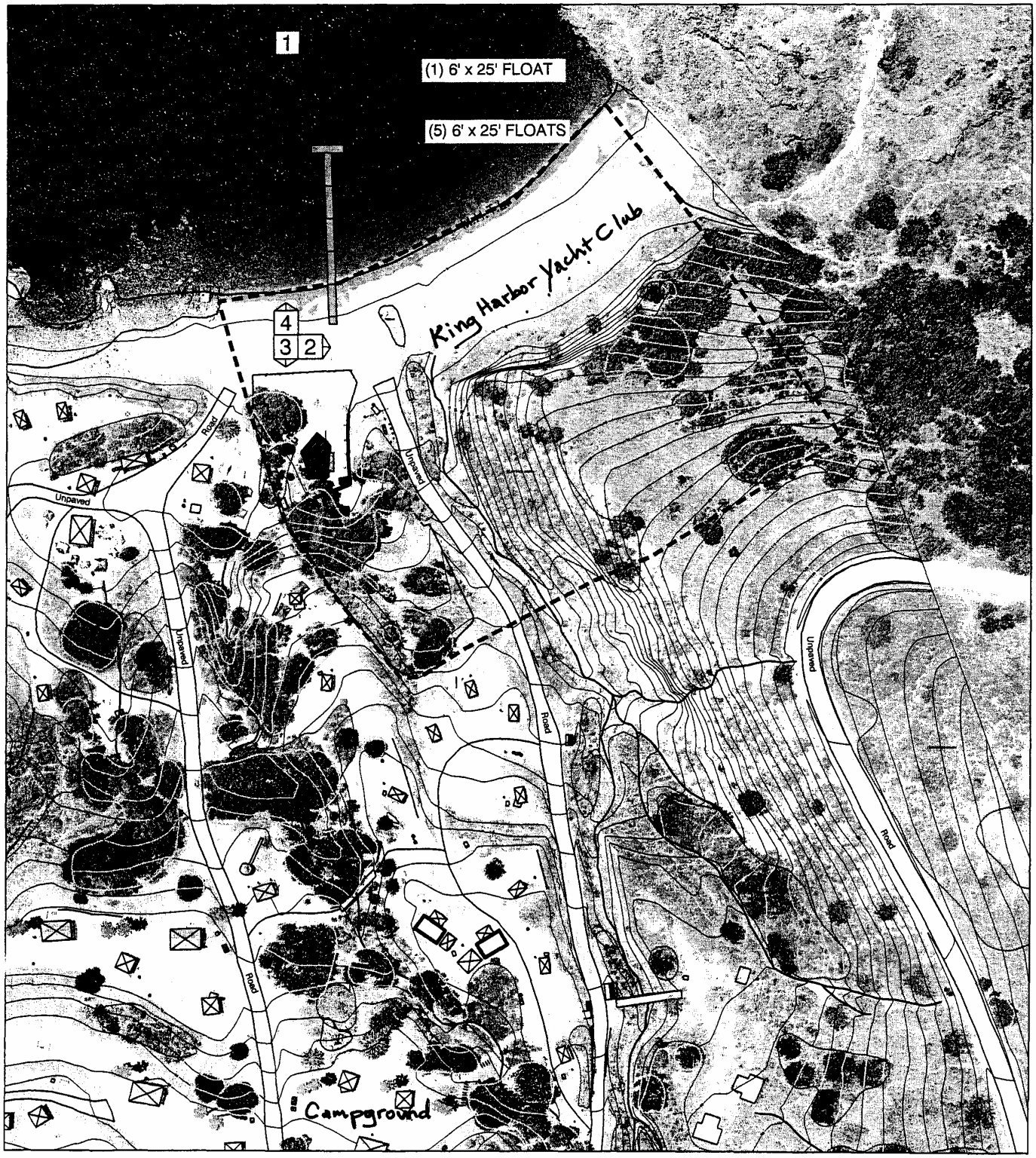
SITE PLAN

Date:
Scale
Drawn:
Job

Sheet 1 Of 1 Sheets

COASTAL COMMISSION
5-07-054

EXHIBIT # 2



KING HARBOR YACHT CLUB
PROPOSED
REMOVABLE DOCK

0 100' 200'

COASTAL COMMISSION
5-07-054

EXHIBIT # 3

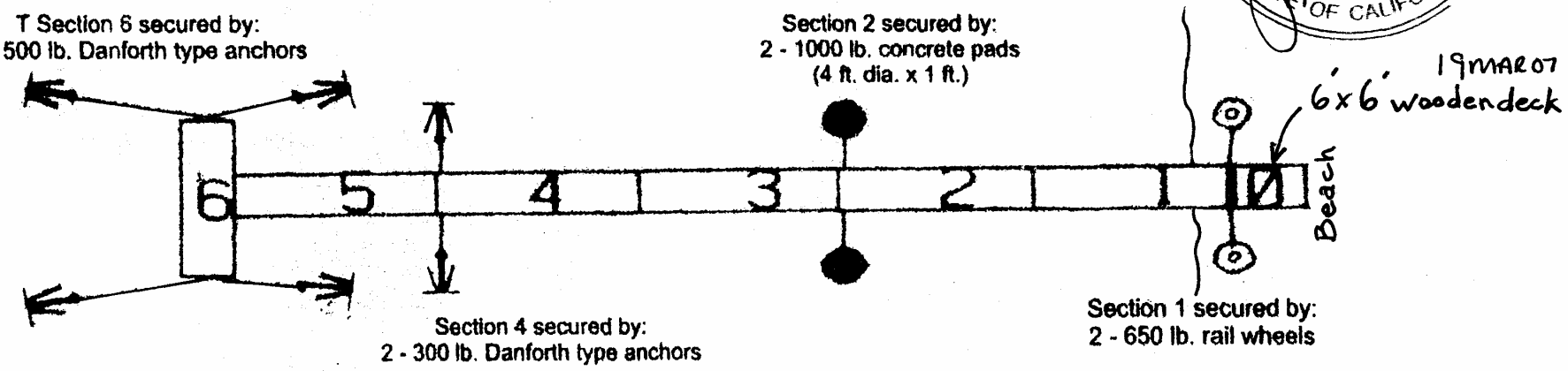
KING HARBOR YACHT CLUB

Little Fisherman's cove, Santa Catalina Island

REMOVABLE DOCK
ANCHOR PLAN

REGISTERED PROFESSIONAL ENGINEER
JON E. DE CUIR
No. C-54914
Exp. 6.30.08
CIVIL
STATE OF CALIFORNIA

19MAR07



Notes:

- Dock is made up of five floating 6'x25' sections with a 6'x25' T section at the end.
- Section 0 is a 6'x6' ramp connecting the floating sections to the beach.
- All anchors are connected to the dock sections by 3/4" long link galvanized chain

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EXHIBIT # 4
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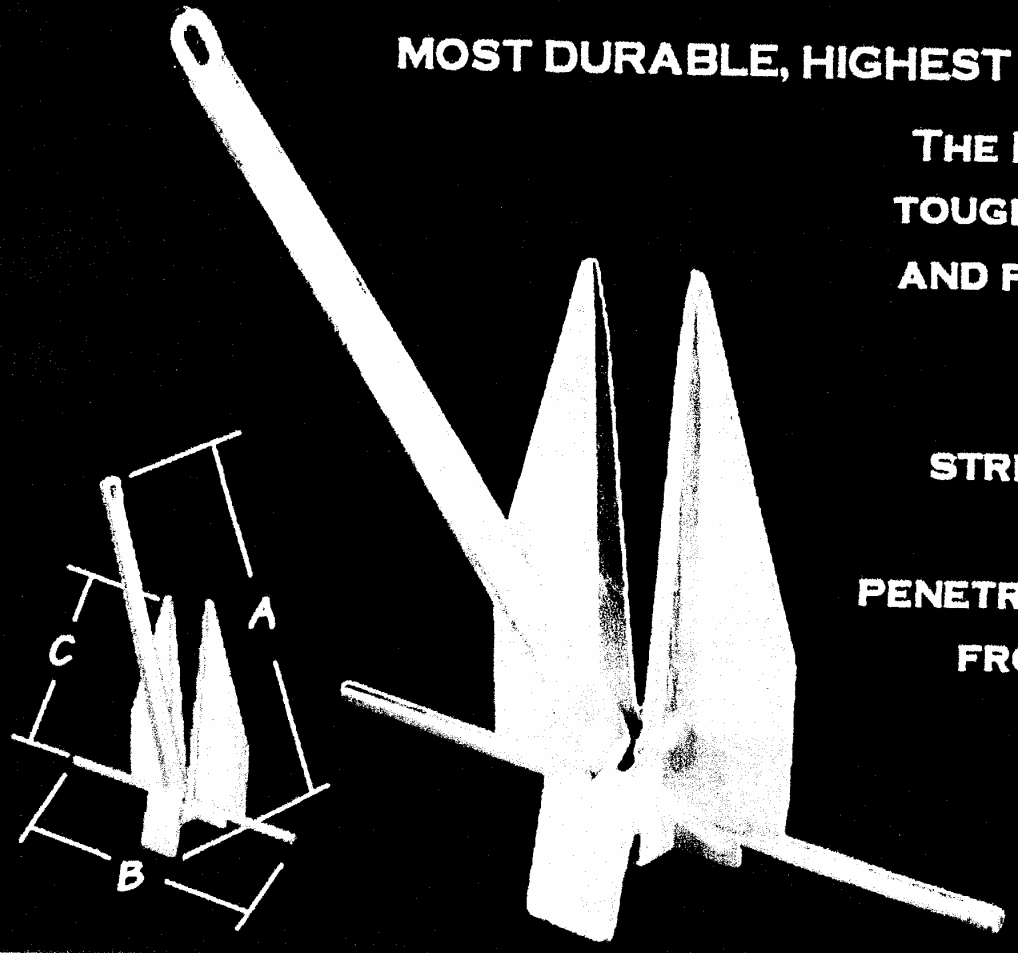

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EXHIBIT # 4

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Applicant # 5-07-054

March 22, 2007

To:
Charles R. Posner
Via fax: 562-590-5084
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

From:
Application # 5-07-054
Alita Rethmeyer, Ed.D.
King Harbor Yacht Club
Temporary/Removable Dinghy Dock
Little Fisherman's Cove
Two Harbors, Santa Catalina Island

Dear Mr. Posner:

Re: Written Description of How the Proposed Anchor System Will be Installed and Removed.

Two Harbors Mooring Service will install and remove the dock for KHYC. All anchors including the two land anchors for section 1, the two concrete pads for sections 2 and 3, and the 6 (six) Danforth-style anchors for sections 4, 5 and 6 are self setting. Once these anchors are set in place, they secure themselves in the sand by using either ebbs or lows and the wave action of the sea. Once anchors are set they will stay in position throughout the year. Only the chains and docks will be removed. This is how all the moorings are set in the Isthmus and coves of Two Harbors.

No digging or holes are required.

Initial Installation:

During low tide the Mooring Service will deliver to KHYC Little Fisherman's Cove (via the service road) the anchors for section 1. These 650 pound rail car wheels are placed on the sand of the intertidal zone. They are self setting by their weight and the movement of the dock. The two 1000 pound concrete pads which are used to anchor sections 2 and 3 are placed in the water by a large Two Harbors Mooring Service vessel which is used to set all the moorings in the Isthmus and surrounding coves. The 1000 pound anchors are self setting. The six Danforth-style anchors are dropped into the water and the fluke of the anchors slowly bury themselves in the sand. Danforth-style anchors are used to hold large ships in the U.S. Navy. After the anchors set themselves, the Mooring Service uses chains to connect the anchors to the floating dock.

When the summer season is over, October 1, the Two Harbors Mooring service will disconnect the docks from the chains and anchors. The Mooring Service will then tow the six floating sections of the dock to the main Isthmus dock for removal from the water. There is a crane at the end of the Isthmus dock that is used for this purpose. The dock sections will then be lifted out of the water and transported to the dock storage yard of the Isthmus for storage during the off- season.

Docks during Periods of Strong Wind and Surf:

The docks that have been selected by KHYC to be used at their Two Harbors, Little Fisherman's Cove were selected after extensive research into docks that would withstand the range of surf and wind that is normal at the Isthmus.

The dock system that has been selected is from White Water Docks in Canada. These docking systems are using in the Pacific Northwest in the North Sea. Two Harbors uses this system for their main dinghy dock at the Isthmus.

The docks are specified to withstand 30 knot winds and 6 foot seas.

KHYC proposes to have the dinghy dock installed for the period June 15 to October 1 of each year. This is normally the non-storm season.

In case of predicted strong winds and/or surf, the KHYC Cove Captain would first close the docks using signage, as is commonly used at beaches in California. The Cove Captain would then contact the Two Harbors Mooring Service and make a quick appointment for removal of the floating dock sections. If the Mooring Service is unavailable and assistance is needed, members of KHYC would fly to Two Harbors utilizing the helicopter service available from San Pedro. This helicopter can fly in winds up to 70 knots. The docks are designed for ease of removing and disconnecting from each other. If necessary, docks sections can be towed on to land or anchored to nearby boat moorings. Again the reason for selecting this dock system is that it is removable and has been proven to work both at the Isthmus and in the Pacific Northwest.

Monitoring of the weather is a standard operating procedure for our yacht club. We are not expecting El Nino or La Nina conditions this summer, which would also indicate that we are not expecting any unusually strong wind/surf activity. We use the following web sites to monitor weather conditions:

http://www.cpc.noaa.gov/products/predictions/long_range/lead04/off_index.html

http://www.cpc.noaa.gov/products/predictions/long_range/fxus05.html
(JAS=July August September)

KHYC has bylaws that govern our leasehold facility at Little Fisherman's Cove. The Rear Commodore selects a Cove Captain who is responsible for our Cove leasehold.

The Cove Captain and Cove Fleet Officers, in addition to the KHYC Officers monitor NOAA's Coastal Waters Forecast for the inner waters from Point Mugu to San Mateo Point, including Santa Catalina and Santa Barbara Islands, on a daily basis.

http://www.wrh.noaa.gov/lox/
http://weather.noaa.gov/cgibin/fmtbltn.pl?file=forecasts/marine/coastal/pz/pzz655.txt

NOAA updates this forecast on a daily basis. They provide more frequent updates in the event of developing severe weather or surf that requires warnings. NOAA is the governmental authority on the topic: "NOAA NATIONAL WEATHER SERVICE - The National Weather Service is the primary source of weather data, forecasts and warnings for the United States." Television weathercasters and private meteorology companies

prepare their forecasts using this information. The NWS is the sole United States official voice for issuing warnings during life- or property-threatening weather situations.

All of us at the Yacht Club, and especially the 70 members of the newly formed Cove Fleet, are committed to the safety of boating, the cove and the dock.

We monitor the weather as described above and will do what is necessary to make sure the dock and people who use it are safe. The reason for the seasonal, temporary/removable dinghy dock is safety for our members and protection of the environment.

Please let me know if there is anything else that is needed.

Very truly yours,

Alita Rethmeyer
Tel: 310-545-8931
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State of California - The Resources Agency ARNOLD SCHWARZENEGGER, Governor
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March 22, 2007

Charles Posner
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

Subject: Little Fisherman's Cove Seasonal Dinghy Dock, Catalina Island

Dear Mr. Posner:

Department of Fish and Game (Department) staff were recently contacted by Dr. Alita Rethmeyer, King Harbor Yacht Club, concerning the King Harbor Yacht Club's seasonal dinghy dock at Little Fisherman's Cove, Two Harbors, Catalina Island, Los Angeles County, California, Coastal Development Permit (CDP) No. 5-07-054. The proposed project would install a six foot-long by six foot-wide pedestrian ramp to six 25 foot-long by six foot-wide floating dock sections. Five dock sections would be placed end to end with the sixth one forming a "T" at the seaward end for a total length of 131 feet. Because the dock is temporary it would be held in place with ten anchors rather than with pilings. Four 500 pound Danforth type anchors would secure the seaward end of the dock while two 300 pound Danforth type anchors would secure the adjoining two sections. Two 1000 pound concrete pads (four-foot in diameter) would secure additional sections. Finally, the landward section would be secured by two 650 pound rail wheel anchors (each three-feet in diameter) placed on the beach. Galvanized chains would connect the anchors to the docks. The floating dock sections would be temporary and would be in use from June 15 to October 1 each year. After October 1, the sections would be disconnected from the anchors and floated away to Two Harbors for storage until the next boating season. The rail wheel anchors and any chains would also be removed and stored off site. The concrete blocks and metal anchors would be left on the seafloor. Installation of this temporary dock would provide safer access to land, eliminate the need to haul and anchor dinghies on the adjacent beach, and relieve the crowded conditions that occur at the Isthmus dinghy dock during the summer season.

A marine biological assessment of the project site was conducted by staff from PCR Services Corporation on March 11, 2007. Surfgrass habitat (*Phyllospadix spp.*) was found in the surveyed area but not within or near the footprint of the

pier. No eelgrass habitat (*Zostera marina*) or other sensitive marine resources were found within the study area. The area was also surveyed for the invasive alga *Caulerpa taxifolia*, but none was found.

The proposed project will utilize floating wooden docks similar to the temporary docks used at Two Harbors when their main dock was under repair. It is our understanding that the floating wooden docks will be coated and/or sealed with materials that are not deleterious to the marine environment. Creosote would not be used.

The Department believes that the proposed project, as currently described, would not have a significant adverse effect on existing marine resources and habitats within the area. Therefore, we concur with the issuance of a CDP. The Department reserves the right to modify or change the above determination based on additional findings or other pertinent information concerning the above mentioned project.

As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a discussion please contact Ms. Marilyn Fluharty, Environmental Scientist, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123, telephone (858) 467-4231.

Sincerely,

Gary B. Stacey
Regional Manager
Marine Region

cc: Ms. Marilyn Fluharty
Department of Fish and Game
San Diego, California

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Dr. Alita Rethmeyer
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