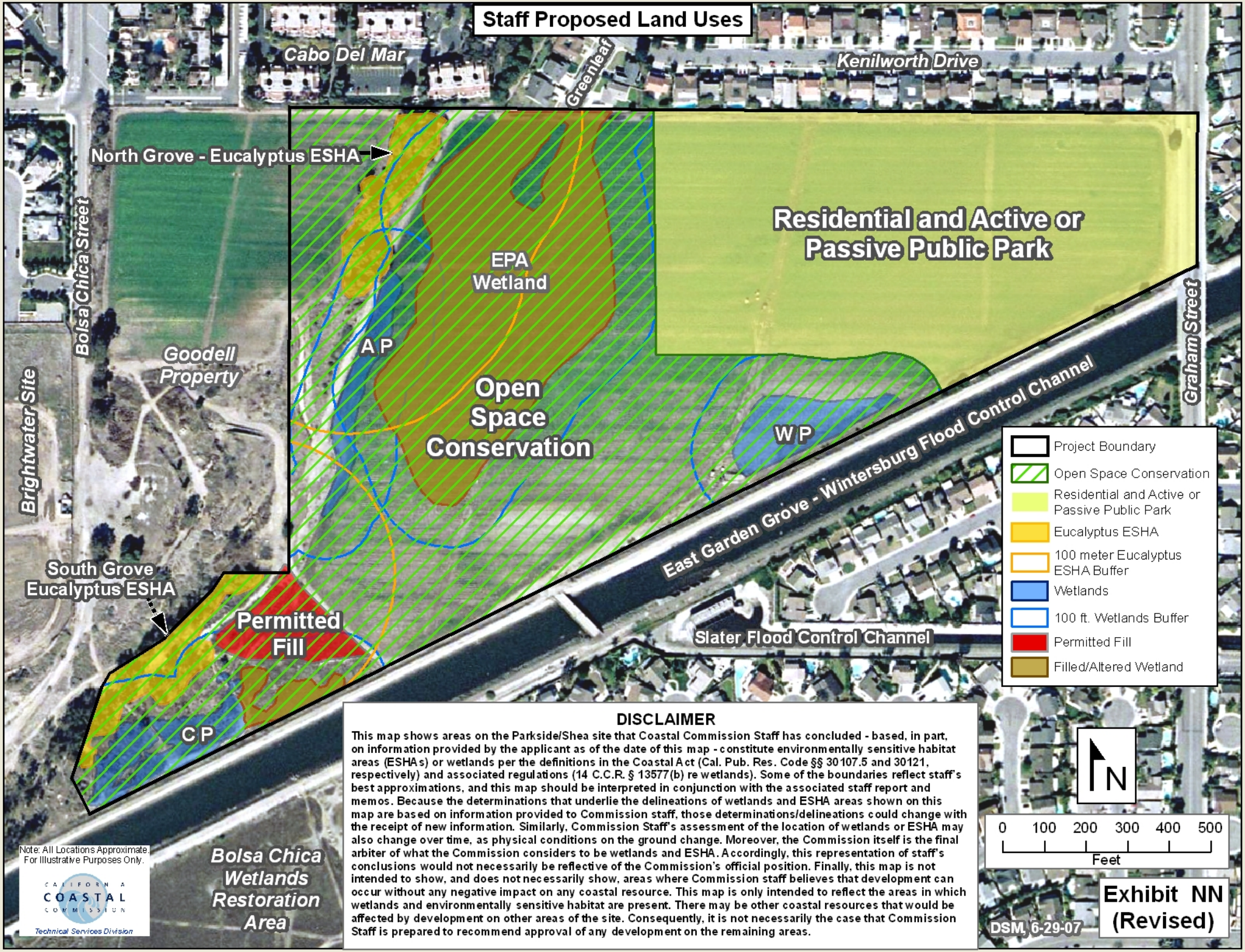

Staff Proposed Land Uses
Cabo Del Mar
Greenleaf
Kenilworth Drive
North Grove - Eucalyptus ESHA
Bolsa Chica Street
Brightwater Site
Goodell Property
EPA Wetland
A P
Open Space Conservation
Residential and Active or Passive Public Park
W P
Graham Street
East Garden Grove - Wintersburg Flood Control Channel
Slater Flood Control Channel
South Grove Eucalyptus ESHA
Permitted Fill
C P
Bolsa Chica Wetlands Restoration Area
Project Boundary
Open Space Conservation
Residential and Active or Passive Public Park
Eucalyptus ESHA
100 meter Eucalyptus ESHA Buffer
Wetlands
100 ft. Wetlands Buffer
Permitted Fill
Filled/Altered Wetland
N
0 100 200 300 400 500
Feet
Note: All Locations Approximate. For Illustrative Purposes Only.
CALIFORNIA COASTAL COMMISSION
Technical Services Division
DISCLAIMER
This map shows areas on the Parkside/Shea site that Coastal Commission Staff has concluded - based, in part, on information provided by the applicant as of the date of this map - constitute environmentally sensitive habitat areas (ESHAs) or wetlands per the definitions in the Coastal Act (Cal. Pub. Res. Code §§ 30107.5 and 30121, respectively) and associated regulations (14 C.C.R. § 13577(b) re wetlands). Some of the boundaries reflect staff's best approximations, and this map should be interpreted in conjunction with the associated staff report and memos. Because the determinations that underlie the delineations of wetlands and ESHA areas shown on this map are based on information provided to Commission staff, those determinations/delineations could change with the receipt of new information. Similarly, Commission Staff's assessment of the location of wetlands or ESHA may also change over time, as physical conditions on the ground change. Moreover, the Commission itself is the final arbiter of what the Commission considers to be wetlands and ESHA. Accordingly, this representation of staff's conclusions would not necessarily be reflective of the Commission's official position. Finally, this map is not intended to show, and does not necessarily show, areas where Commission staff believes that development can occur without any negative impact on any coastal resource. This map is only intended to reflect the areas in which wetlands and environmentally sensitive habitat are present. There may be other coastal resources that would be affected by development on other areas of the site. Consequently, it is not necessarily the case that Commission Staff is prepared to recommend approval of any development on the remaining areas.
DSM, 6-29-07
Exhibit NN (Revised)

1-00

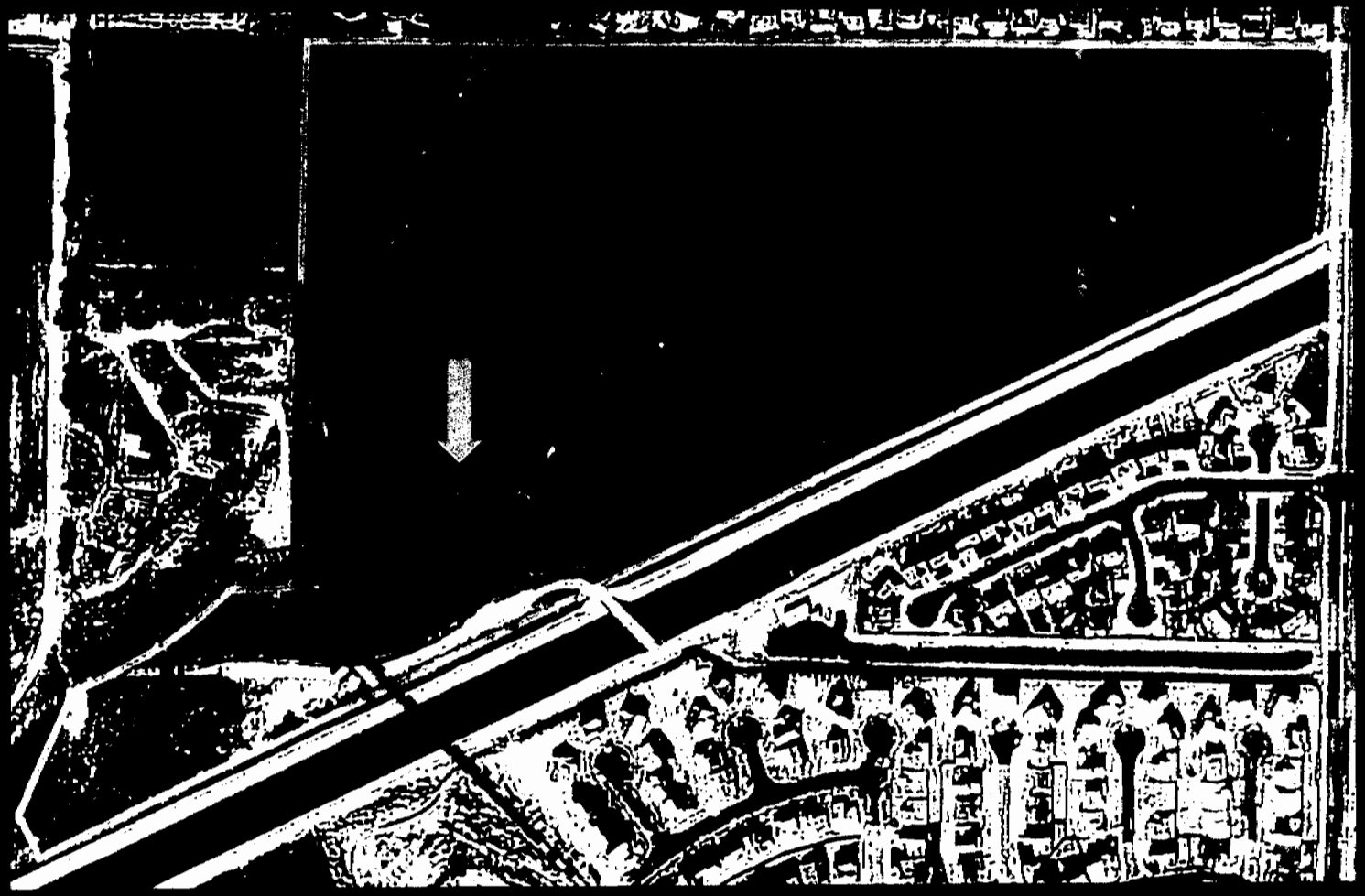
Historic Unpermitted Fills at Shea Parkside

LI

8-2

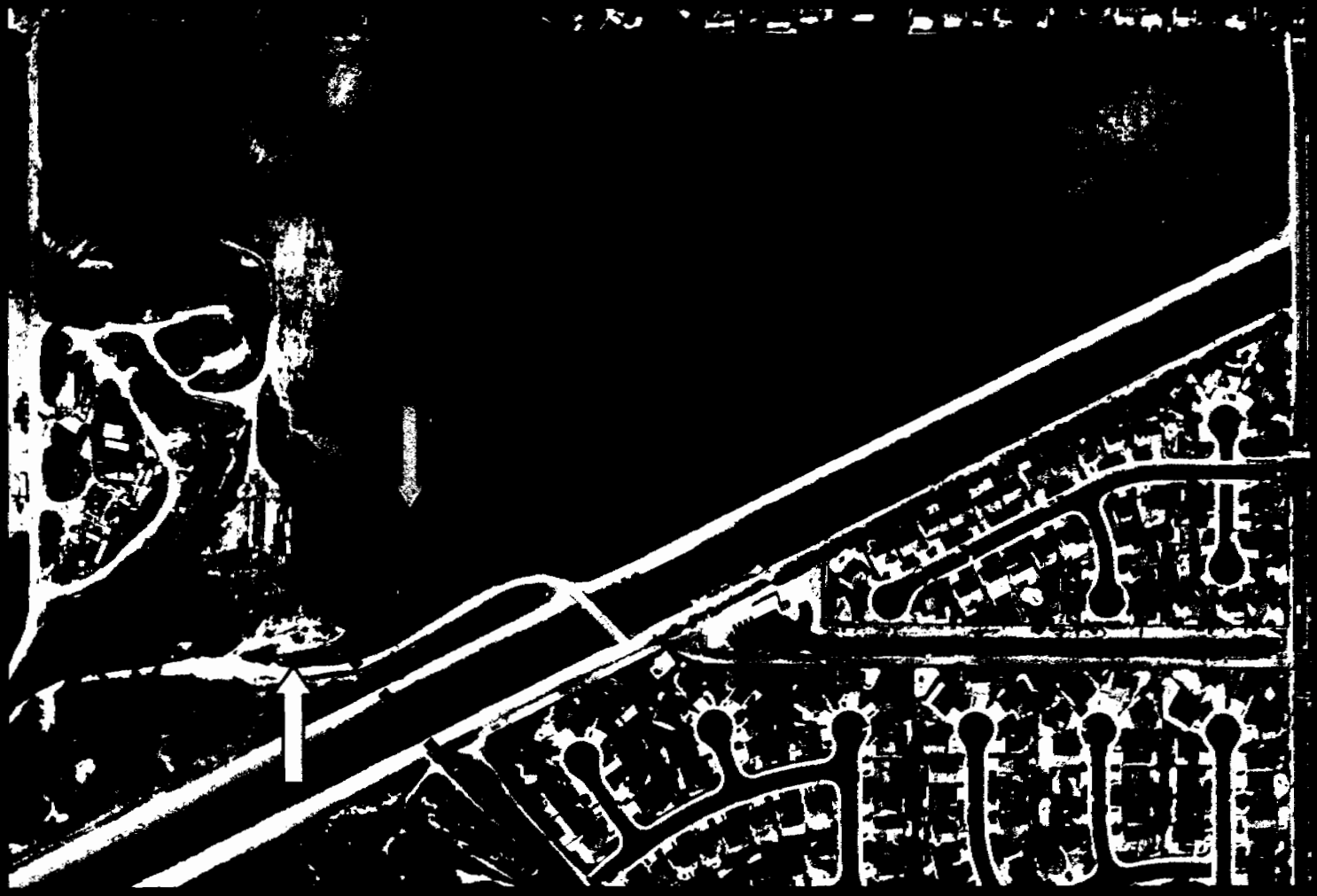
8-3

12/28/76 – first fills



h-80

02/25/80 – more fills & start of arena



20

8-5

03/15/81 – still more fills

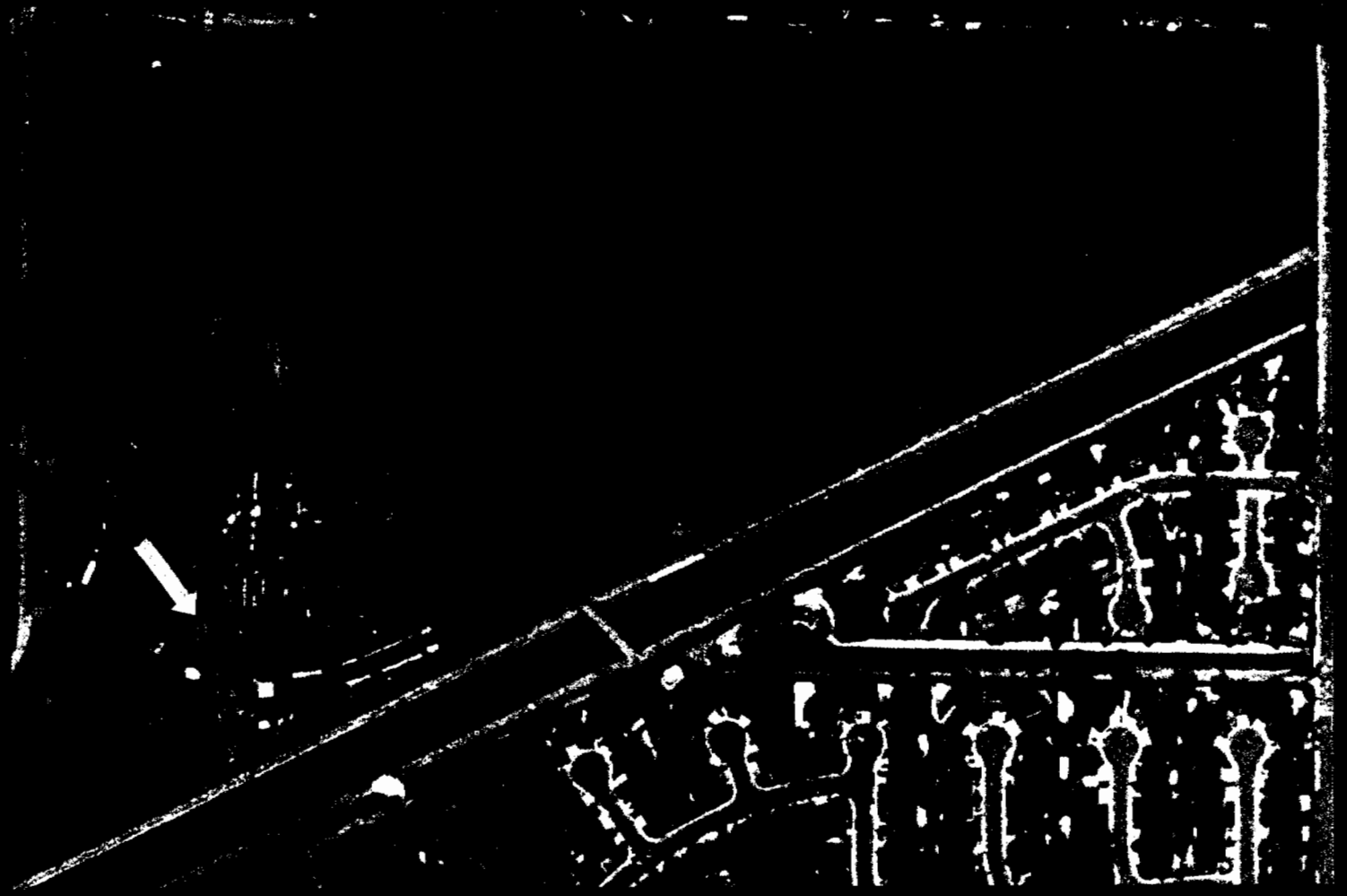
10

9-80

02/19/83 – fill piles & arena expansion

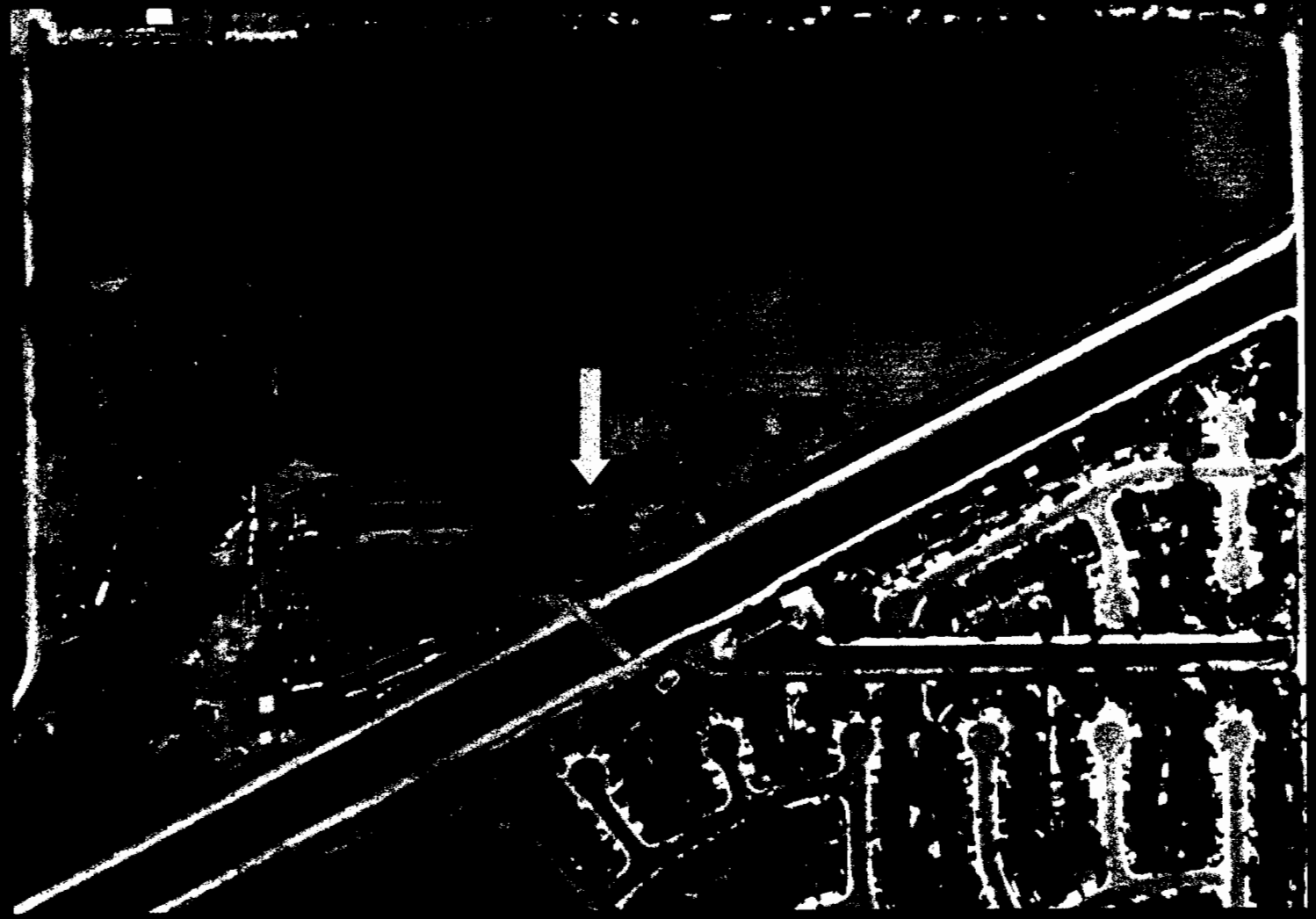
EC

01/09/87 – more fills



8-88

01/24/88 – more arena fills



24

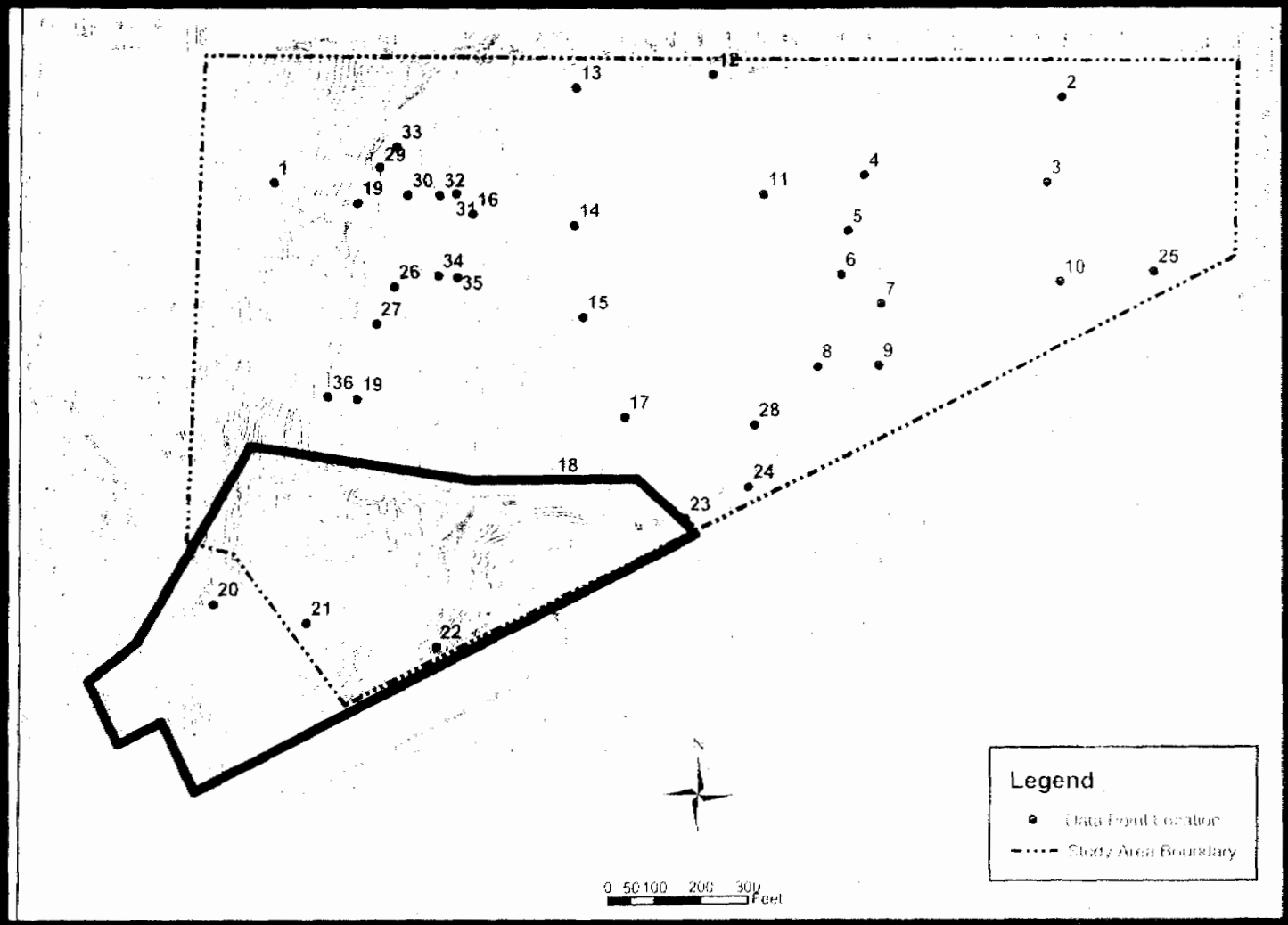
01/30/89 – more arena fills

00-9

03/15/90 – maximum extent of stables

11-08

Fills Evident on Topo Map



27

7-1-08

Conclusions

- County parcel contains hydric soils
- Fill activities increased grade by eight feet
- Hydric soils may exist under fill
- Remove fill via enforcement action
- New wetland delineation must be done

28

From: Mark Bixby [mark@bixby.org]
Sent: Tuesday, April 24, 2007 10:29 PM
To: Art Homrighausen; Robert van de Hoek; Julie Bixby; Shirley Dettloff; Meg Vaughn; John Dixon; Ron Metzler; Jim Harrison; Marcia Hanscom; Tony Bomkamp; Jan Vandersloot; Dick Harlow; Linda Moon; Karl Schwing; Dena Hawes; Marc Stirdivant; Bolsa Chica Land Trust; Jonna Engel; Marinka Horack; Rudy Vietmeier; Flossie Horgan; Paul Horgan; Paul Arms; Sandra Genis; Mary Beth Broeren; Scott Hess; karen merickel; kmerick; Lyndon Lee; Peggy Fiedler
Subject: more on Shea Parkside hydrology

Hi CCC staff, city staff, Shea Homes & consultants, and friends of Bolsa Chica,

I am submitting a very extensive new hydrology letter for the Parkside LCPA agenda item. Please download this letter from:

http://www.bixby.org/parkside/documents/CCC/nwwr-ccc-070424-hydrology.pdf

Be sure to also check out my Google Earth geospatial data as mentioned at the beginning of the letter. I have dramatically raised the bar on what laypeople are able to accomplish for complex land use projects.

Enjoy. Happy reading, Ron! ;-)

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

PP-1

29

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

April 24, 2007

Th14a

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Huntington Beach LCPA HNB-MAJ-1-06 and Shea Parkside hydrology

Dear Ms. Vaughn and Coastal Commissioners,

The purpose of this letter is to provide a hydrological analysis of recently obtained Shea Parkside well data that are relevant to the determining the extent of wetlands on the property. This letter is best viewed in color and may be obtained in its original color format from:

http://www.bixby.org/parkside/documents/CCC/nwwr-ccc-070424-hydrology.pdf

Key portions of this analysis were done using the free Google Earth application to combine multiple geospatial data layers such as well data, historic aerial photographs, topo maps, and CCC staff Exhibit L. I encourage CCC Commissioners and staff to download and install Google Earth from http://earth.google.com/. Once installed, launch Google Earth, click File, Open, and then enter the web address of my Parkside geospatial data:

http://www.bixby.org/parkside/kml/showme.kml

Errors and Omissions in the Well Data

I received well data in the form of two Excel spreadsheet files from CCC staff ecologist Dr. John Dixon. Presumably both spreadsheets were authored by Shea consultants.

The first spreadsheet file contained groundwater salinity and depth data for every well on the property that was locatable and capable of yielding useful data from the period 11/14/06 through 02/02/07.

The second spreadsheet file contained a select subset of groundwater depth and elevation data from only those wells closest to the AP, CP, and WP wetlands during the period 12/01/99 through 06/12/06. Data from additional wells in other potential wetland areas appear to have been deliberately omitted.

Ground elevation data from these spreadsheets for the provided wells is demonstrably in error. The ground elevation values for the LSA wells are different compared to the ground elevation values for the same wells that are listed in the LSA 2002 county parcel wetland delineation included in the final EIR. Unless some substantial subsidence is occurring, these two sets of elevation values should be identical reference points.

PP-2

I do not have previously published ground elevation values for the PS (Pacific Soils) wells. However, computing ground elevation values for the PS wells from the groundwater elevation and depth numbers, the results I get do not match the table of PS ground elevations included in the spreadsheet. There are minor errors of a couple of inches for PS7, PS8, and PS12, but an error of a whopping *three feet* for PS16.

The spreadsheet asserts that the ground elevation at PS16 is -0.3ft MSL, which is patently absurd when you consider that this well actually sits up a few feet on the toe of the Bolsa Chica mesa!

CCC staff and commissioners should insist that Shea provide an accurate, complete set of well data.

Geographic Salinity Distribution

The Figure 1 Google Earth image depicts the maximum salinity value recorded at each well during the period 11/14/06 through 02/02/07. The redder the well icon, the greater the recorded salinity maximum. Black icons indicate that salinity data was not available for those wells. Labels have been abbreviated to begin with "P" for Pacific Soils (PS) wells and "L" for LSA wells.

We see that salinity is highest in the county parcel in the southwest portion of the property, with moderate salinities occurring in the city parcel wells immediately adjacent to the channel (PS6 through PS10). Curiously we also see elevated salinity at PS16, near the AP wetland, substantially greater than at any neighboring well (PS1, PS14, PS15, PS17, and PS19).

It would seem likely that a significant influence on the salinity of the wells immediately adjacent to the channel is the channel itself. However, why is it that the wells in the *interior* of the county parcel have the greatest salinity? One would expect wells LSA10, LSA16, and PS12 to have the highest salinities due to their proximity to the channel and high county parcel soil salinities. But as shown in Figure 1 they do not, and so alternate explanations must be considered.

One theory is that seawater intrusion from the Bolsa Pocket restoration is driving the high salinities of county parcel interior wells LSA9, LSA12, LSA13, LSA14, and LSA15. Within weeks of the reflooding of the Pocket (which behaves more like a lake than a muted tidal area) nearby trees began dying. The die-off started closest to the Pocket and quickly spread northeastward. Indeed, the free-standing eucalyptus tree approximately 40ft northwest of the well with the highest salinity, LSA12, was one of the first trees to die on the Shea property.

The curiously high salinity at PS16 also begs for an explanation. Could it too be related to the Bolsa Pocket restoration? I haven't seen tree die-off in the north eucalyptus grove ESHA of similar magnitude to what I saw in the south eucalyptus grove ESHA. Yet it should be noted that the 2006 aquifer seepage event first began near PS16 and slowly flowed southwest along the base of the mesa, eventually resulting in wetter than normal soils in the county parcel CP wetland. Is it possible that Pocket seawater intrusion could be slowly flowing in the reverse direction along the same underground path and is starting to influence salinity at PS16? The water level at PS16 has recently risen by two feet (see Figure 4). Still, it's too early to declare a Pocket correlation for this one. PS16 warrants further monitoring.

Increasing Salinity

The salinity chart in Figure 2 shows that salinity has approximately *doubled* at PS9, PS10, and PS13, and has reached an apparently stable plateau at each well.

If the Wintersburg channel was the sole driver of salinity on the property, one would expect all wells to show more or less stable salinity, with perhaps some minor fluctuations due to tidal variations. But the chart shows no such ebb and flow variations that can be attributed to tidal causes.

It seems unlikely that the channel is getting any saltier over time. Tidal input is unchanged, and dry weather urban runoff flows have been increasing as the drought persists. If anything, channel salinity might possibly be slightly decreasing, not increasing.

So what is left to explain the stable, doubled salinities at PS9, PS10, and PS13? The simplest and most likely explanation is seawater intrusion from the Pocket restoration. The restored Pocket behaves like a lake, thus salinity is constantly being dumped into the groundwater table between the channel levee and the mesa. One would expect salinities being driven by this process to increase as the salinity plume approaches, and then plateau once the leading edge of the plume passes by.

But if this is the case, why was PS13 the only county parcel well to experience a major salinity increase during the 11/14/06 through 02/02/07 period? Seeing the increase at PS13 was a surprise to me since the salinity-driven tree die-off started in the area at least ten months ago. There seems to be no explanation why PS13 has suddenly increased just recently. However, I will assert that the reason salinity at the other county parcel wells has not increased recently is that the salinity plume passed through this area several months prior to the start of salinity monitoring on 11/14/06, and that the wells were already stable at increased levels of salinity.

Groundwater Depth Below Surface

The Figure 3 Google Earth image depicts the minimum groundwater depth below surface value recorded at each well during the period 12/14/06 through 02/02/07. The redder the well icon, the closer the groundwater was to the surface at each well. Black icons indicate that depth data was not available for those wells. Labels have been abbreviated to begin with "P" for Pacific Soils (PS) wells and "L" for LSA wells.

It comes as no surprise that groundwater is closest to the current surface in the CP wetland area in the southwestern portion of the property. This area has managed to avoid the many episodes of unpermitted fill that have occurred during the Smoky's Stables and Shea eras, and still retains its historical topography ranging from slightly above sea level to slightly below. The minimum groundwater depth below current surface in most of the wells in the area ranges from 1-2ft below ground surface.

Wells PS7 and PS8 bracketing the WP wetland exhibit the second-most shallow groundwater depth on the property, which is also not surprising given WP's propensity for surface ponding during normal rain years. The minimum groundwater depth below current surface for these wells is 2.95ft and 2.00ft respectively.

Well PS3 along the northern border of the property exhibits the third-most shallow groundwater depth on the property, with a minimum value of 3.40ft below current ground surface. Contrast this value with neighboring wells PS1 (5.90ft), PS2 (5.05ft), PS4 (6.10ft), and PS5 (8.40ft). The fact that PS3 is substantially higher than the other northern wells was a surprise to me. I had no idea prior to doing this Google Earth analysis.

Groundwater Depth Changes

Groundwater levels during the period 12/14/06 through 02/02/07 were trending upward in a sustained manner at five wells (PS3, PS15, PS16, LSA11, LSA13; see Figure 4), trending slightly downward at two wells (PS10, PS14), sharply downward at one well (PS17), and staying relatively stable at the remaining wells.

Figure 5 compares LSA well groundwater depths from the current 2006-2007 drought with measurements from the similar 2001-2002 drought (only three PS wells were sampled on only a single day during 2001-2002, which is insufficient to include those wells in this comparison). Where the existence of prior measurements makes comparisons possible, *the groundwater at every LSA well except for LSA6 is substantially higher in 2006-2007 than it was in 2001-2002.*

Thus it is clear that groundwater is currently higher than it has been in past droughts, and continues to climb higher in the majority of the wells that are exhibiting recent changes. Now what could be driving these changes?

One potential explanation is that the current changes could be the result of the county aquifer still being high due to the record-smashing 2004-2005 rainfall season. The Figure 6 chart offers insights into last year's high aquifer. Shea resumed regular comprehensive well monitoring after a gap of nearly two years when aquifer surface seepage started in January 2006. The water level in well PS16 near the northern end of the AP wetland was already in decline and dropped precipitously over the course of last year, but in recent months has slowly risen to a new plateau. In contrast, the more complete measurement record for well PS12 in the heart of the CP wetland shows that the water level only rose by little more than a foot, but eventually started falling months after PS16 did, and has essentially been stable (at a level from before the aquifer event) during the recent monitoring period.

The aquifer may or may not be reasserting itself at PS16; it is difficult to be certain. If it is, the effect is clearly much, much less than that of last year. PS12 in the southern part of the property did respond slightly to the aquifer last year, but has not responded similarly this year. Thus one can conclude it is highly unlikely the aquifer is currently affecting the southern portion of the property.

And yet *something* has caused the water in southern wells PS15, LSA11, and LSA13 to rise by approximately two feet in recent months. I assert that the most likely cause of this is groundwater intrusion from the Pocket restoration.

Groundwater Elevation

Groundwater depth measurements are most useful in understanding hydrology in the context of the current topology. But considering that so much of the southern topology of this property has been raised by unpermitted and/or red-tagged fills which should have been removed years ago, a

better metric to use is groundwater elevation above Mean Sea Level (MSL). By measuring relative to sea level instead of relative to ground surface, we can gain a superior understanding of the current configuration of the water table without all of the "noise" from the unpermitted fills getting in the way.

The Figure 7 Google Earth image depicts the maximum groundwater MSL elevation value recorded at each well during the period 12/14/06 through 02/02/07. The redder the well icon, the higher the groundwater was at each well relative to MSL. Black icons indicate that water elevation data was not available for those wells. Labels have been abbreviated to begin with "P" for Pacific Soils (PS) wells and "L" for LSA wells.

PS well elevation data is only provided in the well data spreadsheets received from Dixon for PS7, PS8, PS12, and PS16. I am not aware of any elevation data anywhere in the administrative record for the other PS wells (the administrative record has grown truly vast for this project, so forgive me if I may have forgotten the more obscure documents). And unfortunately as I have explained near the beginning of this letter, the elevation data is demonstrably in error for the four PS wells. Therefore, I have omitted PS16 from Figure 7, but I have included PS7, PS8, and PS12 since those errors are only a couple of inches and do not change any conclusions. All other PS wells have been omitted from Figure 7.

It is clear from Figure 7 that there is an extremely strong correlation between groundwater elevation and distance from the Wintersburg channel. It seems likely that wells PS9, PS10, PS11, and perhaps PS15 would also show this same correlation if Shea were to publish the corresponding elevation data.

The Nexus Between Groundwater Elevation, Unpermitted Fill, and Wetlands

The Coastal Commission must treat unpermitted fills *as if they did not exist*. If the pre-fill elevation of the land can be determined, and the current groundwater elevation in the area is known, it can be established what the current groundwater depth would be relative to the pre-fill topology if the unpermitted fills were removed (did not exist). And if the current groundwater elevation is within one foot of the pre-fill topology, then the hydrological wetland parameter has been satisfied and wetlands would be present if the unpermitted fills were removed (did not exist).

This kind of analysis can be applied to at least two portions of the property.

The CDP 5-82-278 Restoration Area (Expanded CP Wetland)

The October 12, 1982 CCC staff report for Smoky's Stables expansion CDP 5-82-278 notes that both CCC and DFG determined that fill had been dumped into a 13,600 sq ft wetland area in violation of the Coastal Act sometime during September 1981. CCC staff recommended denial of the original permit request because it did not provide for restoration of the filled wetland. But the permit request was subsequently amended to include a restoration provision to restore the grade of the filled area to 3in. *below* an adjacent pickleweed area and then plant suitable saltmarsh wetland plant species. The Commission went on to approve this permit, but it's doubtful that any restoration ever occurred. The current grade of the area remains elevated, and the vegetation type is largely ruderal/grassland.

Figure 8 is a Google Earth image that combines a 1983 aerial photo with the current Exhibit L and groundwater elevation data. The two red-shaded areas indicate the locations where recently dumped fill piles are plainly evident. Based on the Bolsa Chica Land Trust's recent examination of CDP 5-82-278 documents in the CCC Long Beach office and subsequent e-mail communications with Mr. Kit Novick, the biologist who was supposed to supervise the planned restoration, it is estimated that the 13,600 sq ft restoration area lies somewhere within the large red-shaded area immediately adjacent to the current CP wetland.

Well LSA5 sits within the so-called "restoration" zone at a current ground elevation of 4.80ft MSL with a maximum groundwater elevation of -0.20 ft MSL, or 5.00ft below current ground surface. Now compare this to well LSA9 which sits outside of the restoration zone at a current ground elevation of 0.75ft MSL.

The restoration plan for CDP 5-82-278 called for excavating the filled area to 3 inches below the adjacent pickleweed terrain, presumably meaning the vicinity of well LSA9. The difference in ground surface elevation between LSA5 and LSA9 is 4.05ft. So if you were going to restore the area around LSA5 to CDP 5-82-278 specifications, you would need to remove 4.05ft plus another 3 inches for a total of 4.30ft. After excavating 4.30ft from LSA5, the new groundwater depth would be only 0.70ft, which satisfies the hydrological parameter for definition of a wetland.

We know from the CDP 5-82-278 staff report that this area was a wetland in 1981 and was supposed to be restored as a wetland. We know from the 1983 aerial photo (Figure 8) that even more fill was dumped in this same location. Subsequent aerial photos do not show any signs of restoration. A current site visit shows no signs of restoration. And my hydrological analysis in this letter shows that it would once again qualify as a wetland if it were restored as required by CDP 5-82-278, *resulting in a significantly expanded CP wetland.*

It should be noted that Shea would like to locate their NTS system within this so-called restoration area. This cannot be allowed. ***Before this LCPA can proceed any farther, Shea must be made to implement a restoration plan and relocate their NTS outside of the buffer of this restored wetland.***

A Potentially Expanded WP Wetland

The preceding type of hydrological analysis could also be performed southwest of WP if complete data were available.

The Figure 9 Google Earth image shows Exhibit L overlaid with a 1997-era topo map, well locations, and the location of all currently known unpermitted fills that have occurred since passage of the Coastal Act. The rectangle encompassing WP dates from 2005 when Shea dumped four inches of soil into WP just one week after publication of Dr. Dixon's draft memo declaring that WP was a wetland. The roughly triangular area extending from PS8 to the edge of the stables footprint occurred in 1998 when Shea used bulldozers to fill in an expanded version of WP (see Figure 10). The elongated hexagonal area north of the channel bridge dates from 1987-1989 when the operator of Smoky's Stables imported unpermitted fill which was subsequently red-tagged by the City of Huntington Beach but never removed.

Well PS8 sits within the 1998 fill zone and on the edge of the 2005 WP fill zone, with a current minimum groundwater depth of 2.95ft below ground surface. The PS8 well cover sits in a hole that I have crudely estimated to be about 1ft deep. Since all of the monitoring wells were installed sometime during 1999, we know that at least one foot of fill has occurred at PS8 since 1999. The amount of fill that occurred during 1998 is presently unknown. To answer that question would require detailed pre-fill topographic data not yet available to project opponents. If there is at least two feet of unpermitted fill at PS8 and that fill were to be removed (did not exist), PS8 would meet the hydrological parameter definition of a wetland.

Similar questions can be raised for PS9, PS10, and PS15. But in addition to currently lacking pre-fill topographic data, I also lack current well ground surface elevation data. It should be noted that the PS15 well cover sits in a hole approximately 2ft deep, so we know that Shea has pushed 2ft of fill onto that location since 1999. How much fill had been pushed there prior to 1999?

What is Shea Trying to Hide?

Even Shea's well layout hints at not wanting to probe too deeply into the hydrology of the property.

The Figure 11 Google Earth image combines Exhibit L, a map of the 1989 EPA-delineated wetland, and all well locations. Note how wells are conspicuously absent from the 8.3 acre EPA wetland. Note also how there are 20 wells on the county parcel (4 wells per acre) where the presence of wetlands largely doesn't affect project plans, versus only 15 wells on the much larger city parcel (one-third of a well per acre) where the impact of wetlands is highly detrimental to their project.

I have asked numerous times for Shea to publish all of the available well data onto the administrative record, and yet Shea continues to refuse my request. Normally Shea is not shy about publishing data to refute my assertions. Why the reluctance this time around? Is it perhaps because the data will tell a story of wetlands that Shea doesn't want to be heard?

Just publish every piece of data (that has been collected up to the date of publication) for every well and remove this issue from needless further contention.

Conclusions

It is an indisputable fact that salinity and groundwater levels are increasing on the southern portion of the property.

It is likely that the cause of these changes is the Bolsa Pocket restoration. Seawater from the now-permanent Pocket lake has intruded into the groundwater table and has been pushing northeastward for the past ten months, restoring saltmarsh hydrology to former historic wetlands that were cut-off by construction of the Wintersburg channel.

The operator of Smoky's Stables imported massive amounts of unpermitted fill into these historic wetlands in violation of the Coastal Act, a violation that Shea continues by pushing this fill from the high areas of the property into the low areas in an attempt to dry up and cover up the remaining wetlands.

PP-8

And yet, after all of this time and abuse, the historic wetlands are trying to reestablish themselves with help from the Pocket restoration.

The Commission *must* address the issue of the unpermitted fills before continuing with the LCPA process. Detailed pre-fill topographic data for the entire property must be analyzed in combination with the full, unexpurgated set of well data in order to determine the full extent of hydrology one-parameter wetlands that quite possibly exist under the fills.

To approve an LCPA for the property without first knowing the true extent of wetlands on the property is wrong. Please uphold the Coastal Act. Thank you.

Sincerely,

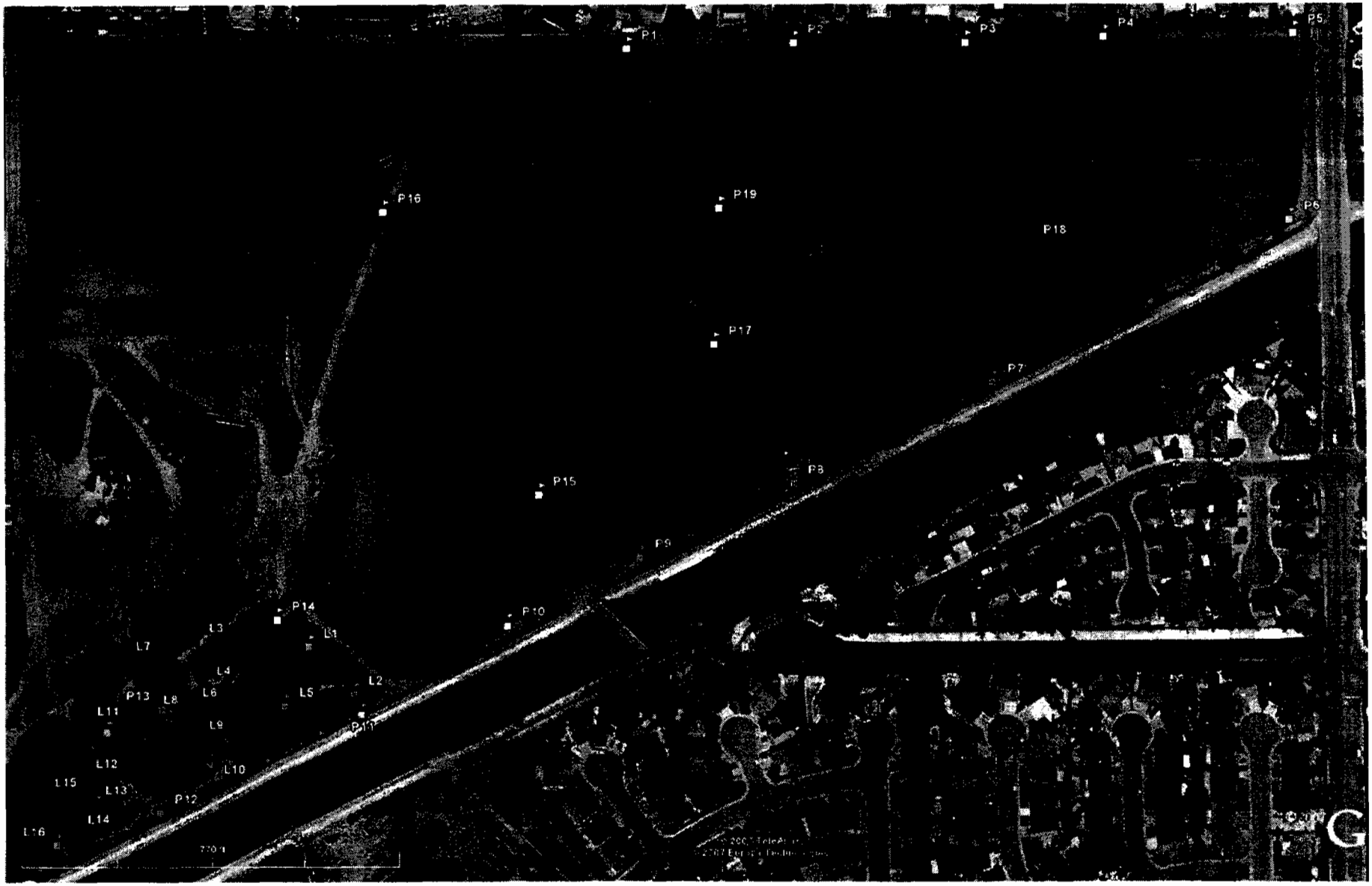
Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
http://www.bixby.org/parkside/

Attachment:
11 pages of various figures

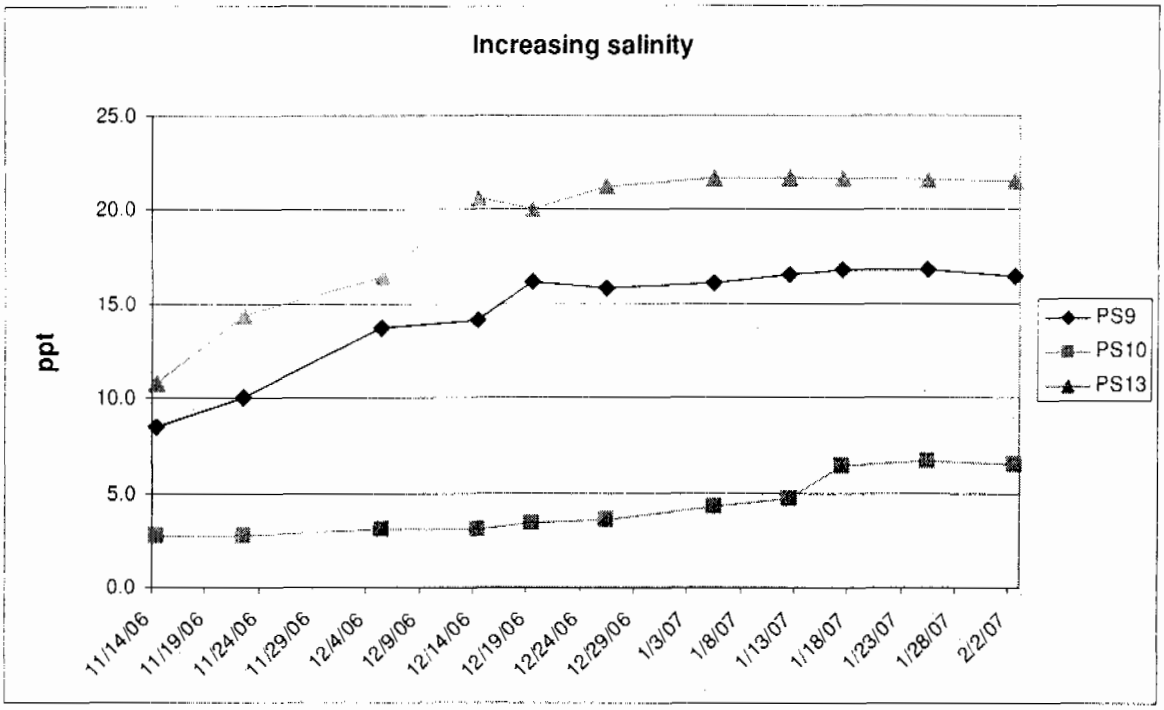
PP-10

Figure 1: Salinity maximum per well, 11/14/06 – 02/02/07



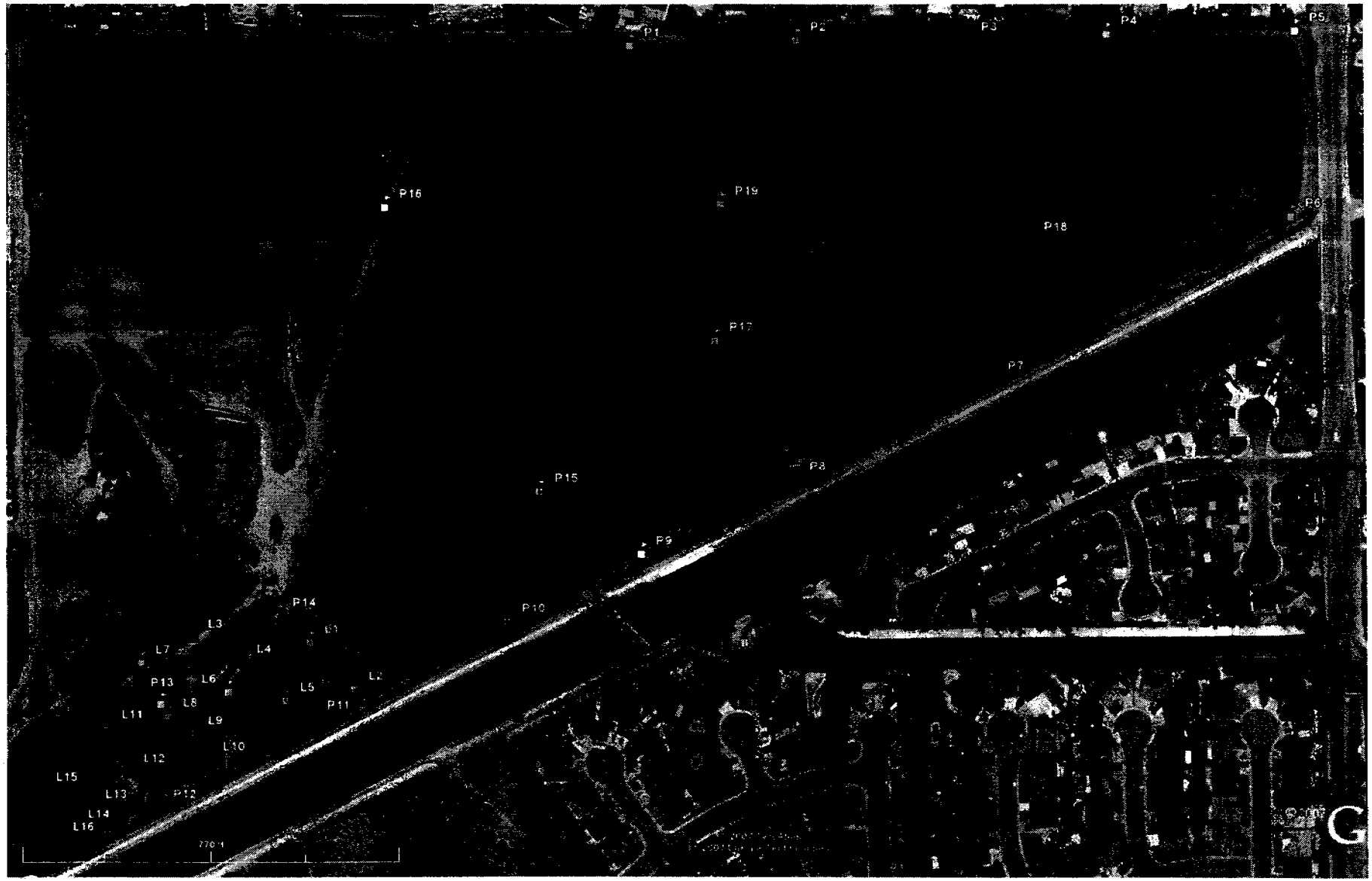
38

Figure 2: A Doubling of Salinity



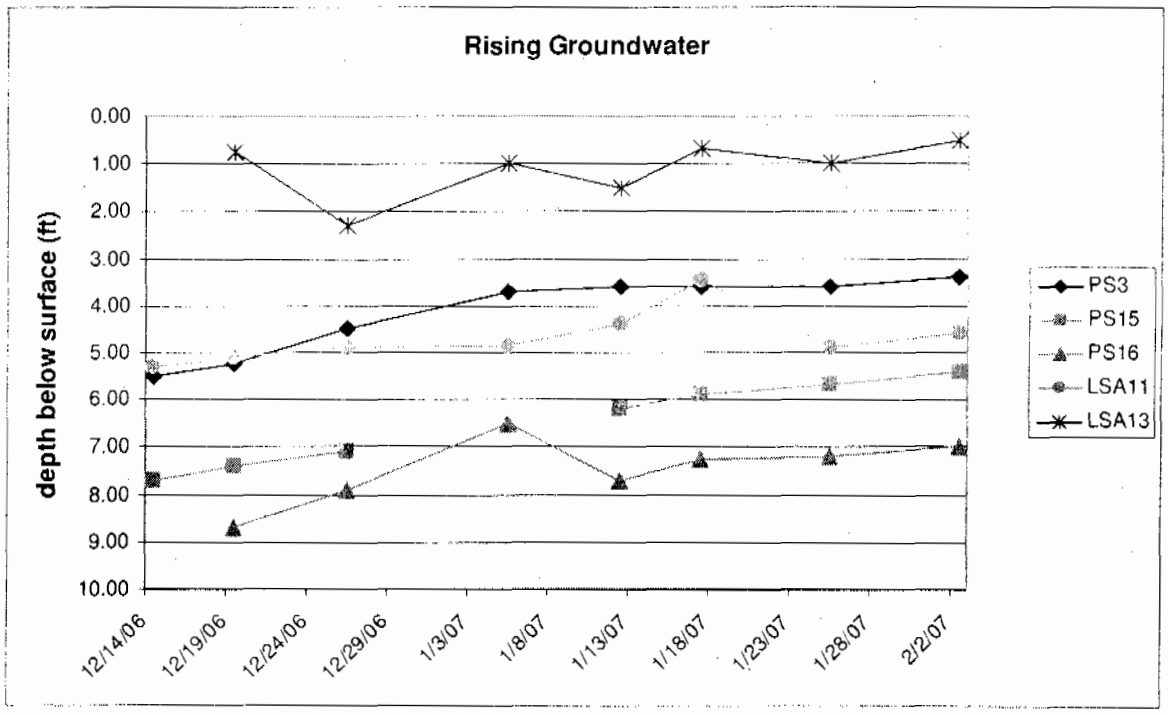
PP-12

Figure 3: Groundwater minimum depth below surface per well, 12/14/06 – 02/02/07



04

Figure 4: Rising Groundwater



PP-13

PPH

Figure 5: A Tale of Two Droughts

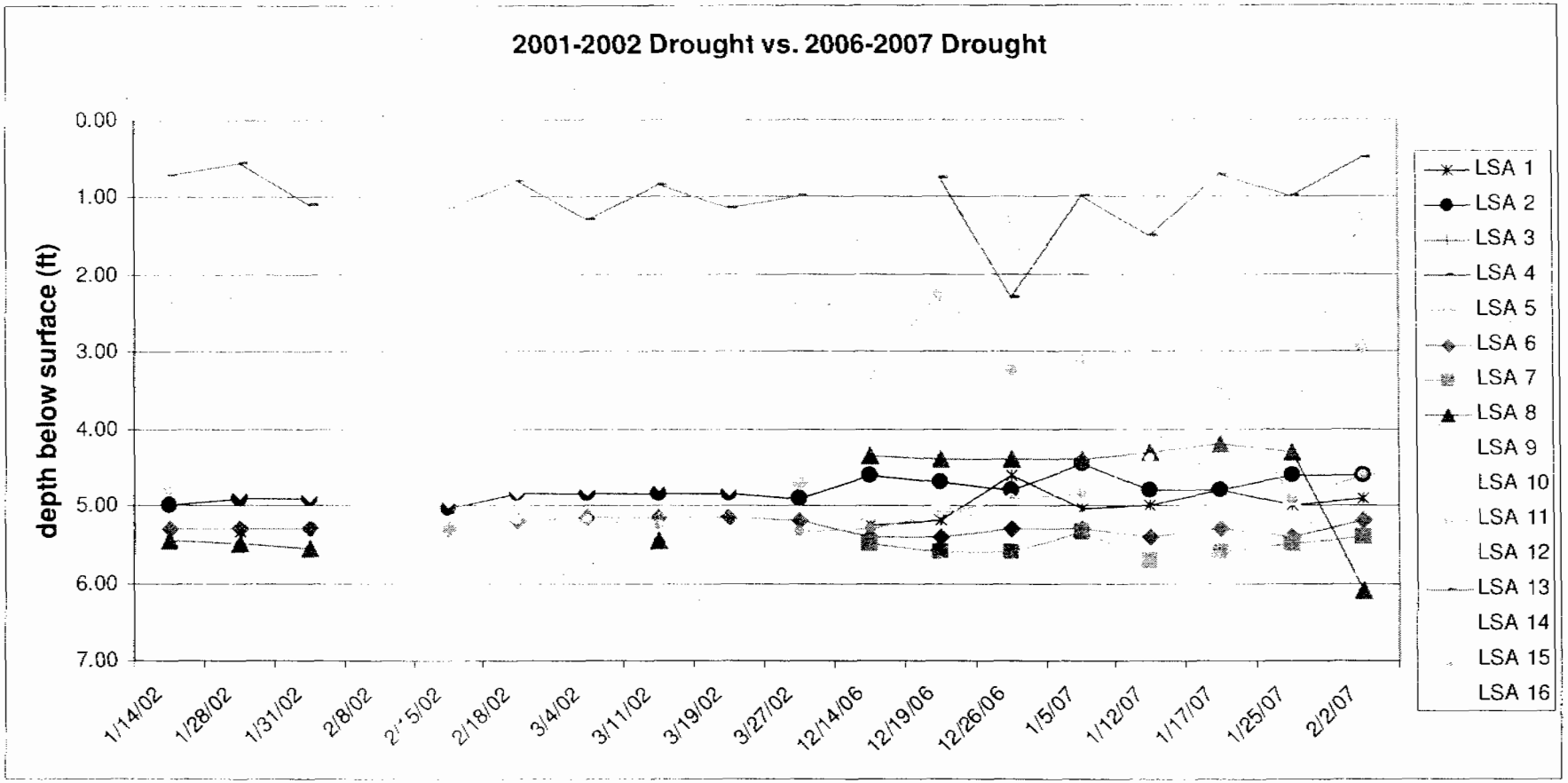
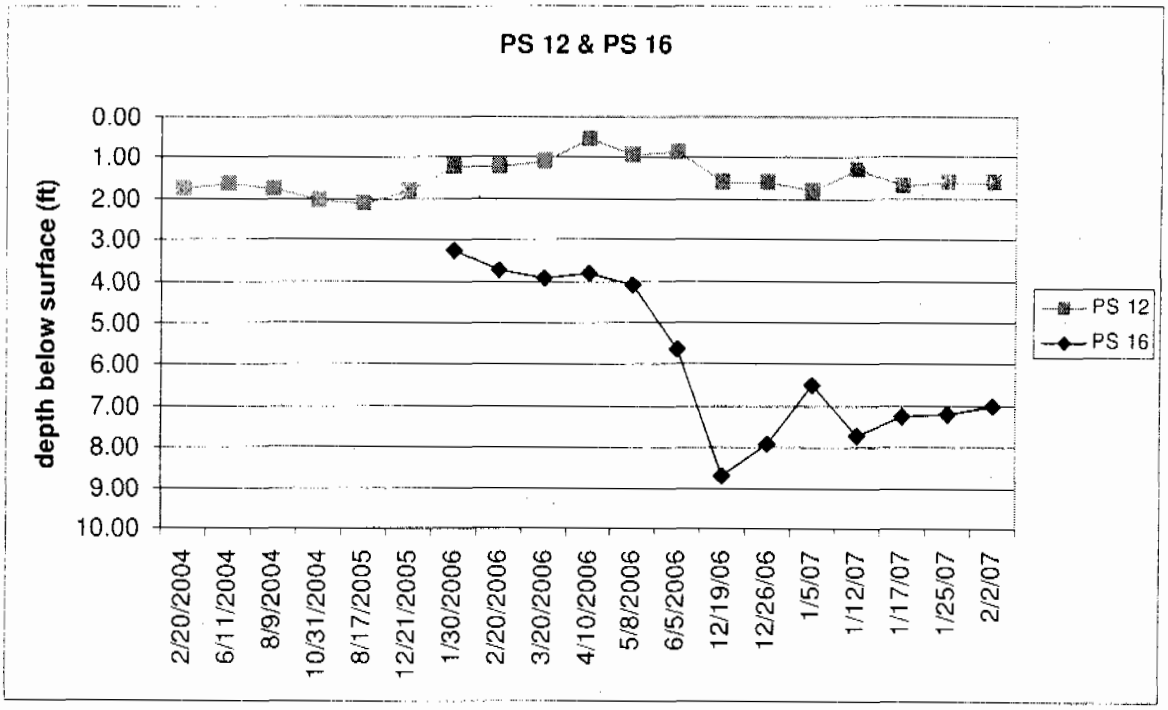


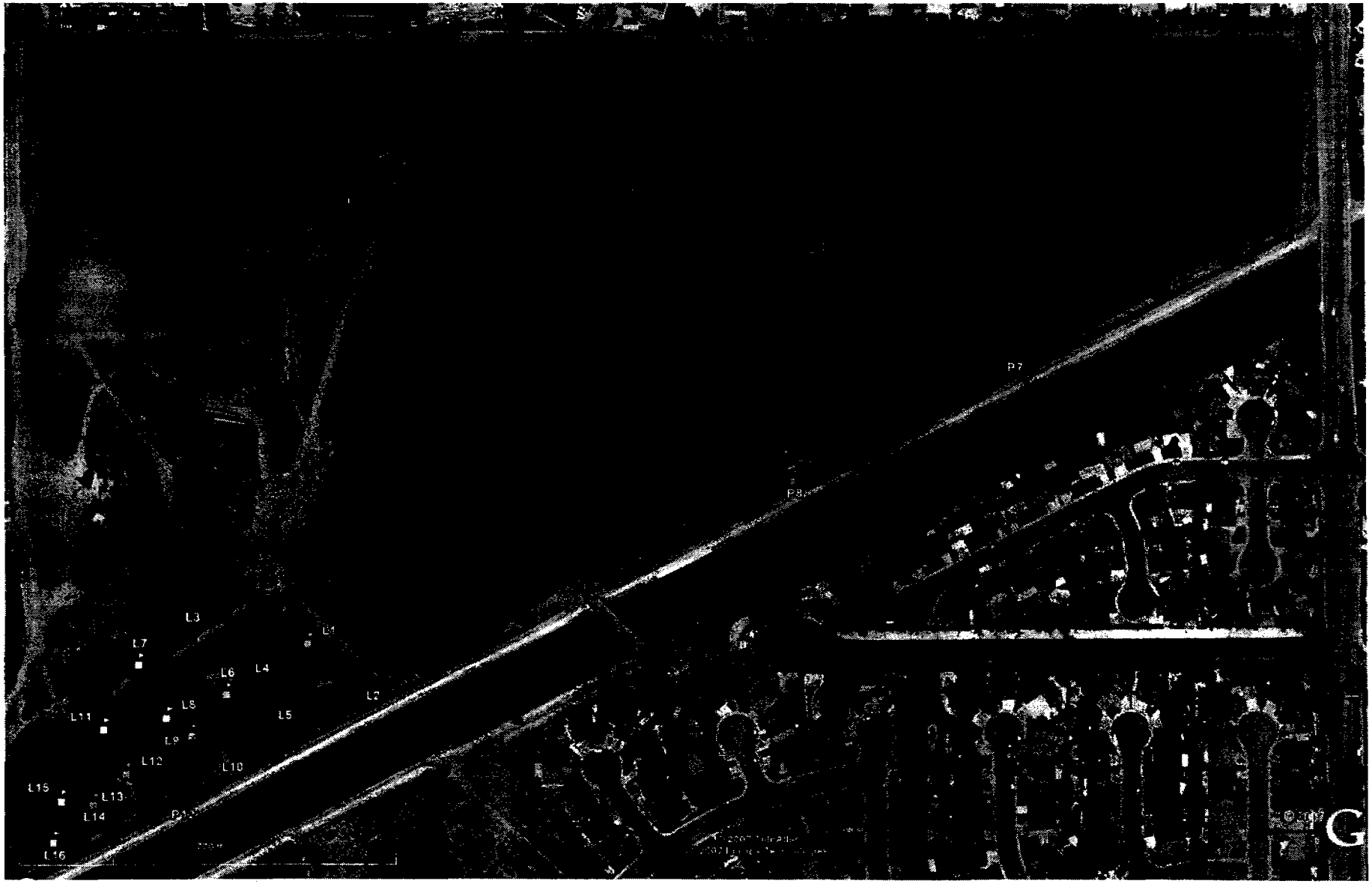
Figure 6: Aquifer Influence Greatly Reduced



PP-15

pp-16

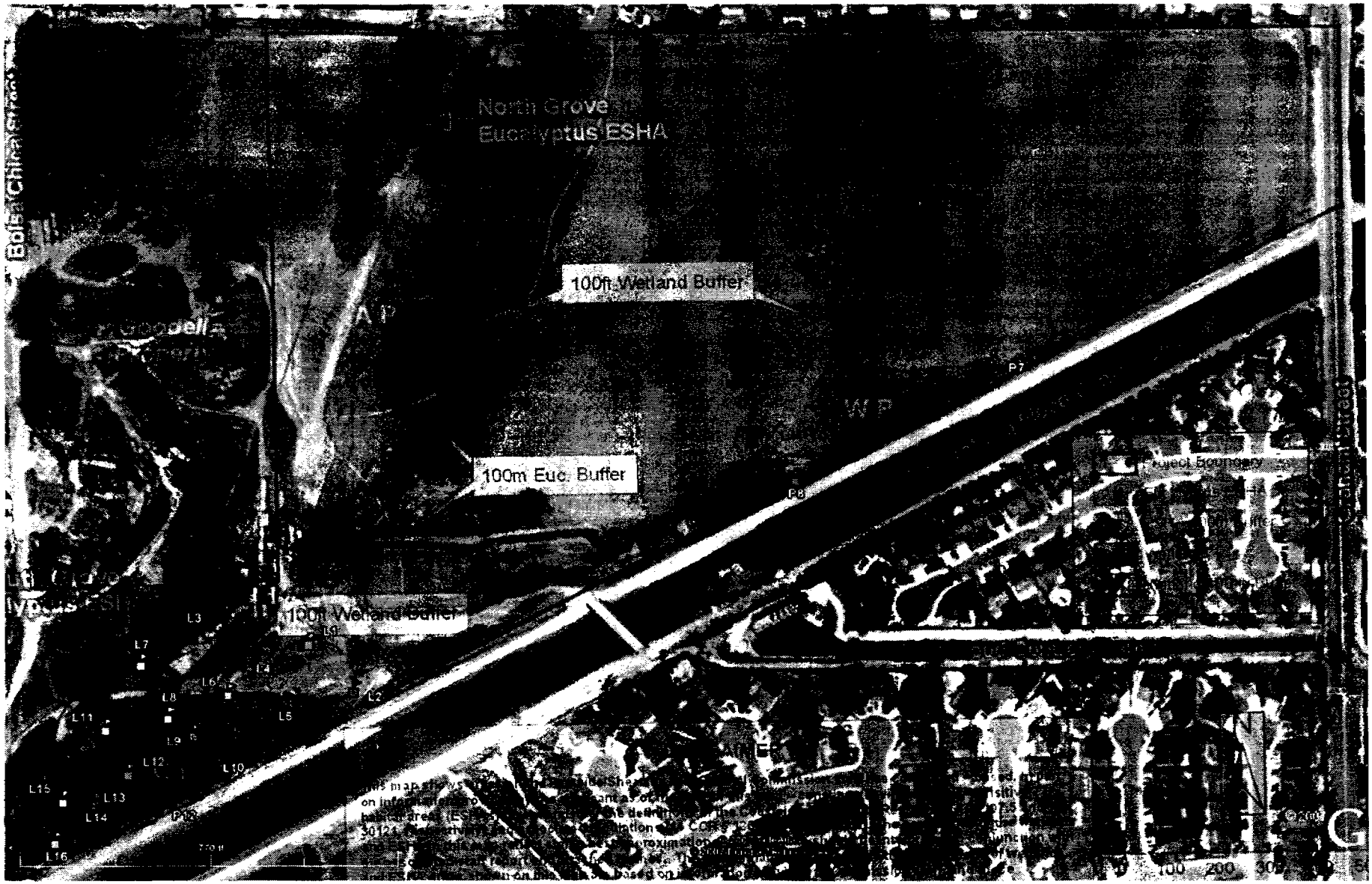
Figure 7: Groundwater maximum elevation per well, 12/14/06 – 02/02/07



47

L1-pd

Figure 8: 02/19/83 aerial and fill zones, current groundwater elevation, and Exhibit L



G4

PP-18

Figure 9: 1997-era topography, fills, wells, and Exhibit L

4-18

Figure 10: Fill of Wetlands on April 22, 1998

PR-19

PP-20

Figure 11: 1989 EPA-delineated Wetland and Well Locations

From: Mark Bixby [mark@bixby.org]
Sent: Tuesday, March 20, 2007 5:17 AM
To: Art Homrighausen; Robert van de Hoek; Julie Bixby; Shirley Dettloff; Meg Vaughn; John Dixon; Ron Metzler; Jim Harrison; Marcia Hanscom; Tony Bomkamp; Jan Vandersloot; Dick Harlow; Linda Moon; Karl Schwing; Dena Hawes; Marc Stirdivant; Bolsa Chica Land Trust; Jonna Engel; Marinka Horack; Rudy Vietmeier; Flossie Horgan; Paul Horgan; Paul Arms; Sandra Genis; Mary Beth Broeren; Scott Hess
Subject: Re: Shea Parkside WP wetland vegetation survey 03/17/07

nwwr-ccc-070320-wp-veg-survey....

Hi all,

I was so focused on making sure the GPS data and plant math were accurate that I overlooked some wetland indicator status typos. Please see attached for a corrected copy where the "OBJ" typos have been corrected to "OBL".

- Mark B.

Mark Bixby wrote:
> Hi CCC staff, city staff, Shea staff & consultants, and friends of
> Bolsa
> Chica,
>
> On Saturday March 17, 2007, I conducted a quantitative vegetation
> survey
> in and around the Shea Parkside WP wetland; see attached.
>
> The evidence is clear -- even during the worst drought in recorded
> history, wetland vegetation continues to dominate at WP.

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

QQ-1

49

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

March 20, 2007

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Huntington Beach LCPA HNB-MAJ-1-06 and WP vegetation survey on 03/17/07

Dear Ms. Vaughn and Coastal Commissioners,

To date the 2006-2007 rainy season has been the driest in recorded history, with only 2.34 inches of rain having fallen at County of Orange RDMD rainfall station #219 in Costa Mesa. And yet despite this severe drought, hydrophytic vegetation currently dominates pervasively at the Shea Parkside WP wetland.

On March 17, 2007, I spent approximately two hours performing a quantitative vegetation survey in and around the staked boundary of the WP wetland. At 18 widely distributed locations throughout WP, I placed a 1-meter PVC square on the ground, took a GPS reading and photographs, and then I proceeded to count every living individual plant within the square.

The percentage of plants with wetland status indicators of FAC or greater ranged from 87% to 100%, with most sampling locations at 100%. See the following four pages for details.

The Coastal Commission only requires one parameter (hydrology, soils, or vegetation) to determine that wetlands are present. It is clear from the quantitative vegetation data I have collected that WP qualifies as a wetland based on vegetation alone.

Sincerely,

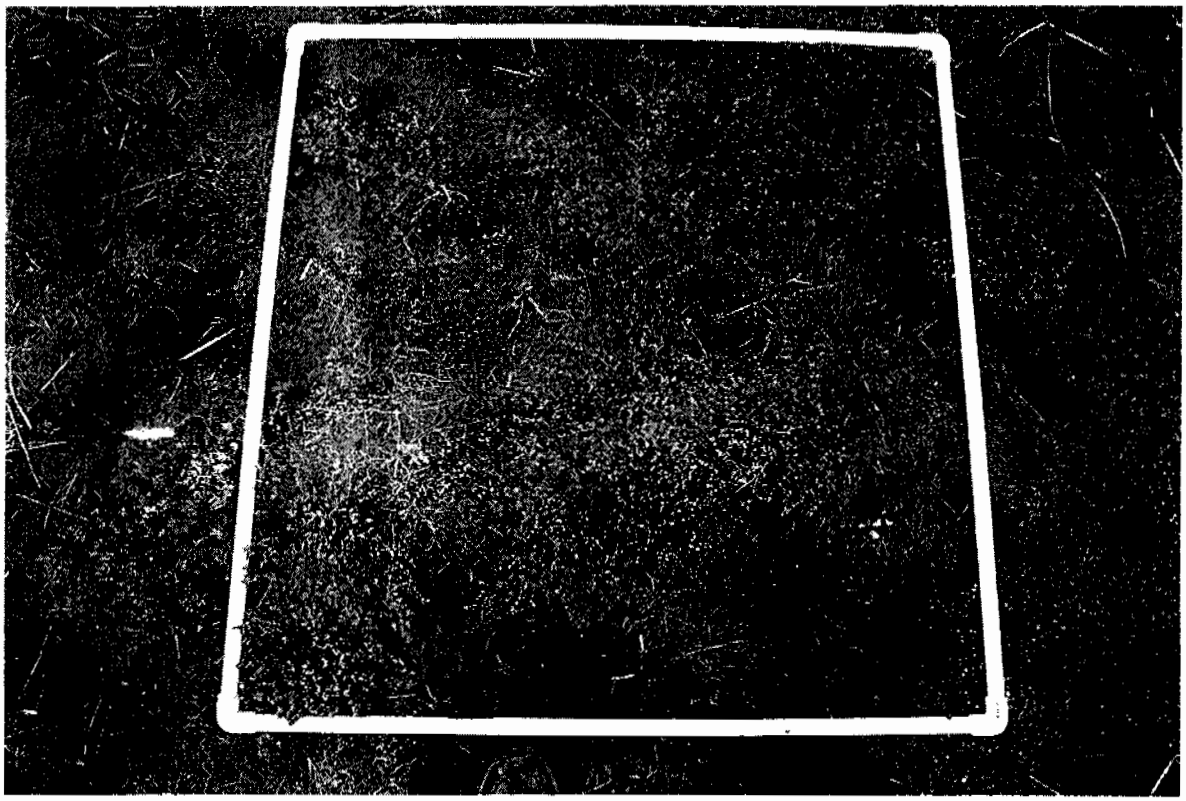
Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
http://www.bixby.org/parkside/

Attachments:
Sampling Location Distribution
Sample Square Meter
Sampling Location Details

Sampling Location Distribution

Sample Square Meter



QQ-3

Sampling Location Details

Location: 1		Long/Lat: -118.034867,33.709917	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	19
Percentage of plants with wetland status FAC or greater: 100%			

Location: 2		Long/Lat: -118.035167,33.709950	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	23
Percentage of plants with wetland status FAC or greater: 100%			

Location: 3		Long/Lat: -118.035133,33.709850	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	10
Common Brassbuttons	*Cotula Coronopifolia*	FACW+	3
Percentage of plants with wetland status FAC or greater: 100%			

Location: 4		Long/Lat: -118.035367,33.709850	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	14
Percentage of plants with wetland status FAC or greater: 100%			

Location: 5		Long/Lat: -118.035517,33.709783	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	17
Unknown	*N/A*	N/A	1
Percentage of plants with wetland status FAC or greater: 94%			

Location: 6		Long/Lat: -118.035550,33.709800	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	7
Spreading Alkaliweed	*Cressa truxillensis*	FACW	1
Common Beet	*Beta vulgaris*	UPL	1
Percentage of plants with wetland status FAC or greater: 89%			

Location: 7		Long/Lat: -118.035650,33.709767	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	7
Cheeseweed Mallow	*Malva parviflora*	UPL	1
Percentage of plants with wetland status FAC or greater: 88%			

QQ-4

Location: 8		Long/Lat: -118.035850,33.709833	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	11
Cheeseweed Mallow	*Malva parviflora*	UPL	1
Percentage of plants with wetland status FAC or greater: 92%			

Location: 9		Long/Lat: -118.035950,33.709717	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	9
Alkali Mallow	*Malvella leprosa*	FAC	4
Common Beet	*Beta vulgaris*	UPL	1
Percentage of plants with wetland status FAC or greater: 93%			

Location: 10		Long/Lat: -118.036150,33.709683	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	11
Percentage of plants with wetland status FAC or greater: 100%			

Location: 11		Long/Lat: -118.036000,33.709700	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	10
Alkali Mallow	*Malvella leprosa*	FAC	4
Percentage of plants with wetland status FAC or greater: 100%			

Location: 12		Long/Lat: -118.035600,33.709500	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	20
Common Brassbuttons	*Cotula Coronopifolia*	FACW+	4
Alkali Mallow	*Malvella leprosa*	FAC	3
Percentage of plants with wetland status FAC or greater: 100%			

Location: 13		Long/Lat: -118.035467,33.709733	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	13
Spreading Alkaliweed	*Cressa truxillensis*	FACW	2
Percentage of plants with wetland status FAC or greater: 100%			

Location: 14		Long/Lat: -118.035500,33.709633	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Fivehorn Smotherweed	*Bassia hyssopifolia*	FAC	79
Percentage of plants with wetland status FAC or greater: 100%			

Location: 15		Long/Lat: -118.035750,33.709617	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	16
Percentage of plants with wetland status FAC or greater: 100%			

Location: 16		Long/Lat: -118.035950,33.709583	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Fivehorn Smotherweed	*Bassia hyssopifolia*	FAC	>50
Cheeseweed Mallow	*Malva parviflora*	UPL	8
Salt Sandspurry	*Spergularia salina*	OBL	3
Bristly Oxtongue	*Picris echioides*	FAC	1
Percentage of plants with wetland status FAC or greater: >87%			

Location: 17		Long/Lat: -118.036183,33.709483	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	14
Percentage of plants with wetland status FAC or greater: 100%			

Location: 18		Long/Lat: -118.035950,33.709483	
Common Name	**Scientific Name**	**Wetland Status**	**Plant Count**
Salt Sandspurry	*Spergularia salina*	OBL	4
Percentage of plants with wetland status FAC or greater: 100%			

From: Mark Bixby [mark@bixby.org]
Sent: Wednesday, April 04, 2007 5:56 PM
To: Art Homrighausen; Robert van de Hoek; Julie Bixby; Shirley Dettloff; Meg Vaughn; John Dixon; Ron Metzler; Jim Harrison; Marcia Hanscom; Tony Bomkamp; Jan Vandersloot; Dick Harlow; Linda Moon; Karl Schwing; Dena Hawes; Marc Stirdivant; Bolsa Chica Land Trust; Jonna Engel; Marinka Horack; Rudy Vietmeier; Flossie Horgan; Paul Horgan; Paul Arms; Sandra Genis; Mary Beth Broeren; Scott Hess; karen merickel; kmerick
Subject: Shea Parkside WP vegetation survey revised

nwwr-ccc-070404-wp-veg-survey-...

Hi CCC staff, City of HB staff, Shea Homes staff & consultants, and friends of Bolsa Chica,

It has come to my attention that the Shea Parkside WP vegetation survey that I performed on March 17, 2007, did not use proper vegetation sampling methodology.

Therefore I have educated myself on proper techniques for coverage estimation and I have applied the standard "50/20 rule" to re-analyze all of the quadrat photos that I shot on March 17th.

See attached for my revised survey. My conclusion remains the same -- that hydrophytic vegetation indicative of a wetland predominates at WP.

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

RR-1

55

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

April 4, 2007

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Huntington Beach LCPA HNB-MAJ-1-06 and Bixby WP vegetation survey letter dated March 20, 2007

Dear Ms. Vaughn and Coastal Commissioners,

It has come to my attention that the WP vegetation survey I performed on March 17, 2007 did not use proper vegetation sampling methodology. This letter presents a re-analysis of my raw data using the proper methodology.

When I did my field work on March 17, 2007, I photographed the square meter quadrat at every sampling location. For purposes of this re-analysis, I first used Photoshop to correct the optical distortion in each photo to yield as square of a quadrat as possible, and then I overlaid a 10x10 grid of 100 equally spaced points on top of the quadrat.

I then proceeded to perform "point-contact estimation of cover" to tally each living vegetation species under the center of each of the 100 points to arrive at an estimated absolute coverage percentage for each species.

Next, I computed the relative coverage percentage for each species, and ranked the species by decreasing coverage amount. I then used the "50/20 rule" to determine which species were dominant. I use **bold print** to denote the dominant species in the attached sampling details.

Finally, I computed the percentage of the dominant species that had hydrophytic status indicators (i.e. FAC, FACW, OBL). If more than 50% of the dominant species are hydrophytic, then hydrophytic vegetation is preponderant in that quadrat.

The end result is that 16 out of my 18 quadrats exhibit predominantly hydrophytic vegetation.

The Coastal Commission only requires one parameter (hydrology, soils, or vegetation) to determine that wetlands are present. It is clear from the quantitative vegetation data I have collected that WP qualifies as a wetland based on vegetation alone.

RR-2

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Sincerely,

Mark D. Bixby

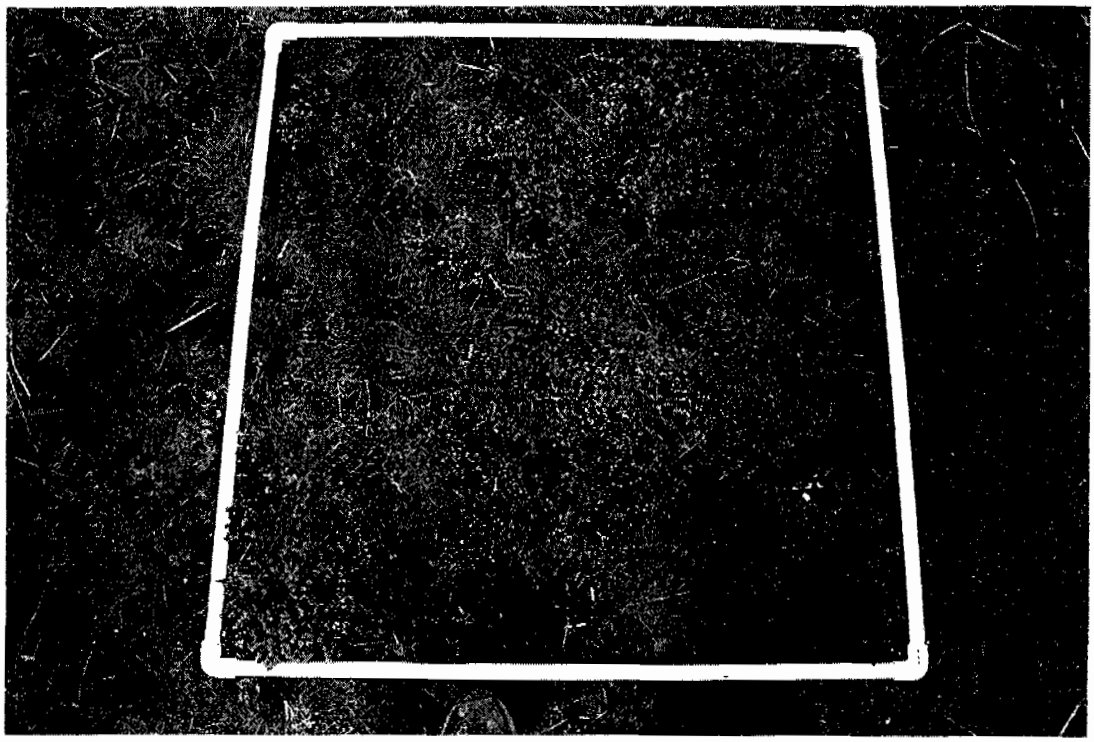
Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
http://www.bixby.org/parkside/

Attachments:
Sampling Location Distribution
Sample Quadrat Photos
Sampling Location Details

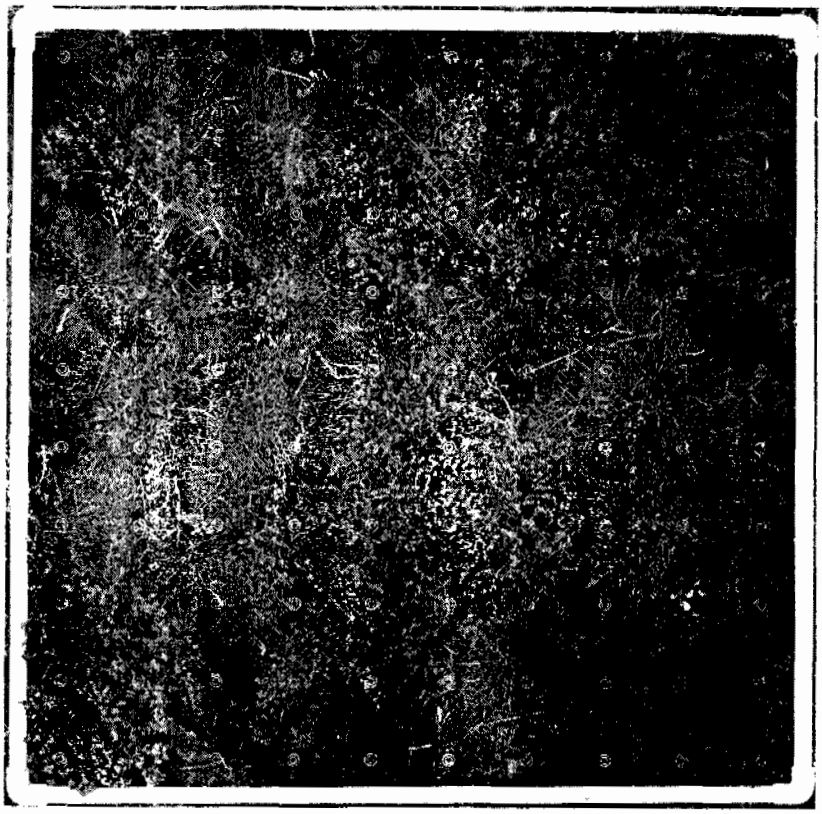
Sampling Location Distribution

RR-4

Sample Quadrat – Original Photo



Sample Quadrat – Distortion Corrected, 10x10 Point Grid Added



RR-5

Sampling Location Details

Location: 1	Longitude/Latitude: -118.034867,33.709917		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry *Spergularia salina*	**OBL**	**45%**	**100%**
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 2	Longitude/Latitude: -118.035167,33.709950		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry *Spergularia salina*	**OBL**	**50%**	**100%**
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 3	Longitude/Latitude: -118.035133,33.709850		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry *Spergularia salina*	**OBL**	**67%**	**97%**
Common Brassbuttons *Cotula Coronopifolia*	FACW+	2%	3%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 4	Longitude/Latitude: -118.035367,33.709850		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry *Spergularia salina*	**OBL**	**74%**	**100%**
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 5	Longitude/Latitude: -118.035517,33.709783		
Species	Status Indicator	Absolute Cover	Relative Cover
Unknown chenpod	**Presumed UPL**	**38%**	**51%**
Salt Sandspurry *Spergularia salina*	**OBL**	**36%**	**49%**
Hydrophytic dominants:	50%	Preponderant?:	No
Location: 6	Longitude/Latitude: -118.035550,33.709800		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry *Spergularia salina*	**OBL**	**25%**	**86%**
Common Beet *Beta vulgaris*	UPL	4%	14%
Spreading Alkaliweed *Cressa truxillensis*	FACW	<1%	0%
Hydrophytic dominants:	100%	Preponderant?:	Yes

Location: 7	Longitude/Latitude: -118.035650,33.709767		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry ***Spergularia salina***	**OBL**	**38%**	**93%**
Cheeseweed Mallow *Malva parviflora*	UPL	3%	7%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 8	Longitude/Latitude: -118.035850,33.709833		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry ***Spergularia salina***	**OBL**	**52%**	**98%**
Cheeseweed Mallow *Malva parviflora*	UPL	1%	2%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 9	Longitude/Latitude: -118.035950,33.709717		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry ***Spergularia salina***	**OBL**	**35%**	**81%**
Common Beet *Beta vulgaris*	UPL	8%	19%
Alkali Mallow *Malvella leprosa*	FAC	<1%	0%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 10	Longitude/Latitude: -118.036150,33.709683		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry ***Spergularia salina***	**OBL**	**26%**	**100%**
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 11	Longitude/Latitude: -118.036000,33.709700		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry ***Spergularia salina***	**OBL**	**50%**	**98%**
Alkali Mallow *Malvella leprosa*	FAC	1%	2%
Hydrophytic dominants:	100%	Preponderant?:	Yes

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Location 12:	Longitude/Latitude: -118.035600,33.709500		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry ***Spergularia salina***	**OBL**	**35%**	**94%**
Alkali Mallow *Malvella leprosa*	FAC	1%	3%
Common Brassbuttons *Cotula Coronopifolia*	FACW+	1%	3%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 13	Longitude/Latitude: -118.035467,33.709733		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry ***Spergularia salina***	**OBL**	**41%**	**100%**
Spreading Alkaliweed *Cressa truxillensis*	FACW	<1%	0%
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 14	Longitude/Latitude: -118.035500,33.709633		
Species	Status Indicator	Absolute Cover	Relative Cover
Fivehorn Smotherweed ***Bassia hyssopifolia***	**FAC**	**2%**	**100%**
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 15	Longitude/Latitude: -118.035750,33.709617		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry ***Spergularia salina***	**OBL**	**40%**	**100%**
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 16	Longitude/Latitude: -118.035950,33.709583		
Species	Status Indicator	Absolute Cover	Relative Cover
Cheeseweed Mallow ***Malva parviflora***	**UPL**	**25%**	**52%**
Fivehorn Smotherweed ***Bassia hyssopifolia***	**FAC**	**16%**	**33%**
Salt Sandspurry *Spergularia salina*	OBL	6%	12%
Bristly Oxtongue *Picris echioides*	FAC	1%	3%
Hydrophytic dominants:	50%	Preponderant?:	No

RR-8

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Location: 17	Longitude/Latitude: -118.036183,33.709483		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry *Spergularia salina*	**OBL**	**24%**	**100%**
Hydrophytic dominants:	100%	Preponderant?:	Yes
Location: 18	Longitude/Latitude: -118.035950,33.709483		
Species	Status Indicator	Absolute Cover	Relative Cover
Salt Sandspurry *Spergularia salina*	**OBL**	**20%**	**100%**
Hydrophytic dominants:	100%	Preponderant?:	Yes

RR-9

From: Mark Bixby [mark@bixby.org]
Sent: Wednesday, April 04, 2007 5:59 PM
To: Art Homrighausen; Robert van de Hoek; Julie Bixby; Shirley Dettloff; Meg Vaughn; John Dixon; Ron Metzler; Jim Harrison; Marcia Hanscom; Tony Bomkamp; Jan Vandersloot; Dick Harlow; Linda Moon; Karl Schwing; Dena Hawes; Marc Stirdivant; Bolsa Chica Land Trust; Jonna Engel; Marinka Horack; Rudy Vietmeier; Flossie Horgan; Paul Horgan; Paul Arms; Sandra Genis; Mary Beth Broeren; Scott Hess; karen merickel; kmerick
Subject: Shea Parkside quantitative evidence of groundwater changes

nwwr-ccc-070404-groundwater.pd...

Hi CCC staff, City of HB staff, Shea Homes & consultants, and friends of Bolsa Chica,

See attached for a letter from me that makes a quantitative case that groundwater levels at Shea Parkside have increased as a result of the federal restoration of muted tidal flow to the Bolsa Pocket last summer.

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

SS-1

64

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

April 4, 2007

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Huntington Beach LCPA HNB-MAJ-1-06 and follow-up to Bixby missing test well data memo of February 4, 2007

Dear Ms. Vaughn and Coastal Commissioners,

In my memo dated February 4, 2007, I enumerated various surface observations (chronically soggy soils, atypically long ponding durations, tree die-off, etc.) that strongly suggest that the water table on the Shea Parkside property has risen substantially since the federal restoration of muted tidal flow to the Bolsa Pocket last summer. I also noted that Shea's consultants (LSA) have regularly been seen collecting test well data since the restoration-- which could confirm or disprove any water table changes-- yet so far none of this data has been entered into the administrative record. I have made numerous requests to CCC staff and Shea that this data be published. Such information is essential towards determining if there might be more areas that would meet the CCC one-parameter definition of wetlands than have been previously acknowledged.

Sometime between March 18, 2007, and March 22, 2007, neighborhood teenagers began excavating some deep pits (see attached photo) in the Parkside CP wetland in order to build a series of bike jump moguls. These pits quickly filled with water from the underlying water table. The attached map shows the initial bike pit location (indicated by the paddle marker) in relation to LSA's test wells (indicated by flagged markers).

On March 30, 2007, during a joint site visit by Ron Metzler of Shea Homes, various Shea consultants, Coastal Commissioner Larry Clark, and various Bolsa Chica Land Trust representatives, I measured the water depth in the initial bike pit as being at an elevation of -1.33ft below ground surface.

The closest test wells to the initial bike pit are LSA12, LSA13 and LSA14. The 2002 LSA wetland delineation for the county parcel shows the following water table measurements for these test wells expressed in elevation below ground surface:

SS-2

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	12/17/1999	12/30/1999	01/05/2000	01/20/2000
LSA12	-4.90ft	-2.90ft	-4.00ft	-3.95ft
LSA13	-1.80ft	-1.90ft	-1.90ft	-2.00ft
LSA14	-3.05ft	-3.20ft	-3.05ft	-3.10ft

No rain fell during the above 1999-2000 sampling period. The most recent rainfall prior to the sampling period was 0.04in on November 17, 1999. Data from the LSA measurement table indicates that LSA13 and LSA14 are quite stable under drought conditions.

According to County of Orange Station 219 rainfall data for Costa Mesa (http://www.ocgov.com/pfrd/envres/Rainfall/data/current_year/station_219.asp), only a meager 0.07in of rain has fallen (the actual rainfall was on March 21, 2007; the county data mistakenly lists the date as being March 31, 2007, a sunny dry day) in the month prior to my taking this bike pit measurement. Such a minor rainfall event is unlikely to have affected the water table. Therefore it is illuminating to compare this recent bike pit measurement with the 1999-2000 LSA test well measurements since both occurred during dry conditions.

The water table elevation recorded at the bike pit substantially exceeds anything recorded at LSA12, LSA13, and LSA14 (or any other LSA well for that matter) during drought conditions. It is clear that a fundamental change has increased the elevation of the local water table.

One potential explanation for a local water table increase would be continuing after-effects from the record-breaking 2004-2005 rainfall season. Indeed, this resulted in very high Orange County aquifer levels which finally reached Huntington Beach in January 2006 resulting in surface seepage. After the seepage appeared in yards in the residential Kenilworth neighborhood immediately north of the Shea property, it gradually spread southward to occur in the northern end of the Shea Parkside AP wetland. It eventually filled nearly the entire expanse of AP.

Now consider these facts:

1) City of Huntington Beach Utilities Manager Howard Johnson reports that as of March 26, 2007, although the aquifer is still considered to be higher than normal, it has lowered since the peak last year, and the city has been operating its drinking water well pumps at normal rates for the past 6 months.

2) The last recorded ponding at the AP wetland occurred on May 22, 2006, bringing to a close a ponding event that lasted for 85 consecutive days. Since then AP has been bone-dry. No moisture is visible at the surface, and the soil is extremely hard. There has not been even a single day of ponding at AP during the meager 2006-2007 rainfall season. Clearly the aquifer is no longer affecting AP.

3) Whereas the 2006 aquifer seepage spread in a north to south direction, the current Eucalyptus tree die-off and soil surface moisture effects spread in a southwest to northeast direction away from the Bolsa Pocket (and towards Shea/Parkside) shortly after the Pocket was restored to muted tidal flow.

The only logical conclusion from all of this is that the most likely cause of the current demonstrable increase in the water table is a result of the Pocket restoration and not lingering aquifer effects from 2004-2005.

Shea consultants still regularly collect well data. During the March 30, 2007 joint site visit, one of the Shea consultants asserted to me that their test wells have shown no changes since the Pocket was restored. Because the bike pit measurement and other surface changes strongly contradict this assertion, it is ESSENTIAL that CCC staff require Shea to enter into the administrative record all measurements from all wells on the property collected since the Pocket was restored.

Failure to consider contemporary test well data prevents an accurate assessment of the full extent of wetlands on the property.

Sincerely,

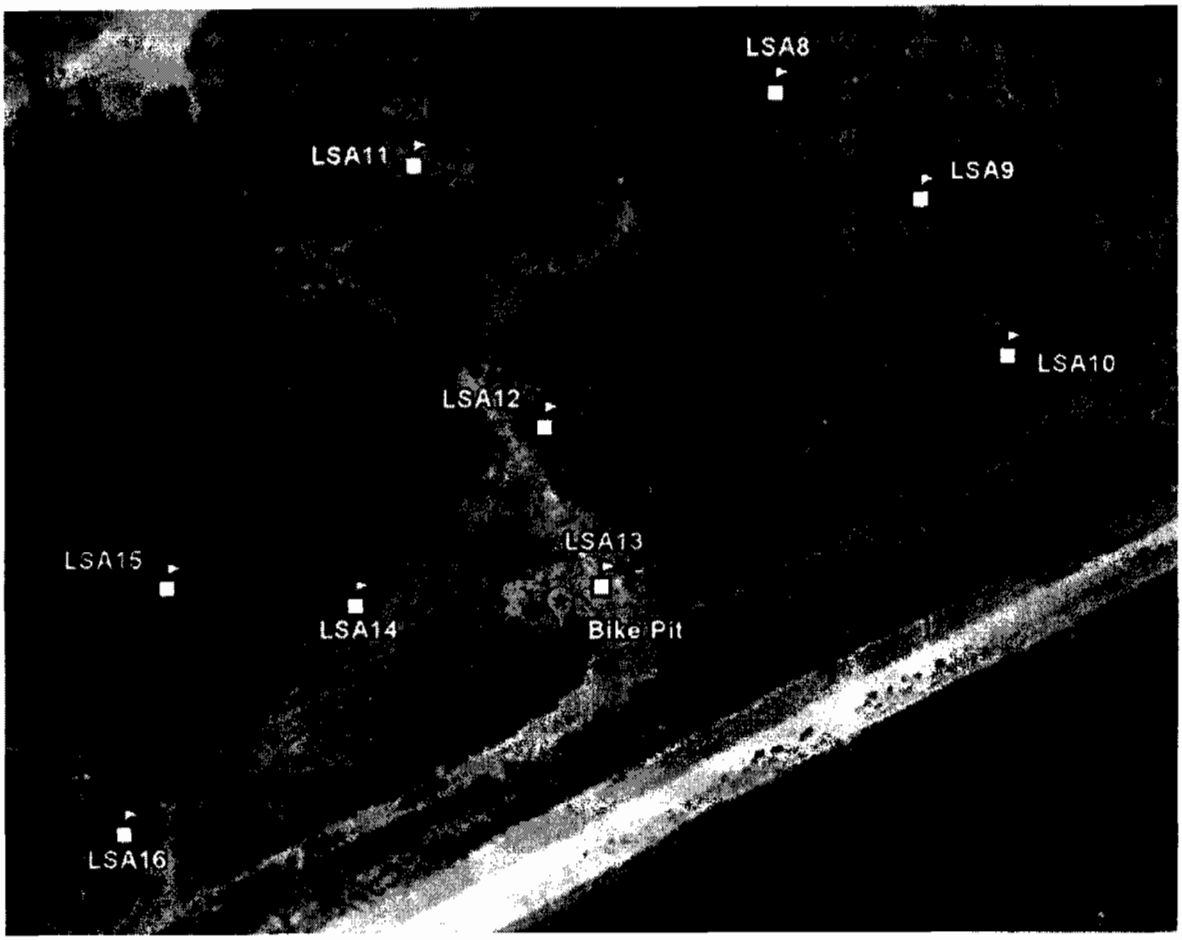
Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
http://www.bixby.org/parkside/

Attachment:
Map of bike pit and test well locations
Bike pit photo from March 30, 2007

SS-4

Map of Bike Pit and Test Well Locations



Bike Pit Photo From March 30, 2007

69

SS-6

From: Mark Bixby [mark@bixby.org]
Sent: Tuesday, April 10, 2007 7:04 AM
To: John Dixon
Cc: Art Homrighausen; Robert van de Hoek; Julie Bixby; Shirley Dettloff; Meg Vaughn; Ron Metzler; Jim Harrison; Marcia Hanscom; Tony Bomkamp; Jan Vandersloot; Dick Harlow; Linda Moon; Karl Schwing; Dena Hawes; Marc Stirdivant; Bolsa Chica Land Trust; Jonna Engel; Marinka Horack; Rudy Vietmeier; Flossie Horgan; Paul Horgan; Paul Arms; Sandra Genis; Mary Beth Broeren; Scott Hess; karen merickel; kmerick
Subject: Re: Shea Parkside quantitative evidence of groundwater changes

Hi all,

I have combed through my site observation archives, and as I suspected, there was additional 2006 well data collecting that predates the recent spreadsheet data from this e-mail thread:

On 01/30/06 it was noted that wells had been dug out and re-staked.

On 02/20/06 a truck was noted driving around to the wells and doing data collection.

On 09/25/06 a truck was noted driving around to the wells and doing data collection.

On 10/21/06 it was noted that wells had been re-staked.

On 10/30/06 well data collection was noted.

Shea needs to publish this additional data onto the administrative record.

There may have been additional data collection activity that was reported to me by phone. If the phone reports did not result in subsequent e-mail discussion, those dates are NOT included above.

- Mark B.

Mark Bixby wrote:
> My associates and I have witnessed (and photographed) Shea consultants
> collecting 2006 well data that predates the most recent PS & LSA
> snapshot. Seeing the FULL record of 2006 well data that spans the
> federal restoration milestones of inlet opening & Pocket reflooding
> would shed light on depth & salinity trends and help to answer the
> question of whether the changes are a result of the restoration and
> reflect new normal baseline conditions.
--
mark@bixby.org
Remainder of .sig suppressed to conserve expensive California electrons...

TT-1

70

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

April 30, 2007

Th14a

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Huntington Beach LCPA HNB-MAJ-1-06 and the impact of unpermitted fills on the Shea Parkside WP wetland

Dear Ms. Vaughn and Coastal Commissioners,

The purpose of this letter is to discuss how the Shea Parkside WP wetland once had a much bigger footprint prior to unpermitted fills begun by Shea Homes in 1998, in violation of Coastal Act Section 30233. This letter is best viewed in color and may be obtained in its original color format from:

http://www.bixby.org/parkside/documents/CCC/nwwr-ccc-070430-wp.pdf

Using aerial photos and topography maps, it is very easy to see a correlation between surface elevation, ponding hydrology, and unpermitted fills.

Topography as of Shea Purchase

Shea purchased the property in September 1996. During prior ownership by MWD, a great quantity of unpermitted fill was imported by the operator of Smoky's Stables. The last of these stables fills occurred during 1987-1989 and were red-tagged by the city of Huntington Beach as explained in the HB Planning Commission staff report for CUP 89-10. For some reason, these fills were never removed, and the topography appears to have changed little until 1998.

The attached photo from March 14, 1994, clearly shows the red-tagged fill area in the northeastern portion of the stables footprint. The steep vertical face at the edge of that fill area is about 8ft high.

1995 WP Ponding

The first image sequence is an aerial photo from March 1995 showing a large area of saturation immediately northeast of the stables footprint and extending to the eastern boundary of the modern-day WP wetland.

UU-1

The second image in this sequence overlays a 1996-era topo map on top of the aerial photo. The area of saturation corresponds directly to an area of low topography.

The third image in this sequence overlays CCC staff Exhibit L (as of the initial May 2007 staff report) on top of the previous two images. The area of saturation is about twice the size of modern-day WP which fits almost perfectly into the eastern half of the low topography.

1997 WP Ponding

The attached photo from January 29, 1997, shows extensive ponding in the WP area northeast of the stables footprint, as well as in the arena area to the west.

The image sequence from two weeks later on February 14, 1997, is remarkably similar to the March 2005 sequence. An area of saturation is plainly visible in the low topography to the northeast of the stables footprint, about twice the size of modern-day WP.

1998 WP Ponding

As shown in the attached photo, by January 30, 1998, ponding had started to accumulate up against the 8ft face of the stables fills area.

By the time of the attached photo from February 19, 1998, the ponding had become quite extensive.

The March 10, 1998, image sequence is virtually identical to the February 14, 1997 and March 1995 image sequences. A large area of ponding and/or saturation completely fills the area of low topography, about twice the size of modern-day WP.

The fourth image in the March 10, 1998 sequence shows a conservative estimation in red of the area filled in by Shea bulldozers beginning on April 22, 1998 as shown in the attached five photos shot on that date. This incident predates my involvement in the project, and thus I derived the red area solely from the bulldozer photos and the hazy memory of the photographer. The area of fill was very likely larger than what I have shaded in red.

The bulldozers are working at the edge of the 8ft of red-tagged stables fills, shaving the raised area down, and pushing the cut soil into the adjacent ponding area in blatant violation of Section 30233.

The attached photo from May 18, 1998, shows that there is no longer a well-defined vertical 8ft face on the stables fill area due to the substantial amount of soil that was cut from here and dumped into the adjacent low topography area, which is still showing signs of saturation and/or ponding.

Stealth Fills

In the wake of the blatant 1998 bulldozer incident, Shea began a concerted effort of "stealth filling" under the guise of agriculture. With every tilling cycle, Shea scraped a little bit more off of the stables fill area and pushed it farther out into the adjacent low topography.

By the time of the attached July 6, 2000, photo, no well-defined vertical edges are left from the stables fill area.

2005 WP Ponding

The attached image sequence from January 1, 2005, depicts ponding in the modern-day WP location. In fact, the ponding visible in this sequence almost exactly matches the Exhibit L footprint of WP. The attached photo from January 2, 2005, shows what this ponding looked like from ground level.

Still More WP Filling

Despite reducing the size of WP by half in the wake of the 1998 bulldozer incident, this still wasn't enough for Shea. The attached photo from December 27, 2005, ***less than one week after Dr. John Dixon published his draft memo declaring WP to be a wetland***, shows a tractor filling in WP with 4 inches of soil scraped from the adjacent high area. The fourth image in the January 1, 2005, image sequence shows the rectangular area filled in by this incident, next to the fill from the 1998 incident.

This most recent incident was promptly reported to CCC enforcement staff. An investigation was opened, but inexplicably no final resolution has occurred in the almost year and a half since the filling incident.

Conclusions

The record is clear. In 1995, 1997, and 1998, ponding and/or saturation regularly occurred in the *entire* area of low topography to the northeast of the stables footprint, an area about *twice the size* of modern-day WP.

This area of wetlands ponding was problematic for Shea, and thus beginning in 1998 Shea filled the area repeatedly in violation of Section 30233. Were it not for these illegal fills, WP would be twice as big as it is today. The photographic and topographic evidence is irrefutable.

Enough is enough. It is essential that CCC staff and commissioners deal with the issue of these unpermitted WP fills (and many other fills elsewhere on the property) *prior* to consideration of this LCPA, and that the delineated size of WP be increased to match the pre-fill topography.

Sincerely,

Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
http://www.bixby.org/parkside/

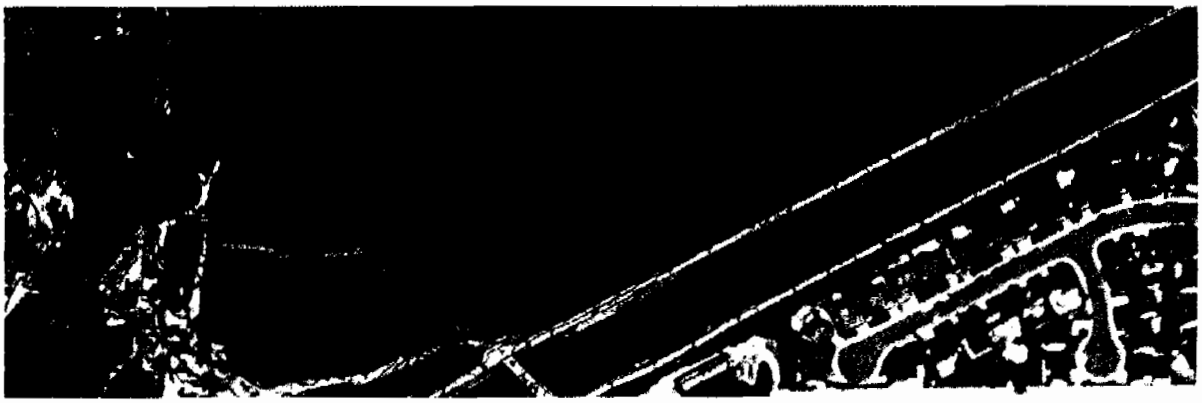
Attachments:
17 pages of photographs

UU-4

March 14, 1994

UU-5

March 1995



VU-6

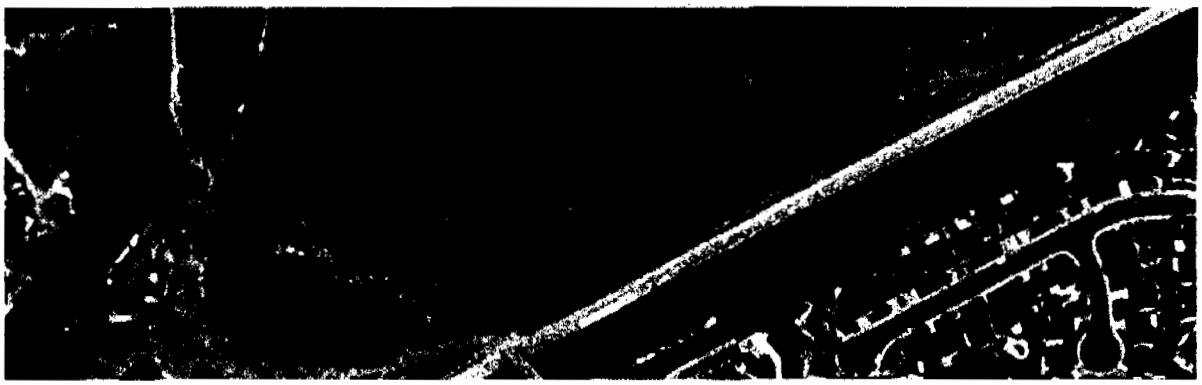
76

January 29, 1997

77

UU-7

February 14, 1997



UU-8

78

January 30, 1998

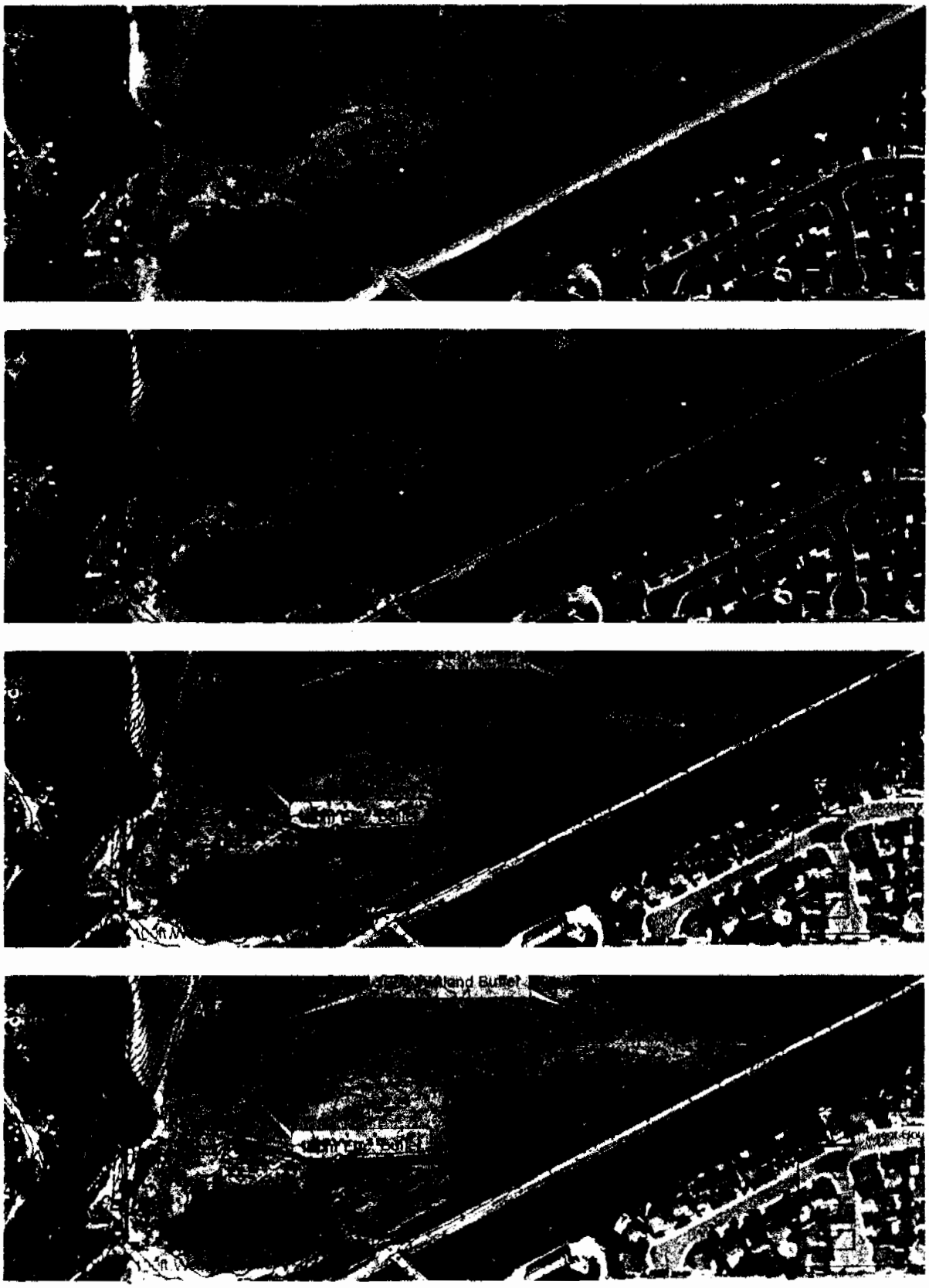
VV-9

79

February 19, 1998

UU-10

March 10, 1998



UU-11

81

April 22, 1998

VV-12

82

April 22, 1998

VU-13

83

April 22, 1998

UU-14

84

April 22, 1998

UV-15

April 22, 1998

UU-16

86

May 18, 1998

VV-17

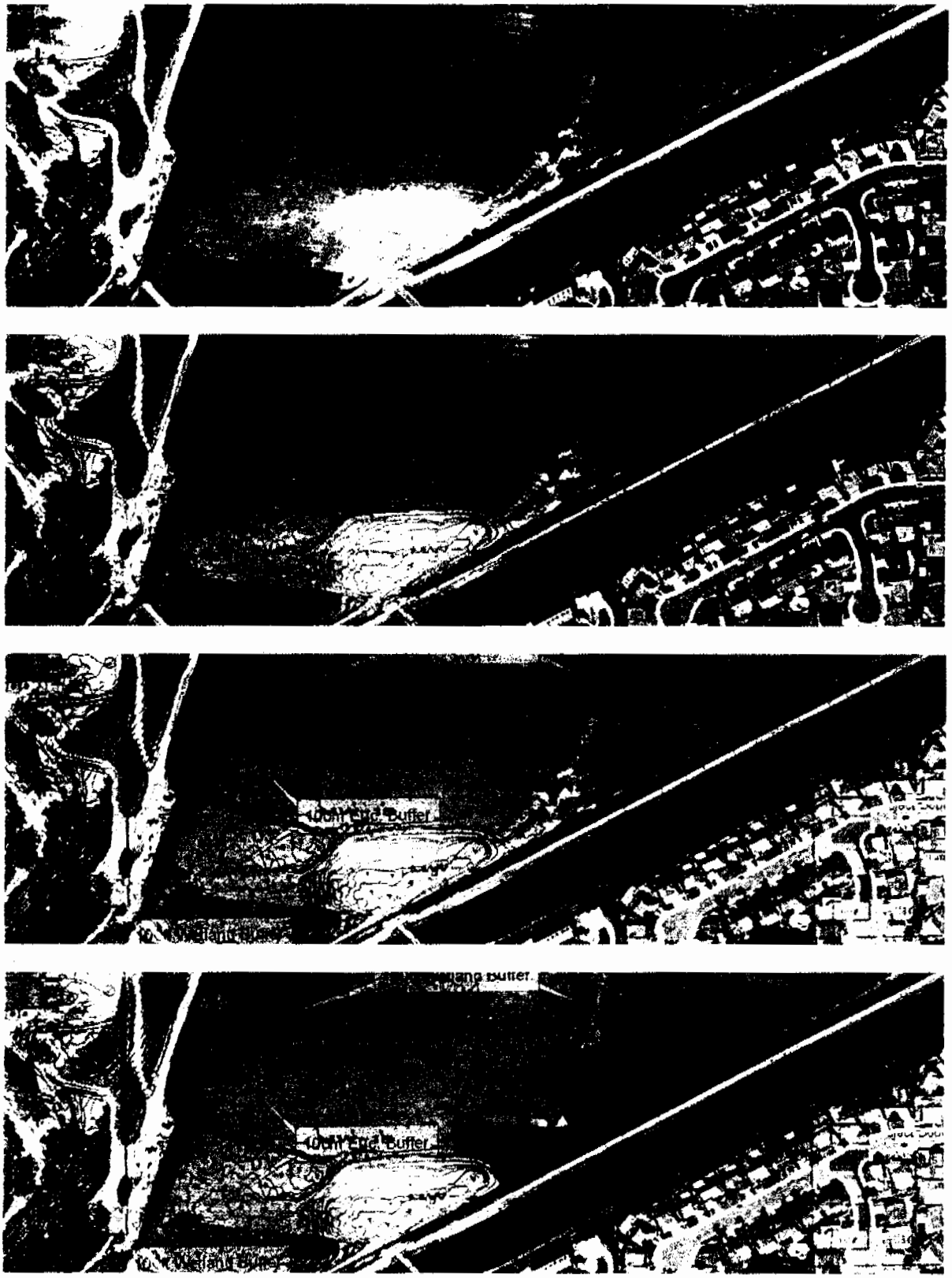
87

July 6, 2000

UU-18

88

January 1, 2005



VU-19

January 2, 2005

UU-20

December 27, 2005

Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate, Huntington Beach, CA 92649-4707 - 714-625-0876 - www.bixby.org/parkside

May 7, 2007

Th14a

California Coastal Commission
South Coast Area Office
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Extended raptor survey pertaining to Huntington Beach LCPA HNB-MAJ-1-06 and Shea Homes Parkside Estates

Dear Ms. Vaughn and Coastal Commissioners,

Please see below for my updated list of cumulative raptor sightings for the Shea and Goodell properties at Bolsa Chica. These data demonstrate that both the southern and northern eucalyptus groves on the Shea property function as a unified ecosystem worthy of being designated as ESHA and protected with robust 100m buffers. This document may be viewed in its original color format at:

http://www.bixby.org/parkside/documents/CCC/nwwr-ccc-070507-raptors.pdf

Shea / Goodell Raptor Sightings as of May 5, 2007

This report documents all raptor sightings made to-date by my friends and I on the Shea and Goodell Bolsa Chica properties in Huntington Beach, California. We visit the site several times per week, and we have meticulously logged all of our raptor sightings since early 2004. Sightings without a suffixed symbol were made by mc; nearly all of my personal sightings have corresponding digital photographs that can be produced upon request. The other sightings were made by the people indicated below:

- * = Dena Hawes
- + = Jeff Wear and friends
- # = Marc Stirdivant
- % = Julie Bixby
- $ = Sara Mathis

We have also mapped our sightings. The following maps depict locations where raptors were seen either perching/nesting on a tree or standing on the ground. While raptor overflights are included in the sightings dates, they are not included in the maps. Note that the maps and dates do not correspond 1-to-1 because the same raptor species can be seen in multiple locations on any given date.

Underlined letters on the maps indicate a specific tree or ground location; adjacent non-underlined letters denote additional sightings for each underlined location. It is clear from these

VV-1

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maps that certain trees are raptor hot-spots; some raptors prefer specific locations, while a few raptors are wide-ranging.

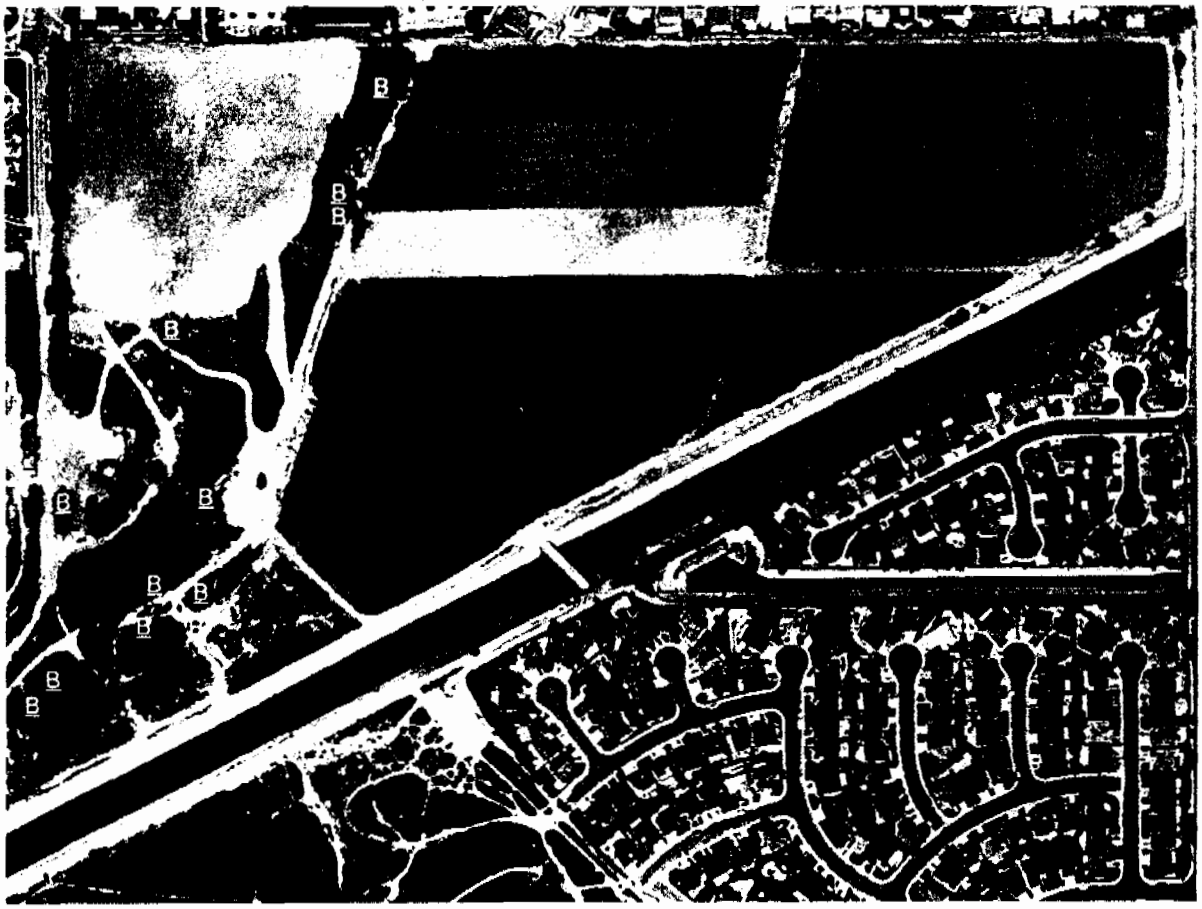
For each date listed under a given species, that species was sighted one or more times on that particular date. Quantifiers such as "pair", "trio", etc, mean that multiple birds of the same species were observed at the same time. For dates without quantifiers, multiple sightings may have been made on that date (and are accounted for in the maps), but no more than one bird was sighted at any one time.

American Kestrel (*Falco sparverius*)

October 2003*
April 2, 2004
July 24, 2004
August 21, 2004
August 25, 2004
October 10, 2004
October 19, 2004
October 21, 2004
October 27, 2004
November 6, 2004
November 26, 2004
February 3, 2005
February 5, 2005
February 10, 2005
February 12, 2005
February 26, 2005
March 5, 2005
September 7, 2005*
September 8, 2005*
September 12, 2005*
September 18, 2005+
September 22, 2005* (pair)
September 23, 2005*
September 27, 2005*
October 1, 2005*
October 4, 2005*
October 5, 2005*
October 7, 2005* (pair)
October 10, 2005*
October 11, 2005*
October 12, 2005*
October 13, 2005* (pair)
October 15, 2005 (pair)
October 19, 2005 (pair)
October 20, 2005*
October 21, 2005*
October 22, 2005
October 25, 2005*
October 26, 2005*
October 27, 2005*
October 28, 2005* (pair)
October 29, 2005
October 31, 2005* (pair)
November 2, 2005*
November 4, 2005*
November 5, 2005 (pair)
November 6, 2005*
November 7, 2005*
November 11, 2005*
November 12, 2005
November 14, 2005*
November 16, 2005*
November 18, 2005*
November 19, 2005 (pair)
November 23, 2005*
November 24, 2005*
November 25, 2005*
November 29, 2005*
December 1, 2005*
December 5, 2005*
December 7, 2005*
December 26, 2005*
January 3, 2006* (pair)

January 6, 2006*
January 7, 2006
January 10, 2006*
January 12, 2006*
January 14, 2006*
January 15, 2006 (pair)
January 16, 2006*
January 17, 2006*
January 18, 2006*
January 19, 2006*
January 20, 2006*
January 22, 2006
January 25, 2006*
January 26, 2006*
January 27, 2006*
January 28, 2006
January 30, 2006* (pair)
February 1, 2006*
February 2, 2006*
February 3, 2006*
February 4, 2006
February 7, 2006*
February 10, 2006*
February 11, 2006
February 13, 2006*
February 14, 2006*
February 16, 2006*
February 17, 2006
February 20, 2006
February 21, 2006*
February 23, 2006*
February 24, 2006*
February 26, 2006
February 27, 2006*
February 28, 2006*
March 2, 2006
March 5, 2006
March 8, 2006*
March 9, 2006
March 10, 2006*
March 14, 2006*
March 19, 2006*
March 23, 2006*
March 24, 2006*
March 26, 2006
April 10, 2006#
July 19, 2006* (pair)
August 20, 2006*
August 24, 2006
August 26, 2006 (trio)
September 4, 2006*
September 6, 2006*
September 16, 2006
September 17, 2006
September 23, 2006 (pair)
September 30, 2006
October 7, 2006
October 15, 2006
October 28, 2006
November 4, 2006
November 12, 2006
November 19, 2006
November 25, 2006
December 2, 2006
December 9, 2006
December 17, 2006
December 22, 2006
December 25, 2006
December 28, 2006
December 30, 2006
January 1, 2007
January 6, 2007
January 13, 2007
January 21, 2007
January 27, 2007
February 3, 2007
February 8, 2007
February 9, 2007
February 12, 2007 (pair)
February 17, 2007
February 18, 2007
February 24, 2007
March 4, 2007
March 11, 2007

Barn Owl (*Tyto alba*)



October 2004*
January 22, 2005
July 21, 2005
September 15, 2005

September 18, 2005+
October 1, 2005*
October 12, 2005
October 19, 2005*

November 14, 2005 (pair)
January 12, 2006
August 7, 2006*
January 6, 2007 (dead)

VV-5

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Cooper's Hawk (*Accipiter cooperii*) – California species of special concern

December 2003*
February 7, 2004
February 28, 2004 - (pair/nesting)
March 1, 2004
March 13, 2004
May 29, 2004
June 5, 2004
June 12, 2004
July 3, 2004
July 17, 2004
July 24, 2004
August 2004* (pair)
August 7, 2004
August 14, 2004
August 21, 2004
August 28, 2004
September 4, 2004
September 11, 2004
September 25, 2004
October 16, 2004
October 19, 2004
November 20, 2004
January 25, 2005
February 3, 2005
February 17, 2005
February 22, 2005
March 5, 2005
March 20, 2005 (pair)
March 22, 2005
March 24, 2005* (nesting)
March 26, 2005
March 28, 2005*
March 29, 2005*
March 30, 2005*
April 3, 2005 (nesting)
April 4, 2005*
April 9, 2005 (nesting)
April 10, 2005* (nesting)
April 11, 2005* (nesting)
April 12, 2005*
April 15, 2005* (nesting)
April 22, 2005*
April 25, 2005*
April 26, 2005*
April 27, 2005*
April 28, 2005* (pair)
May 1, 2005*
May 2, 2005*
May 6, 2005*
May 7, 2005
May 11, 2005*
May 13, 2005*
May 14, 2005 (nesting)
May 16, 2005* (nesting)
May 17, 2005* (nesting)
May 18, 2005* (nesting)
May 20, 2005* (nesting)
May 21, 2005 (pair)
May 22, 2005* (nesting)
May 26, 2005* (nesting)
May 27, 2005* (nesting)
May 28, 2005* (nesting)

May 29, 2005
May 30, 2005* (nesting)
June 1, 2005* (nesting)
June 3, 2005* (nesting)
June 4, 2005
June 6, 2005* (nesting)
June 7, 2005* (nesting)
June 8, 2005* (nesting)
June 10, 2005* (nesting)
June 11, 2005 (pair)
June 14, 2005* (nesting)
June 16, 2005*
June 19, 2005
June 20, 2005* (pair)
June 21, 2005*
June 23, 2005*
June 24, 2005*
June 26, 2005* (pair)
July 4, 2005*
July 12, 2005*
July 14, 2005*
July 16, 2005
July 18, 2005*
July 19, 2005*
July 24, 2005*
July 30, 2005
July 31, 2005*
August 1, 2005* (pair)
August 3, 2005* (pair)
August 5, 2005*
August 9, 2005* (pair)
August 10, 2005* (pair)
August 11, 2005*
August 12, 2005* (pair)
August 18, 2005*
August 19, 2005* (pair)
August 20, 2005
August 22, 2005* (trio)
August 23, 2005* (pair)
August 24, 2005*
August 28, 2005*
August 31, 2005*
September 1, 2005*
September 3, 2005
September 5, 2005
September 6, 2005*
September 8, 2005*
September 21, 2005*
September 22, 2005*
September 23, 2005* (pair)
September 27, 2005*
September 28, 2005* (pair)
September 29, 2005*
September 30, 2005*
October 1, 2005* (pair)
October 3, 2005* (pair)
October 4, 2005*
October 8, 2005
October 10, 2005*
October 11, 2005* (pair)
October 12, 2005*
October 19, 2005*
October 20, 2005*
October 21, 2005*
October 22, 2005
October 28, 2005*
October 29, 2005
November 2, 2005*
November 3, 2005*
November 6, 2005*
November 7, 2005*
November 12, 2005 (pair)
November 14, 2005*
November 16, 2005*
November 18, 2005*
November 21, 2005*
November 24, 2005*
November 25, 2005*
November 29, 2005*
December 1, 2005*
January 7, 2006
January 14, 2006* (pair)
January 17, 2006*
January 18, 2006*
January 19, 2006*
January 25, 2006*
January 28, 2006
January 30, 2006*
February 1, 2006*
February 2, 2006*
February 3, 2006*
February 4, 2006
February 10, 2006*
February 13, 2006*
February 20, 2006*
February 21, 2006*
February 23, 2006*
February 24, 2006* (pair)
February 26, 2006* (pair)
February 27, 2006* (pair)
February 28, 2006*
March 2, 2006* (mating)
March 4, 2006*
March 5, 2006
March 6, 2006* (mating)
March 8, 2006*
March 9, 2006* (pair)
March 12, 2006 (pair)
March 14, 2006* (pair)
March 16, 2006* (pair)
March 19, 2006
March 20, 2006*
March 23, 2006* (pair)
March 24, 2006*
March 26, 2006 (nesting)
March 29, 2006*
March 31, 2006 (nesting)
April 2, 2006 (nesting)
April 6, 2006*
April 9, 2006%
April 11, 2006* (nesting)
April 17, 2006*
April 19, 2006*
April 23, 2006*
April 24, 2006*
April 25, 2006*
April 27, 2006*
April 30, 2006
May 1, 2006* (nesting)
May 6, 2006 (nesting)
May 7, 2006 (nesting)
May 8, 2006* (nesting)
May 12, 2006* (nesting)
May 13, 2006 (nesting)
May 14, 2006 (nesting)
May 20, 2006 (nesting)
May 23, 2006* (nesting)
May 24, 2006*
May 28, 2006 (nesting)
May 29, 2006
June 2, 2006*
June 3, 2006
(parent/juvenile)
June 9, 2006*
June 10, 2006
June 17, 2006
June 21, 2006*
June 23, 2006* (two)
June 24, 2006 (nesting)

W-7

June 26, 2006* (3 new fledglings, 1 juvenile, 1 adult)
June 28, 2006* (adult & juvenile)
June 30, 2006*
July 1, 2006 (3 fledglings)
July 5, 2006* (adult & 4 juveniles)
July 7, 2006
July 9, 2006 (three)
July 12, 2006* (three)
July 14, 2006* (pair)
July 15, 2006 (four)
July 19, 2006* (pair)
July 22, 2006
July 24, 2006* (three)
July 25, 2006*
July 28, 2006* (three)
July 31, 2006
August 2, 2006* (pair)
August 3, 2006
August 5, 2006 (pair)
August 7, 2006* (pair)
August 9, 2006*
August 12, 2006
August 14, 2006*
August 16, 2006* (pair)
August 17, 2006
August 19, 2006
August 20, 2006* (three)
August 24, 2006* (four)
August 26, 2006 (pair)
August 28, 2006*
August 31, 2006*
September 2, 2006 (pair)
September 4, 2006*
September 6, 2006*
September 8, 2006* (pair)
September 9, 2006
September 12, 2006
September 16, 2006
September 17, 2006 (pair)
September 23, 2006 (pair)
September 30, 2006 (pair)
October 7, 2006
October 15, 2006 (pair)
October 22, 2006
October 28, 2006 (pair)
November 12, 2006
December 1, 2006
December 2, 2006
December 16, 2006
December 17, 2006
December 25, 2006
January 1, 2007
January 6, 2007
January 21, 2007
January 27, 2007
February 9, 2007
February 17, 2007
March 4, 2007
April 7, 2007 (pair)
May 5, 2007

VV-8

Great Horned Owl (*Bubo virginianus*)

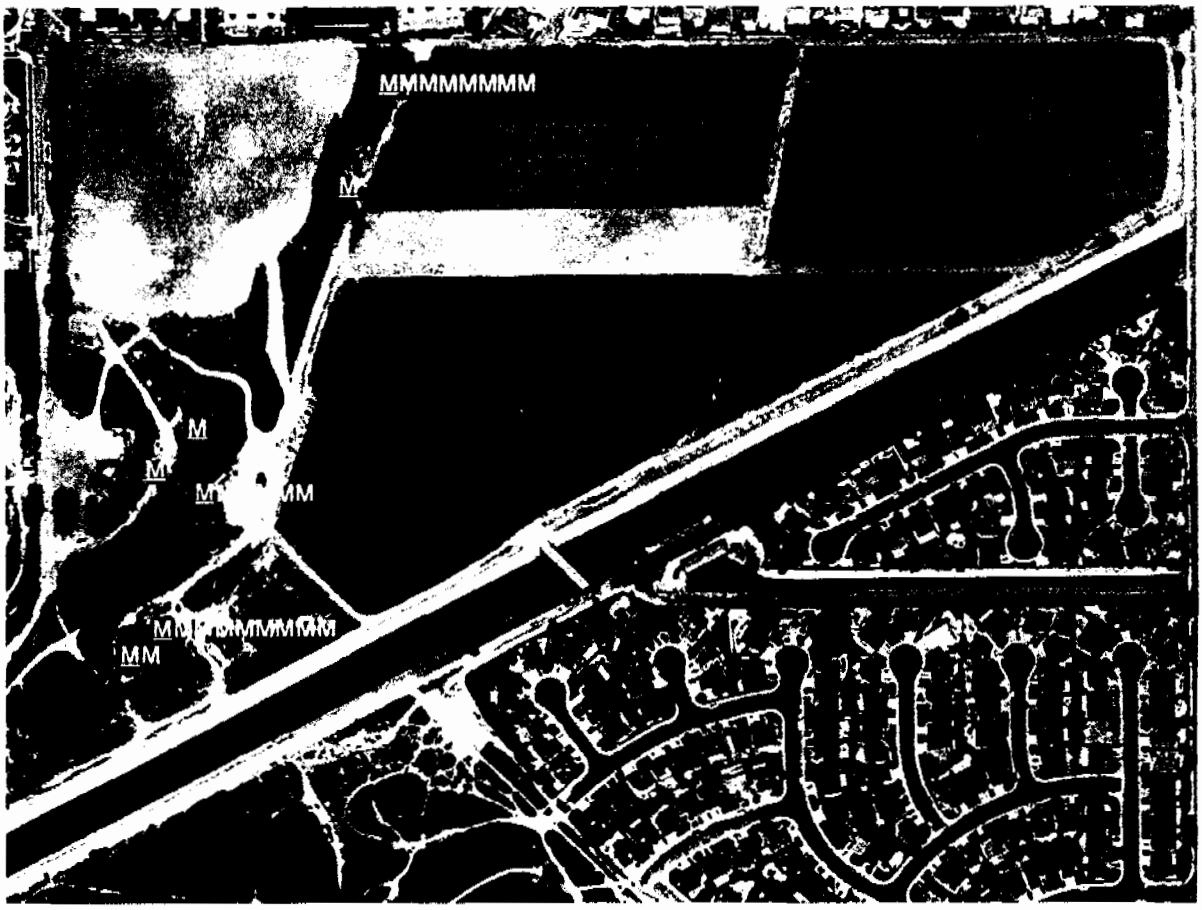
May 2004*
August 16, 2005

November 14, 2005 (pair)
November 17, 2005

June 9, 2006*

VV-9

Merlin (*Falco columbarius*) – California species of special concern

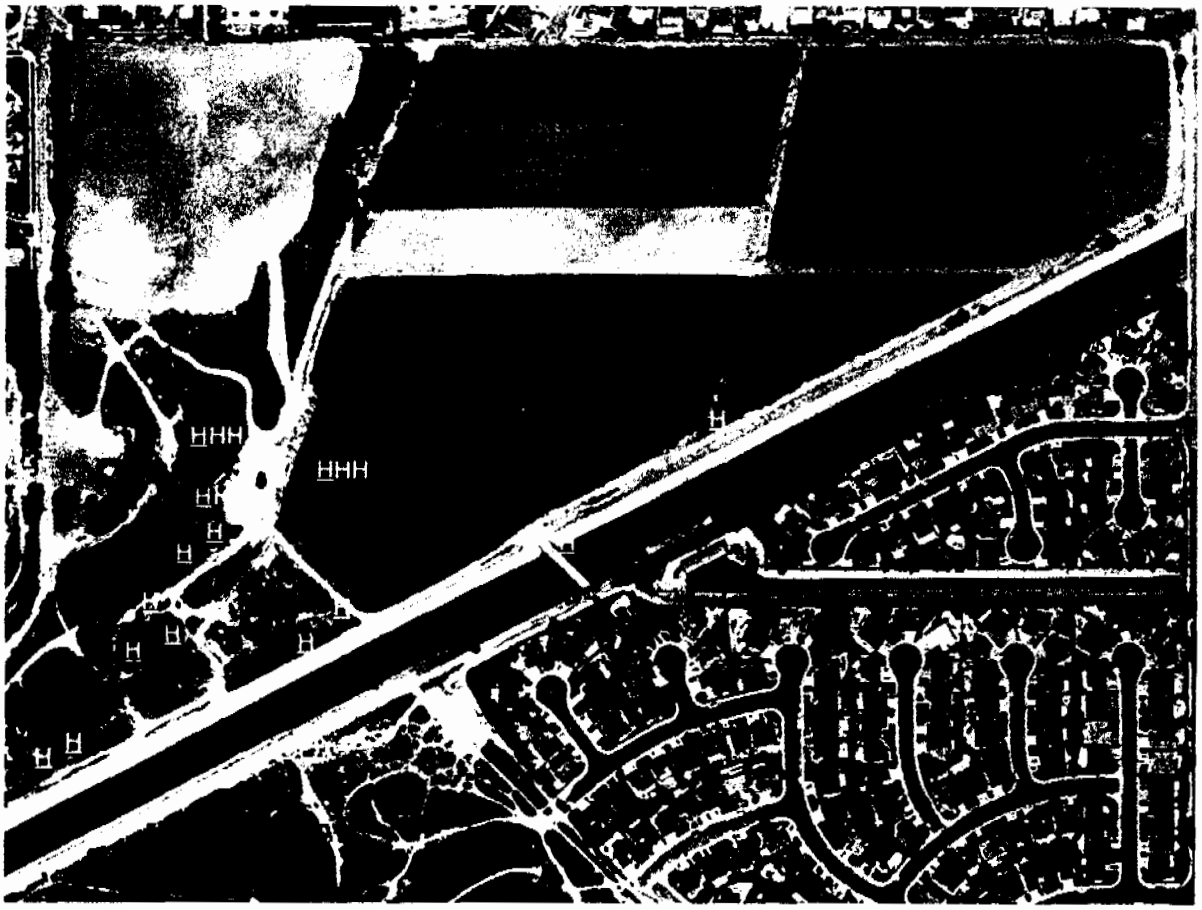


November 2004*
November 11, 2004
December 11, 2004
October 27, 2005*
October 28, 2005*
October 29, 2005 (pair)
November 4, 2005*
November 12, 2005*
November 23, 2005*
December 29, 2005
January 17, 2006*
January 18, 2006*
January 27, 2006*
February 3, 2006*
February 23, 2006*
November 4, 2006
December 9, 2006
December 25, 2006
December 30, 2006
January 1, 2007
January 6, 2007
January 13, 2007
January 21, 2007
March 4, 2007 (pair)

VV-10

101

Northern Harrier (*Circus cyaneus*) – California species of special concern



September 11, 2004
November 2004*
December 26, 2004
February 5, 2005
March 24, 2005*
April 29, 2005*
June 1, 2005*
July 19, 2005*
August 13, 2005*
September 7, 2005*
September 8, 2005*
September 21, 2005*
September 22, 2005*
September 23, 2005*
October 5, 2005*
October 28, 2005*
November 2, 2005*
November 5, 2005
November 8, 2005* (trio)
November 19, 2005
November 23, 2005*
November 24, 2005*
November 25, 2005*
December 7, 2005*
December 12, 2005*
December 27, 2005
January 10, 2006*
January 17, 2006*
January 19, 2006*
January 20, 2006*
February 20, 2006
March 2, 2006*
March 19, 2006*
April 5, 2006*
July 5, 2006
July 7, 2006*
July 8, 2006
July 9, 2006
August 14, 2006*
August 17, 2006
September 23, 2006 (juvenile)
November 12, 2006
November 19, 2006
November 25, 2006
December 1, 2006
December 2, 2006
December 16, 2006
December 22, 2006
December 25, 2006
December 28, 2006
December 31, 2006
January 1, 2007
January 6, 2007
January 13, 2007
January 27, 2007
March 4, 2007 (pair)
March 18, 2007
March 23, 2007
April 11, 2007

VV-11

Osprey (*Pandion haliaetus*) – California species of special concern

October 2004*
November 2, 2004
July 10, 2005*
July 27, 2005*
July 29, 2005*
August 1, 2005*
August 8, 2005*
August 11, 2005*
August 20, 2005
August 23, 2005*
August 24, 2005*
August 28, 2005*
August 31, 2005*
September 5, 2005
September 7, 2005* (pair)
September 8, 2005*
September 10, 2005
September 18, 2005 (trio)
September 22, 2005*
September 23, 2005*
September 24, 2005
September 26, 2005*
September 27, 2005*
September 29, 2005*
September 30, 2005*
October 1, 2005* (pair)
October 4, 2005*
October 5, 2005* (pair)
October 7, 2005* (pair)
October 8, 2005
October 11, 2005*
October 12, 2005*
October 15, 2005
October 19, 2005
October 27, 2005*
October 28, 2005*
October 29, 2005
October 31, 2005*
November 2, 2005*
November 4, 2005*
November 7, 2005*
November 8, 2005* (pair)
November 16, 2005* (pair)
November 18, 2005*
November 21, 2005*
November 23, 2005*
November 24, 2005*
November 25, 2005* (pair)
November 29, 2005*
December 1, 2005* (pair)
December 5, 2005* (trio)
December 7, 2005*
December 8, 2005* (pair)
December 9, 2005# (pair)
December 16, 2005*
December 18, 2005* (pair)
December 20, 2005*
December 29, 2005
January 1, 2006
January 16, 2006*
January 17, 2006*
January 19, 2006* (pair)
January 20, 2006* (pair)

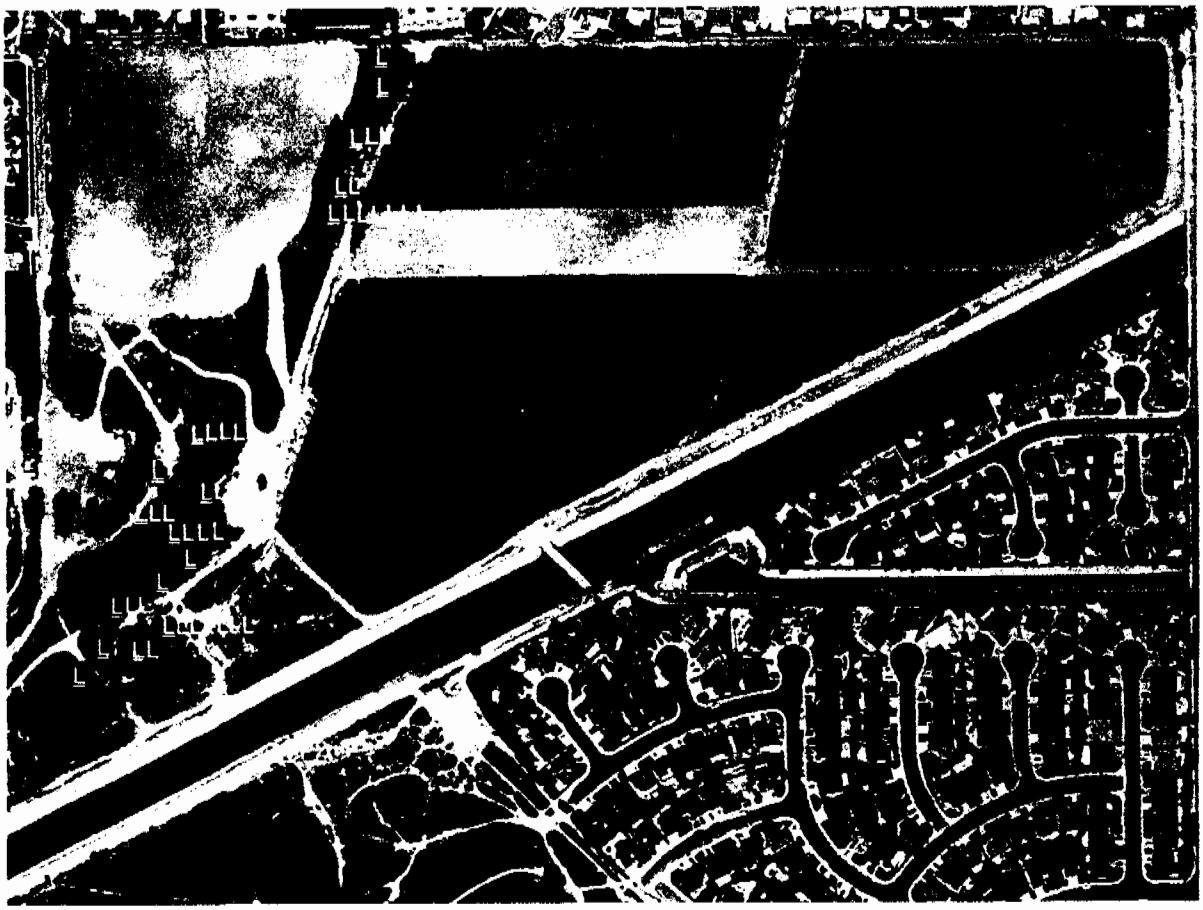
VV-12

January 22, 2006
January 27, 2006*
January 30, 2006* (pair)
February 1, 2006*
February 2, 2006* (pair)
February 3, 2006* (pair)
February 7, 2006*
February 10, 2006*
February 24, 2006*
February 26, 2006
March 2, 2006* (pair)
March 3, 2006*
March 6, 2006*
March 8, 2006*
March 14, 2006*
March 19, 2006
March 20, 2006* (pair)
March 23, 2006*
March 24, 2006*
May 10, 2006*
May 15, 2006*
May 28, 2006
May 30, 2006*
June 11, 2006$
June 12, 2006*
June 13, 2006*
June 28, 2006*
July 1, 2006
July 5, 2006*
July 26, 2006*
August 7, 2006*
September 4, 2006*
September 6, 2006*
September 8, 2006* (pair)
September 9, 2006 (pair)
September 10, 2006 (pair)
September 12, 2006 (pair)
September 16, 2006
September 17, 2006
October 7, 2006
November 25, 2006
December 2, 2006
December 16, 2006
January 6, 2007
January 27, 2007

Peregrine Falcon (*Falco peregrinus*) – California endangered species

September 2004*
April 27, 2005*
June 26, 2005*
July 27, 2005*
July 29, 2005*
December 18, 2005*
January 30, 2006*
February 13, 2006*
December 17, 2006
December 25, 2006
January 13, 2007

Red-shouldered Hawk (*Buteo lineatus*)



October 21, 2004
October 27, 2004
November 2004*
November 13, 2004
November 20, 2004
November 28, 2004
January 29, 2005
July 16, 2005*
July 19, 2005*
July 21, 2005*
July 24, 2005*
July 27, 2005*
July 30, 2005
September 18, 2005+
December 1, 2005*
December 27, 2005
January 1, 2006
January 3, 2006*
January 14, 2006*
January 15, 2006
June 2, 2006*
July 5, 2006
July 7, 2006
October 22, 2006
October 28, 2006
November 4, 2006
November 19, 2006
December 9, 2006
December 26, 2006
December 28, 2006 (two)
December 30, 2006
December 31, 2006
January 1, 2007
January 6, 2007
January 21, 2007
January 27, 2007
February 3, 2007
February 8, 2007
February 9, 2007

Red-tailed Hawk (*Buteo jamaicensis*)

May 8, 2004
August 2004*
September 2004* (pair)
October 2004*
October 16, 2004
November 11, 2004
November 13, 2004
November 20, 2004 (pair)
December 11, 2004
December 18, 2004
December 24, 2004
December 26, 2004
February 3, 2005
March 29, 2005*
March 30, 2005*
April 2, 2005*
April 9, 2005 (pair)
April 15, 2005*
April 18, 2005*
April 24, 2005*
April 26, 2005* (pair)
May 13, 2005*
July 10, 2005* (trio)
July 12, 2005*
July 16, 2005*
July 17, 2005
July 19, 2005*
July 26, 2005*
July 28, 2005*
July 30, 2005
August 1, 2005*
August 5, 2005* (pair)
August 16, 2005*
August 18, 2005*
August 23, 2005*
August 24, 2005*
August 31, 2005* (pair)
September 1, 2005*
September 3, 2005 (pair)
September 8, 2005*
September 12, 2005*
September 18, 2005+
September 22, 2005*
September 23, 2005* (pair)
September 28, 2005* (pair)
September 29, 2005*
September 30, 2005*
October 1, 2005*
October 3, 2005* (pair)
October 4, 2005*
October 7, 2005* (pair)
October 8, 2005 (pair)
October 11, 2005*
October 20, 2005*
October 21, 2005* (pair)
October 26, 2005*
October 27, 2005* (pair)
November 4, 2005*
November 5, 2005
November 6, 2005*
November 7, 2005*
November 8, 2005*
November 11, 2005*

VV-16

November 24, 2005* (pair)
November 29, 2005*
December 1, 2005* (pair)
December 5, 2005*
December 7, 2005*
December 8, 2005* (pair)
December 9, 2005#
December 14, 2005*
December 24, 2005*
January 3, 2006*
January 5, 2006*
January 17, 2006*
January 18, 2006* (pair)
January 22, 2006
January 25, 2006* (pair)
January 28, 2006* (trio)
January 30, 2006*
February 1, 2006* (pair)
February 2, 2006*
February 3, 2006*
February 13, 2006*
February 14, 2006*
February 21, 2006*
February 23, 2006*
February 24, 2006*
March 9, 2006
March 12, 2006 (pair)
March 14, 2006*
March 16, 2006* (pair)
March 20, 2006* (pair)
March 22, 2006*
March 23, 2006*
March 24, 2006*
March 29, 2006*
March 30, 2006*
April 9, 2006* (pair)
April 13, 2006*
April 30, 2006*
May 6, 2006*
June 24, 2006
June 28, 2006*
July 1, 2006
July 5, 2006*
July 7, 2006
July 14, 2006* (pair)
July 15, 2006
July 19, 2006* (pair)
July 28, 2006* (pair)
July 29, 2006 (pair)
July 30, 2006
August 2, 2006* (pair)
August 3, 2006 (pair)
August 4, 2006* (pair)
August 5, 2006
August 7, 2006* (pair)
August 12, 2006
August 14, 2006* (pair)
August 16, 2006*
August 17, 2006
August 19, 2006
August 20, 2006* (pair)
August 26, 2006
August 28, 2006*
August 30, 2006* (pair)
September 1, 2006*
September 6, 2006* (pair)
September 8, 2006* (three)
September 9, 2006
September 12, 2006
September 16, 2006
September 17, 2006
September 23, 2006
September 30, 2006 (pair)
November 12, 2006
November 19, 2006
November 25, 2006
December 2, 2006
December 9, 2006
December 16, 2006
December 22, 2006
December 25, 2006
December 26, 2006
December 28, 2006 (pair)
December 30, 2006 (pair)
January 1, 2007
January 6, 2007
January 7, 2007 (trio)
January 27, 2007 (pair)
February 12, 2007

Sharp-Shinned Hawk (*Accipiter striatus*)

September 22, 2005*
October 8, 2005
October 22, 2005
December 9, 2006

VV-18

Turkey Vulture (*Cathartes aura*)

December 2003*
April 17, 2004
June 2004*
July 27, 2004
July 31, 2004
August 22, 2004
October 10, 2004 (five)
February 12, 2005
March 29, 2005*
April 9, 2005
April 11, 2005*
April 12, 2005*
April 18, 2005*
April 20, 2005*
April 21, 2005*
April 24, 2005*
April 28, 2005*
April 29, 2005*
May 1, 2005
May 13, 2005*
May 17, 2005*
May 18, 2005*
June 2, 2005*
June 6, 2005*
June 7, 2005*
June 8, 2005*
June 23, 2005*
June 26, 2005*
July 7, 2005*
July 14, 2005*
July 16, 2005
July 18, 2005*
July 19, 2005*
July 24, 2005*
July 28, 2005*
July 29, 2005*
August 1, 2005*
August 3, 2005*
August 5, 2005*
August 8, 2005*
August 10, 2005*
August 11, 2005*
August 12, 2005*
August 13, 2005
August 16, 2005*
August 18, 2005*
August 22, 2005*
August 23, 2005*
August 24, 2005*
August 28, 2005*
August 30, 2005*
August 31, 2005*
September 1, 2005*
September 2, 2005*
September 3, 2005
September 6, 2005*
September 7, 2005*
September 8, 2005*
September 10, 2005
September 12, 2005* (five)
September 18, 2005+
September 22, 2005*
September 23, 2005* (trio)

VV-19

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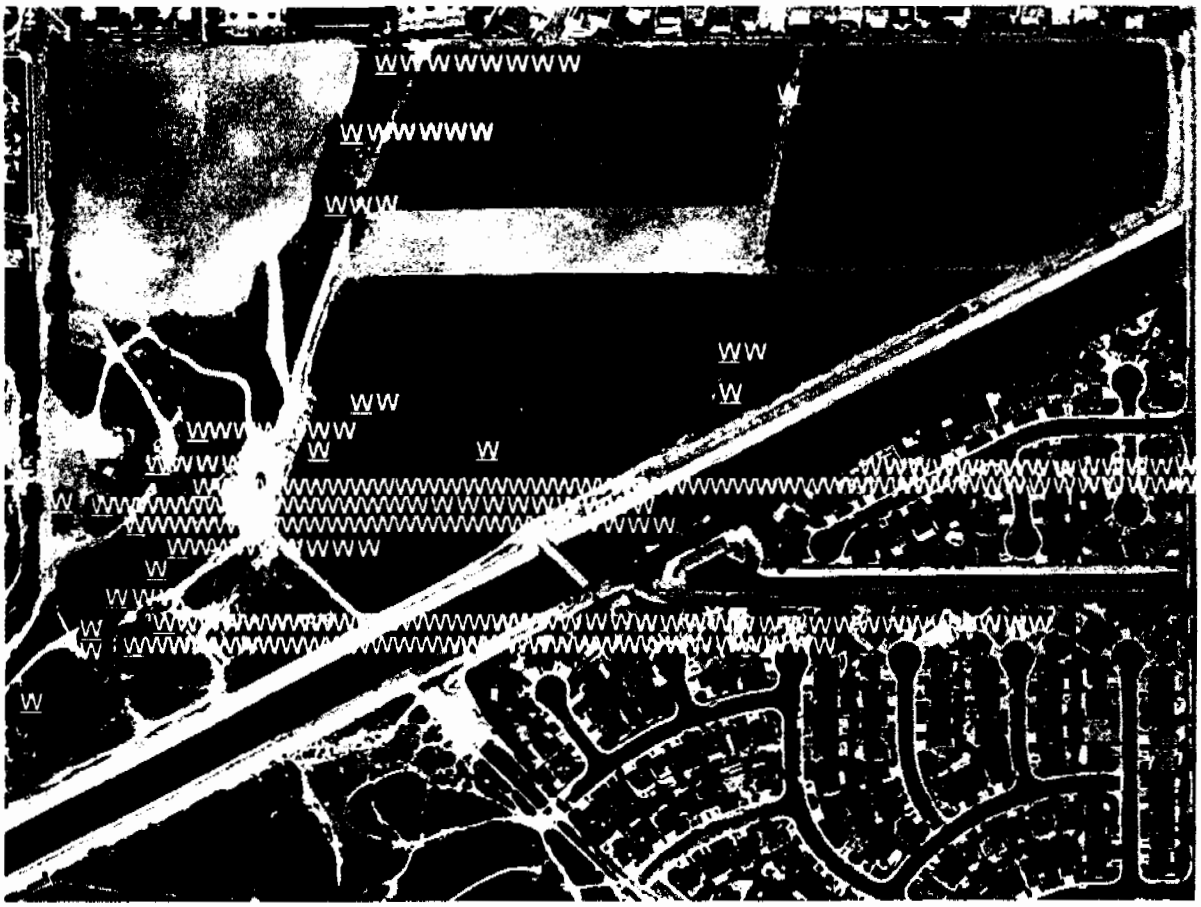
September 26, 2005*
September 27, 2005*
September 28, 2005*
September 29, 2005*
September 30, 2005* (trio)
October 1, 2005*
October 3, 2005*
October 4, 2005*
October 5, 2004*
October 7, 2005* (pair)
October 8, 2005 (pair)
October 10, 2005* (pair)
October 11, 2005*
October 12, 2005* (pair)
October 15, 2005
October 19, 2005*
October 20, 2005*
October 22, 2005
October 25, 2005* (pair)
October 26, 2005*
October 27, 2005*
October 28, 2005* (trio)
November 2, 2005* (trio)
November 3, 2005* (pair)
November 4, 2005* (pair)
November 6, 2005* (pair)
November 8, 2005* (7!)
November 11, 2005* (pair)
November 12, 2005*
November 14, 2005*
November 25, 2005*
November 29, 2005*
December 5, 2005*
December 7, 2005* (trio)
December 8, 2005*
December 26, 2005*
December 29, 2005 (pair)
January 1, 2006
January 3, 2006*
January 7, 2006
January 10, 2006*
January 12, 2006*
January 14, 2006*
January 15, 2006
January 17, 2006* (pair)
January 18, 2006* (pair)
January 19, 2006*
January 25, 2006* (pair)
January 27, 2006*
February 1, 2006* (pair)
February 3, 2006*
February 7, 2006* (trio)
February 10, 2006*
February 13, 2006*
February 14, 2006* (four)
February 16, 2006*
February 17, 2006 (pair)
February 20, 2006
February 24, 2006*
February 28, 2006*
March 2, 2006* (pair)
March 8, 2006*
March 10, 2006*
March 14, 2006* (pair)
March 17, 2006
March 21, 2006* (trio)
March 23, 2006*
March 24, 2006* (pair)
March 29, 2006* (pair)
March 30, 2006*
April 5, 2006*
April 6, 2006*
April 9, 2006%
April 11, 2006*
April 21, 2006* (pair)
April 22, 2006
April 24, 2006*
April 25, 2006*
April 30, 2006*
May 1, 2006* (pair)
May 6, 2006* (pair)
May 7, 2006
May 8, 2006* (pair)
May 10, 2006* (pair)
May 15, 2006*
May 20, 2006
May 21, 2006* (pair)
May 22, 2006*
May 23, 2006*
May 24, 2006*
May 26, 2006* (pair)
May 29, 2006*
May 30, 2006*
June 5, 2006*
June 13, 2006* (seven)
June 21, 2006* (four)
June 23, 2006*
June 24, 2006
July 1, 2006 (pair)
July 5, 2006
July 7, 2006
July 12, 2006*
July 15, 2006
July 26, 2006* (pair)
July 28, 2006* (nine)
July 29, 2006* (pair)
July 31, 2006 (eight)
August 2, 2006* (eight)
August 4, 2006* (four)
August 7, 2006* (pair)
August 9, 2006* (pair)
August 12, 2006
August 16, 2006* (pair)
August 18, 2006* (three)
August 24, 2006*
August 28, 2006*
August 30, 2006* (pair)
September 1, 2006*
September 2, 2006
September 6, 2006* (five)
September 8, 2006* (pair)
September 16, 2006
October 28, 2006
November 4, 2006 (four)
November 12, 2006 (pair)
November 25, 2006 (four)
December 22, 2006
December 30, 2006 (pair)
January 1, 2007
January 13, 2007
January 21, 2007 (trio)
January 27, 2007
February 17, 2007 (pair)
February 18, 2007
March 11, 2007 (pair)
March 18, 2007

White-tailed Kite (*Elanus leucurus*) – California fully-protected species



July 17, 2004
August 2004*
August 14, 2004
September 11, 2004
February 2005*
February 12, 2005 (pair)
February 22, 2005
February 26, 2005 (pair)
March 5, 2005 (pair)
March 12, 2005 (pair)
March 17, 2005
March 20, 2005
March 22, 2005
March 24, 2005
March 26, 2005 (nesting)
March 28, 2005*
March 29, 2005*
March 30, 2005*
April 2, 2005*
April 3, 2005
April 9, 2005 (pair)
April 12, 2005* (nesting)
April 16, 2005 (nesting)
April 18, 2005*
April 20, 2005* (nesting)
April 21, 2005*
April 22, 2005*
April 23, 2005 (nesting)
April 24, 2005* (pair)
April 25, 2005* (nesting)
April 26, 2005*
April 27, 2005*
April 28, 2005* (pair)
April 29, 2005* (pair)
May 1, 2005 (nesting)
May 2, 2005* (pair)
May 3, 2005*
May 4, 2005* (nesting)
May 6, 2005*
May 7, 2005
May 9, 2005*
May 10, 2005*
May 11, 2005* (nesting)
May 13, 2005* (nesting)
May 14, 2005
May 16, 2005*
May 18, 2005*
May 20, 2005*
May 21, 2005 (parent/juvenile)
May 22, 2005*
May 26, 2005*
May 27, 2005* (parent/juvenile)
May 28, 2005* (pair)
June 3, 2005
July 24, 2005*
July 28, 2005*
August 3, 2005*
August 16, 2005*
August 18, 2005*
August 19, 2005*
August 22, 2005* (pair)

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August 23, 2005*
August 31, 2005*
October 4, 2005*
October 28, 2005*
November 12, 2005 (pair)
November 18, 2005*
December 14, 2005*
December 16, 2005*
December 18, 2005*
December 24, 2005 (pair)
January 1, 2006
January 5, 2006*
January 6, 2006*
January 7, 2006*
January 12, 2006*
January 13, 2006
January 17, 2006*
January 18, 2006*
January 28, 2006
February 1, 2006*
February 2, 2006*
February 3, 2006* (pair)
February 11, 2006
February 13, 2006* (trio)
February 14, 2006* (nesting)
February 16, 2006* (nesting)
February 17, 2006 (nesting)
February 20, 2006*
February 23, 2006* (pair)
February 24, 2006* (nesting)
February 27, 2006*
February 28, 2006* (pair)
March 2, 2006*
March 17, 2006 (nesting)
March 19, 2006 (nesting)
June 17, 2006
July 7, 2006* (juvenile)
July 12, 2006* (juvenile)
July 15, 2006 (juvenile)
July 19, 2006* (juvenile)
July 22, 2006 (juvenile)
July 29, 2006 (juvenile)
August 3, 2006 (juvenile)
August 24, 2006
September 2, 2006
September 4, 2006*
September 6, 2006*
September 8, 2006*
September 10, 2006
September 12, 2006
September 16, 2006
September 17, 2006
September 23, 2006
November 12, 2006 (pair)
November 19, 2006
November 25, 2006 (pair)
December 1, 2006
December 9, 2006
December 15, 2006 (pair)
December 16, 2006 (pair)
December 17, 2006 (pair)
December 22, 2006 (pair)
December 25, 2006 (pair)
December 28, 2006
December 30, 2006
January 6, 2007
January 13, 2007
January 27, 2007
February 3, 2007
February 24, 2007
March 23, 2007 (pair)

Sincerely,

Mark D. Bixby

Mark D. Bixby
Neighbors for Wintersburg Wetlands Restoration
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
714-625-0876
mark@bixby.org
http://www.bixby.org/parkside/

VV-22

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CALIFORNIA
COASTAL COMMISSION

April 25, 2007

Th14a

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

Subject: Response to Mark Bixby Correspondence Regarding Data from Groundwater Monitoring Wells on the Parkside Estates Property

Dear Ms. Vaughn:

This letter responds to recent e-mails (April 5 and April 15, 2007) and letter correspondence (April 4 and April 24, 2007) from Mr. Mark Bixby. We have reviewed all this correspondence and find it to be flawed and replete with unfounded assertions. There is no evidence to support Mr. Bixby's erroneous allegations that saltwater intrusion exists or somehow affects our property, or that Shea intentionally submitted "false" information and "deliberately omitted" groundwater data. We hesitate to respond again to what appears to be nothing more than an effort to delay our hearing by any means possible, but given Mr. Bixby's persistence, we feel compelled to respond to his allegations.

False Allegations of Unprofessional Data Manipulation

Mr. Bixby has made numerous false accusations and statements suggesting that Parkside's consultants have withheld important data.

All of the data that were collected by LSA from 1999 to 2002 were provided in the May 2002 wetland delineation, which is a matter of public record and available to Mr. Bixby. In November 2006, LSA advised Commission staff that it would reinitiate well measurements and add salinity readings, primarily due to curiosity over the potential effects of the Pocket flooding. On February 7, 2007, Dr. John Dixon requested this information, and it was provided to him on February 8, 2007. This information is likewise public record and available to Mr. Bixby.

Groundwater data have been collected intermittently from a series of monitoring wells installed in 1999 by Pacific Soils and monitored through the present time. The purpose of these wells, which measure groundwater at various depths, was to assess groundwater conditions for purposes of construction and dewatering evaluation. Nevertheless, some of these data were helpful in evaluating groundwater conditions relative to the CP wetlands and the potential wetlands identified by Dr. Dixon in the AP and WP areas. Accordingly, relevant data were provided at Dr. Dixon's request.

Mr. Bixby also alleges that the layout of the monitoring well locations is intended to avoid wetland areas, noting that the 5-acre CP area has 20 wells and the remaining 45 acres have only 15 additional wells. In fact, Pacific Soils initially installed 19 wells scattered across the entire 50-acre site for the purpose of monitoring groundwater levels relative to various construction issues. Subsequently, LSA installed 16 shallow monitoring wells in the CP area when conducting its wetland delineation of that 5-

WW-1

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acre parcel. No wells were installed in the 45-acre portion of the site for the purpose of wetland delineation because there was no evidence that wetland conditions existed. When our contention that there are no wetlands on the 45-acre site was challenged, we used Pacific Soils' well data to refute those allegations.

To our knowledge, Mr. Bixby has no education or training in surface and groundwater hydrology, hydraulics or surveying techniques, yet he has propounded numerous unfounded theories and ongoing requests for additional information. The Commission staff has requested a large amount of information. Shea Homes has met all of these requests, and we will continue to provide data requested by staff. While the questions and assertions of Mr. Bixby are not relevant to the LCPA before you, in the interest of "clearing the air," a complete report on the Pacific Soils data and an updated LSA spreadsheet are attached.

Accuracy of Data

Mr. Bixby's assertions that the data provided by Shea Homes are inaccurate, or to use his word, "bogus," are apparently based on his misunderstanding of the conditions pertaining to the collection of the data and of the context in which the data were provided to Commission staff. There are two main sources for Mr. Bixby's confusion, both of which have been explained to Commission scientific staff, for whom the data were intended.

The first apparent source of confusion is the fact that the reference points for the surface elevations in the July 2006 analysis were taken from the spot elevations on the most current topographic map at that time. It should be noted that several topographic maps have been used over the planning period for this project. As topographic maps have been updated, these elevations have varied, primarily due to variations in the precision of the various mapping processes. In addition, vandalism and farming operations damaged some of the wells that were repaired and/or restored in 2006, altering their surface elevations. Thus, when the data from one timeframe are put in the context of the most current topographic mapping, the resulting differences amount to 0.05 ft to 0.3 feet. In the context of the original intents of the various measurements, these differences are not significant.

The other apparent source of confusion is that the first spreadsheet attached to Mr. Bixby's e-mail of April 15, 2007 was constructed to compare the measured water surface elevations to the general ground surface elevations within the WP, CP and AP areas. For example, for well PS16, the measured water surface elevation ranges from 0.1 to -7.07, but this well is on a slope above the AP area. Therefore, this water surface elevation was extrapolated to the north end of the AP area, nearly 100 feet away from the well, and compared to the ground surface elevation there, which is -0.3 feet as listed in the spreadsheet.

In other words, the entire spreadsheet was set up to compare measured or estimated groundwater elevations to surface elevations in the WP, AP, and CP areas. Mr. Bixby misunderstood the purpose of this spreadsheet when he commented, *"The spreadsheet lists the ground elevation of PS16 as -0.3 MSL; I visit that location on a weekly basis and there's zero chance that well is below sea level."* He attempts to disparage the quality of the data through this comment, but the data are not the problem; his understanding of the purpose of the spreadsheet is the problem.

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This analysis suggested to LSA that the existing vegetation in the CP area is much more influenced by groundwater than potential future vegetation in the AP and WP areas might be. However, Dr. Dixon did not find the analysis sufficiently compelling to change his conclusions that these systems are driven by surface water accumulations. Ironically, Mr. Bixby's observations of both groundwater and surface water in the CP area support the Shea consultants' contention that the hydrologic regime in the CP area is different, and significantly wetter, than either the AP and WP areas. Mr. Bixby has said that this is a recent phenomenon driven by flooding in the Pocket, but as discussed in the next section, his explanation is not supported by actual measurements.

Cause of High Groundwater in the County Parcel

Apparently, Mr. Bixby hypothesized that flooding in the Pocket area would cause a rapid rise in groundwater and salinity levels in the western portion of the Parkside Estates property, and then set out to find data that would support his hypotheses. Indeed, he finds that groundwater elevations in several LSA wells are approximately one foot higher in early 2007 than they were on four selected dates in 1999/2000. However, Mr. Bixby does not discuss the numerous data from several dates prior to the Pocket flooding when groundwater levels were higher than they are now. Furthermore, Mr. Bixby does not discuss or apparently consider any actual groundwater processes or other potential influences on groundwater elevations. These considerations should include the following:

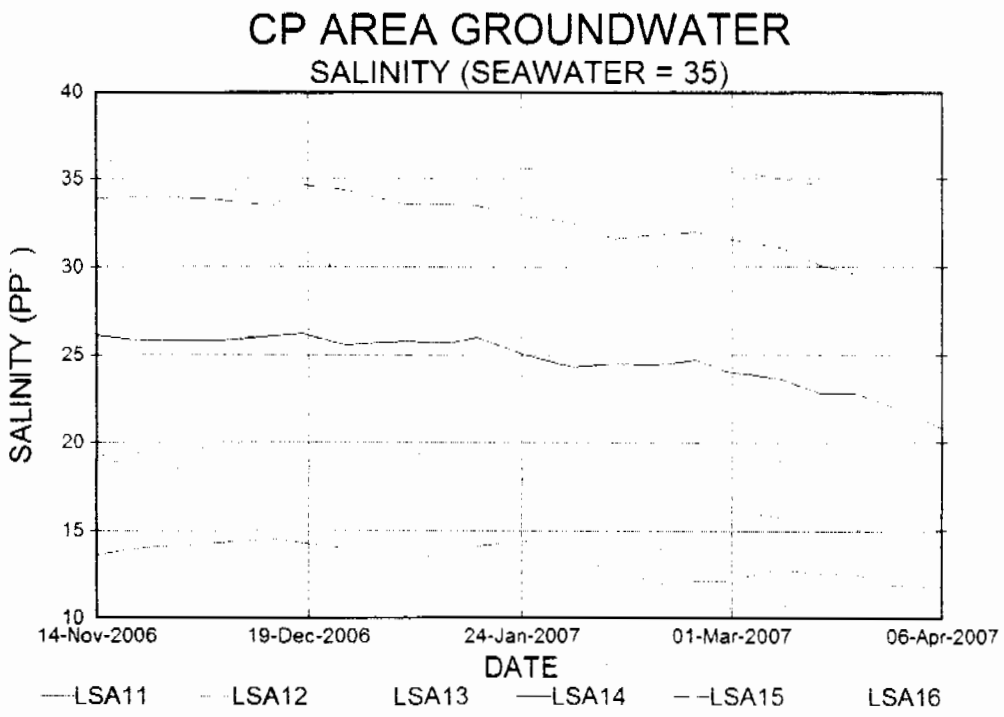
- **Hydraulic conductivity** – Mr. Bixby's correspondence does not consider if it is even possible for groundwater effects of the Pocket flooding to be observed in the CP area within six months. Darcy's law equates soil permeability to velocity of movement of water through soil. A preliminary look at this equation indicates that even if the soils were as permeable as coarse free-draining gravel, which they are not, water from the Pocket could not reach the CP area in the time that has elapsed since the Pocket was open. This point was addressed in Shea Homes' April 11, 2007 letter to you.
- **Topography** – Mr. Bixby asserts that the high water observed in one of the pits recently excavated by the local bicycle enthusiasts is connected to the Pocket wetlands. If this were the case, all areas between that pit and the Pocket that are of lower elevation than the observed pit water level would be inundated; they are not. This point was addressed in Shea Homes' April 11, 2007, letter to you. (The pits and ramps have since been removed, and the land returned to its pre-existing condition.)
- **Influence of the East Garden Grove-Wintersburg Channel** – Initially, Mr. Bixby completely ignored the influence of the East Garden Grove-Wintersburg flood control channel on groundwater elevations in the CP area, even though this channel is immediately adjacent and much closer to the CP area than the Pocket. In fact, the groundwater monitoring data and the two pits excavated by the bicyclists that are farther from the channel, confirm that the groundwater elevation in the CP decreases with distance from the channel. This demonstrates that observed groundwater near the channel is associated with the channel, not the Pocket. This point also was addressed in Shea Homes' April 11, 2007, letter to you. Mr. Bixby corrected his initial omission of the effect of the flood control channel in his letter of April 24.
- **Influence of regional groundwater** – Mr. Bixby does not adequately consider the effects of variations in regional groundwater aquifers on the well data. The unusually high groundwater in 2005-2006 reflected in the well data is correlated with the measurements taken in local City of Huntington Beach and Orange County Water District (OCWD) wells. Regional groundwater levels are controlled by OCWD replenishment efforts (water injection), extraction by local municipalities (including Huntington Beach) to meet peak water demands, and of course, seasonal rainfall and/or

droughts. Data from the City and OCWD dating back to the late 1970s show cyclical fluctuation in groundwater levels, significantly predating the Pocket flooding. This point was addressed in the Exponent Technical Memorandum dated February 22, 2006, and provided to Commission staff. Mr. Bixby's letter of April 24 dismisses the effect of regional groundwater based on data from only two of the many wells on the site. One of the wells he used is immediately adjacent to the flood control channel and heavily influenced by it.

Salinity

In the conclusion of his April 24 letter, Mr. Bixby states, *"It is an indisputable fact that salinity and groundwater levels are increasing on the southern portion of the property."* He also states that *"Seawater from the now-permanent Pocket lake has intruded into the groundwater table and has been pushing northeastward for the past ten months ...."* In fact, his conclusions are very disputable; and as we show below, they are wholly incorrect.

- **Over-estimating speed of groundwater movement** – As noted above, Darcy's law incontestably disproves this hypothesis. The law provides a means to compute the velocity of water movement through various soil permeabilities; such a computation shows that even if the dense clay soil in the area were as permeable as coarse, free-draining gravel, water from the Pocket could not reach the CP area in the ten months since the Pocket was flooded.
- **Salinity trends inconsistent with allegations** –Mr. Bixby's allegation that flooding the Pocket with seawater has influenced groundwater salinity beneath the CP area and the entire Parkside property is completely contrary to the measured groundwater salinity data. The groundwater salinity trend in the six LSA wells in the CP area actually show a marked decrease of salinity over the most recent six months. The salinity trend is consistent with regional groundwater effects, but not with effects due to Pocket flooding, as shown below.



WW-4

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- **The effect of evaporation on soil salinity** – Another factor influencing salinity levels in the CP is that this area, unlike the AP and WP, is frequently wet or moist. As these frequent accumulations of water within the CP evaporate, salts are left behind in the soil. There is a high rate of exchange between the soils and groundwater, which in turn influences the salinity in the groundwater that is in contact with the soil.

Relevance

After thorough review, it becomes clear that Mr. Bixby's assertions and theories have no relevance to Staff's analysis of Coastal issues or the upcoming Commission actions.

Sincerely,

SHEA HOMES LP

Ron Metzler
Vice President, Planning and Entitlement

Attachment: Pacific Soils Report
LSA Spreadsheet

cc: Members and Alternates, California Coastal Commission
John Dixon, Ph.D.
Mark Johnsson, Ph.D.
Karl Schwing
Steve Kaufmann, Esq.
Nancy Lucast
Parkside Estates consulting team
Mark Bixby

PACIFIC SOILS ENGINEERING, INC.
710 E. PARKRIDGE AVENUE, SUITE 105, CORONA, CA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

SHEA HOMES OF SOUTHERN CALIFORNIA
603 South Valencia Avenue
Brea, California, 92823

April 18, 2007
Work Order 102300

Attention: Mr. Ron Metzler

Subject: **UPDATED GROUNDWATER MONITORING DATA**
Parkside Estates
City of Huntington Beach, California

Gentlemen:

Presented herein are the results of Pacific Soils Engineering, Inc., (PSE) ongoing monitoring of groundwater observation wells at Parkside Estates. The data are updated through our readings of April 2, 2007 and are presented on various graphs (Plates 2-7 inclusive). The locations of the various observation wells are shown on Plate 1.

PSE has researched the records of the City of Huntington Beach and Orange County Water District (OCWD) for data relative to wells those agencies maintain and monitor in the general vicinity of Parkside Estates. That research has produced records of OCWD well No. BS02/1 located just southerly of Parkside, dating back to 1978 as well as records of OCWD GA-3, located northeasterly of Parkside (near Springdale St. and Heil Ave.) dating back to 1990. The locations of those wells are shown on Plate 8.

PSE has plotted the data of BS02-1 and GA-3 on Plates 9 and 10, respectively. We have also plotted the data from PSE observation well MW-3 along with the data from BS02/1 and GA-3 on Plate 11. PSE MW-3 was chosen because 1) it is a "deep" well, best representing the true groundwater level (rather than "perched" surfaces); and 2) it has produced the most continuous record of the four "deep" wells at Parkside (see Plate 2).

The combined records of the OCWD wells show a clear pattern of rising and falling groundwater levels dating back to the late 1970's. The pattern shows "high" levels occurring in the late winter and spring periods, followed by "lows" in the late summer and fall periods. The record of

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WW-6

PSE MW-3 shows remarkable correlation to these patterns and elevations as shown on Plate 12. It is interesting to note that the winter of 2005/06 and spring 2006 show abnormally high levels in all these wells.

We have discussed this information with the City of Huntington Beach Water Facilities personnel and obtained records of their monitoring well data. They have also observed abnormally high water levels in early 2006 and their data from GW-4 (located near Slater Ave. and Goldenwest St., Plate 8) have been plotted on Plate 13. They attribute the seasonal rises and falls of the water levels to more extensive extraction during peak demand periods (summer) and recharging/less extraction during the winter months. Such is clearly reflected in the GW-4 plots.

PSE, with the assistance of Exponent Inc., obtained precipitation records for the Los Alamitos Station and has plotted those data with the data for GW-4 as shown on Plate 14. While various factors including OCWD recharge efforts and extraction demands likely impact water levels in Huntington Beach, "peaks" have occurred in the years following exceptionally high rainfall amounts such as 1993 and 2005.

The data from OCWD and the City of Huntington Beach suggest that the recent high water levels reflected in the PSE monitoring wells since January, 2006 are a result of abnormally high water levels throughout the City of Huntington Beach. We will continue to monitor the groundwater levels at Parkside and provide periodic updates of that information.

Respectfully submitted,
PACIFIC SOILS ENGINEERING, INC.

JAMES B. CASTLES/RGE 192
RCE 30280/Reg. Exp.: 3-31-08
Chief Operations Officer

REGISTERED PROFESSIONAL ENGINEER
JAMES B. CASTLES
No. 192
Exp. 3/31/08
GEOTECHNICAL
STATE OF CALIFORNIA

Distribution (4) Addressee
(2) LSA: Attn: Mr. Art Homrinrighausen
Attachments: Plates 1-14

JBC:bjb-102300, April 18, 2007 (Groundwater Monitoring)

120

WW-7

8-MW

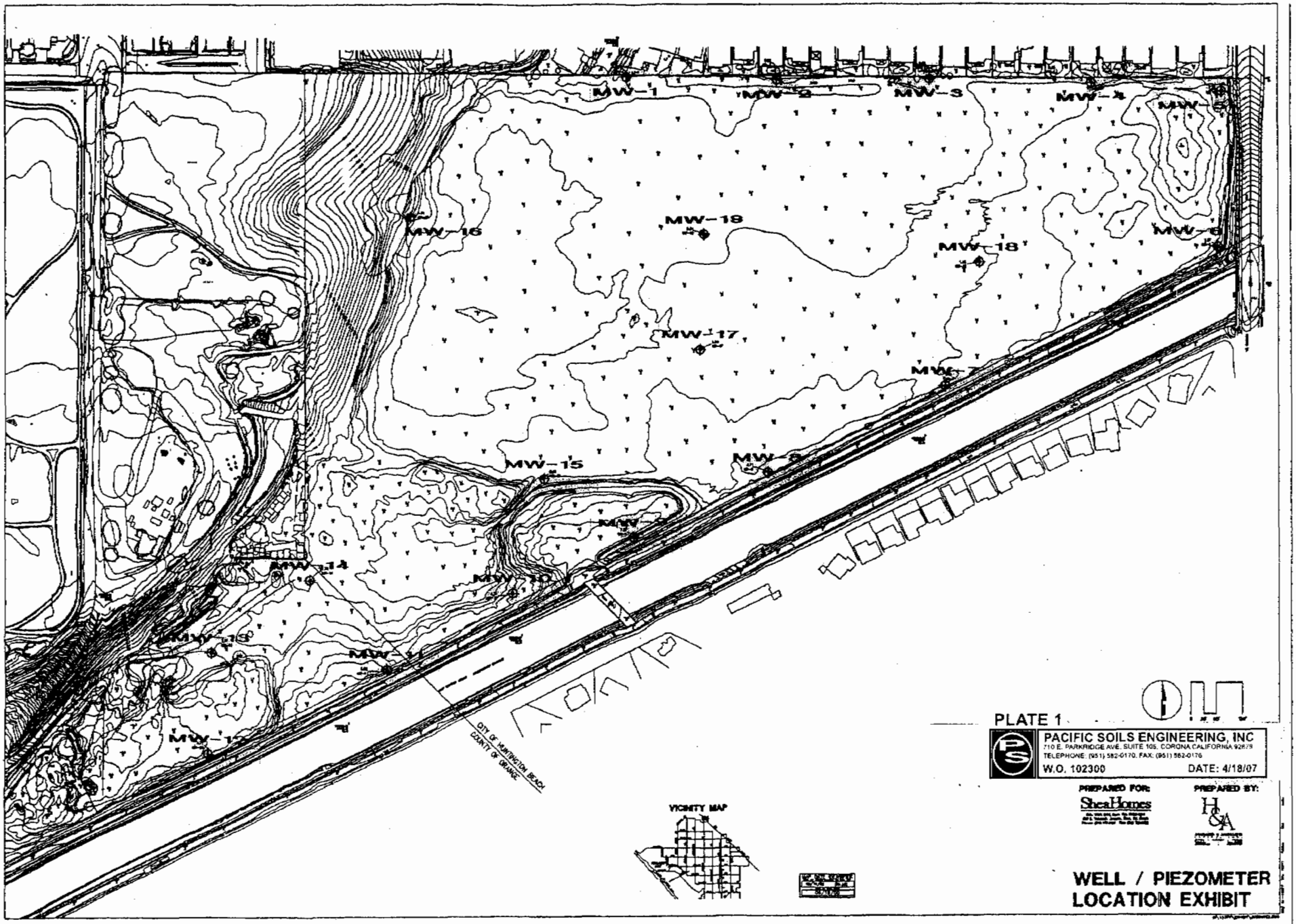

PLATE 1

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

W.O. 102300 DATE: 4/18/07

PREPARED FOR: Shea Homes

PREPARED BY: H&A

WELL / PIEZOMETER LOCATION EXHIBIT

1 of 1

b-MW

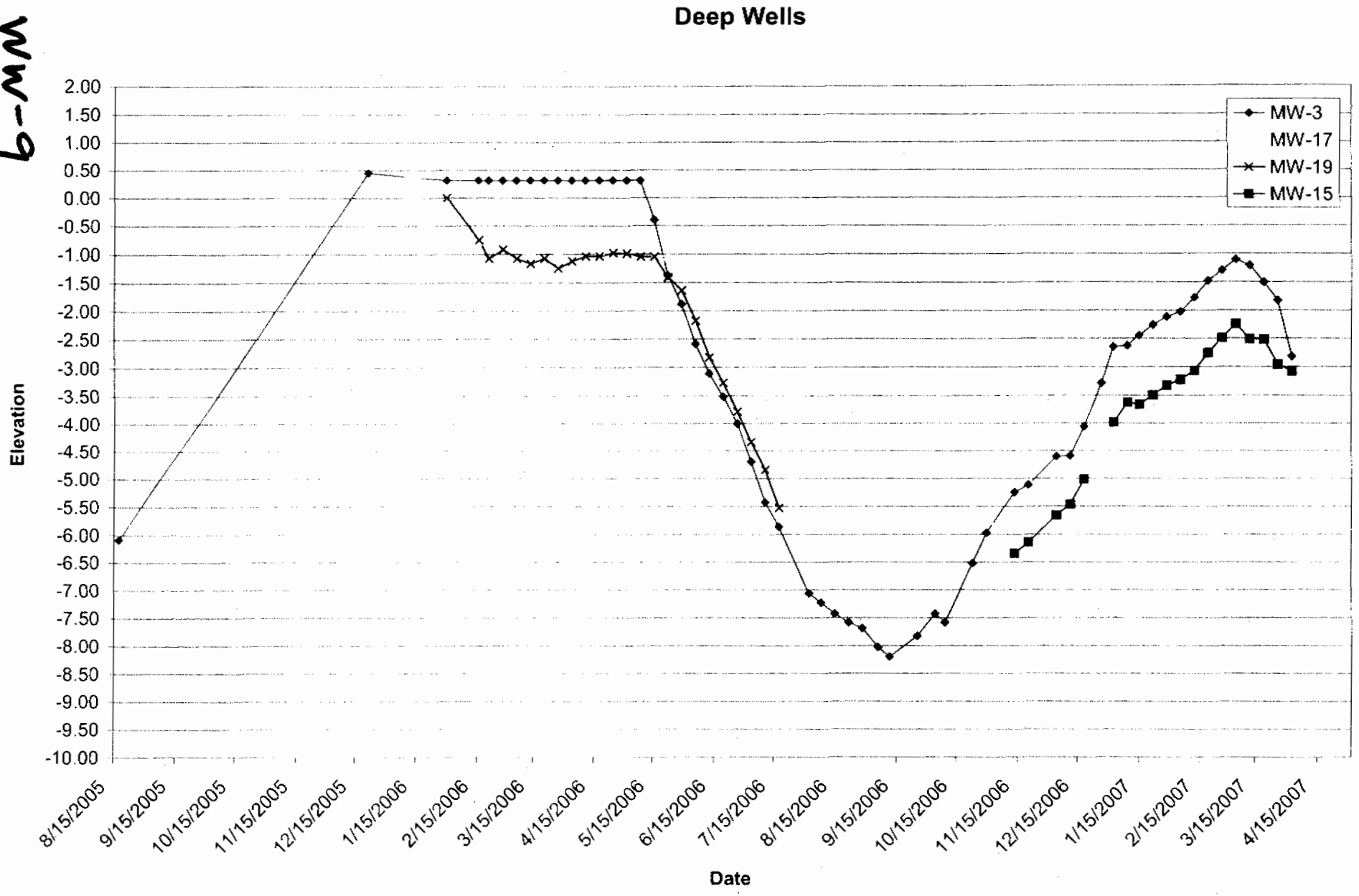

PLATE 2

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

W.O. 102300 DATE: 4/18/07

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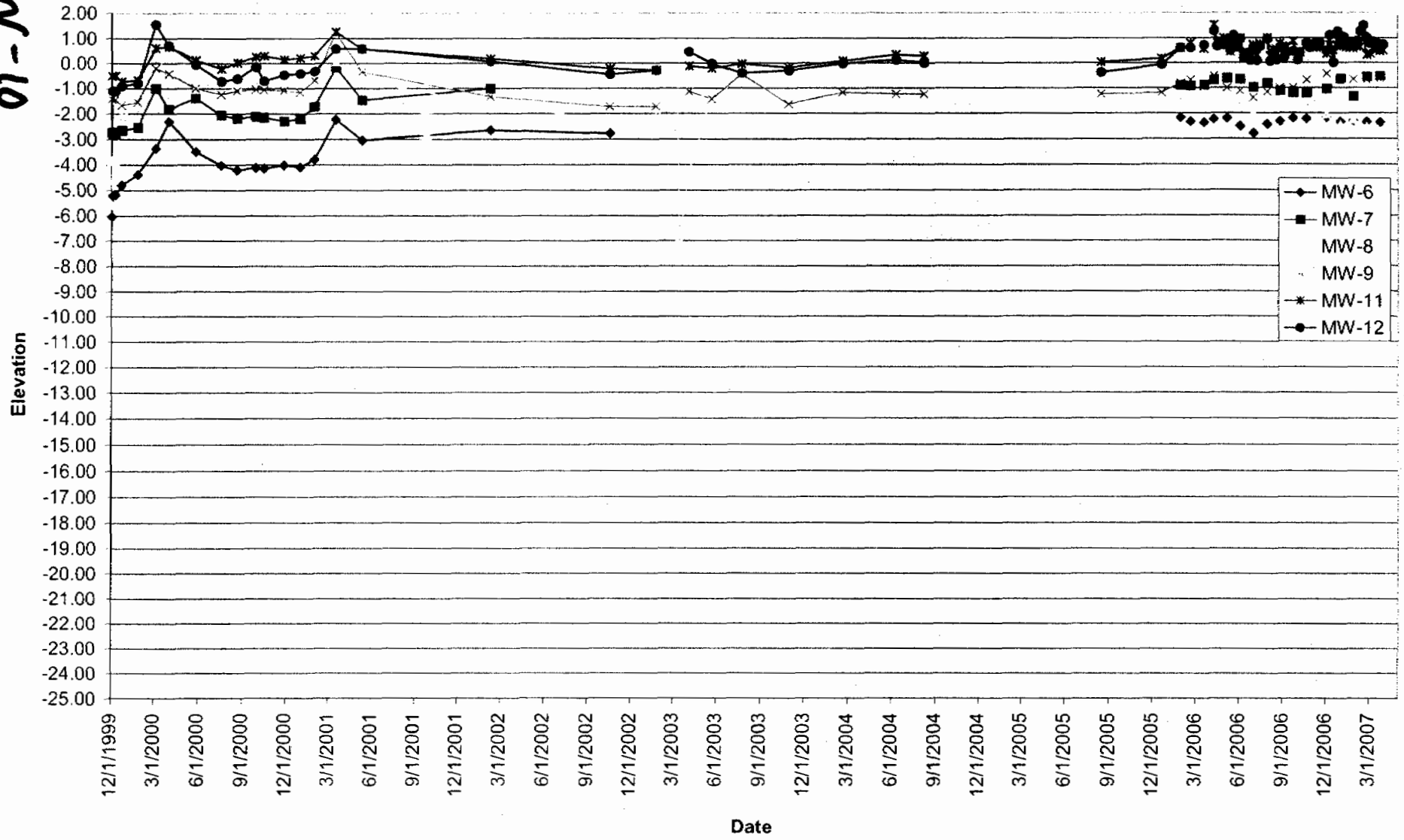
MW-10

Shallow, Adjacent to Channel



1 2 3

PLATE 3

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

W.O. 102300 **DATE: 4/18/07**

11-MM

Deep Wells

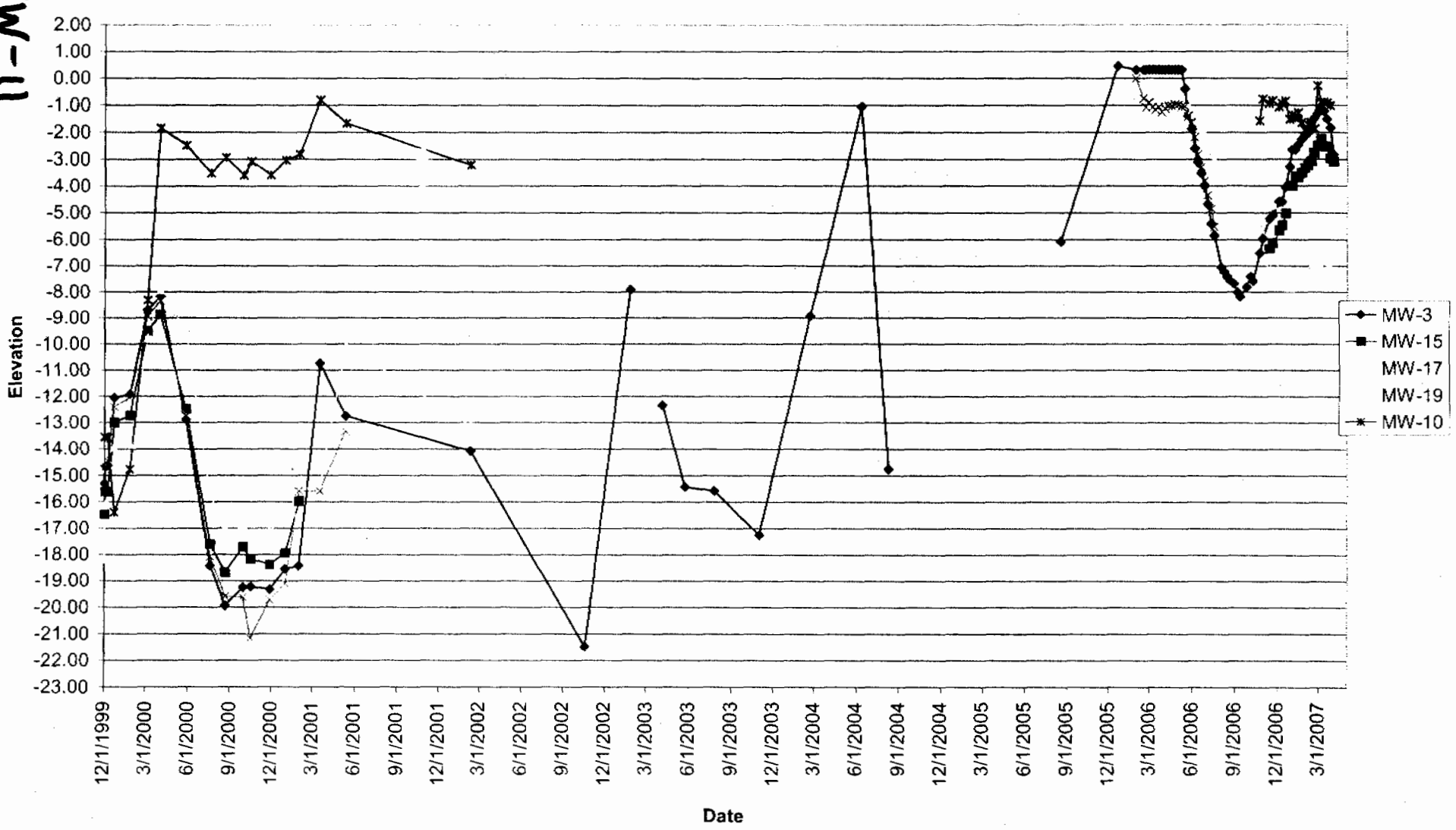


PLATE 4

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

W.O. 102300 DATE: 4/18/07

hcl

MW-12

Shallow, 200ft-300ft from Channel

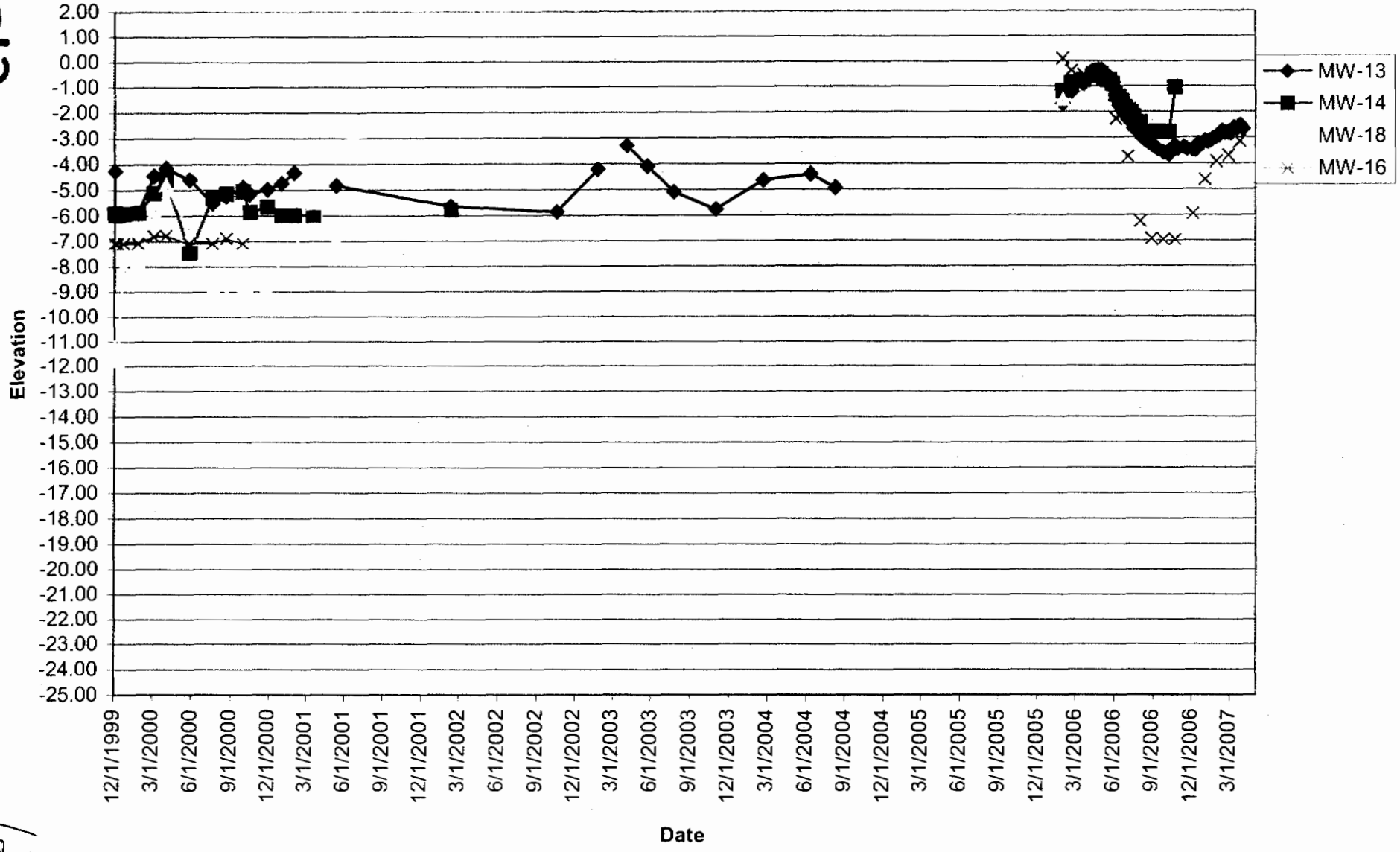


PLATE 5

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

W.O. 102300 DATE: 4/18/07

MW-3

Shallow-North Boundary

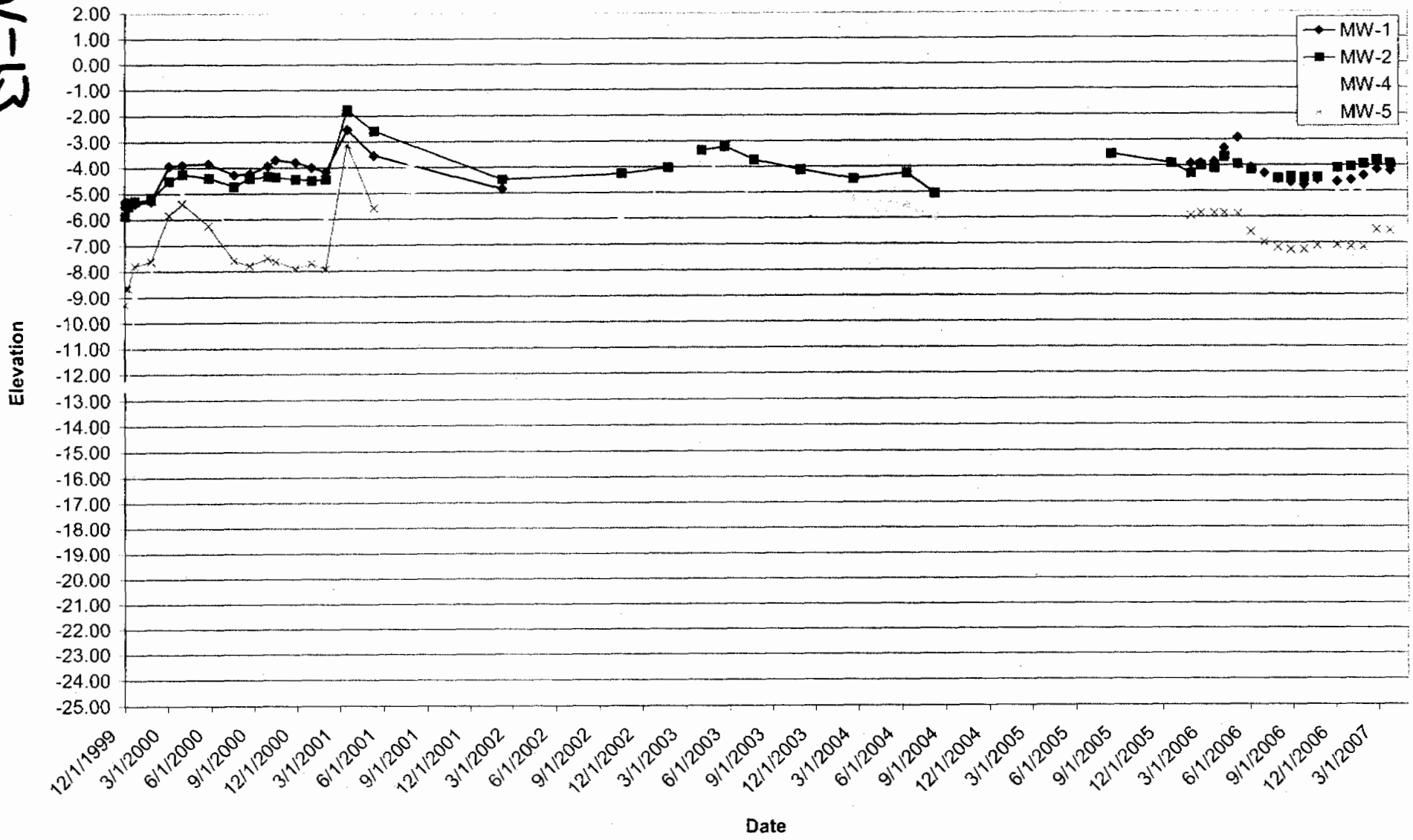


PLATE 6

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

W.O. 102300 **DATE: 4/18/07**

MW-14

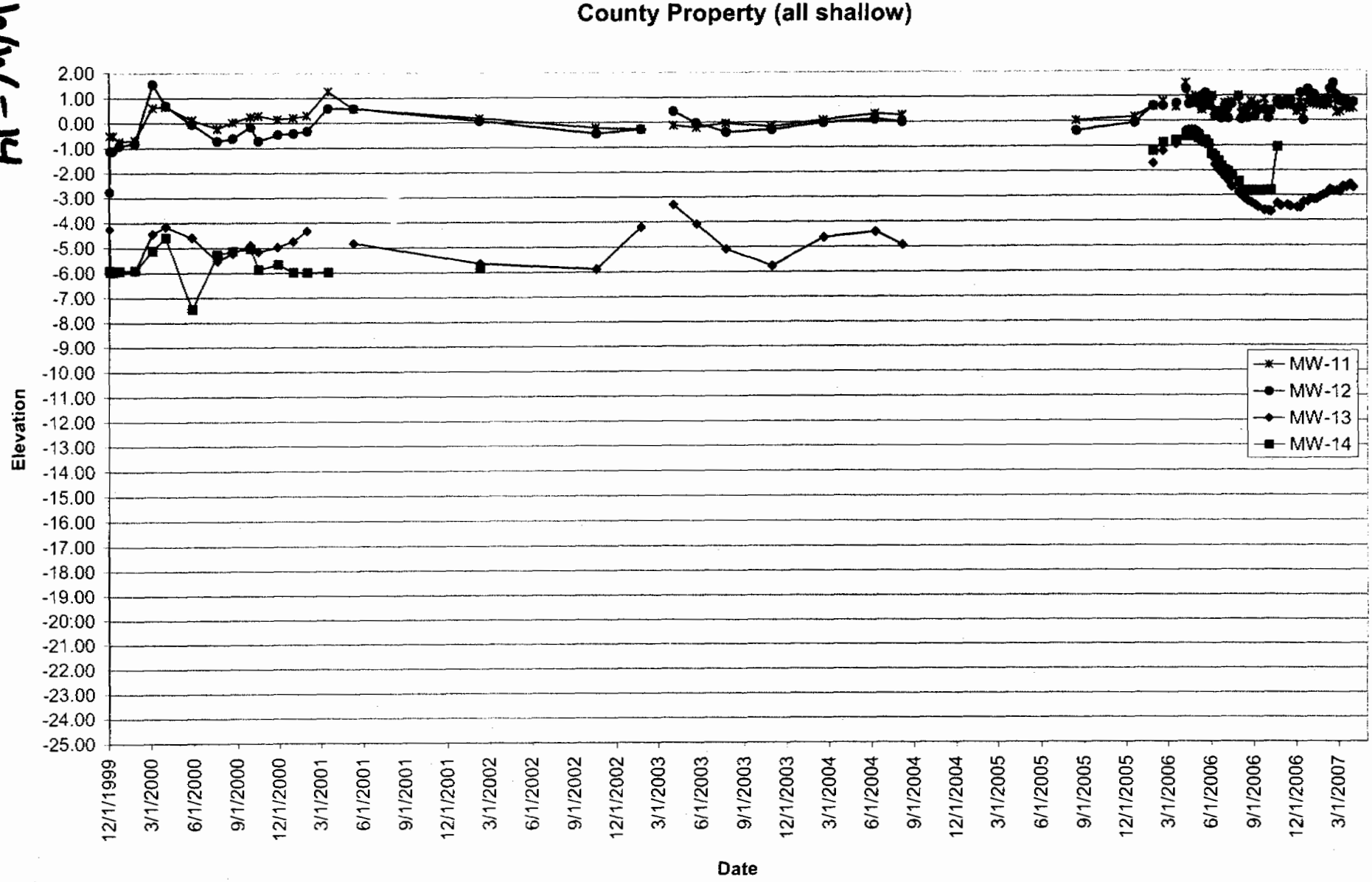


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PLATE 7

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

W.O. 102300 **DATE: 4/18/07**

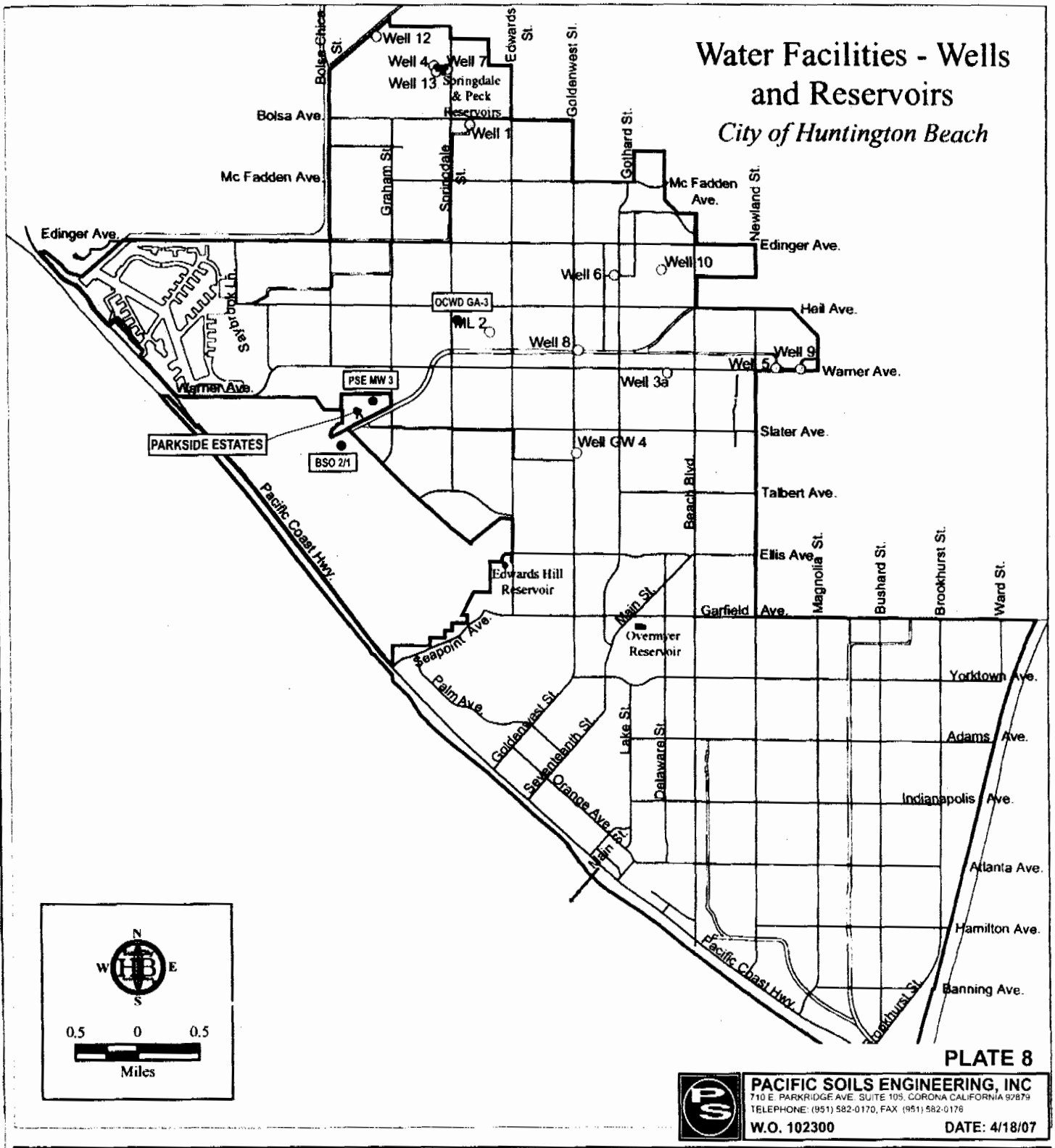

PLATE 8

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX (951) 582-0176
W.O. 102300 DATE: 4/18/07

Water Facilities

- Active Well
- Inactive Well
- Irrigation Only

- Reservoirs
- City Boundary
- Harbor and Channels
- Major Street Centerlines
- Isobaths

CAUTION WHEN USING THIS MAP

Information Services Department

HB GIS
November 2006

WW-16

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LI-MM

OCWD-BS02/1

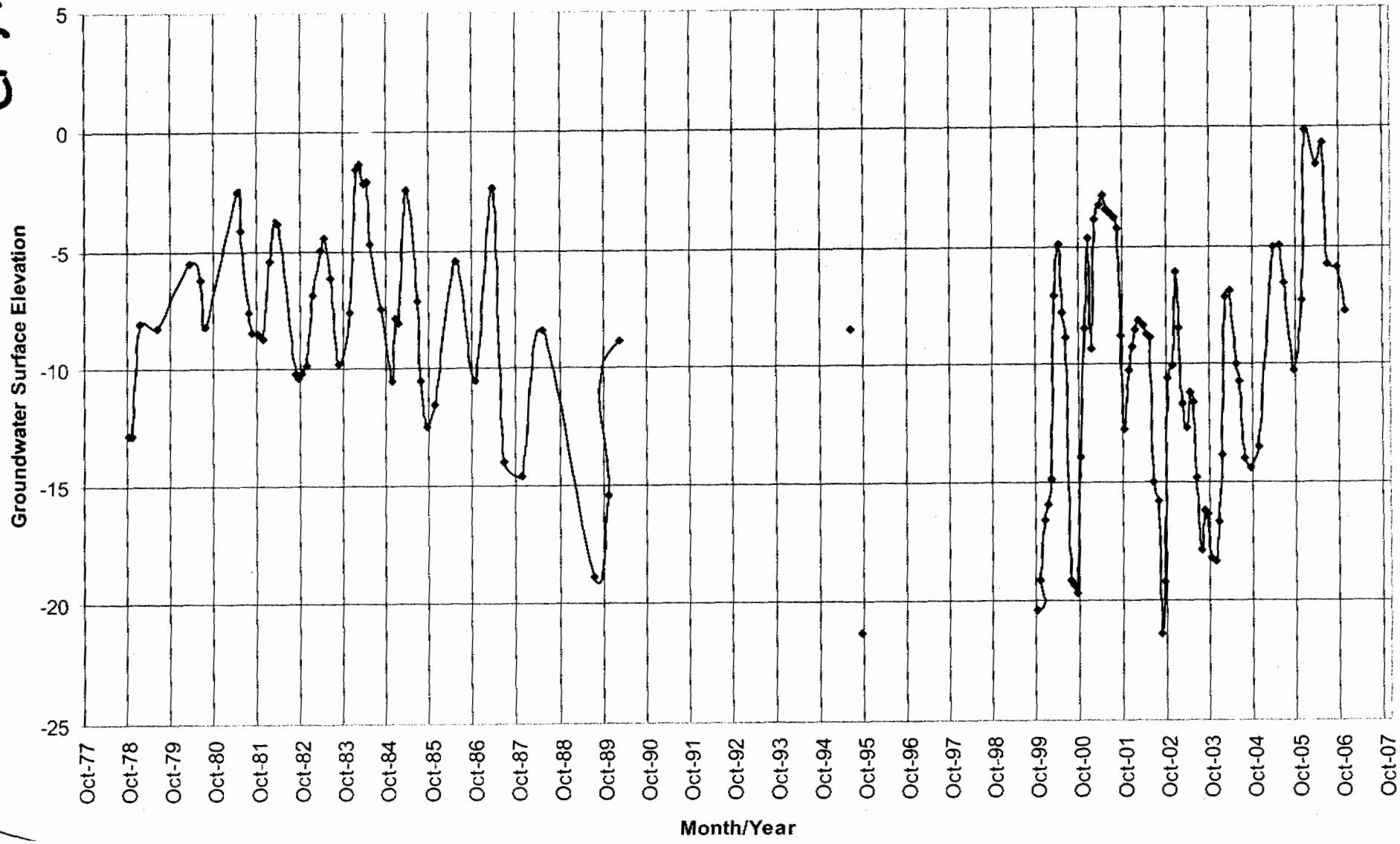

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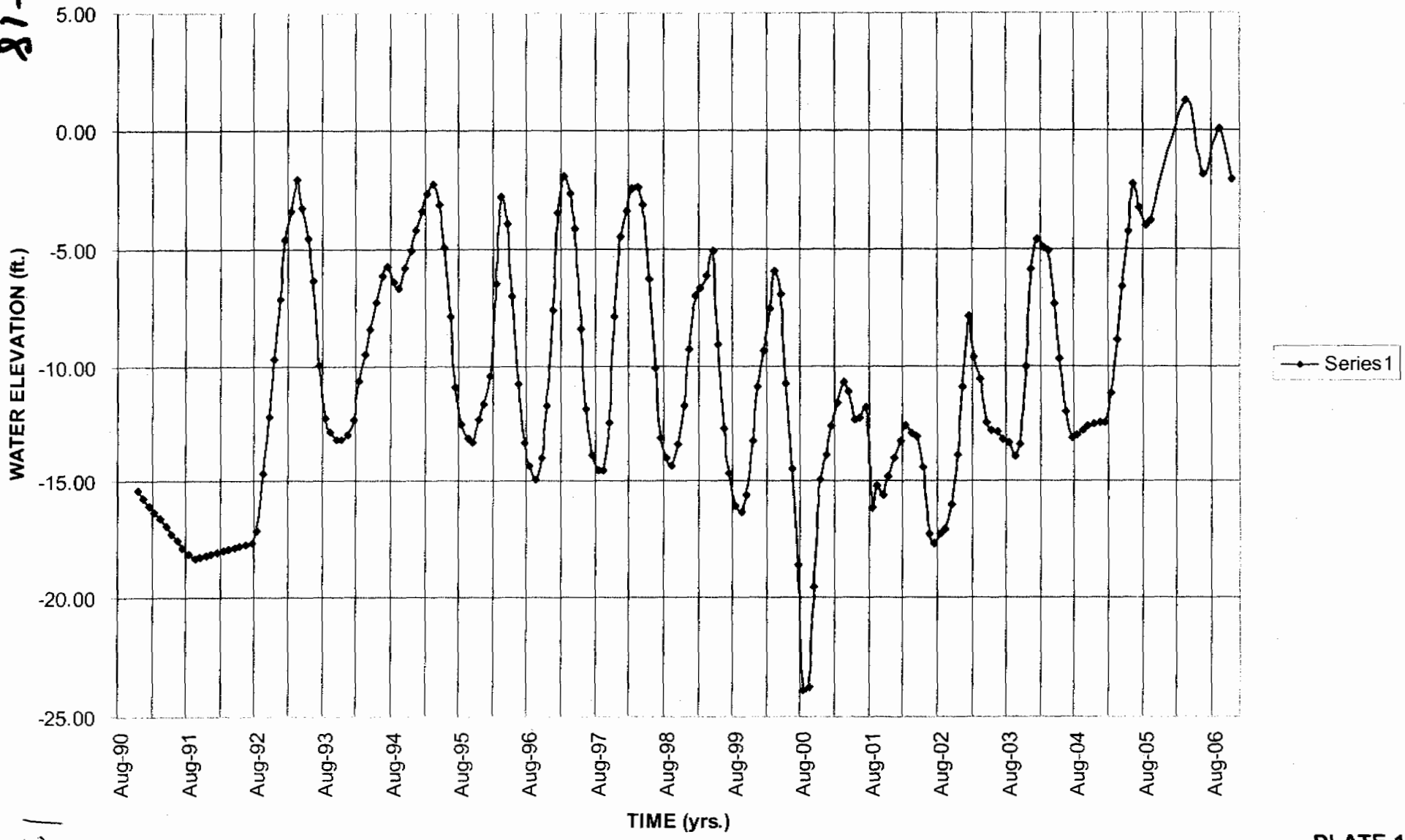
PLATE 9

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

W.O. 102300 **DATE: 4/18/07**

81-MW

OCWD GROUNDWATER WELL GA3



Q81

PLATE 10

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

W.O. 102300 **DATE: 4/18/07**

WW-19

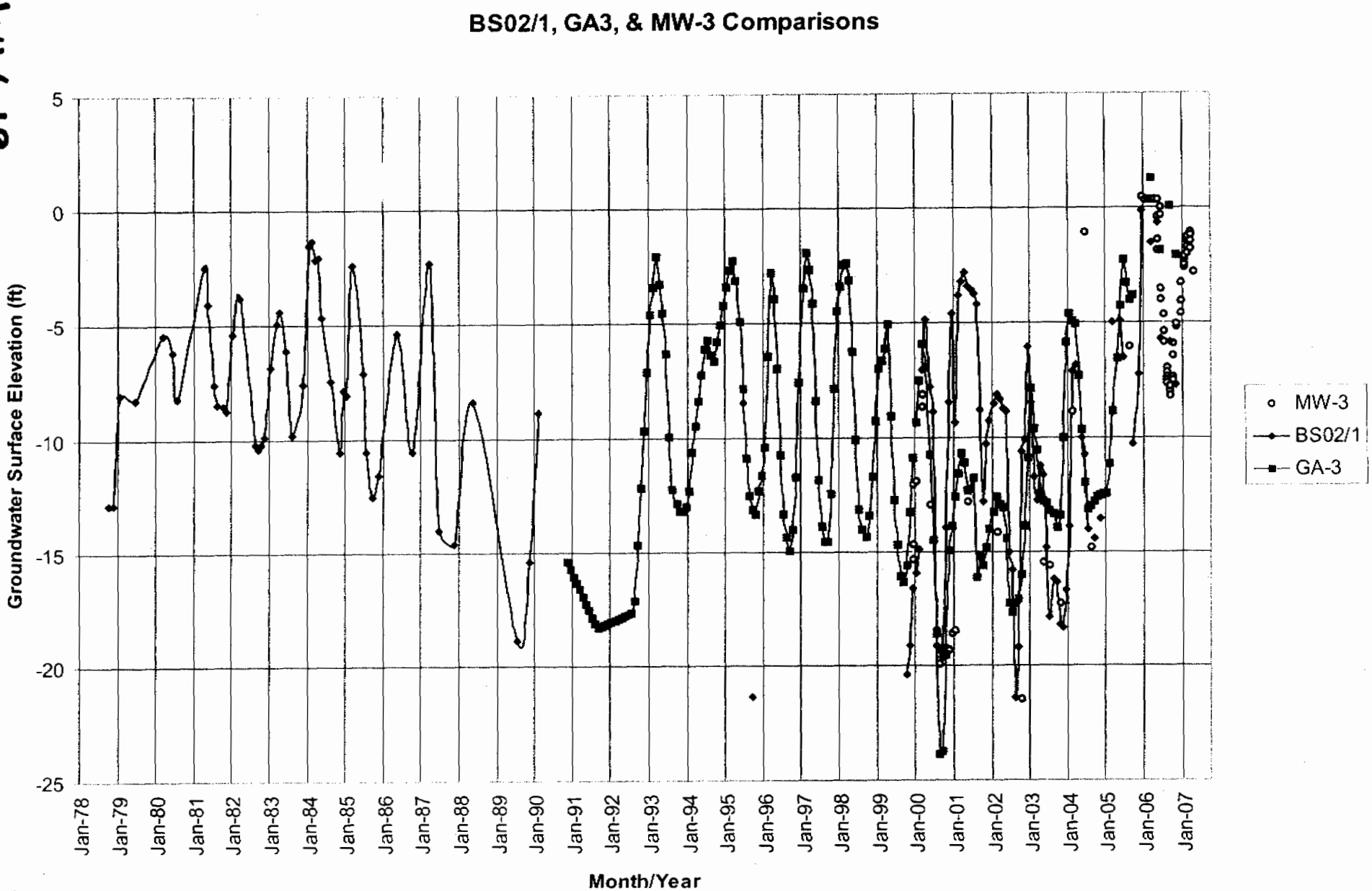


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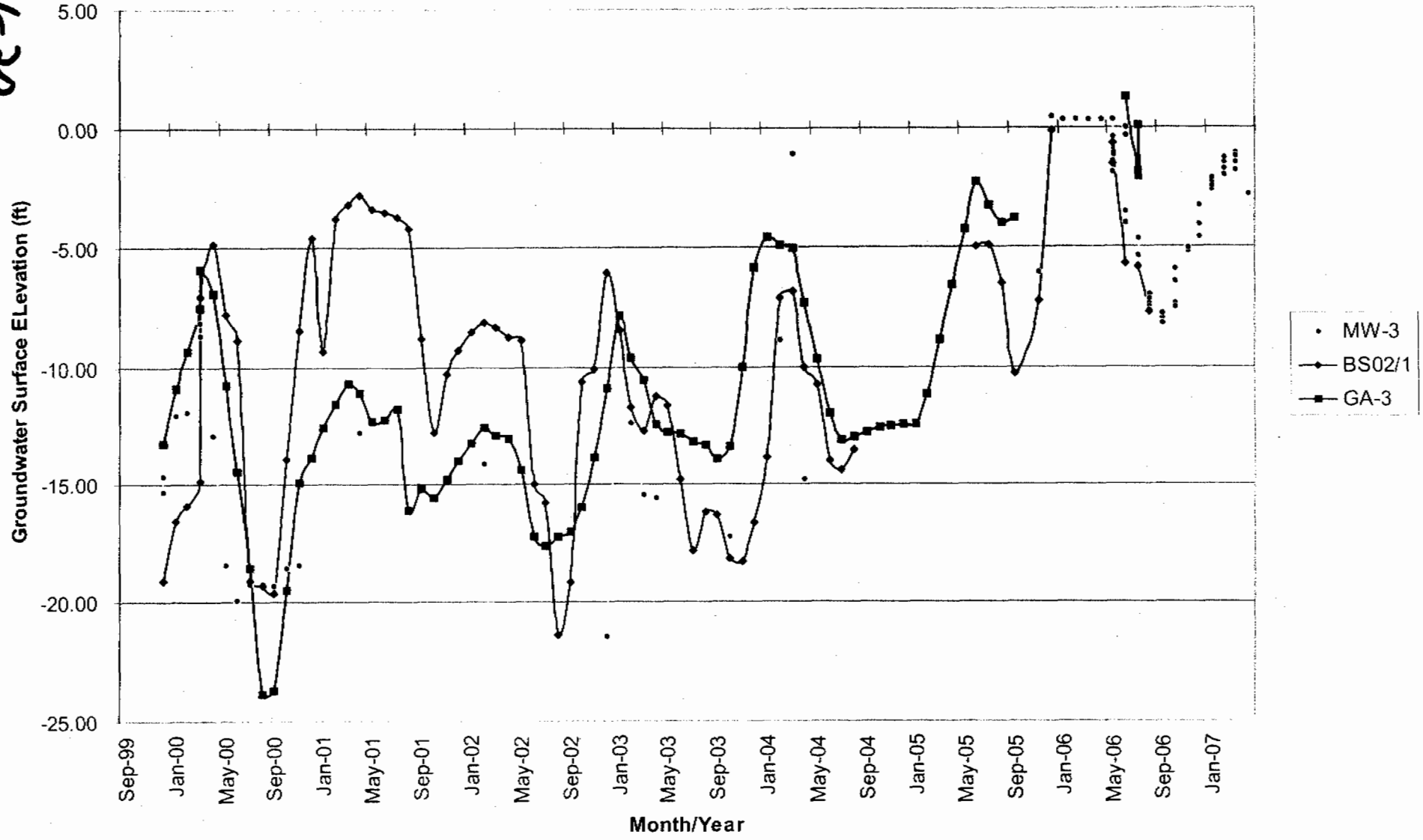
PLATE 11

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170. FAX: (951) 582-0176

W.O. 102300 DATE: 4/18/07

MW-30

BS02/1, GA-3, MW-3 COMPARISONS



231

PLATE 12

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170, FAX: (951) 582-0176

W.O. 102300 DATE: 4/18/07

12-MW

GW No. 4

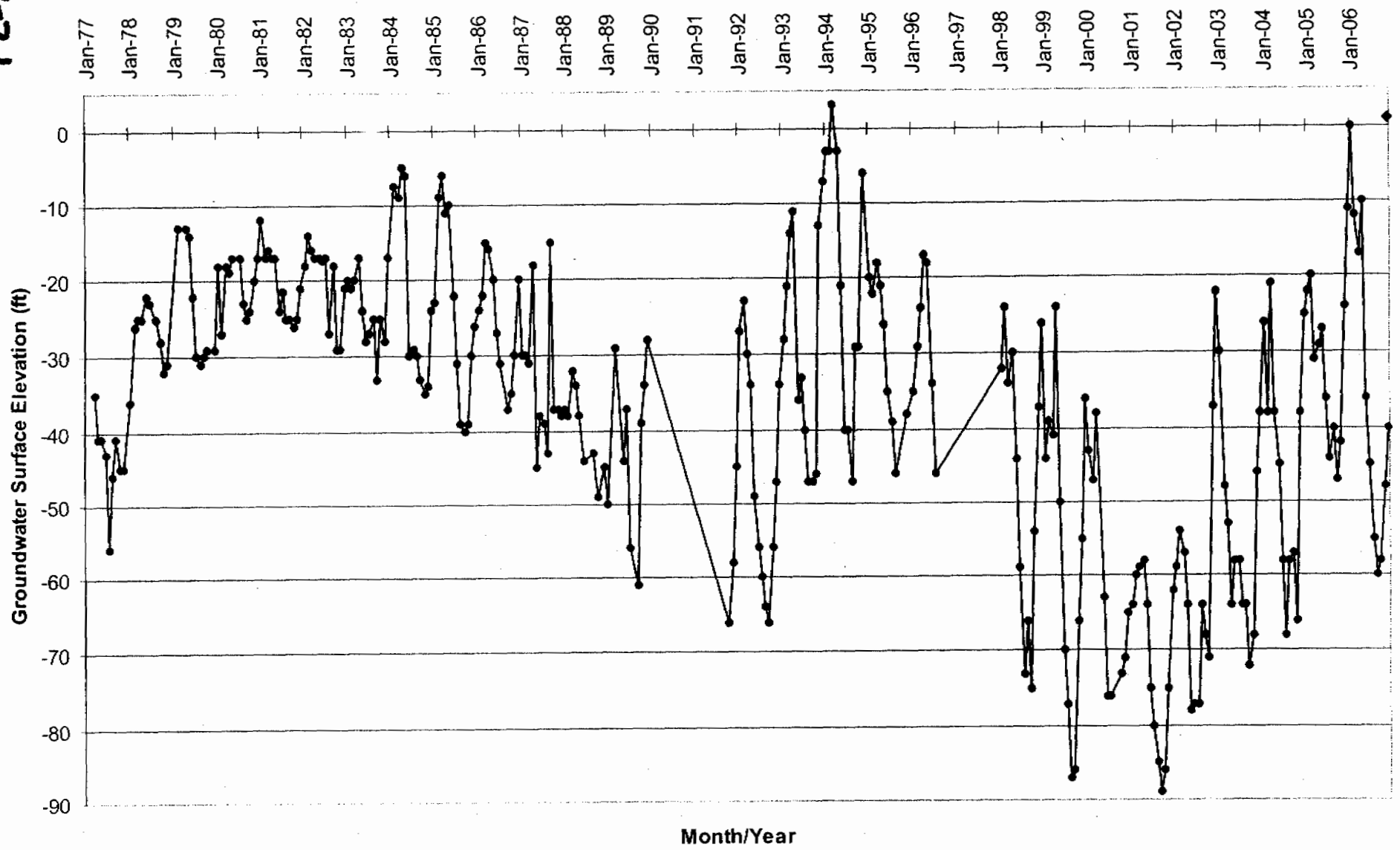


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PLATE 13

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170. FAX. (951) 582-0176

W.O. 102300 DATE: 4/18/07

MW-22

Comparison of Los Alamitos and GW No.4

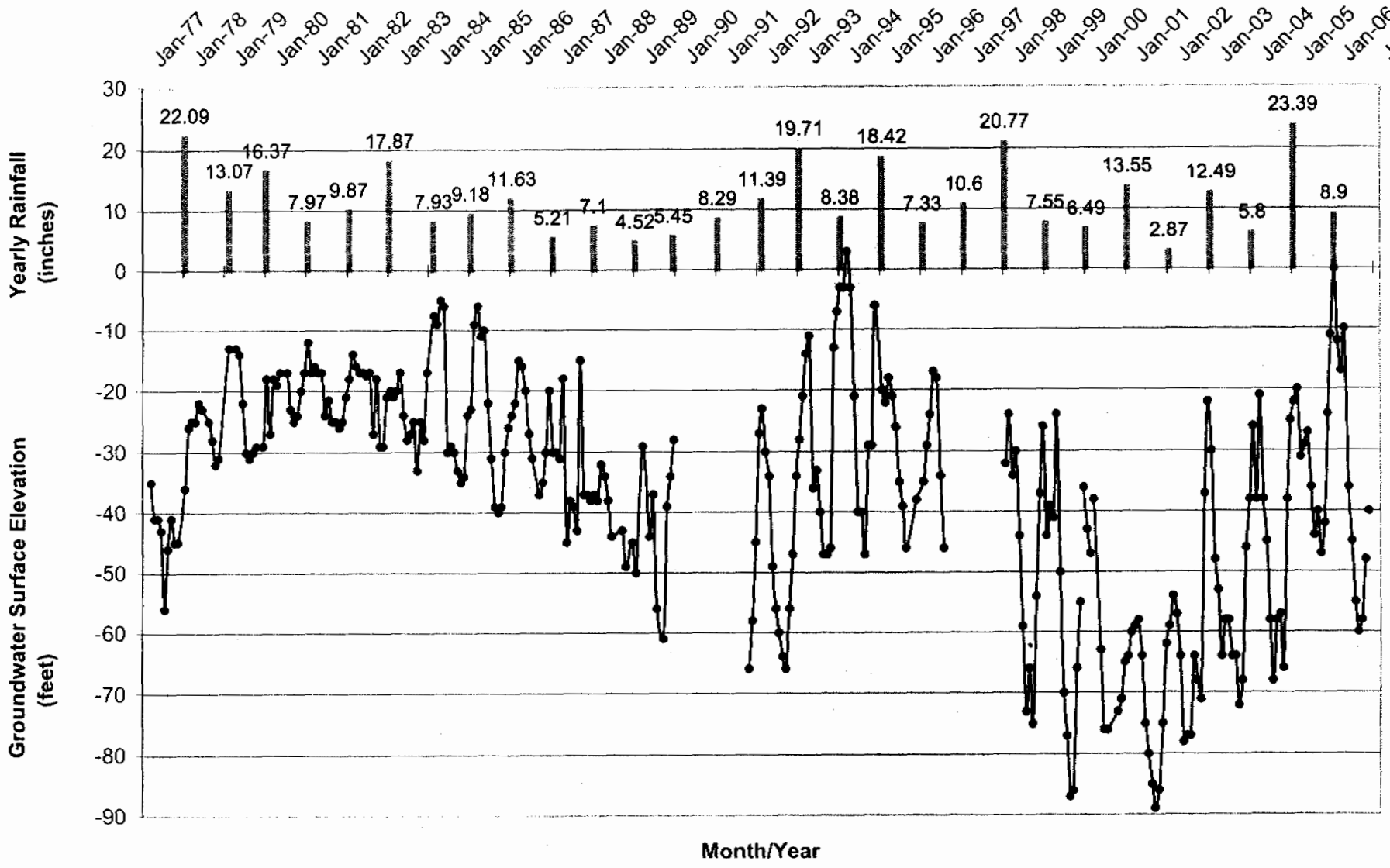

PLATE 14

PACIFIC SOILS ENGINEERING, INC
710 E. PARKRIDGE AVE. SUITE 105, CORONA CALIFORNIA 92879
TELEPHONE: (951) 582-0170 FAX: (951) 582-0176

W.O. 102300 DATE: 4/18/07

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MW-23

	Groundwater Depth (Feet)																
Well #	12/14/06	12/19/06	12/26/06	1/5/07	1/12/07	1/17/07	1/25/07	2/2/07	2/9/07	2/16/07	2/13/07	2/28/07	3/9/07	3/16/07	3/22/07	3/28/07	4/6/07
PS1	6.10	6.40	6.10	6.00	6.10	5.95	5.90	6.00	6.00	5.90	5.90	5.60	5.70	5.80	4.80	5.70	4.90
PS2	5.30	5.50	5.20	5.05	5.30	5.35	5.30	5.40	5.40	5.10	4.90	5.00	5.50	5.30	5.10	5.20	5.40
PS3	5.50	5.25	4.50	3.70	3.60	3.60	3.60	3.40	3.40	3.00	2.50	2.30	2.40	2.70	2.90	3.70	4.40
PS4	6.40	6.40	6.40	6.10	6.10	6.20	6.60	6.30	6.40	6.20	5.00	5.00	5.80	5.90	6.10	6.10	6.00
PS5	9.40	8.80	8.40	8.70	8.90	8.75	9.00	8.50	8.90	8.10	8.20	8.20	8.10	8.90	8.10	8.40	8.40
PS6	5.25	5.30	5.40	5.00	5.60	5.40	5.40	5.50	5.40	5.30	5.20	5.10	4.40	5.40	5.30	5.60	5.70
PS7	2.30	2.50	2.50	2.10	2.00	2.50	2.20	2.10	2.20	2.20	2.25	2.00	2.20	2.30	2.40	2.10	2.30
PS8	3.60	3.70	4.00	3.60	3.80	2.95	3.50	3.50	3.80	3.00	2.60	2.90	4.00	1.95	3.70	3.50	3.50
PS9	8.75	9.30	8.70	8.80	9.00	8.90	9.10	8.50	8.90	9.10	8.80	8.60	9.20	8.80	9.10	8.80	9.00
PS10	4.50	5.50	5.60	6.10	5.70	5.80	6.40	6.50	6.30	6.10	5.60	5.30	5.50	4.20	5.40	5.40	*unable to locate*
PS11	4.80	5.10	5.30	5.05	5.00	5.20	4.90	4.90	4.90	5.20	4.70	5.30	5.10	5.10	5.10	4.80	5.10
PS12	1.40	1.60	1.60	1.80	1.30	1.70	1.60	1.60	1.30	1.80	1.70	1.80	1.50	1.50	1.90	1.40	1.90
PS13	6.40	6.10	6.20	6.00	6.30	6.30	6.20	5.90	5.80	5.70	5.70	5.40	5.70	5.60	5.70	5.60	5.50
PS14	3.90	4.20	3.80	3.80	4.10	4.60	4.60	4.60	4.60	4.50	3.90	4.50	4.50	4.50	4.40	4.40	4.60
PS15	7.70	7.40	7.10	*unable to locate*	6.20	5.90	5.70	5.40	5.80	5.20	4.70	4.80	4.40	4.70	4.50	5.30	6.10
PS16	*unable to locate*	8.70	7.90	6.50	7.70	7.25	7.20	7.00	7.00	6.70	6.60	6.40	6.10	5.80	6.10	6.20	6.90
PS17	8.60	9.10	4.80	6.30	8.70	8.85	9.00	10.90	8.80	8.20	6.80	8.40	8.50	8.40	8.50	8.60	8.40
PS18	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*	*n/a*
PS19	*n/a*	*n/a*	4.90	4.60	4.60	4.45	4.50	4.60	4.50	4.50	4.20	4.00	4.20	4.00	3.90	4.10	*unable to locate*
LSA1	5.25	5.20	4.60	5.05	5.00	4.80	5.00	4.90	4.80	4.70	4.70	4.60	4.80	4.40	4.50	4.70	4.80
LSA2	4.60	4.70	4.80	4.45	4.80	4.80	4.60	4.60	4.60	4.50	4.60	4.50	4.70	4.70	4.70	4.50	4.60
LSA3	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*
LSA4	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*
LSA5	5.20	5.00	5.30	5.10	5.40	5.00	5.00	5.90	4.90	4.80	4.80	5.00	5.00	4.80	4.90	4.70	4.80
LSA6	5.40	5.40	5.30	5.30	5.40	5.30	5.40	5.20	5.10	5.20	5.40	5.30	5.10	5.00	4.90	5.10	4.60
LSA7	5.50	5.60	5.60	5.35	5.70	5.60	5.50	5.40	5.70	5.40	5.30	5.50	5.50	5.60	5.40	5.60	5.50
LSA8	4.35	4.40	4.40	4.40	4.30	4.20	4.30	6.10	4.00	3.90	3.80	3.80	4.00	4.00	3.80	4.00	3.80
LSA9	*unable to locate*	*unable to locate*	2.30	*unable to locate*	2.30	2.25	2.40	2.20	2.00	2.10	2.10	2.10	2.30	2.10	2.10	2.00	2.30
LSA10	*unable to locate*	1.20	1.25	*unable to locate*	0.90	1.40	1.10	1.20	1.00	1.10	1.30	1.10	1.30	0.50	1.20	1.50	1.20
LSA11	5.30	5.10	4.90	4.85	4.40	3.45	4.90	4.60	4.60	4.30	4.70	4.20	4.00	4.20	4.00	4.00	4.00
LSA12	2.60	2.30	3.30	2.40	2.40	2.30	2.30	2.30	1.80	2.00	2.20	2.00	2.20	2.10	2.20	2.50	2.10
LSA13	*unable to locate*	0.75	2.30	1.00	1.50	0.70	1.00	0.50	0.50	0.50	0.60	0.60	0.70	0.50	1.00	0.90	0.60
LSA14	*unable to locate*	1.60	1.70	1.60	1.40	1.60	1.70	1.50	1.30	1.80	1.40	1.30	1.50	1.40	1.40	1.70	1.40
LSA15	3.25	2.25	3.20	3.10	2.90	3.10	2.10	2.90	2.90	2.60	2.80	2.60	2.80	2.60	2.60	2.50	2.40
LSA16	1.90	1.90	1.90	1.90	2.10	2.00	1.90	1.80	1.60	1.60	1.80	1.70	1.70	1.70	1.80	1.80	1.60

231

	Salinity (ppt)																		
Well #	11/14/06*	11/22/06	12/5/06	12/14/06	12/19/06	12/26/06	1/5/07	1/12/07	1/17/07	1/25/07	2/2/07	2/9/07	2/16/07	2/23/07	2/28/07	3/9/07	3/16/07	3/22/07	3/28/07	4/6/07
PS1	1.6	1.7	1.8	1.8	2.0	2.1	1.9	1.9	1.9	1.9	2.0	2.0	1.9	1.8	1.9	1.8	1.8	1.8	1.8	1.6
PS2	0.0	0.0	0.0	0.0	1.0	1.0	1.0	1.1	1.0	1.0	1.0	1.0	1.0	1.0	1.1	1.1	1.1	1.1	1.0	0.0
PS3	0.0	0.0	0.0	0.0	0.0	1.0	1.0	1.0	0.0	0.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	0.0	1.0	0.0
PS4	1.6	1.6	1.8	1.8	2.0	1.8	1.8	1.8	1.8	2.0	2.2	2.2	2.0	1.8	2.2	2.0	2.1	2.0	1.9	1.9
PS5	*unable to locate*	*unable to locate*	*unable to locate*	2.5	2.6	2.5	2.6	2.6	2.6	2.7	2.8	2.7	2.6	2.7	2.9	2.7	2.7	2.7	2.7	2.5
PS6	12.8	12.7	13.0	12.8	13.2	12.8	12.9	12.9	12.7	12.7	12.6	12.7	12.1	12.3	12.5	11.7	11.7	11.6	11.1	10.5
PS7	17.0	16.8	17.9	17.3	17.6	17.5	17.3	17.6	17.3	17.3	16.5	16.9	16.5	17.0	16.9	16.3	16.3	16.2	15.8	14.8
PS8	17.3	17.3	18.3	17.7	17.8	17.8	17.9	17.4	17.5	17.5	17.0	17.6	16.7	17.1	17.6	16.3	16.5	16.4	15.9	15.0
PS9	8.5	10.0	13.7	14.1	16.2	15.8	16.1	16.5	16.8	16.8	16.4	16.8	16.5	16.7	17.1	16.3	15.8	16.0	15.5	14.8
PS10	2.7	2.7	3.1	3.1	3.4	3.6	4.3	4.7	6.4	6.7	6.5	6.6	6.6	6.9	6.9	7.3	7.9	7.6	7.5	*unable to locate*
PS11	15.6	14.8	15.8	16.0	16.2	16.2	16.4	16.4	16.0	16.3	15.8	16.4	15.8	16.4	16.6	15.8	15.5	15.8	15.5	14.8
PS12	20.0	20.5	20.7	21.0	21.5	9.0	11.0	16.1	19.4	20.3	20.4	19.8	20.1	20.4	20.2	20.2	20.4	20.4	19.4	18.5
PS13	10.8	14.4	16.4	20.6	20.0	21.2	21.7	21.7	21.7	21.6	21.5	21.6	21.5	21.8	21.8	21.7	21.1	20.4	20.7	19.2
PS14	6.8	6.9	6.7	thick black liquid	4.3	5.1	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*
PS15	*unable to locate*	4.4	*unable to locate*	4.3	4.4	4.5	*unable to locate*	4.6	4.5	4.5	4.5	4.5	4.4	4.5	4.6	4.6	4.5	4.5	4.5	4.4
PS16	5.5	*unable to locate*	*unable to locate*	*unable to locate*	7.8	7.8	8.0	7.9	7.3	7.2	7.3	7.0	7.0	6.9	6.6	6.8	7.0	6.8	6.6	6.4
PS17	4.6	4.6	4.7	4.8	5.1	5.0	5.4	5.5	5.3	5.3	*no water*	4.9	5.7	6.2	6.7	6.4	6.8	6.9	6.7	6.4
PS18	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*
PS19	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	1.7	1.7	1.7	1.7	1.8	1.8	1.8	1.8	1.8	1.9	2.0	*unable to locate*
LSA1	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	14.5	16.5	17.0	16.5	16.4	16.4	16.4	16.5	16.4	16.2	20.7	15.8	15.5	15.0
LSA2	24.6	24.2	25.6	24.2	24.4	23.7	23.5	23.4	23.0	22.6	22.0	22.8	21.7	22.1	21.7	21.3	16.1	20.7	19.7	18.9
LSA3	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*
LSA4	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*	*unable to locate*
LSA5	19.0	19.3	*no water*	*no water*	19.8	17.8	19.7	19.7	19.7	19.2	18.8	19.1	18.7	19.4	19.2	18.8	18.5	18.7	18.3	17.0
LSA6	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	21.0	*no water*	21.7	*no water*	21.4	20.7	20.8	20.6	18.8
LSA7	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*
LSA8	22.1	22.0	22.6	22.2	22.6	23.0	22.1	22.6	23.2	22.3	21.6	22.3	21.9	22.6	22.3	21.9	21.4	20.7	20.7	19.0
LSA9	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	*no water*	30.7	30.1	29.8	29.5	29.1	29.5	29.9	29.2	28.7	29.1	28.2	28.4	25.6
LSA10	21.7	21.7	22.3	*unable to locate*	22.8	21.9	*unable to locate*	22.2	22.0	21.9	22.4	21.7	21.7	21.6	22.3	21.0	20.9	20.4	19.8	18.3
LSA11	13.6	14.0	14.3	14.5	14.3	*no water*	13.6	13.5	14.1	14.4	13.1	12.9	12.0	12.1	12.1	12.8	12.5	12.5	11.9	11.8
LSA12	36.1	35.9	36.2	36.5	37.2	36.6	36.3	36.1	36.6	35.6	35.5	35.2	35.5	36.6	35.5	35.1	34.6	34.3	32.8	30.9
LSA13	19.3	19.4	19.8	*unable to locate*	20.5	19.2	19.2	19.8	19.9	19.8	30.6	20.0	19.4	20.1	19.2	19.0	18.8	18.3	18.4	17.0
LSA14	26.1	25.8	25.8	*unable to locate*	26.2	25.6	25.8	25.7	26.0	25.0	24.3	24.5	24.4	24.7	24.1	23.7	22.8	22.8	22.1	20.8
LSA15	33.9	34.0	33.8	33.5	34.7	34.4	33.6	33.6	33.5	32.9	32.5	31.6	31.8	32.0	31.6	31.1	30.1	29.6	28.2	26.8
LSA16	19.0	18.8	18.2	18.3	18.8	18.0	18.1	17.6	18.0	17.9	19.5	16.8	16.9	16.9	16.1	15.8	15.2	15.1	14.6	14.1

MW-24

April 27, 2007

Th14a

Ms. Meg Vaughn
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 92802

Subject: Response to allegations regarding historic illegal fill on the Shea Parkside site (LCPA 1-06)

Dear Ms. Vaughn:

Issues and assertions regarding historic illegal fill were raised by opponents of the proposed Shea Parkside plan in the months leading up to the February 2007 Coastal Commission hearing on the City of Huntington Beach LCPA 1-06, and continue to this day. This letter provides clarification, documentation and a factual timeline regarding these assertions.

The baseline for discussion of the two early fill violations is established by a May 1981 "Bolsa Chica Vegetation Study" by Shapiro & Associates Inc., published several months before the first fill violation. The study was prepared for the Corps of Engineers and it delineated vegetation communities in Bolsa Chica through a vegetation study, a soils study, mapping using color infrared aerial photography, and field surveys for ground truthing. The Parkside property was described in the report as follows:

> *In the northeast corner of the study area is a cultivated field planted with beans. Adjacent to the field to the west is a riding stable, which has been identified as an urban/agriculture (U/A) transition. Also included in this community is a grassland located in the northwest corner of the site which appears to have been harvested or disked in the early summer. The northwest grassland is on the Bolsa Chica Mesa, well above any inundation. The bean field appears to be effectively drained and protected from flooding.*

The Shapiro report included comprehensive vegetation mapping, which included the following mapping for the Parkside property:

XY-1

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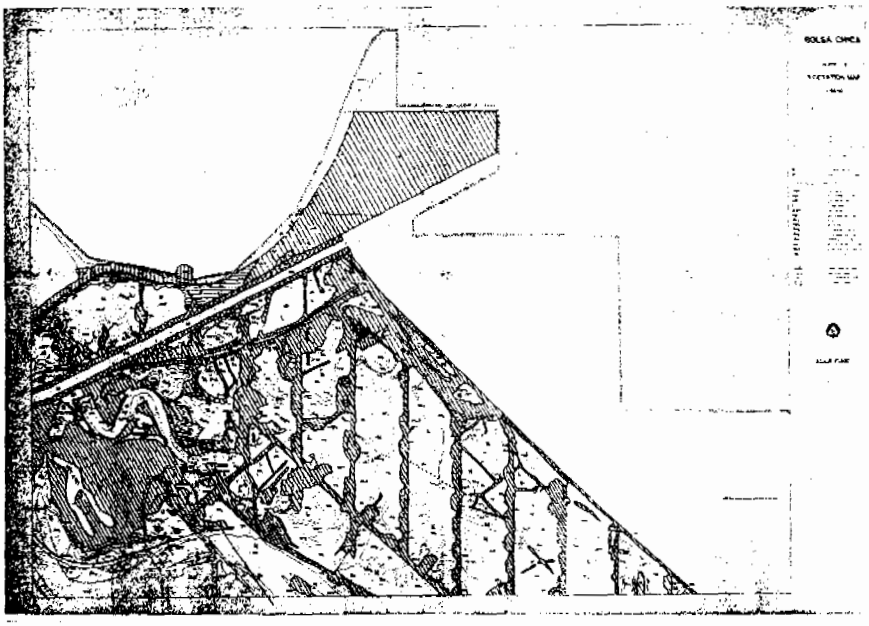
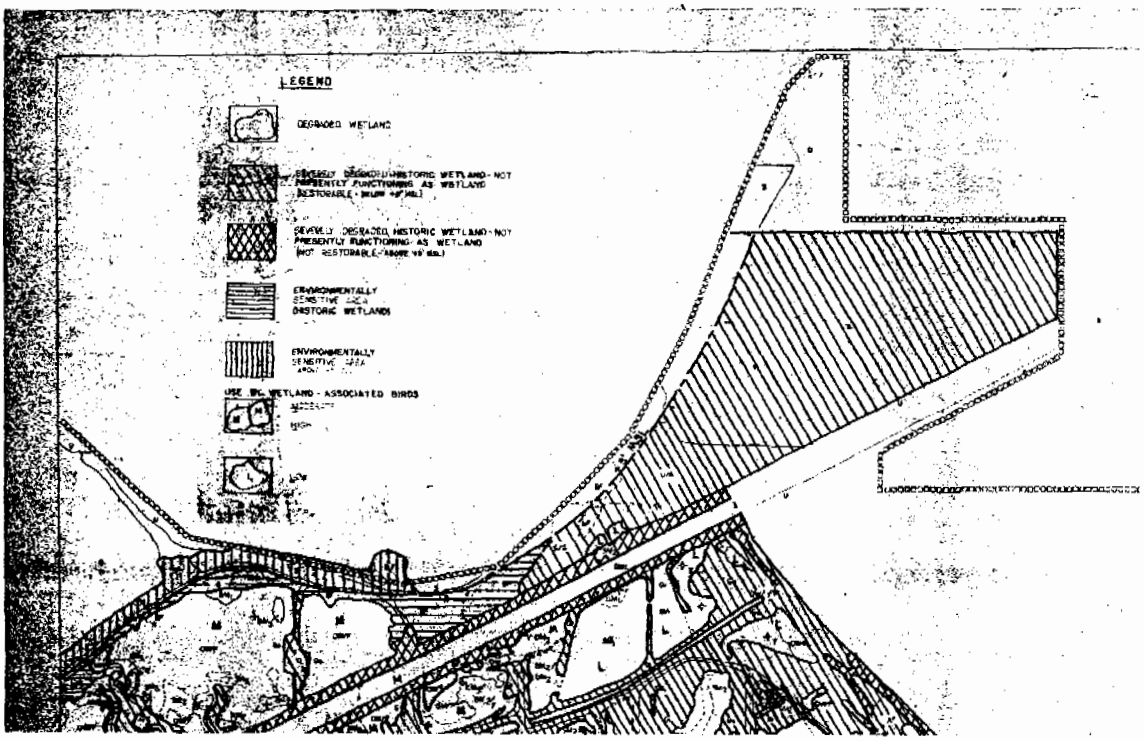
PLATE 2 VEGETATION MAP



DETAIL OF PLATE 2



In addition to the description above, the areas described as "A," "U/A" and the crosshatched area adjacent to the flood control channel are described in the legend as "not presently functioning as wetland." A small patch of pickleweed, shown as "SM2" is in the CP area. (The "L" signifies "low bird usage.")

In December 1981 the California Department of Fish & Game (CDFG) produced its "Degraded Wetland Report for the Bolsa Chica Study Area," which it submitted to the Coastal Commission pursuant to Section 30411 of the Coastal Act. The report utilized and attached the vegetation map prepared by Shapiro. The Department stated in its report:

> *Extensive ground truthing by Department personnel has resulted in no substantive disagreement with the Shapiro and Associates map of wetland resources.*

Shea Homes' consultants have reviewed historic documentation from Coastal Commission and City of Huntington Beach files to reconstruct a chronology of grading and other landform alterations that occurred in the area now designated the "CP" area on the southwest corner of the property, prior to its acquisition by Shea Homes in 1998.

There were two completely separate areas of fill mentioned in the historic documents, only one of which involved wetlands, as shown in this 1998 site plan for Smoky's Stables:

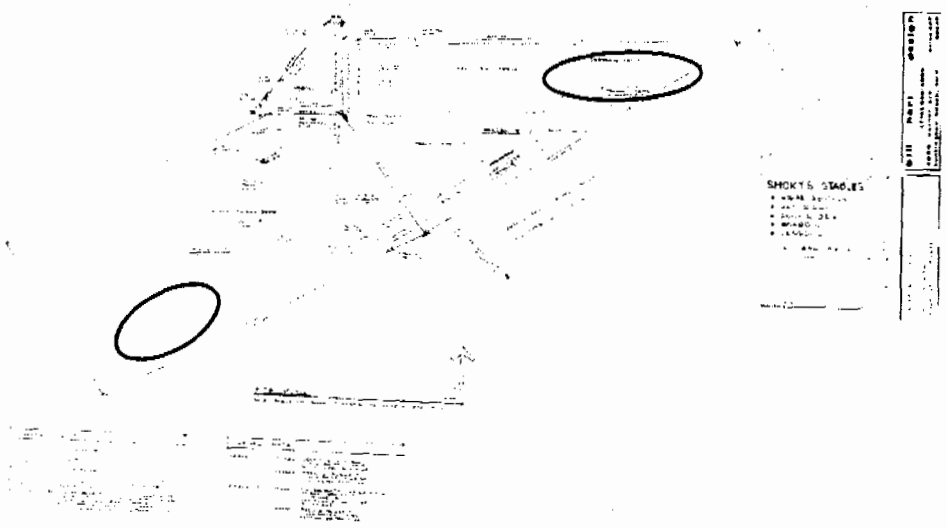


Figure 1. Approximate location of unpermitted fill over wetland indicated by red ellipse (lower left); approximate location of unpermitted fill not over wetland indicated by blue ellipse (upper right).

The first incidence of fill (red ellipse) occurred in the central part of the CP in September 1981, fifteen years before Shea Homes' acquisition of the property, and covered an area of pickleweed with gravel fill. The area in the red ellipse conforms with the data in the Shapiro report and maps, which CDFG utilized and accepted; in fact, the Coastal Commission staff used these materials to prepare a report that identified the area of pickleweed disturbance. To provide 2:1 mitigation of the damage, CDFG recommended that the fill be removed from the wetland and be deposited on or adjacent to existing filled areas, and only in non-wetland areas.

Current topography shows there is a broad general depression in the CP area that roughly corresponds to the mitigation area. However, none of the other mitigation features (ponds, water supply and fence in lieu of buffer) remain. Because the Coastal Commission ultimately provided closure of this and the other nearby fill (blue ellipse) in the form of an Exemption Letter (see below), it appears that the Coastal Commission was satisfied with the required mitigation. The absence of these features supports the observation that with the demise of the stable operation, the features were not maintained or were removed.

In his letter of April 24, 2007 to the Coastal Commission, Mr. Mark Bixby implies that the illegal fill over the identified wetland in the CP area still remains. In its Exemption Letter, the Coastal Commission itself found that the corrective action of removal of the gravel fill was adequate. The undeniable existence of remnant wetland areas in the CP area attest that the ground surface had been returned to pre-fill conditions, evidence that Mr. Bixby's position is incorrect.

The second fill area (blue ellipse, a non-wetland area per the Shapiro and CDFG reports) was in the eastern part of the Smoky's Stable lease area and outside of the CP area. It is where Slater Avenue extension crosses over the flood control channel, which resulted in an unspecified amount of fill in the area in the late 1950s or early 1960s, before the Coastal Act.

In January 1989, approximately two feet of fill was stockpiled upon the pre-existing Slater Avenue extension fill. (This incidentally created a visual and noise intrusion to homes on the other side of the flood control channel. The objections to the second area of fill were entirely based on aesthetic issues raised by neighbors against the presence of the stables and vermin, not wetlands issues.) Complaints from residents resulted in a City inspector visiting the site and issuing a citation to remedy the unpermitted stockpiling. The remedy was addressed in an August 15, 1989 City of Huntington Beach Staff Report regarding a subsequently issued Conditional Use Permit for the Smoky's Stables expansion.

Mr. Bixby's April 24th letter speculates that "...Smoky's Stables imported massive amounts of unpermitted fill into these historic wetlands..." The actual amount of fill in

question was only about two feet, and was ultimately permitted. Further, none of the underlying ground had been identified as wetland by either Shapiro or CDFG.

Questions about the first two areas were ultimately resolved with the Coastal Commission's June 15, 1994 Exemption Letter. This exemption letter provides closure to the allegations about unpermitted fill over wetlands. The only unpermitted fill over wetlands occurred in what is now the central CP area, and was mitigated. In any event, the area will be preserved and buffered under the Parkside Estates plan.

Therefore, all questions regarding historic unpermitted fill prior to Shea's ownership of the site have been resolved and should have no influence on the Commission's decision regarding LCPA 1-06.

Sincerely,
SHEA HOMES LP

Ron Metzler
Vice President, Planning & Entitlement

cc: Members, California Coastal Commission
Alternates, California Coastal Commission
Mr. Scott Hess, City of Huntington Beach
Ms. Mary Beth Broeren, City of Huntington Beach
Ms. Terri Elliott, P.E., City of Huntington Beach
John Dixon, Ph.D.
Mark Johnsson, Ph.D.
Mr. Karl Schwing

SheaHomes

Caring since 1881

April 27, 2007

Th14a

Ms. Meg Vaughn
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 92802

Subject: Response to allegations regarding "illegal fill" in the "WP" area incidental to farming operations on the Shea Parkside site (LCPA 1-06)

Dear Ms. Vaughn:

This letter responds to allegations from opponents of the Shea Parkside project that illegal fill of wetlands in the "WP" area of the project site occurred when our contract farmer prepared the farm field in December 2005.

The WP is part of a farm field that has been farmed on an ongoing basis for approximately 50 years. Nonetheless, this particular operation was harshly criticized by our opponents, as exemplified by this letter of February 7, 2006 to Commissioner Patrick Kruer from Bolsa Chica Land Trust president Gerald Chapman:

> *It should be noted that the illegal fill of WP occurred* ***just one week after*** *CCC staff ecologist Dr. John Dixon released his draft memo of December 15, 2005, stating that wetlands were present at this location--****further evidence of the landowner's wish to see WP nullified****. (emphasis added)*

This and similar charges are completely groundless as the following chronology of events makes clear:

1. On December 26 and 27 2005, the farmer plowed the field, including the WP area.
2. In letters dated January 9 and 10, 2006, the Bolsa Chica Land Trust reported alleged "filling of wetland" in the WP area.
3. Dr. John Dixon released a draft report on January 12, 2006 (not December 15, 2005, as Mr. Chapman stated) asserted that the WP area might be wet enough, long enough, to evolve into a future wetland.
4. A Notice of Violation dated February 21, 2006 was issued, stating that the January 12, 2006 draft report delineating wetlands was the basis for issuing a Notice of Violation for an event that occurred about two weeks *before* the draft report.

YY 1/3

In discussions with Coastal Staff, it was agreed that the wetland status of the WP needs to be resolved by Coastal Commission action via its consideration of LCPA 1-06 before enforcement action, if any, can be taken.

Detailed topography dated 1997 (first topography), 2005 (before the event), 2006 (after the event) and 2007 (latest) provides the best estimate for depth and extent of fill. The mean WP area elevation in 1997 was 0.87 ft (MSL NAVD 88). The mean WP area elevation in 2005 was 0.86 ft before the fill. The mean WP area elevation in 2006 after the fill was 1.24 ft. The present mean WP area elevation is 1.14 ft. Two conclusions can be drawn:

- The mean depth of "fill" was 0.38 ft (about 4-1/2 inch)
- There has been about 0.1 ft (a little over 1 inch) of natural consolidation in a year.

It should be noted that the typical plow furrow depth is 6 to 12 inches, so the ongoing farm operations have routinely moved much more soil than the amount addressed in the Notice of Violation. The equipment used by our farmer, including the box plow, is typical farming equipment that is routinely used to level and prepare a field for planting.[1]

It is also essential that the Commission understand that the watershed draining into the WP area has not been altered, nor has the WP's ability to retain water, should water flow into the area. The Coastal Commission Staff Report states that groundwater does not affect the duration or frequency of ponding in the WP area; therefore, if the WP had functioned as a wetland prior to the alleged minor "fill," it would continue to function as a wetland regardless of the farming activity because the same amount of water continues to flow to it and no change of its depressional nature has occurred.

In closing, it is our opinion, supported by over 20 scientific studies, that the WP was not a wetland before the alleged minor "fill," and is not a wetland now.

Sincerely,
SHEA HOMES, LP

Ron Metzler
Vice President, Planning & Entitlement

[1] The Clean Water Act defines normal farming activities as including "plowing, seeding, cultivating, minor drainage [and] harvesting for the production of food, fiber, and forest products ...." Further, the Corps of Engineers has defined "plowing" to mean "all forms of primary tillage, including moldboard, chisel, or wide-blade plowing, disking, harrowing and similar physical means utilized on farm, forest or ranch lands for the breaking up, cutting, turning over, or stirring of soil to prepare it for the planting of crops." In addition, the Corps and EPA have jointly stated that "plowing" includes "land leveling, to prepare it for the planting of crops."

cc: Members, California Coastal Commission
Alternates, California Coastal Commission
Mr. Scott Hess, City of Huntington Beach
Ms. Mary Beth Broeren, City of Huntington Beach
Ms. Terri Elliott, P.E., City of Huntington Beach
John Dixon, Ph.D.
Mark Johnsson, Ph.D.
Mr. Karl Schwing

XY3

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April 30, 2007

Th14a

California Coastal Commission
ATTN: Meg Vaughn
200 Oceangate, Suite 1000
Long Beach, CA 90802-4416

RE: Response to Bixby letter of this date regarding Huntington Beach LCPA 1-06: Alleged "Impact of unpermitted fills on the Shea Parkside WP wetland"

Dear Ms. Vaughn:

We have reviewed the above-referenced letter and find that Mr. Bixby has merely continued his pattern of disseminating misleading and irrelevant information for the purpose of delaying our May 10 hearing. In our two letters of April 27 and in previous filed correspondence, we have fully addressed Mr. Bixby's "fill" allegations, as follows:

1. Before the Coastal Act, about six feet of fill was placed west of the WP area for the extension of Slater Avenue over the then-new flood channel; the Smoky's Stables "stockpiling" added another two feet and was of no additional consequence.
2. There was no evidence of wetlands in the WP area prior to the location of Smoky's Stables on the site (Shapiro and CDFG, 1981).
3. All post-Coastal Act historic fill, including the Smoky's Stables fill near the WP, were permitted and/or mitigated (Coastal Commission Letter of Exemption).
4. Our farming operations in 1998 and 2002 were reviewed and no violation was issued.
5. Mr. Bixby's chronology is erroneous; our farming operations in December 2005 preceded the publication of Dr. Dixon's findings regarding the WP in January 2006.
6. Typical of Mr. Bixby, he has selected photos from only the heaviest rainfall years (1995, 1998, 2005) and presents them as the "norm;" they are not.
7. And most importantly: **The WP watershed area has not changed significantly; there was not, and is not, sufficient water in the entire WP watershed to sustain a wetland area of the size Dr. Dixon indicated, let alone one twice that size, as Mr. Bixby's contends.**

There is no evidence that any depression in the general vicinity of the WP even existing before approximately 1970. Clearly, the depression in that general area developed as a result of farming, and the low point of that depression has frequently moved as the farmer prepared the field for planting as part of the continuing legal and normal farming activities on the site.

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Sincerely,
SHEA HOMES, LP

Ron Metzler
Vice President, Planning & Entitlement

cc: Members, California Coastal Commission
Alternates, California Coastal Commission
Ms. Mary Beth Broeren, City of Huntington Beach
Mr. Scott Hess, City of Huntington Beach
Ms. Terri Elliott, City of Huntington Beach
Dr. John Dixon, Ph.D.
Dr. Mark Johnsson, Ph.D.
Mr. Karl Schwing
Mr. Mark Bixby

CITY OF HUNTINGTON BEACH

INTERDEPARTMENTAL COMMUNICATION

TO: Terri Elliott, Principal Civil Engineer

FROM: Duane Wentworth, Contract Administrator

TH14a

SUBJECT: Smokey's Stables Red Tags

DATE: May 2, 2007

At your request, I have reviewed my personal diary from 1989 for references concerning Stop Work Notices or "Red Tags" that I wrote to Smokey's Stables. My position with the City at that time was as a Senior Construction Inspector.

Smokey's Stables was located on the west side of a property owned by the Metropolitan Water District that was located west of Graham Street and south of Warner Avenue. This property is now owned by Shea Homes and is commonly referred to as the Parkside site.

On Friday January 20, 1989 I was sent to this site to investigate illegal dumping or grading most likely due to a citizen complaint. I found a small stockpile of freshly placed soil that had been leveled into a pad approximately 20' by 50' and around 2' high. This would be approximately 75 cubic yards of soil and would exceed the 50 cubic yard maximum allowed by the UBC without a permit. I posted two red tags on wooden stakes at the site and handed a third to the owner of Smokey's. He informed me that he was building up the site to place more stables at that location. I verbally explained to him that the dirt was an illegal stockpile and that he would have to obtain a grading permit before he could continue. He agreed to comply.

On Wednesday January 25, 1989 at the request of City Engineer Les Evens, I returned to investigate another complaint of illegal dumping. I found no change in conditions or any evidence of additional dumping since my last visit. I hand delivered to someone in the office trailer, a letter from Principal Engineer Bill Patapoff that explained the requirements necessary to obtain a grading permit.

On Tuesday February 28, 1989 I received another complaint of illegal dumping at Smokey's. I returned to the site but did not observe any dumping or any change in conditions from my previous visits. I did speak with the owner again and reminded him not to move any more dirt without a permit. I also left him another red tag as a reminder.

I found no other diary entries related to Smokey's Stables and it is my recollection that they ceased operations at that site a short time later. I visited the site with Planning Commissioner Flossie Horgan in April of 2007 and verified the stockpile no longer exists.

AAA

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State of California, Edmund G. Brown Jr., Governor

California Coastal Commission
SOUTH COAST DISTRICT
666 E. Ocean Blvd., Suite 3107
P.O. Box 1450
Long Beach, CA 90801
(213) 590-5071

Approved per staff 10/28/82

FILED: 4-12-82
49th DAY: Waived
180th DAY: 10-5-82
STAFF: Peter Xander PX
EDITED BY: George Kalisik
STAFF REPORT: 10-12-82 (bp)
HEARING DATE: October 26-29, 1982

REGULAR CALENDAR

STAFF REPORT AND RECOMMENDATION

Application No. 5-82-278 (Burkett/Smoky's Stables)

Applicant: Fred Burkett/Smoky's Stables U.S.A., Inc.
17172 Bolsa Chica Road #71
Huntington Beach, CA 92649

Description: Installation of a mobile home as a caretaker's facility, expansion of stable facilities, parking area improvements, and removal of gravel fill.

Lot area 10.77 acres

Site: The property is located between the southerly terminus of Bolsa Chica Road and the Wintersburg flood control channel.

Substantive File Documents:

1. Bolsa Chica subarea Land Use Plan for the County of Orange Local Coastal Program.
2. City of Huntington Beach Land Use Plan.
3. Department of Fish and Game Determination of the Status of the Bolsa Chica Wetlands, 1981 (as amended 4/16/82).

SUMMARY

The staff is recommending approval of the amended project as submitted.

Ex BBB
1/10

STAFF RECOMMENDATION

The staff recommends the Commission adopt the following resolution:

I. Approval

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. **Notice of Receipt and Acknowledgement. The permit is not valid and construction 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 construction has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Construction 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. **Compliance. All construction must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.**

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

5. **Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.**

6. **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.**

7. **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.**

BBB2

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III. Findings and Declarations

The Commission finds and declares as follows:

1. Project Description and History. The proposed development is for the installation of a mobile home as a caretaker's facility, expansion of the existing horse stables area from thirty horse stalls to fifty, grading and filling of a parking area to accommodate fifty vehicles, and for the removal of previously placed fill. The property is owned by the Metropolitan Water District of Southern California and is leased to the applicant. The applicant also has a lease agreement with the Signal Bolsa Corporation for the use of the properties owned by Signal Bolsa for horseback riding use.

On or about the week of Spetember 6, 1981, the applicant had road fill material delivered to the subject property. A member of the South Coast District staff observed dump trucks unloading the fill material on the property on September 10, 1981. The dumping was halted when the applicant and the property owner were notified. The subject application includes a request that the aforementioned fill material be used for improving the parking area for the existing and proposed uses.

The original staff recommendation was for denial of the development since no measures were proposed to rectify the placement of the road fill material, some of which was placed on an area identified by the California Department of Fish and Game as a wetland. Subsequent to the preparation of that original staff report, the applicant has amended the permit application to include the following mitigation measures to rectify the placement of fill: (1) The existing fill, located on about 13,600 square feet of the property identified by Fish and Game as previously containing Salicornia virginica (pickleweed), will be removed to a depth of approximately three inches below the grade of an existing adjacent stand of pickleweed; (2) The 13,600 square foot area will be revegetated with one or more of the following species of plants: pickleweed, spiny rush, frankenia, sea lavender, and shoregrass; (3) A fence will be placed around the revegetated area, sufficient to preclude domestic animal intrusion into the area.

2. Lower Cost Visitor and Recreational Facilities. Section 30213 of the Coastal Act states, in part, that "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred." The existing facility currently serves the neighboring communities as one of the very few stable and riding facilities remaining in the coastal areas of Orange County. Some horses are boarded by local residents, while other horses are available for riding use on a rental basis for a nominal fee. The proposed expansion of the facility would increase opportunities for public use of the riding rings and trails in the leased properties adjacent to the project site. Since the stables operation currently offers a lower cost recreational use to the public and since the expansion of the stables will increase those opportunities, the Commission finds that the project is consistent with the requirements of Section 30213 of the Coastal Act to encourage and provide such public recreational opportunities.

BPB 3

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3. Violation. As discussed in the project description and history, a portion of the property not involved with the proposed expansion of the stables was covered by fill placed by the applicant without a coastal development permit. The fill consisted of roadbed fill of gravel, pebbles, and small stones and was placed on a portion of the property identified by the California Department of Fish and Game as previously containing Salicornia virginica (pickleweed), a wetland/salt marsh plant species. As a means of mitigating the adverse impacts of the fill placement on the pickleweed area, the applicant amended his permit application to include the following: (1) The existing fill, located on an area of approximately 13,600 square feet of the subject site which previously contained pickleweed, will be removed to a depth of three inches below the grade of an existing adjacent stand of pickleweed; (2) The 13,600 square foot area will be revegetated with one or more of the following species of plants typically found in a southern California salt marsh/ wetland: pickleweed, spiny rush, frankenia, sea lavender, and shoregrass; (3) A fence will be placed around the revegetated area to preclude domestic animal intrusion into the revegetated area. Among the farm animals found at the stables besides the horses are dogs, sheep, rabbits, a goat, and a variety of fowl.

Although development has taken place prior to submission of this permit application, consideration of the applicant by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Approval or denial of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

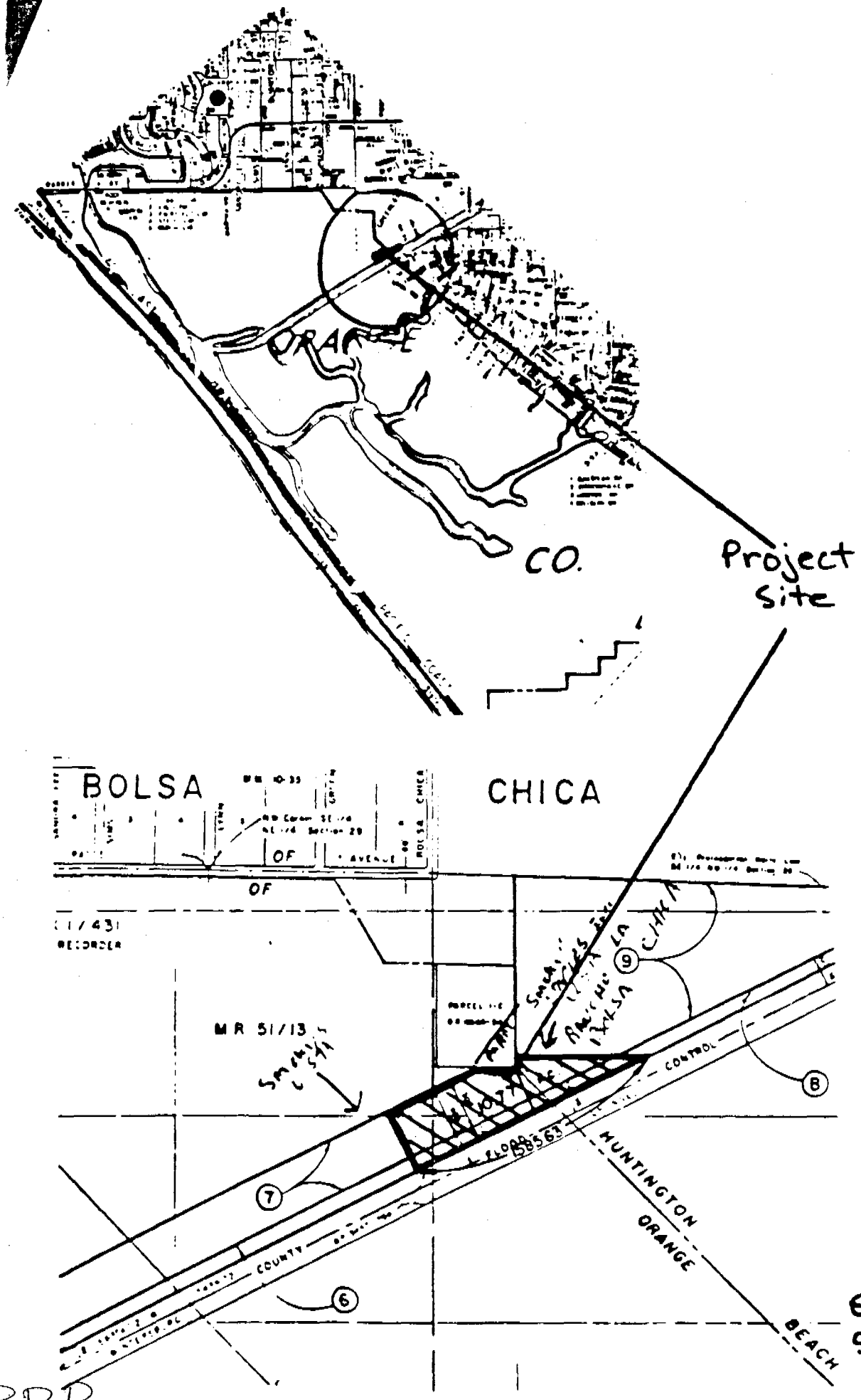

Exhibit 1
5-82-278

BBB5

Project Site
Exhibit 2
5-82-278

BBB6

September 23, 1982

Naomi Schwartz, Chairperson
California Coastal Commission
South Coast District
666 East Ocean Boulevard, Suite 3107
Long Beach, California 90801-1450

Attention: Peter Xander

Re: Amendment To Permit Application No. 5-82-278

Dear Chairperson Schwartz:

Enclosed are two copies of an amendment to Permit Application No. 5-82-278. The amended application has been prepared in accordance with discussions with Peter Xander of your staff and Kit Novick of the Department of Fish and Game.

Very truly yours,

Fred Burkett 9-24-82

Fred Burkett
Smoky's Stables, U.S.A., Inc.

Enclosure

cc: Russell Twomey, Esq.
Kit Novick
Robert McNatt
Steven Kaufmann, Esq.

BBB 7

Exhibit 3
5-82-278

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EXHIBIT "A"
APPLICATION NO. 5-82-278

The following activities are the subject of this Permit Application:

1. Installation of a mobile home as a caretaker facility.

2. Establishment of additional stable facilities including stalls, dressage arena, pony ring, bull pen, wash racks and tack shed.

3. Grading and fill of a parking facility for approximately 50 cars.

4. Removal of existing fill from approximately 13,600 square feet identified by the Department of Fish and Game as previously containing Salicornia virginica (pickleweed). The fill will be removed to a depth of approximately three inches below the grade of the existing adjacent pickleweed stand.

5. Revegetation of an area of approximately 13,600 square feet continuous with the existing adjacent pickleweed stand with one or more of the following species: pickleweed, spiny rush, frankenia, sea lavender and shoregrass.

6. Establishment of a fence around the vegetated area described in item 5 above sufficient to preclude domestic animal intrusion.

The facilities described above are illustrated on the plans attached hereto as Exhibit "B".

BBB 8

Exhibit 4
5-82-278

State of California

The Resources Agency

Memorandum

To : Carl Hinderer
California Coastal Commission
P.O. Box 1450
Long Beach, California 90801

Date: September 7, 1982

From : Department of Fish and Game

Subject: Smoky's Stables - Permit Violation

In September 1981, Mr. Fred Burkett of Smoky's Stables began filling lands including wetlands within the Coastal Zone at Bolsa Chica. This fill operation did not have a Commission permit and was therefore illegal. Mr. Burkett has subsequently applied for said permit.

The Department has found that wetlands are present in the subject area. Wetland species include pickleweed (Salicornia virginica) and spiny rush (Juncus acutus). The size and extent of wetlands were determined from the Department's Bolsa Chica wetlands report (1981), Shapiro wetlands map (1981), Corps of Engineers infrared photographs (6-12-80) Signal Landmark's aerial photographs (3-19-82) and various Department photographs. The amount of wetlands filled by the Smoky's Stables operation was approximately 13,600 sq.ft. (0.31 ac.). This figure was the average value of the wetland acreages measured and ranged from 12,813 sq.ft. (0.29 ac.) to 14,375 sq.ft. (0.33 ac.) depending upon the map or photograph used.

The Department recommends the Commission require Mr. Burkett to remove the existing fill on 13,600 sq.ft. and restore them as wetlands. This can be accomplished by removing the imported fill to 3" below the grade of the existing adjacent pickleweed stand. The restored wetland should be conterminous with the remaining wetlands. Some of the following wetland species such as pickleweed, spiny rush, frankenia, sea lavender and shoregrass should be planted in the restored area. These plantings should occur from October to January. Mr. Kit Novick, wildlife biologist, will be available to advise Mr. Burkett on the wetland configuration and species to be planted.

A buffer area should protect the existing and restored wetlands from human and domestic animal intrusion. While a 100 meter buffer would normally be recommended, the Department believes that in this instance a physical barrier such as a fence could effectively buffer this wetland. This fence should be maintained and sufficient to preclude domestic animal intrusion.

Exhibit 5
5-82-278
Pg. 1 of 2

The Department recommends the fill removed from the restored wetland area be deposited on or adjacent to existing filled areas and only in non-wetland areas. If you have further questions, please contact Mr. Kit Novick (847-4962) or Mr. Ron Hein (675-7491).

Sincerely,

Fred A. Worthley Jr.
Regional Manager

Attachment

cc: Hein
Novick
Gray
Steve Kaufmann, Deputy Attorney General

BBB10

Exhibit S
S-82-278
pg. 2 of 2
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CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
Relay Service From TDD Phone **1-800-735-2929**
from Voice Phone **1-800-735-2922**

Contact Phone: **(916) 574-1868**
Contact FAX: **(916) 574-1835**

RECEIVED
South Coast Region
MAY 7 2007
CALIFORNIA
COASTAL COMMISSION

May 4, 2007

File Ref: PRC 8704.9
PRC 4733.9
BLA 137
AD 308

Ms. Meg Vaughn
Coastal Program Analyst
California Coastal Commission
200 Oceangate, Suite 1000
Long Beach, CA 90802

Dear Ms. Vaughn:

SUBJECT: MAJOR AMENDMENT REQUEST NO. 1-06 TO THE CITY OF HUNTINGTON BEACH CERTIFIED LOCAL COASTAL PROGRAM (LCP). AMENDMENT RELATES TO THE SHEA HOMES-PARKSIDE ESTATES DEVELOPMENT PROPOSAL

Staff of the California State Lands Commission (CSLC) has reviewed the subject document and offers the following comments with respect to the proposed uses of the East Garden Grove-Wintersburg Channel (EGGWC) easement for public purposes.

Information contained in the proposed LCP Amendment request should reflect that the EGGWC easement area involves lands conveyed to the State by the Signal Bolsa Corporation and Signal Landmark, Inc., pursuant to Boundary Line Agreement No. 137, recorded on August 17, 1973, and AD 308, recorded February 14, 1997, subject to existing easements to the Orange County Flood Control District for flood control purposes. These lands have been leased by the CSLC to the California Department of Fish and Game for management as a portion of the Bolsa Chica Ecological Reserve and the Bolsa Chica Lowlands Restoration Project.

Any other proposed uses of the EGGWC easement area, other than for flood control purposes, must be coordinated with the California Department of Fish and Game Land Manager, Kelly O'Reilly, to determine compatibility of the proposed use with the Bolsa Chica Ecological Reserve and Bolsa Chica Lowlands Restoration Project. Ms. O'Reilly can be reached at (714) 374-5658.

We look forward to working with you and the City concerning proposed public uses that are compatible with biologically-sensitive land-uses within the Commission's jurisdiction. I may be reached at (916) 574-1868, or by email at brownj@slc.ca.gov if you have any questions concerning the Commission's jurisdiction.

Sincerely,

Judy Brown
Public Land Management Specialist

cc: Jim Trout, Coordinator
Bolsa Chica Lowlands Restoration Project
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825

Kelly O'Reilly, Land Manager
Department of Fish and Game
P. O. Box 1879
Huntington Beach, CA 92647

City of Huntington Beach
Planning Department
2000 Main Street, Third Floor
Huntington Beach, CA 92648

Orange County Resources
and Development Management Department
Flood Control Division
P.O. Box 4048
Santa Ana, CA 92702-4048

CCC 2

CALIFORNIA COASTAL COMMISSION
SOUTH COAST AREA
245 W. BROADWAY, STE. 380
P.O. BOX 1450
LONG BEACH, CA 90802-4416
(310) 590-5071

EXEMPTION LETTER

DATE: June 15, 1994

NAME: **Hole In The Wall Stable**
c/o W. Bradford Vickrey
5372 El Dorado Drive
Huntington Beach, CA 92649

LOCATION: **17200 Bolsa Chica Road, City of Huntington Beach, County of Orange**

PROJECT: **Use of existing stable facilities, including 22 horse stalls on a 16,000 square foot site, for the boarding of horses belonging to a non-profit riding club. No physical development is proposed.**

This is to certify that this location and/or proposed project has been reviewed by the staff of the Coastal Commission. A coastal development permit is not necessary for the reasons checked below.

____ The site is not located within the coastal zone as established by the California Coastal Act of 1976, as amended.

____ The proposed development is included in Categorical Exclusion No._____ adopted by the California Coastal Commission.

____ The proposed development is judged to be repair or maintenance activity not resulting in an addition to or enlargement or expansion of the object of such activities (Section 30610(d) of Coastal Act).

____ The proposed development is an improvement to an existing single family residence (Section 30610(a) of the Coastal Act) and not located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) (Section 13250(b)(4) of 14 Cal. Admin. Code.

____ The proposed development is an improvement to an existing single family residence and is located in the area between the sea and the first public road or within 300 feet of the inland extent of any beach (whichever is greater) but is not a) an increase of 10% or more of internal floor area, b) an increase in height over 10%, or c) a significant non-attached structure (Sections 30610(a) of Coastal Act and Section 13250(b)(4) of Administrative Regulations).

____ The proposed development is an interior modification to an existing use with no change in the density or intensity of use (Section 30106 of Coastal Act).

(cont'd)

____ The proposed development involves the installation, testing and placement in service of a necessary utility connection between an existing service facility and development approved in accordance with coastal development permit requirements, pursuant to Coastal Act Section 30610(f).

____ The proposed development is an improvement to a structure other than a single family residence or public works facility and is not subject to a permit requirement (Section 13253 of Administrative Regulations).

____ The proposed development is the rebuilding of a structure, other than a public works facility, destroyed by natural disaster. The replacement conforms to all of the requirements of Coastal Act Section 30610(g).

✔ Other: No change in use of existing structures (See Page Three for further comments)

Please be advised that only the project described above is exempt from the permit requirements of the Coastal Act. Any change in the project may cause it to lose its exempt status. This certification is based on information provided by the recipient of this letter. If, at a later date, this information is found to be incorrect or incomplete, this letter will become invalid, and any development occurring at that time must cease until a coastal development permit is obtained.

Truly yours,

John T. Auyong

By: John T. Auyong

Title: Coastal Program Analyst

DDD2

(cont'd)

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Additional Comments:

Use of existing stable facilities, including 22 horse stalls on a 16,000 square foot site, for the boarding of horses belonging to a non-profit riding club. No physical development is proposed.

The California Regional Water Quality Control Board, Santa Ana Region (RWQCB), has determined that the proposed project would have no significant adverse impacts on the water quality of the nearby Bolsa Chica Wetlands and flood control channel. The RWQCB has determined that the proposed project is exempt from that agency's permit requirements.

In addition, the Coastal Commission previously approved coastal development permit 5-82-278 without any special conditions for another stable operation on the same site for expansion of the stables, parking area improvements, removal of gravel fill, and the installation of a mobile home to serve as a caretaker's facility.

The current proposed project would not result in any change in intensity of use of the existing facilities. Therefore, the current proposed project has been determined to be exempt from coastal development permit requirements.

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