

CALIFORNIA COASTAL COMMISSION

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Commission Action:



T16c

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-06-460

APPLICANT: County of Orange Flood Control District

AGENTS: Nardy Drew, County of Orange Resources & Development Chief
Richard Beck, RBF Consulting

PROJECT LOCATION: Los Alamitos Retarding Basin, one thousand feet south of Second Street/Westminster Avenue and six hundred feet east of the San Gabriel River, a 42-acre site within the Cities of Long Beach (Los Angeles County) and Seal Beach (Orange County).

PROJECT DESCRIPTION: Construction of a 24-foot high, 9,486 square foot pump station to house four new natural gas-powered stormwater pumps, implementation of specific habitat mitigation measures including the creation of 0.28 acres of new wetlands, and the subsequent demolition of the existing outdated pump station.

SUMMARY OF STAFF RECOMMENDATION

The project site straddles the county line and is within the city limits of both the City of Long Beach and the City of Seal Beach. No certified Local Coastal Program (LCP) covers the project area. Therefore, the proposed development falls within the Commission's permit jurisdiction. The Commission's standard of review for development in an uncertified area is the Chapter 3 policies of the Coastal Act.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions relating to permit compliance, mitigation of the project's impacts to sensitive habitat areas, discovery of archaeological resources, and protection of water quality. As conditioned, the approved development will not result in any net loss of wetland area. Although the construction of the proposed pump station (foundation, structure and maintenance road) will displace 0.07 acres of isolated patches of mule fat on the basin's western berm, the proposed project includes the creation of 0.28 acres (4:1 ratio) of new wetland habitat by excavating the outer parts of the basin's existing berms. The proposed project, as conditioned, is the least environmentally damaging feasible alternative of several alternatives considered, as it minimizes to the maximum extent feasible adverse impacts to the wetlands and sensitive habitat areas that exist on and adjacent to the project site. Therefore, as conditioned, the proposed development is consistent with the Chapter 3 policies of the Coastal Act. The applicant agrees with the recommendation. **See Page Two for the motion to carry out the recommendation.**

SUBSTANTIVE FILE DOCUMENTS:

1. Mitigated Negative Declaration for the Los Alamitos Pump Station, Prepared for the County of Orange by RBF Consulting, SCH No. 2003071158, Sept. 21, 2006.
2. Mitigation and Monitoring Program, Los Alamitos Pump Station Project, Prepared for the County of Orange by RBF Consulting, March 15, 2007.
3. Revised Biological Constraints Analysis for the Los Alamitos Pump Station Project, Prepared for RBF Consulting by BonTerra Consulting, March 23, 2006.
4. Delineation of Jurisdictional Waters, Los Alamitos Pump Station, by RBF Consulting, March 29, 2006.
5. Phase I Cultural Resources Assessment, Los Alamitos Pump Station Project, Prepared for RBF Consulting by BonTerra Consulting, February 27, 2003.
6. U.S. Department of the Army, Corps of Engineers, Letter regarding Application No. 200602129-PHT for the Los Alamitos Pump Station, dated December 7, 2006.
7. California Department of Fish and Game, Notification of Lake or Stream Bed Alteration for the Los Alamitos Pump Station, File No. 1600-2006-0461-R5, May 18, 2007.

STAFF RECOMMENDATION:

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

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-06-460 per the staff recommendation."*

The 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. The motion passes only by an affirmative vote of a majority of Commissioners present.

I. Resolution: Approval with Conditions

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

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. Permit Compliance

Coastal Development Permit 5-06-460 permits only the development and uses expressly described and conditioned herein. 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. Any additional development will require another amendment to the permit or a new coastal development permit. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is required.

2. Habitat Mitigation Plan

The County shall construct, monitor and maintain the proposed habitat mitigation project consistent with the standards set forth in the Mitigation and Monitoring Program, Los Alamitos Pump Station Project, Prepared for the County of Orange by RBF Consulting, March 15, 2007, as modified to include the following additional requirements:

- A. Prior to grading/construction/demolition activities authorized by this permit, the County shall install protective flagging around all existing native vegetation and wetland areas in order to protect these areas from unpermitted disturbance.

- B. Prior to grading, the County must map any existing native vegetation within the bounds of the permitted temporary impact area and plan for 2:1 replacement of that vegetation following the grading authorized by this permit. Replacement planting shall follow the criteria and methods set forth in the Mitigation and Monitoring Program, Los Alamitos Pump Station Project Prepared for the County of Orange by RBF Consulting, March 15, 2007.
- C. The implementation of the proposed habitat mitigation project shall commence prior to or simultaneous with the commencement of construction of the proposed pump station. Once the grading has commenced for the habitat mitigation project, the construction of the habitat mitigation site shall proceed continuously until it is completed in conformance with the approved plan.
- D. Surveys for successful native wetland plant recruitment shall be added to the monitoring plan. If after two years, native wetland plant self-recruitment has not occurred, pickleweed and salt-grass plantings should be undertaken. In addition, periodic weed surveys and weed eradication for the wetland creation areas shall be added to the monitoring plan and performed for the duration of the monitoring program. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be employed or allowed to naturalize or persist within the property.
- E. A five-year monitoring period shall commence upon the completion of the grading for the proposed habitat mitigation project. The County shall notify the Executive Director upon completion of the grading authorized by this permit.
- F. Upon completion of the first year of the monitoring period, and annually thereafter, the County shall submit to the Executive Director a report which documents the implementation of the mitigation and monitoring plan and which documents the status of the habitat mitigation project in relation to the performance standards contained in the plan.
- G. Any additional work or modifications to the habitat mitigation project which are necessary to meet the performance standards contained in the mitigation and monitoring plans shall be submitted to the Executive Director. Any change in the approved habitat mitigation project 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.
- H. The County shall be responsible for the ongoing maintenance of the habitat mitigation project and site. The required maintenance shall include regular cleaning and trash pick-up.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a revised habitat

mitigation and monitoring program that includes the additional provisions set forth above in this condition. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved revised habitat mitigation and monitoring program shall be reported 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. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Archaeological Resources

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director an archeological monitoring plan prepared by a qualified professional, that shall incorporate the following measures and procedures:

1. The applicant shall comply with all recommendations and mitigation measures contained in Phase I Cultural Resources Assessment, Los Alamitos Pump Station Project, Prepared for RBF Consulting by BonTerra Consulting, February 27, 2003 and as further modified by the conditions below and any other applicable conditions of this permit;
2. If any cultural deposits are discovered during project construction, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, the permittee shall carry out significance testing of said deposits and, if cultural deposits are found to be significant, additional investigation and mitigation in accordance with this special condition including all subsections. No significance testing, investigation or mitigation shall commence until the provisions of this special condition are followed, including all relevant subsections;
3. If any cultural deposits are discovered, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, all construction shall cease in accordance with Subsection B of this special condition;
4. In addition to recovery and reburial, in-situ preservation and avoidance of cultural deposits shall be considered as mitigation options, to be determined in accordance with the process outlined in this condition, including all subsections;
5. Archaeological monitor(s) qualified by the California Office of Historic Preservation (OHP) standards, Native American monitor(s) with documented ancestral ties to the area appointed consistent with the standards of the Native American Heritage Commission (NAHC), and the Native American most likely descendent (MLD) when State Law mandates identification of a MLD, shall monitor all project grading;
6. The permittee shall provide sufficient archeological and Native American monitors to assure that all project grading that has any potential to uncover or otherwise disturb cultural deposits is monitored at all times;
7. If human remains are encountered, the permittee shall comply with applicable State and Federal laws. Procedures outlined in the monitoring plan shall not prejudice the ability to comply with applicable State and Federal laws, including but not limited to, negotiations between the landowner and the MLD regarding

the manner of treatment of human remains including, but not limited to, scientific or cultural study of the remains (preferably non-destructive); selection of in-situ preservation of remains, or recovery, repatriation and reburial of remains; the time frame within which reburial or ceremonies must be conducted; or selection of attendees to reburial events or ceremonies. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Where appropriate and consistent with State and Federal laws, the treatment of remains shall be decided as a component of the process outlined in the other subsections of this condition.

8. Prior to the commencement and/or re-commencement of any monitoring, the permittee shall notify each archeological and Native American monitor of the requirements and procedures established by this special condition, including all subsections. Furthermore, prior to the commencement and/or re-commencement of any monitoring, the permittee shall provide a copy of this special condition, the archeological monitoring plan approved by the Executive Director, and any other plans required pursuant to this condition and which have been approved by the Executive Director, to each monitor.
- B. If an area of cultural deposits, including but not limited to skeletal remains and grave-related artifacts, traditional cultural sites, religious or spiritual sites, or artifacts, is discovered during the course of the project, all construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options or the ability to implement the requirements of this condition shall cease and shall not recommence except as provided in Subsection C and other subsections of this special condition. In general, the area where construction activities must cease shall be 1) no less than a fifty-foot wide buffer around the cultural deposit; and 2) no more than the residential enclave or commercial development area within which the discovery is made.
- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a Significance Testing Plan for the review and approval of the Executive Director. The Significance Testing Plan shall identify the testing measures that will be undertaken to determine whether the cultural deposits are significant. The Significance Testing Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), and the Most Likely Descendent (MLD) when State Law mandates identification of a MLD.
1. If the Executive Director approves the Significance Testing Plan and determines that the Significance Testing Plan's recommended testing measures are de minimis in nature and scope, the significance testing may commence after the Executive Director informs the permittee of that determination.
 2. If the Executive Director approves the Significance Testing Plan but determines that the changes therein are not de minimis, significance testing may not recommence until after an amendment to this permit is approved by the Commission.

3. Once the measures identified in the significance testing plan are undertaken, the permittee shall submit the results of the testing to the Executive Director for review and approval. The results shall be accompanied by the project archeologist's recommendation as to whether the findings are significant. The project archeologist's recommendation shall be made in consultation with the Native American monitors and the MLD when State Law mandates identification of a MLD. The Executive Director shall make the determination as to whether the deposits are significant based on the information available to the Executive Director. If the deposits are found to be significant, the permittee shall prepare and submit to the Executive Director a supplementary Archeological Plan in accordance with subsection D of this condition and all other relevant subsections. If the deposits are found to be not significant, then the permittee may recommence grading in accordance with any measures outlined in the significance testing program.
- D. An applicant seeking to recommence construction following a determination by the Executive Director that the cultural deposits discovered are significant shall submit a supplementary Archaeological Plan for the review and approval of the Executive Director. The supplementary Archeological Plan shall be prepared by the project archaeologist(s), in consultation with the Native American monitor(s), the Most Likely Descendent (MLD) when State Law mandates identification of a MLD, as well as others identified in subsection E of this condition. The supplementary Archeological Plan shall identify proposed investigation and mitigation measures. The range of investigation and mitigation measures considered shall not be constrained by the approved development plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. A good faith effort shall be made to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, capping, and placing cultural resource areas in open space. In order to protect cultural resources, any further development may only be undertaken consistent with the provisions of the Supplementary Archaeological Plan.
1. If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, construction may recommence after the Executive Director informs the permittee of that determination.
 2. If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not de minimis, construction may not recommence until after an amendment to this permit is approved by the Commission.
- E. Prior to submittal to the Executive Director, all plans required to be submitted pursuant to this special condition, except the Significance Testing Plan, shall have received review and written comment by a peer review committee convened in accordance with current professional practice that shall include qualified archeologists and representatives of Native American groups with documented ancestral ties to the area. Names and qualifications of selected peer reviewers shall be submitted for review and approval by the Executive Director. The plans submitted to the Executive Director shall incorporate the recommendations of the peer review committee. Furthermore,

upon completion of the peer review process, all plans shall be submitted to the California Office of Historic Preservation (OHP) and the NAHC for their review and an opportunity to comment. The plans submitted to the Executive Director shall incorporate the recommendations of the OHP and NAHC. If the OHP and/or NAHC do not respond within thirty (30) days of their receipt of the plan, the requirement under this permit for that entities' review and comment shall expire, unless the Executive Director extends said deadline for good cause. All plans shall be submitted for the review and approval of the Executive Director.

- F. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Protection of Water Quality – During Construction

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. The plan shall include a pre-construction meeting to review procedural and BMP guidelines with all contractors and the following specific requirements:

1. No construction materials, debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion.
2. All trash generated on the construction site shall be properly disposed of at the end of each construction day.
3. Where permitted, disturbance of the basin bottom shall be minimized.
4. Staging and storage of demolition/construction machinery and storage of debris shall occur at least fifty feet from the water's edge.
5. Any and all debris resulting from construction and demolition activities shall be removed from the project site within 72 hours of completion of demolition and construction. Construction and demolition debris and sediment shall be removed or contained and secured from work areas each day that construction or demolition occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters.
6. All demolition/construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris shall be placed in coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
7. Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to: placement of sand bags around work areas and drainage inlets to prevent

runoff/sediment transport into the San Gabriel River, its tributaries and the Pacific Ocean.

8. All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from storm drain inlets and receiving waters as possible.
 9. In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.
- B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of construction and demolition-related materials, sediment, or contaminants associated with construction activity. The applicant shall:
1. Develop and implement spill prevention and control measures and shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.
 2. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.
 3. Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction and demolition.
 4. Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales and silt fencing.
 5. Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.
 6. Implement the approved Construction Best Management Practices Plan on the project site prior to and concurrent with the demolition and construction operations. The BMPs shall be maintained throughout the development process.
- C. The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the approved Construction Best Management Practices Plan. Any proposed changes to the approved Construction Best Management Practices Plan shall be reported 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. No changes to the approved plan shall occur without a Commission

amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Lighting Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a project lighting plan for the approved pump station designed to minimize to the maximum extent practicable the adverse impacts associated with nighttime lighting to adjacent habitat areas. The lighting plan shall include provisions to ensure that no lighting associated with the project shall significantly impact adjacent environmentally sensitive habitat including adjacent wetlands and waterways. All lighting within the development shall be directed to the ground and shielded from adjacent areas, and shall be at the lowest levels that will still provide the amount necessary for safety. The lighting plan to be submitted to the Executive Director shall be accompanied by an analysis of the lighting plan prepared by a qualified biologist which documents that the lighting is designed to avoid impacts upon adjacent environmentally sensitive habitat including wetlands. The permittee shall undertake development in accordance with the approved final lighting plan. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. 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.

7. Easements

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, evidence of executed easements or other agreements with adjacent property owners, including the County of Los Angeles, Hellman Ranch, and Southern California Edison company that allows the applicant the right to carry out the portions of the proposed project that requires entering the adjacent properties. The easements or other agreements shall be accompanied by relevant property maps and scaled project plans necessary to interpret the portions of the project that intersect with the adjacent properties.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The proposed project involves the replacement of an aged and outmoded pump station at the Los Alamitos Retarding Basin with a new modern pump station. The new pump station is proposed to be constructed on top of the western berm of the basin, seventy feet south of the existing pump station. The existing pump station, which will remain operational while the new pump station is constructed, will be disassembled and removed from the site after the new pump station is completed and put into operation. The pumps housed in the pump station are necessary to move stormwater runoff from the Los Alamitos Retarding Basin, over the river levee, and into the San Gabriel River (Exhibit #2).

The Los Alamitos Retarding Basin, located approximately one thousand feet south of Second Street/Westminster Avenue and six hundred feet east of the San Gabriel River, is part of the County of Orange Flood Control system. The 42-acre site, which consists of a depressed thirty-acre basin (-10.0' elev.) surrounded by an earthen berm (+10.0' elev.) and unpaved access road, receives stormwater runoff and other drainage from a 3,584-acre area of in northern Orange County (City of Seal Beach). The project site is bordered by Haynes Cooling Channel and the San Gabriel River on the west, Island Village residential community on the north, Boeing Corporation facilities on the east, and the Hellman Ranch project site and oil fields on the south (Exhibit #2). The site falls within both the cities of Long Beach (Los Angeles County) and Seal Beach (Orange County).

The existing pump station, built in 1958, houses four electric-powered pumps. The new 9,486 square foot pump station, proposed to be constructed on the top of the basin's western berm seventy feet south of the old pump station, will house four new natural gas-powered pumps (with the capacity to add a fifth pump, if needed). The proposed building reaches 24 feet above existing grade, and includes a 27-foot deep below grade wet well. The County states that the new pumps will provide better protection against flooding by increasing the pumping capacity of the facility from 450 cfs (cubic feet per second) to 880 cfs, which is sufficient pumping capacity for a 100-year storm event. The outflow pipes from the new pump station will be connected to the basin's existing set of discharge pipes that extend west over the levee to the east bank of the San Gabriel River (Exhibit #2). A new pipeline line will also be constructed to provide fuel (natural gas) to power the new pumps, and two new above-ground propane tanks are proposed to be constructed next to the pump station as a back-up fuel supply. A new electrical connection, water line and sewer lateral are also proposed as part of the project. All utility lines will be placed underground. The immediate area around the new pump station, about one acre, is proposed to be paved with asphalt (Exhibit #4). New landscaping is proposed along the northern side of the pump station to provide visual and aesthetic benefits to the residents of the adjacent Island Village neighborhood.

The proposed project also includes the implementation of the specific habitat mitigation measures described in the report entitled: Mitigation and Monitoring Program - Los Alamitos Pump Station Project, Prepared for the County of Orange by RBF Consulting, March 15, 2007. The specific habitat mitigation measures being proposed include the creation of 0.28 acres of new wetland habitat in the basin along the toes of the northern and western berms, and the

construction of a three-foot deep, 3,300 foot long meandering low-flow wet channel in the center of the basin (Exhibit #3).

The new wetland habitat (0.28 acres) is being proposed as mitigation for the project's temporary and permanent impacts to existing wetland habitat. The proposed wetland mitigation ratio is four-to-one (4:1), as the construction of the proposed pump station (foundation, structure and maintenance road) will displace 0.07 acres of isolated patches of mule fat that have grown on top of the elevated berm outside of the basin. The proposed new wetland area will be created by excavating the outer parts of the existing berms located to the north and south of the new pump station (Exhibit #3). The proposed project will not result in any permanent loss of existing wetland area within the basin.

The purpose of the proposed 3,300 foot long meandering low-flow wet channel in the center of the basin is to achieve dry weather flow water quality treatment. The meandering low-flow wet channel, which would extend from the existing inlet channel to the proposed pump station, has a 2.8 acre-feet capacity. The proposed meandering low-flow wet channel will allow a longer hydraulic residence time during which the UV light rays of the sun will reduce bacteria content before the water percolates into the ground or is pumped out of the basin. Pollutant removal along the channel is achieved by infiltration, settling of sediment by reducing flow velocity, and UV light exposure.

The proposed project includes approximately 9,215 cubic yards of excavation, 5,100 of which is for the construction of the low-flow wet channel. A total of 7,965 cubic yards of material will be exported from the site. The proposed construction equipment access route extends from Pacific Coast Highway (State Highway One) southwest of the project site, and through Hellman Ranch along existing roads, including the Southern California Edison (SCE) utility maintenance road. The County is in the process of obtaining the necessary temporary construction easement rights from the County of Los Angeles, Hellman Ranch, and SCE. The City of Seal Beach Maintenance Yard, located at the end of Adolfo Lopez Drive, just outside of the Los Alamitos Retarding Basin facility, is the location of the project construction staging area. The County anticipates that construction of the new pump station will take about one year, at which time the new pumps will be connected to the existing outfall pipes, and then the old pump station will be demolished.

B. Marine Resources and Environmentally Sensitive Habitat Areas (ESHA)

The Coastal Act contains policies that protect marine resources, water quality and sensitive habitats from the adverse impacts of development. The following Coastal Act policies apply to the proposed project because the project site, the 42-acre Los Alamitos Retarding Basin, contains marine resources including wetlands and sensitive habitat area. In addition, the purpose of the proposed pump station is to move and discharge stormwater runoff from the basin and into the San Gabriel River Estuary. Therefore, the project may affect water quality.

The applicant has considered several project alternatives and has submitted the currently proposed project (the environmentally superior feasible alternative) in an effort to comply with the following Coastal Act policies that protect marine resources, water quality and sensitive habitats.

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 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 42-acre Los Alamitos Retarding Basin is part of the County of Orange Flood Control system that receives drainage and stormwater runoff from the surrounding area in northern Orange County. The pumps housed in the pump station are necessary to move stormwater runoff from the Los Alamitos Retarding Basin, over the river levee, and into the San Gabriel River Estuary. The Seal Beach National Wildlife Refuge is located one mile southeast of the site, and the eastern edges of the Los Cerritos Wetlands are located just a few hundred feet west of the site and the San Gabriel River. The entire area is part of the historic delta of the San Gabriel River.

The bottom (about thirty acres -10.0' elev.) of the Los Alamitos Retarding Basin is a wetland as defined by the Coastal Act because of the presence of hydric soils, water and hydrophytic vegetation (although the County has maintained the basin in a mostly dry and vegetation-free state). In addition, patches of wetland and riparian vegetation (primarily mule fat/willows) can be found growing on the berms and upland areas (+10.0' elev.) that surround the basin.

Many plant and animal species have been observed at the project site. The presence of one sensitive plant species has been documented within the basin: the Southern Tarplant (*Centromadia parryi* ssp. *Australis*) [Plant Surveys June 10, 2003 and February 23, 2006 by

BonTerra Consulting]. The Southern Tarplant, a federal species of concern, is growing on the eastern side of the basin and will not be disturbed by the proposed project.

Many species of birds are known to inhabit the project area, including Great Blue Herons which were observed by staff feeding on mosquito fish within the basin on August 6, 2003. Burrowing Owls are also known to inhabit the area in the vicinity of the project, although none have been observed on the project site. Even so, the Mitigated Negative Declaration certified by the County includes mitigation measures to avoid the destruction of owl burrows while the burrows are occupied. Also, although no western snowy plovers have been observed at or near the site, the area could provide habitat for the endangered snowy plover as other plover species (black-bellied plover, semipalmated plover and killdeer) were seen in the area during an August 2003 survey.

No threatened or endangered insects were detected on the site during a Focused Tiger Beetle Survey by Biologist Guy Bruyey in 2003, but site contains potential habitat for the Gabb's tiger beetle and sandy beach tiger beetle.

Project Impacts and Proposed Mitigation

Several project alternatives were considered by the applicant, and the applicant has proposed the alternative with the least impact on wetlands and habitat. The originally proposed project included 2.1 acres of permanent wetland impacts as the new pump station was proposed to be constructed on fill within the floor of the basin. The currently proposed alternative, the environmentally superior feasible alternative, will not result in any net loss of wetland area, as the pump station will be constructed on upland area on the edge of the basin and its permanent wetland impact (displacement of 0.07 acres of wetland) will be fully mitigated at a four-to-one (4:1) ratio. Basin slope areas adjacent to the wetland impacts will be excavated to create new wetland habitat.

The proposed habitat mitigation measures are described in the report entitled: Mitigation and Monitoring Program - Los Alamitos Pump Station Project, Prepared for the County of Orange by RBF Consulting, March 15, 2007. The creation of 0.28 acres of new wetland habitat, the planting of 0.14 acres of mule fat and salt-tolerant species along northern edge of basin, and the creation of a low-flow wet channel are all being proposed as mitigation for the project's temporary and permanent impacts to existing wetland habitat.

The construction of the proposed pump station (foundation, structure and maintenance road) will displace 0.07 acres of isolated patches of mule fat on the basin's western berm that have been delineated as riparian wetland [Delineation of Jurisdictional Waters, Los Alamitos Pump Station, by RBF Consulting, March 29, 2006]. The pump station building construction zone (i.e., the buffer area around the structure), will temporarily impact another 0.24 acres of mule fat (buffer). The pump station apron construction zone in the bottom of the basin will temporarily affect 0.26 acres of wetlands. The proposed project will not result in any permanent loss of existing wetland area within the basin.

As previously stated, the proposed project includes the creation of 0.28 acres (4:1 ratio) of new wetland habitat by excavating the out parts of the basin's existing berms located to the north and south of the new pump station (Exhibit #3). An additional 0.14 acre area along the toe of the northern berm will be planted with mule fat scrub/saline tolerant herb species to mitigate

the removal of the vegetation where the pump station will be constructed. The proposed habitat mitigation measures also include the construction of a three-foot deep, 3,300 foot long meandering low-flow wet channel in the center of the basin (Exhibit #3). The purpose of the proposed 3,300 foot long meandering low-flow wet channel in the center of the basin is to achieve dry weather flow water quality treatment. The meandering low-flow wet channel, which would extend from the existing inlet channel to the proposed pump station, has a 2.8 acre-feet capacity. The proposed meandering low-flow wet channel will allow a longer hydraulic residence time during which the UV light rays of the sun will reduce bacteria content before the water percolates into the ground or is pumped out of the basin. Pollutant removal along the channel is achieved by infiltration, settling of sediment by reducing flow velocity, and UV light exposure. The grading of the low-flow channel would affect temporarily 3.16 acres of the basin bottom, but no wetland area will be filled or displaced by the low-flow wet channel.

Fill of Coastal Wetlands

As previously stated, the proposed pump station project includes fill that will displace 0.07 acres of isolated patches of mule fat on the basin's western berm. The proposed displacement of this vegetated riparian area constitutes fill in a wetland. Section 30233(a) of the Coastal Act addresses fill of wetlands and 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:

(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.

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 development consistent with the requirements of Section 30233 (a), as follows:

Allowable Use - Section 30233(a)(5) of the Coastal Act allows fill of open coastal waters for incidental public service purposes. The proposed project provides a public service in the form of flood control. The proposed pump station that would displace minimized wetland area is part of an existing outfall system that directs runoff from the retarding basin into the San Gabriel River Estuary, and constitutes an allowable use under Section 30233(a)(5).

Least Environmentally Damaging Alternative – The proposed project, as conditioned, is the least environmentally damaging feasible alternative of several alternatives considered, as it minimizes to the maximum extent feasible adverse impacts to the wetlands and sensitive habitat areas that exist on and adjacent to the project site.

Adequate Mitigation - Section 30233 also requires that any project which results in fill of open coastal waters also provide adequate mitigation. The creation of 0.28 acres of new wetland habitat, the planting of 0.14 acres of mule fat and salt-tolerant species

along northern edge of basin, and the creation of a low-flow wet channel are all being proposed as mitigation for the project's temporary and permanent impacts to existing wetland habitat. Thus, adequate mitigation is provided by the proposed project in that the loss of wetland habitat will be offset by four-to-one replacement of filled area and the improvement of additional existing wetland area through planting of native plants in the basin.

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

Conditions of Approval

Sections 30230, 30231 and 30240 of the Coastal Act require that the natural resources of the project area be protected, restored and enhanced. Coastal Act Section 30233 limits activities that can be permitted in wetlands. In order to conform with the relevant policies of the Coastal Act, the permit includes special conditions relating to the proposed habitat and mitigation plan and protection of water quality.

The Commission staff biologist has reviewed the proposed habitat and mitigation plan and offered the following observation:

“A 0.28 acre wetland creation area is planned as mitigation for 0.07 acres of wetland impacts. Once this has been accomplished, the mitigation and monitoring program does not detail any further tasks for this area. Wetland species such as pickleweed (*Salicornia virginica*) and salt-grass (*Distichylis spicata*) are known to successfully self-recruit into bare areas when source populations are near-by. If after two years, native wetland plant self-recruitment has not occurred, pickleweed and salt-grass plantings should be undertaken. In addition, weed surveys and weed eradication for the wetland creation areas shall be added to the monitoring plan and performed for the duration of the monitoring program.”

It is important that the County weed out the non-native plants in order to preserve the native vegetation that is established, or will be established, at the project site. Therefore, **Special Condition Two** requires the County to conduct native plant recruitment surveys and to plant native wetland plants if self-recruitment has not occurred after two years. The condition also requires that the proposed mitigation be implemented at the same time that the proposed pump station is built, and that existing native vegetation on the site be protected with flagging to avoid disturbance.

The Commission recognizes that chemical pollution and siltation adversely affect water quality, biological productivity and coastal recreation. The proposed work is located near coastal waters that support both sensitive species and public recreational activities. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. 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 Four** to require the implementation of best management practices. The condition requires the proper storage of construction materials and the implementation of spill prevention and control measures. 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.

In order to protect adjacent sensitive habitat areas from adverse impacts caused by nighttime lighting **Special Condition Five** requires the County to submit a lighting plan that minimizes the adverse effects of nighttime lighting on the adjacent habitat areas. In addition, **Special Condition Six** requires the permittee to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Only as conditioned will the proposed project ensure that marine resources and water quality be protected as required by the resource protection policies of the Coastal Act.

Section 30240(b) of the Coastal Act requires that development in areas adjacent to environmentally sensitive habitat areas (ESHA) and recreation areas be sited and designed to prevent impacts that would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

As previously stated, the applicant studied several project alternatives, and the currently proposed project is the alternative with the least impact on wetlands and habitat. The originally proposed project included 2.1 acres of permanent wetland impacts as the new pump station was proposed to be constructed on fill within the floor of the basin. The currently proposed alternative, the environmentally superior feasible alternative, will not result in any net loss of wetland area, as the pump station will be constructed on upland area on the edge of the basin and its permanent wetland impact (displacement of 0.07 acres of wetland) will be fully mitigated at a four-to-one (4:1) ratio. Basin slope areas adjacent to the wetland impacts will be excavated to create new wetland habitat. Therefore, the Commission finds that the project, as conditioned, is consistent with Section 30240 of the Coastal Act because the proposed development, as conditioned, 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.

All adverse environmental effects of the proposed project have been minimized by the proposed habitat mitigation plans and the special conditions of approval. Therefore, the proposed project, as conditioned, is consistent with the ESHA and marine resource policies of the Coastal Act.

C. Archaeological Resources

Section 30244 of the Coastal Act requires that reasonable mitigation measures shall be required where development would adversely impact archaeological or paleontological resources.

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The applicant has studied the known archeological sites in the area as part of an investigation entitled Phase I Cultural Resources Assessment, Los Alamitos Pump Station Project, Prepared for RBF Consulting by BonTerra Consulting, February 27, 2003. Although there are no known archeological sites in the area where the proposed ground disturbance would occur, there are a significant number of sites in the immediate area. Prehistoric human remains have been unearthed within one mile of the project site at Hellman Ranch, and there is a possibility that archeological resources could be unearthed with the grading that would occur with the proposed project. Therefore, the Commission imposes **Special Condition Three** to ensure that reasonable mitigation measures are in place in the event that archeological resources are unearthed during completion of the permitted development. As conditioned, the proposed project is consistent with Section 30244 of the Coastal Act.

D. Public Access and Recreation

One of the basic goals stated in the Coastal Act and is to maximize public access to and along the coast. The Coastal Act has several policies that protect public access along the shoreline and public recreational opportunities.

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:

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

The proposed development will not interfere with public access or any existing public recreation uses of coastal resources as the project site is not open for public access at this time. The proposed development is about six hundred feet east of the San Gabriel River and the public bicycle route that runs along the east bank of the river. The proposed development will not eliminate any potential future recreational uses at or near the site. Therefore, the Commission finds that the proposed development, as conditioned, does not conflict with any of the public access or recreation provisions of the Coastal Act.

E. Scenic Resources

Section 30251 of the Coastal Act requires that the scenic and visual qualities of the project area be considered and protected as a resource of public importance.

Section 30251 of the Coastal Act states in part that:

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...be visually compatible with the character of surrounding areas...

The proposed project, which includes new underground utility connections, will replace one existing pump station with a new pump station. No public views to or along the ocean will be adversely affected by the development, and the project is visually compatible with the character of the surrounding area. The surrounding area includes a very large industrial park (Boeing) to the east, and oil field (Hellman Ranch) to the south, the channelized San Gabriel River to the west, and a cinderblock wall (around the Island Village residential neighborhood) to the north. Therefore, the proposed project is consistent Section 30251 of the Coastal Act.

F. Local Coastal Program

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. 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. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local governments (Cities of Long Beach and Seal Beach) to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a 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.

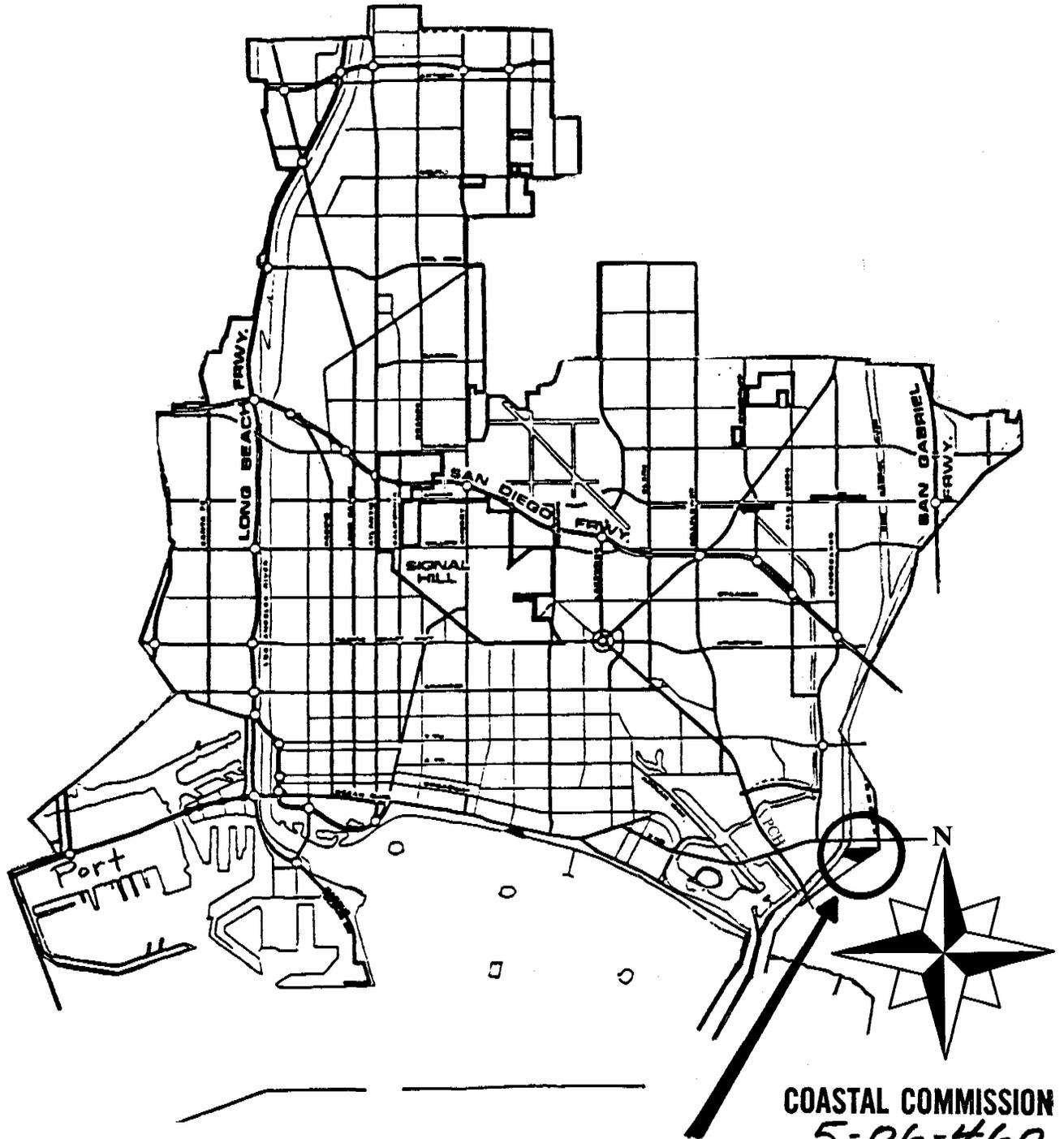
The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation

measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

Mitigated Negative Declaration for the Los Alamitos Pump Station, Prepared for the County of Orange by RBF Consulting (SCH No. 2003071158), which the County certified for the proposed project, includes an alternative analysis. Several project alternatives were considered by the applicant, and the applicant has proposed the alternative with the least impact on wetlands and habitat. The originally proposed project included 2.1 acres of permanent wetland impacts as the new pump station was proposed to be constructed on fill within the floor of the basin. The currently proposed alternative, the environmentally superior feasible alternative, will not result in any net loss of wetland area, as the pump station will be constructed on upland area on the edge of the basin and its permanent wetland impact (displacement of 0.07 acres of wetland) will be fully mitigated at a four-to-one (4:1) ratio. Basin slope areas adjacent to the wetland impacts will be excavated to create new wetland habitat.

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.

City of Long Beach



Los Alamitos Retarding Basin

COASTAL COMMISSION
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LOS ANGELES COUNTY



SECOND STREET

WESTMINSTER AVE

PROJECT SITE

Los Cerritos Wetlands

Island Village

LOS ALAMITOS RETARDING BASIN & PUMPING STATION

Boeing

PACIFIC COAST HWY

LOS ANGELES COUNTY ORANGE COUNTY LINE

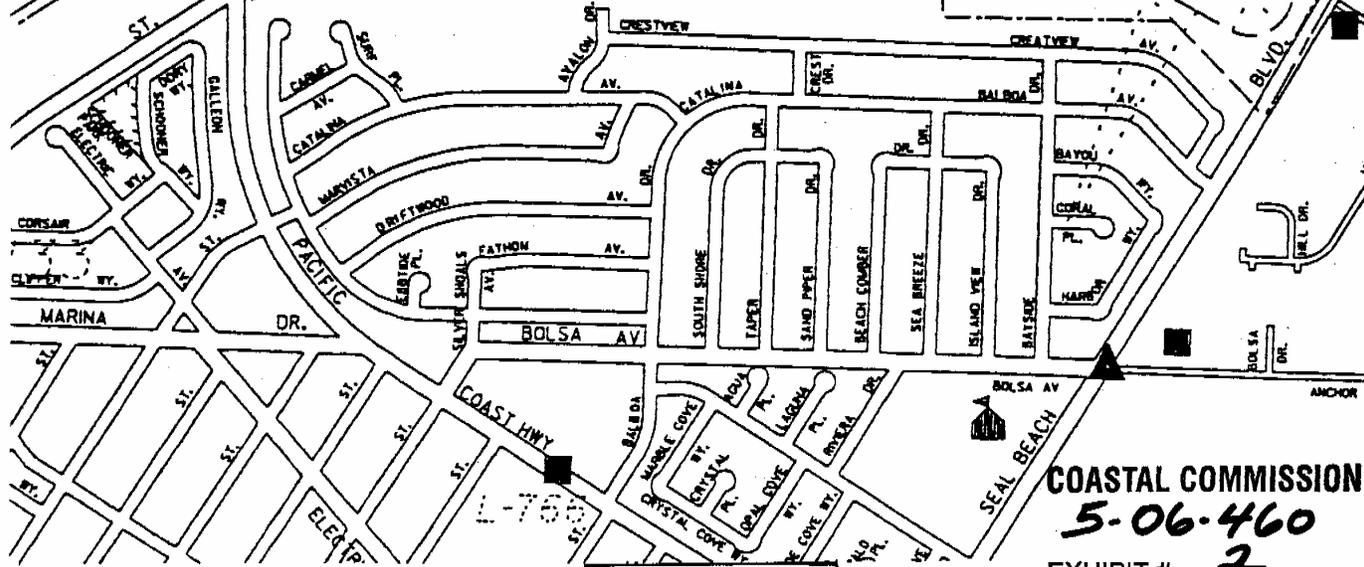
COOLING CHANNEL

SAN GABRIEL RIVER

Bike Route

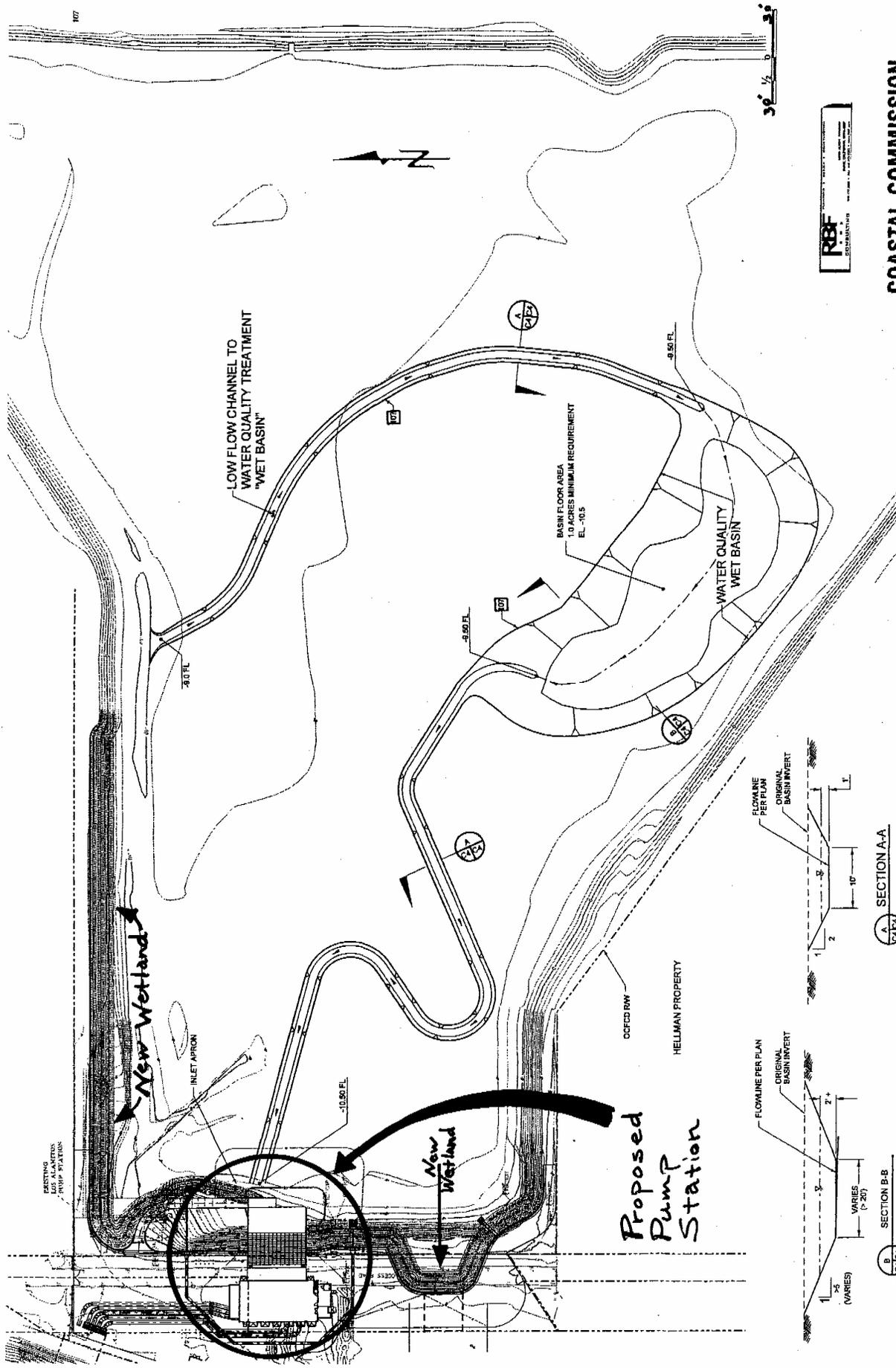
To Ocean

Hellman Project Site



LOCATION MAP

COASTAL COMMISSION
5-06-460
EXHIBIT # 2
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Los Alamitos Retarding Basin

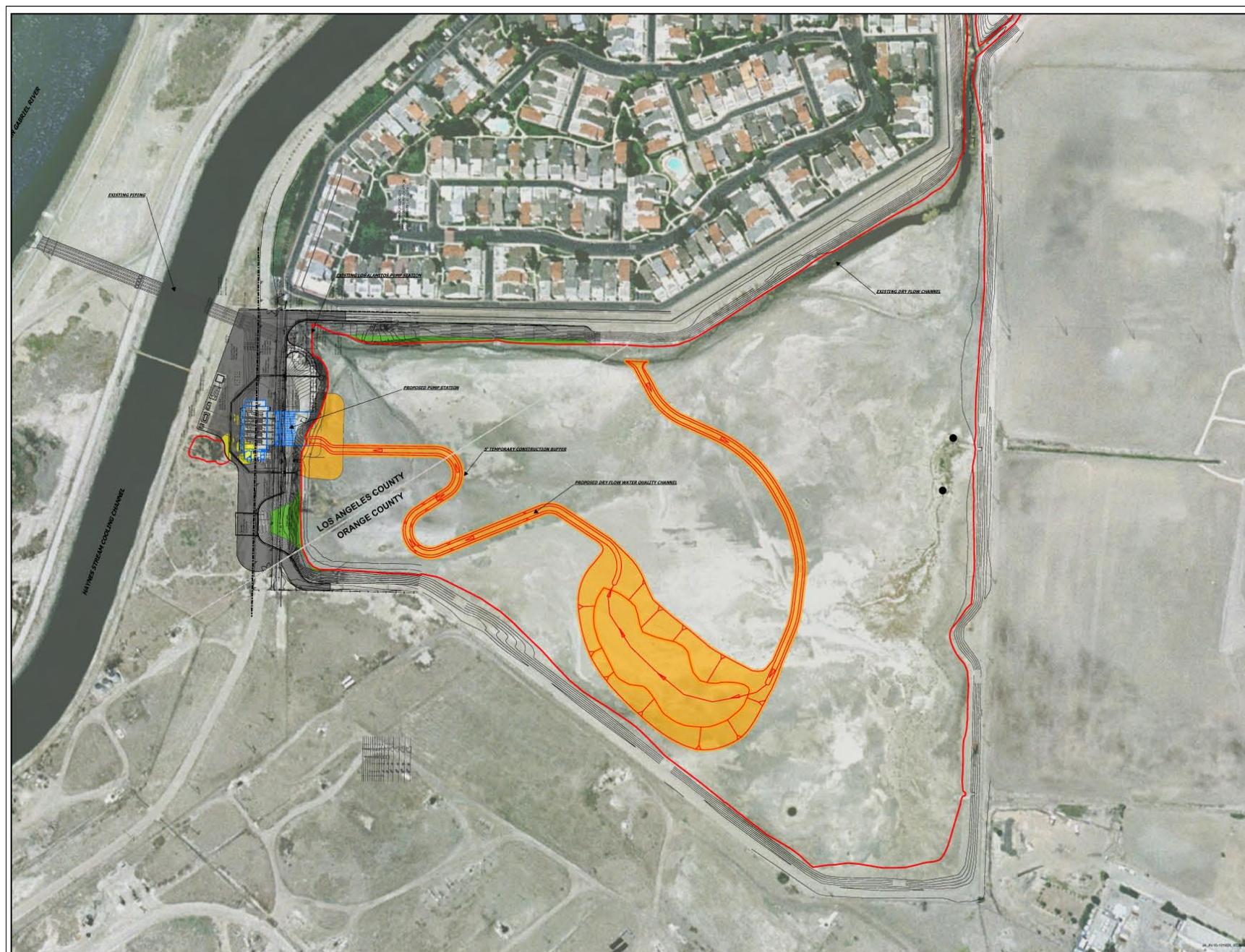
Jurisdictional Map

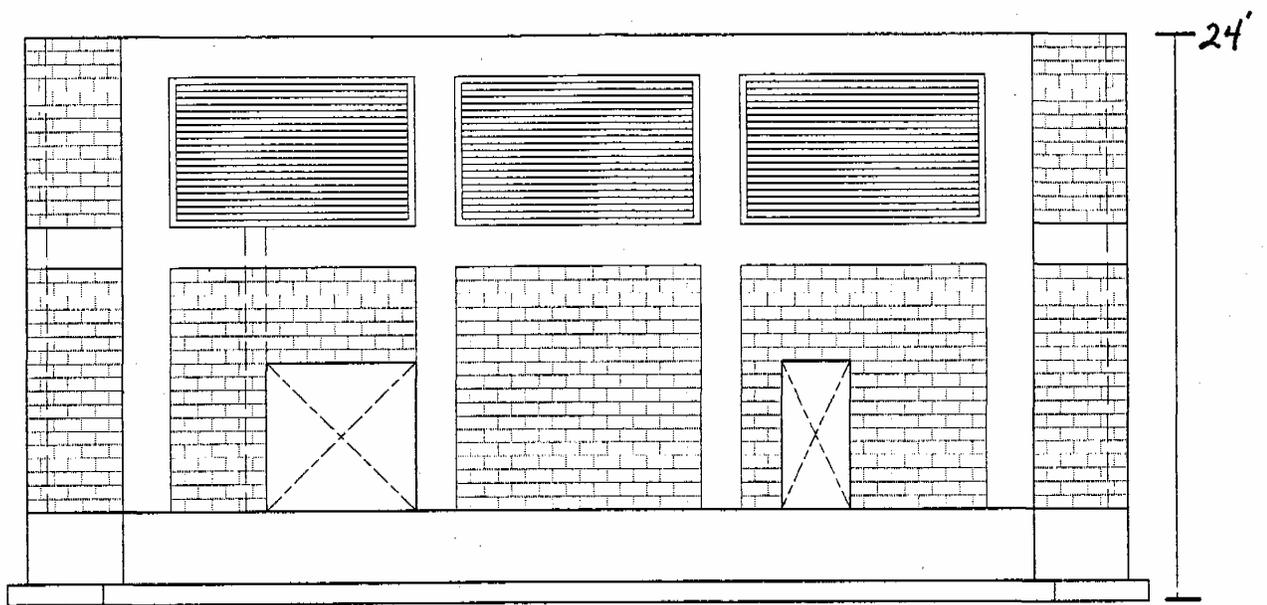
Legend

- CCC Coastal Wetland Jurisdictional Boundary
- Existing Topography
- New Pump Station
- Temporary Impact Boundary
- Permanent Impact Boundary
- Proposed Created Wetlands
- Tar Plant

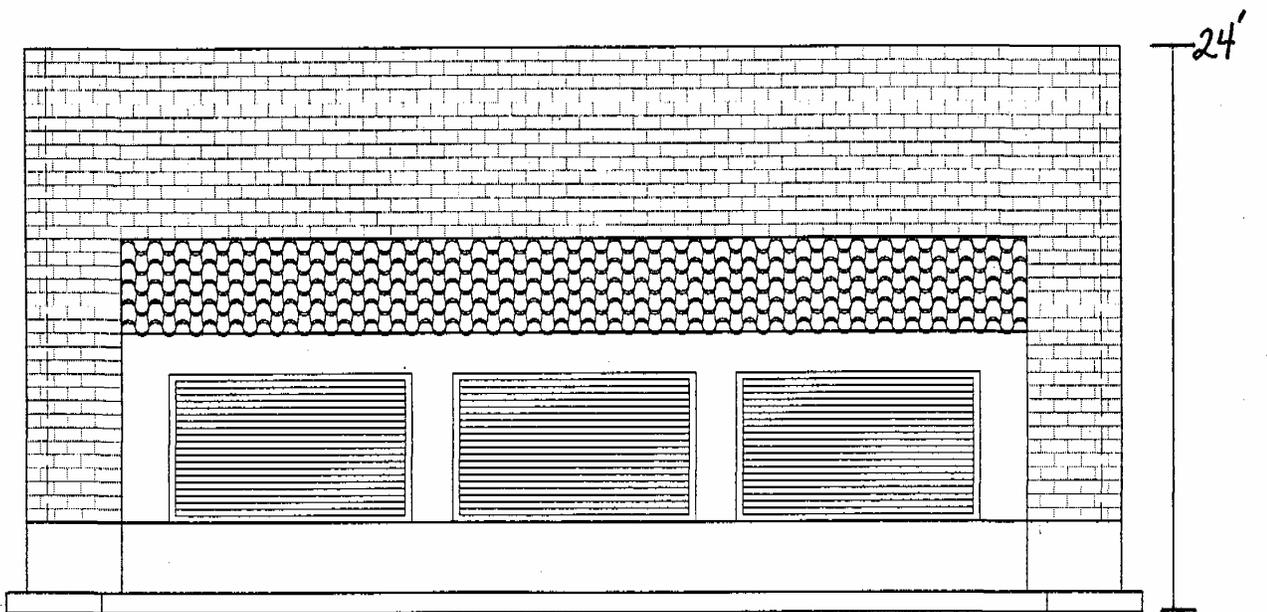


September 5, 2006





SOUTH ELEVATION



NORTH ELEVATION

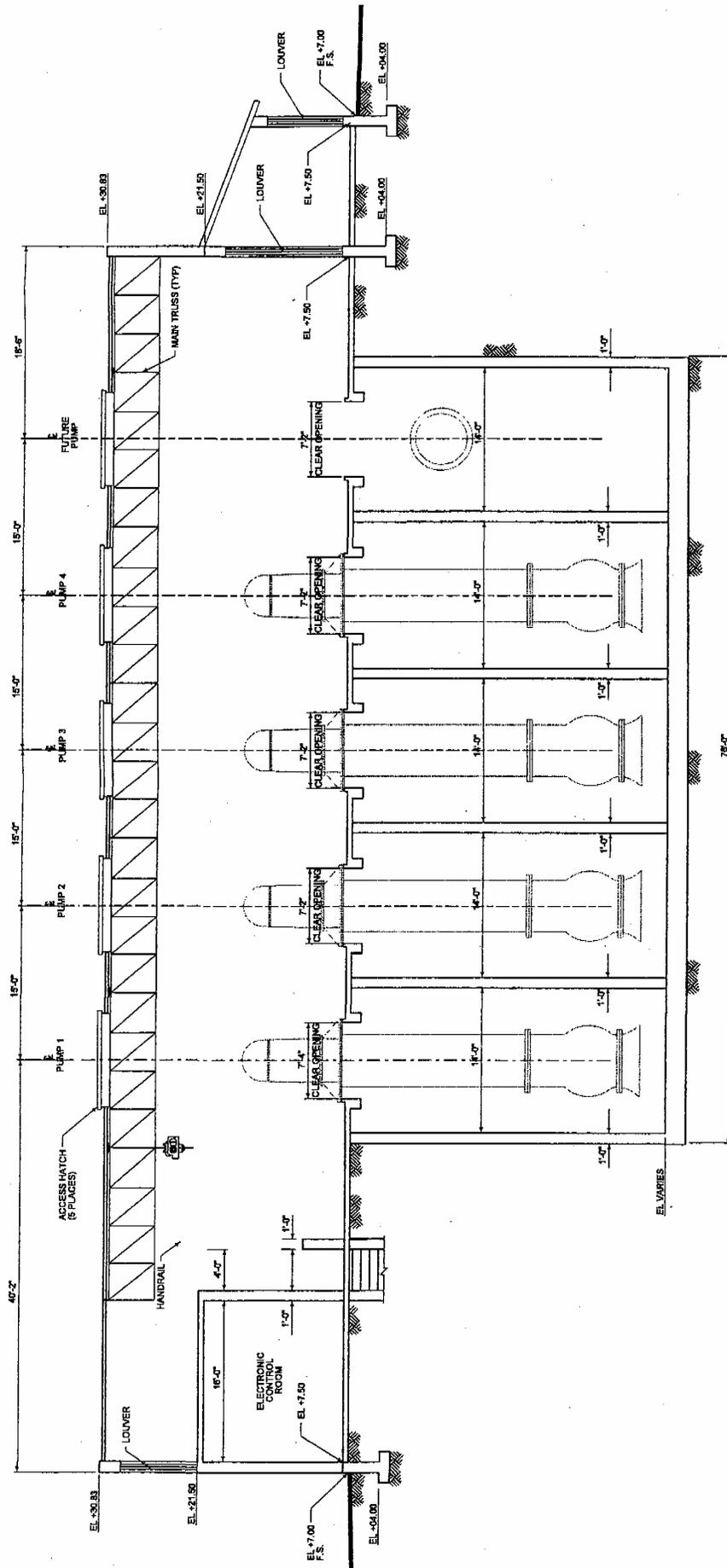
Proposed Pump Station

COASTAL COMMISSION

5-06-460

EXHIBIT # 6

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EXHIBIT # 8

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Proposed Pump Station Section