CALIFORNIA COASTAL COMMISSION
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Staff:	Charles Posner - LB
Staff Report:	8/22/2007
Hearing Date:	September 5, 2007
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-07-094

APPLICANT: City of Long Beach Water Department

AGENTS: K. Eric Leung, P.E., Director of Water Resources
Christopher Pincherli, Civil Engineer

PROJECT LOCATION: Bixby Park Public Beach and Parking Lot (2000-2300 E. Ocean Blvd.), City of Long Beach, County of Los Angeles.

PROJECT DESCRIPTION: Installation and removal of a temporary demonstration seawater intake and discharge system on the public beach seaward of the public beach parking lot, comprised of one 40'x 86' subsurface intake gallery, one 50'x 113' subsurface discharge gallery, one thirty-foot deep wet well, and connecting pipes and electric lines. Approximately 6,000 cubic yards of clean permeable sand will be imported.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach certified Local Coastal Program (LCP), July 22, 1980.
2. Initial Study/Environmental Assessment for Under Ocean Floor Seawater Intake and Discharge Project, by RBF Consulting, August 29, 2005.
3. Calif. Regional Water Quality Control Board Section 401 Certification (File No. 07-034).
4. U.S. Army Corps of Engineers File No. SPL-2007-335-KW.
5. Coastal Development Permit 5-05-417 (Metropolitan Water District of Orange Co.).
6. Coastal Development Permit 5-06-011 (City of Long Beach Water Dept.).
7. Coastal Development Permit 5-06-023 (City of Long Beach Water Dept.).

SUMMARY OF STAFF RECOMMENDATION

A coastal development permit is required from the Commission for the proposed project because it is located on State Tidelands within the Commission's area of original jurisdiction. Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's standard of review for the proposed event is the Chapter 3 policies of the Coastal Act.

Staff is recommending that the Commission **APPROVE** a coastal development permit for the proposed development with special conditions that address the timing of the project, protection of marine resources and public recreation, removal of the development and restoration of the site, conformance with the requirements of resource agencies, and assumption of risk. The applicant agrees with the recommendation. **See Page Two for the Motion.**

STAFF RECOMMENDATION:

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

MOTION: *"I move that the Commission approve with special conditions Coastal Development Permit 5-07-094 per the staff recommendation."*

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

I. Resolution: Approval with Conditions

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

II. Standard Conditions

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

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

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

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

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

III. Special Conditions

1. Limitation of this Authorization

Coastal Development Permit 5-07-094 permits only the installation, limited operation and removal of the proposed temporary demonstration seawater intake and discharge system on the public beach as described in the project description of this staff report. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is legally required. This coastal development permit does not authorize the installation of any permanent development or any other activity that may be associated with an actual desalination facility. Such a proposal will require additional review for conformity with the Coastal Act which shall be conducted independently of the current decision, with the current decision exerting no influence over, or causing any prejudice to, the outcome of that separate decision.

2. Beach and Recreational Facility Closures - Timing of Project

The installation and removal of the permitted development shall not occur during the "peak use" beach season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year. Construction and demolition activities, including sand delivery, shall be suspended on all weekends. Beach area closures shall be minimized and limited to areas immediately adjacent to the permitted development (not to exceed a one hundred foot radius around the project site). All beach areas and recreation facilities outside of the one hundred foot radius shall remain open and available for public use during the normal operating hours. The beach bicycle path shall remain open and available for public use during all normal operating hours.

3. Water Quality

By acceptance of this permit, the permittee agrees that the proposed project shall be conducted in a manner that protects marine resources and water quality pursuant to the implementation of the following Best Management Practices (BMPs):

a) No construction materials (except clean sand), equipment, debris, or waste will be placed or stored on the beach or where it may be subject to wave, wind, or rain erosion and dispersion.
b) Only clean sand deemed acceptable under the standards approved by the U.S. Environmental Protection Agency and the California Regional Water Quality Control Board shall be used in the project.
c) Any and all construction material and equipment shall be removed from the site within ten days of completion of construction.
d) Machinery or construction materials not essential for project improvements are prohibited at all times on the beach and in the subtidal and intertidal zones.
e) The permittee shall develop and implement spill prevention and control measures and shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any

spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.

f) Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters or onto the beach, and more than fifty feet away from a storm drain, open ditch or surface waters.
g) If turbid conditions are generated during construction, a silt curtain will be utilized to control turbidity.
h) Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible.
i) Divers will recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
j) The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
k) At the end of the project removal phase, the permittee shall inspect the project area and ensure that no debris, trash or construction material has been left on the beach or in the water, and that the project has not created any hazard to navigation or public recreation.

4. Daily Inspection of the Site

The permittee (or City Lifeguard) shall inspect the project area on a daily basis in order to ensure that no pipe or other part of the approved development protrudes from the sand and that the project does not pose a hazard to navigation or public recreation.

5. Removal of Development and Restoration of the Site

All development permitted by Coastal Development Permit 5-07-094 (subsurface intake and discharge galleries, pumps, wells, well casings, pipes and concrete, etc.) shall be removed from the project site, and the beach restored to its pre-existing condition, within two years of initial installation, and in no case later than May 21, 2010 (the start of Memorial Day weekend). The permittee shall also repair any damage to the public parking lot. The clean sand imported for the project may remain on the beach unless the Executive Director determines that the imported sand is having an adverse affect on coastal resources or public recreation.

6. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is legally required.

7. Assumption of Risk

By acceptance of this permit, the permittee acknowledges and agree: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The applicant (City of Long Beach Water Department) is proposing to install a temporary demonstration seawater intake and discharge system on the public beach situated seaward of the public beach parking lot at Bixby Park (See Exhibits). The project site is located one mile east of downtown Long Beach on a popular recreational beach (Exhibit # 2). The proposed demonstration project, which would take about two months to install under the sand in the intertidal zone, would be ended in about two years.

The proposed project is not for, or part of, any actual desalination plant. The applicant states that the proposal, which is funded by Proposition 50, seeks to develop an innovative and cost-effective submerged intake technology for seawater desalination in a manner that minimizes adverse environmental impacts such as the impingement and entrainment of marine organisms. With the proposed demonstration seawater intake and discharge system, the sand on the beach will provide a filter that is expected to minimize the amount of sea life and debris that would otherwise be drawn into the seawater intake system, thus minimizing the number of killed animals.

The proposed project is located on the shoreline at Bixby Park, at the southern terminus of Junipero Avenue (Exhibit #5). The shoreline in the project area is a sandy public beach, about one hundred feet wide, that exists in a stable and relatively low wave energy environment (because of the breakwater). The proposed project is comprised of one 40'x 86' subsurface intake gallery, one 50'x 113' subsurface discharge gallery, one thirty-foot deep wet well (transfer pump station), and connecting pipes and electric lines (Exhibit #3). Both subsurface galleries will be assembled using perforated plastic pipes and placed in holes excavated on the beach at the zero-foot contour line (Mean Low Tide), about one hundred feet seaward (south) of the public parking lot. The two proposed galleries would be separated by about six hundred feet of beach, and be connected by a pipeline placed five feet under the sand.

Once the proposed demonstration project is in operation, seawater will enter the buried intake gallery by passive infiltration (no suction). The seawater will flow by gravity to the thirty-foot deep wet well (transfer pump station), then be pumped through a pipeline to the buried discharge gallery where the seawater will be dispersed under pressure into the surf zone at an expected rate of 1.3 million gallons per day. No desalination will occur, and the project will in no way change the composition of the seawater circulating through the closed system. Therefore, the only discharge from the proposed project would be the same seawater that infiltrates into the intake gallery.

Project Site: Bixby Park Beach, at the terminus of Junipero Avenue, Long Beach (August 2007).

The applicant proposes to install the proposed project during the winter months in order to minimize conflicts with public recreation activities. The project staging area would be located in the eastern end of the public beach parking lot, resulting in the temporary closure of about one-quarter of the 415-stall parking lot during construction. Using steel sheet piles driven into the sand, the applicant's proposal includes the construction of large cofferdams in the intertidal zone in order to enable the dewatering necessary for the excavation of the holes in the beach where the thirty-foot deep wet well (transfer pump station) and the intake and discharge galleries would be placed (Exhibit #3). Approximately 6,000 cubic yards of clean permeable sand would be imported to the site by truck and used to bury the intake and discharge galleries six-to-ten feet below the existing beach level (Exhibit #4). Coarse sand must be imported for the proposed project because the native beach sand is too fine and would clog the seawater intake system. After installation, the project components would be buried by sand and would not be visible to beach goers, and the entire beach and public

parking lot would be reopened to public recreation. The entire beach and public parking lot will remain open to the public while the proposed demonstration project is in operation (subsequent to construction).

At the end of the proposed two-year demonstration project, the development (pipes, wet well, etc.) would be removed from the site. The applicant had initially requested permission to abandon most of the proposed development in place five feet under the sand (after the completion of the demonstration), but the applicant has now agreed to accept a condition requiring the complete removal of the development from the beach (except for the clean imported sand). The applicant has also proposed to repair any damage to the public parking lot and to resurface the lot with slurry seal at the end of the two-year demonstration project.

B. Marine Resources

The proposed project would be constructed within the intertidal zone on the sandy beach and in coastal waters. The Coastal Act contains policies that protect marine resources, water quality and sensitive habitats from the adverse impacts of development. The proposed project must comply with the following Coastal Act policies that protect marine resources, water quality and sensitive habitats.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30240 of the Coastal Act states:

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

would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The project site is a heavily used public recreation area that also provides habitat for invertebrates and larger animals such as grunion, terns, pelicans and other types of birds and fish. There is no vegetation growing within the proposed construction area. The section of beach that would be excavated for the proposed development is routinely trampled by beach users and groomed by City maintenance tractors, so it does not provide any shelter or protection for wildlife and it is not considered to be an environmentally sensitive habitat area. The project site, however, is part of a public park and is adjacent to environmentally sensitive habitat areas located offshore (i.e. eelgrass beds).

No environmentally sensitive habitat area would be disrupted by the proposed project. The operation of the proposed demonstration project, which will take in seawater through the subsurface infiltration gallery, has been designed to avoid the impingement and entrainment of marine organisms. Nothing will be discharged into the environment, except for the seawater that passes through the system (and the clean imported sand placed on the beach during the construction phase of the proposed project). No eelgrass would be disturbed by the proposed project as the nearest eelgrass beds have been mapped offshore in water depths of five-to-eight feet below mean low tide level and more than 150 feet from the project site (Pre-Construction Eelgrass, Giant Kelp and Caulerpa Surveys for the Under Ocean Floor Seawater Intake/Discharge Demonstration Facility, by MBC Applied Environmental Sciences, April 2006). Also, no giant kelp or caulerpa was found in the vicinity of the site.

The construction of the proposed project will temporarily disturb the beach, but the project has been designed and conditioned in order to minimize the adverse impacts of the construction. First, the disturbance and excavation of the beach that will occur during the construction and removal of the proposed development is only permitted to occur on weekdays (no weekend construction) outside of the “peak use” beach season that runs from Memorial Day weekend to Labor Day weekend (See Special Condition Two). The beach bicycle path will remain open at all times, as will most of the public beach parking lot. Part of the beach will be closed for as long as two months during the construction phase, and also during the removal phase, but the beach area closure is not permitted to extend more than one hundred feet from the work area.

Secondly, the permit imposes specific requirements to protect water quality. The Commission recognizes that chemical pollution and siltation adversely affect water quality, biological productivity and coastal recreation. The project staging area and the proposed work will be located near coastal waters that support both sensitive species and public recreational activities. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. Therefore, it is important that the work be performed in a manner that avoids or minimizes adverse impacts to water quality and marine resources. In order to minimize adverse construction impacts, the Commission imposes Special Condition Three to require the implementation of best management practices. The condition requires the proper storage of construction materials and the implementation of spill prevention and control measures. Also, only clean imported sand deemed acceptable under the standards approved by the U.S. Environmental Protection Agency and the California Regional Water Quality Control Board may be used in the project. Only as conditioned to protect the marine habitat

from adverse construction impacts does the proposed project comply with the marine resource and sensitive habitat provisions of the Coastal Act.

In addition, Special Condition Six requires the permittee to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment.

Finally, Special Condition Five requires the applicant to remove from the beach all of the development installed as part of the proposed demonstration project, except for the clean imported sand. The removal of the development and restoration of the public beach and public beach parking lot must be accomplished prior to the start of the "peak use" beach season (Memorial Day weekend) in 2010.

Therefore, the proposed project, as conditioned to minimize the impacts of construction, will not significantly degrade the park or the adjacent environmentally sensitive habitat areas located offshore, and is compatible with the continuance of such habitat areas. The operation of the proposed temporary demonstration project, which will take in seawater through the subsurface infiltration gallery, has been designed to avoid the impingement and entrainment of marine organisms. The project site will be restored to its pre-existing condition. Only as conditioned will the proposed project ensure that marine resources and water quality be protected as required by the ESHA and marine resource policies of the Coastal Act.

Fill of Coastal Waters

The construction of the proposed intake and discharge galleries below the mean high tide line, although temporary, constitutes fill in coastal waters. Section 30233(a) of the Coastal Act addresses fill of wetlands and open coastal waters as follows:

> The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
>
> (1) New or expanded port, energy, and coastal dependent industrial facilities, including commercial fishing facilities.

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

> Allowable Use - Section 30233(a)(1) of the Coastal Act allows fill of open coastal waters for coastal dependent industrial facilities. The proposed project is a coastal dependent industrial facility as it involves the study of a type of seawater intake method for public desalination. The proposed demonstration project has been explicitly designed to explore the potential for intake of seawater through sand, therefore it is a coastal-dependent facility because it can only be located on the coast.

At the conclusion of the project, the clean sand imported for the project will remain on the beach and be used for public recreational purposes. The proposed project constitutes an allowable use under Section 30233(a)(1).

Least Environmentally Damaging Alternative – The proposed project, as conditioned, is the least environmentally damaging feasible alternative of several alternatives considered, as it minimizes adverse impacts to the adjacent park and sensitive habitat area. Other alternatives considered by the applicant included larger galleries, more galleries, and the abandonment of pipes and concrete in the sand. In this case, the size of the proposed development has been reduced, and in the end, all of the pipes and concrete used for the project will be completely removed from the site and the beach will be restored to its pre-existing condition. In addition, because the proposed intake system has been designed to eliminate the entrainment of marine organisms, it is anticipated to be the least environmentally damaging alternative for obtaining seawater for desalination processes.

Adequate Mitigation - Section 30233 also requires that any project which results in fill of open coastal waters also provide adequate mitigation. In this case, no wetland vegetation or sensitive habitat will be displaced, and the project site will be restored to its pre-existing condition as a public beach. The temporary impacts to the project site are mitigated by the conditions of the permit. Thus, adequate mitigation is provided by the proposed project in that there will be no loss of open coastal waters and no permanent adverse impacts to habitat.

For the reasons discussed above, the Commission finds that the project, as conditioned, is consistent with Section 30233 of the Coastal Act. All adverse environmental effects of the proposed project have been minimized by the special conditions of approval. Therefore, the proposed project, as conditioned, is also consistent with the ESHA and marine resource policies of the Coastal Act.

C. Public Access and Recreation

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project, as conditioned, will conform with the following Coastal Act policies that protect and encourage public access and recreational use of coastal areas. The proposed project will not interfere with public access along the shoreline, except for the temporary disruptions that may occur during the construction and removal of the permitted development (which will occur outside of the “peak use” beach season).

Section 30210 of the Coastal Act states:

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

Section 30211 of the Coastal Act states:

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

Section 30213 of the Coastal Act states, in part:

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

As stated in the above public access policies, the Coastal Act requires that maximum access and recreational opportunities be provided for all people. The Coastal Act also protects the coastal areas like the project site for recreational activities.

Section 30220 of the Coastal Act states:

> Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

> Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The public currently has unrestricted access along the shoreline at the project site. The proposed project will temporarily interfere (only during construction and removal) with public access and recreation on the sandy beach situated between the public parking lot and the sea. The permit is conditioned to limit the areal extent of the proposed project, and to restrict the timing of the project. The use of part of the public parking lot for project staging will not adversely affect public access because the remainder of the parking lot is sufficiently large to meet the parking demands of the public during the off-peak beach season when the construction and demolition would occur. The beach bicycle path will remain open at all times.

In order to ensure that this coastal area is protected for public recreation, Special Condition Four requires that the permittees inspect the site daily in order to ensure that no pipe or other part of the approved development protrudes from the sand and that the project does not pose a hazard to navigation or public recreation. Special Condition Five requires that the permittees remove all development from the project site, except for clean imported sand, and that the beach shall be restored to its pre-existing condition, no later than the start of Memorial Day weekend 2010. The beach will be open for public use in the interim period (about two years) between completion of construction and commencement of removal. No part of the proposed project will even be visible during the two-year demonstration period as all the development will remain buried under the sand.

Therefore, the permit conditions protect the public beach for recreational activities, and as conditioned, the proposed development will not have any new adverse impact on public access or nearby recreational facilities. Thus, as conditioned, the proposed development conforms with the public access and recreation policies of the Coastal Act.

D. Visual Resources

Section 30251 of the Coastal Act states:

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

Section 30251 of the Coastal Act requires that the scenic and visual resources of coastal areas be considered and protected as a resource of public importance. In addition, public views to and along the ocean and scenic coastal areas shall be protected. The proposed project will be constructed below the existing level of the beach, and will be buried so that it is not visible. Therefore, the proposed project will have no negative impacts on coastal views or resources because it will not obstruct views to or along the coast from publicly accessible places. Therefore, the proposed project is consistent with Section 30251 of the Coastal Act.

E. Hazards

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

Section 30253 of the Coastal Act states, in part:

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

The proposed project, as conditioned, will minimize risks to life and property by being buried below the existing level of the beach. Special Condition Four requires that the permittees inspect the site daily in order to ensure that no pipe or other part of the approved development protrudes from the sand and that the project does not pose a hazard to navigation or public recreation. The proposed project will not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. The shoreline in the project area is a sandy public beach, about one hundred feet

wide, that exists in a stable and relatively low wave energy environment (because of the breakwater). The project will be removed in about two years and will not require the construction of any protective devices.

However, no development in the water can be guaranteed to be safe from hazard. All development located in or near the ocean have the potential for damage caused by wave energy, floods, seismic events, storms and erosion. The proposed project is located in the Pacific Ocean and is susceptible to natural hazards. The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition of this permit (Special Condition Seven) ensures that the permittee understands and assumes the potential hazards associated with development in or near the water. Such knowledge is the first step towards the minimization of risks to life and property. The proposed project, as conditioned to require its removal, is consistent with Section 30253 of the Coastal Act.

F. Local Coastal Program

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The Commission certified the City of Long Beach LCP on July 22, 1980. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

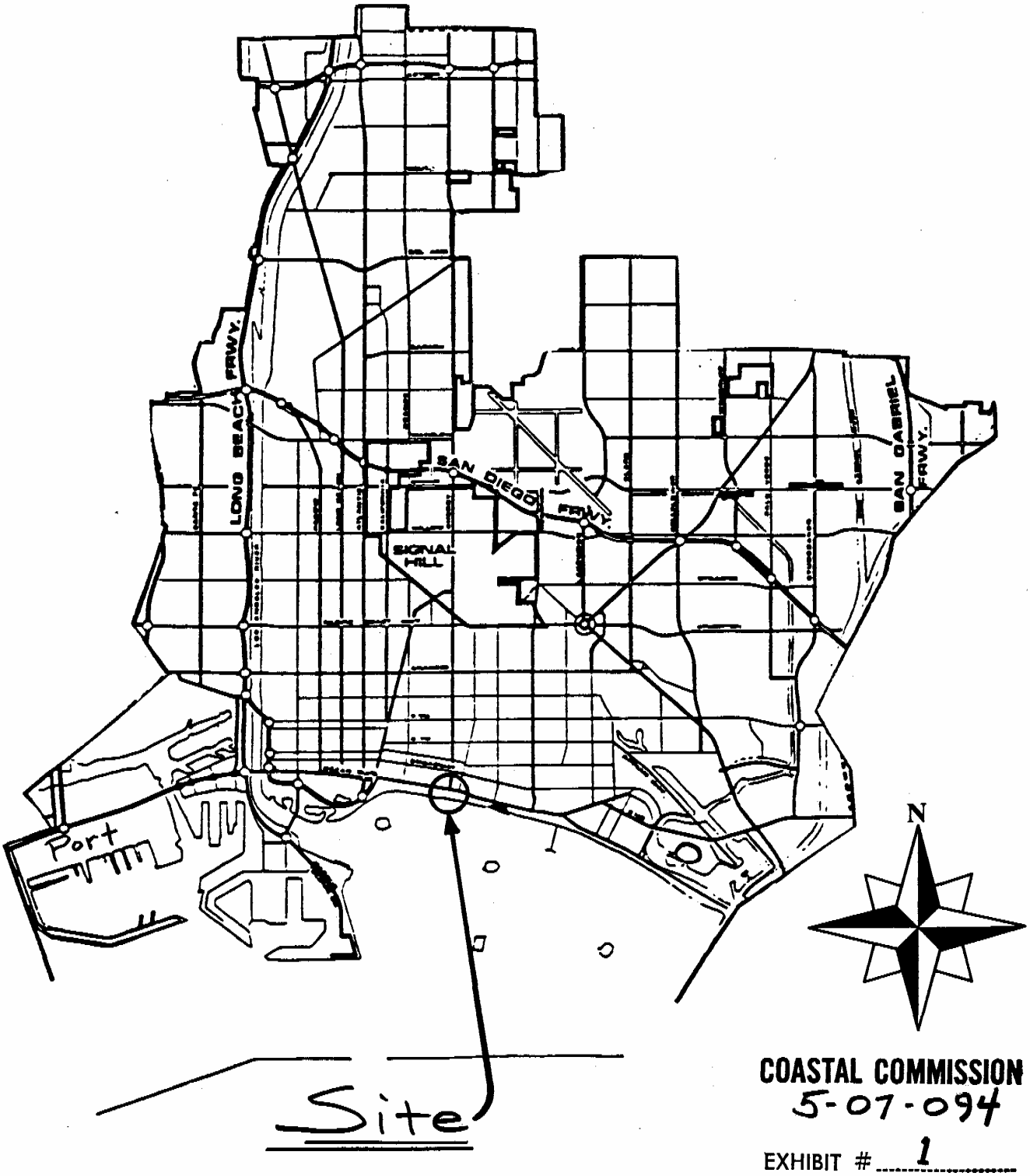
G. California Environmental Quality Act (CEQA)

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

The City of Long Beach is the lead agency for purposes of CEQA review of this project. The City certified Mitigated Negative Declaration No. 20-05 (amended) for the proposed project on February 1, 2007.

The proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

City of Long Beach



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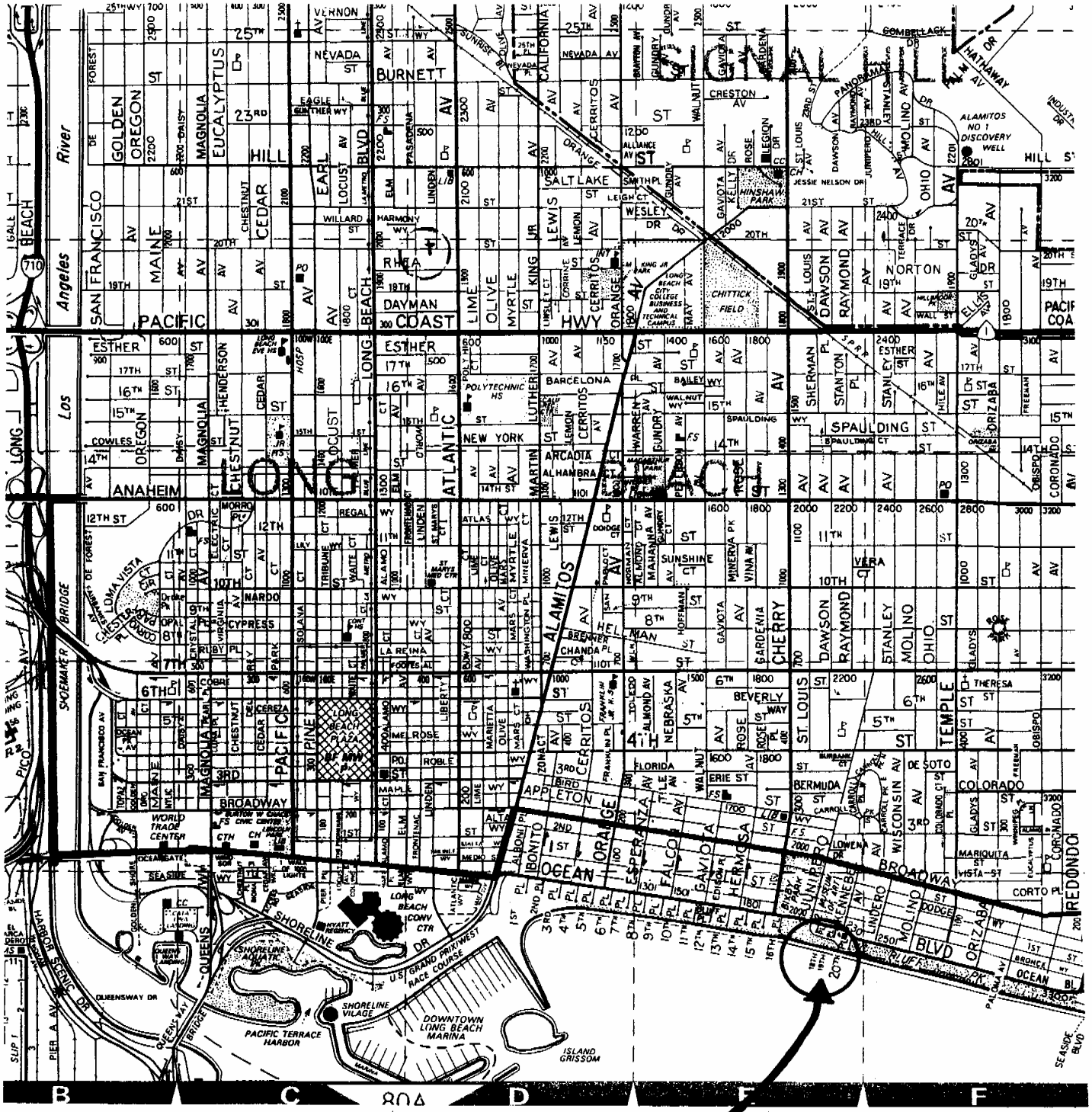
Project Site
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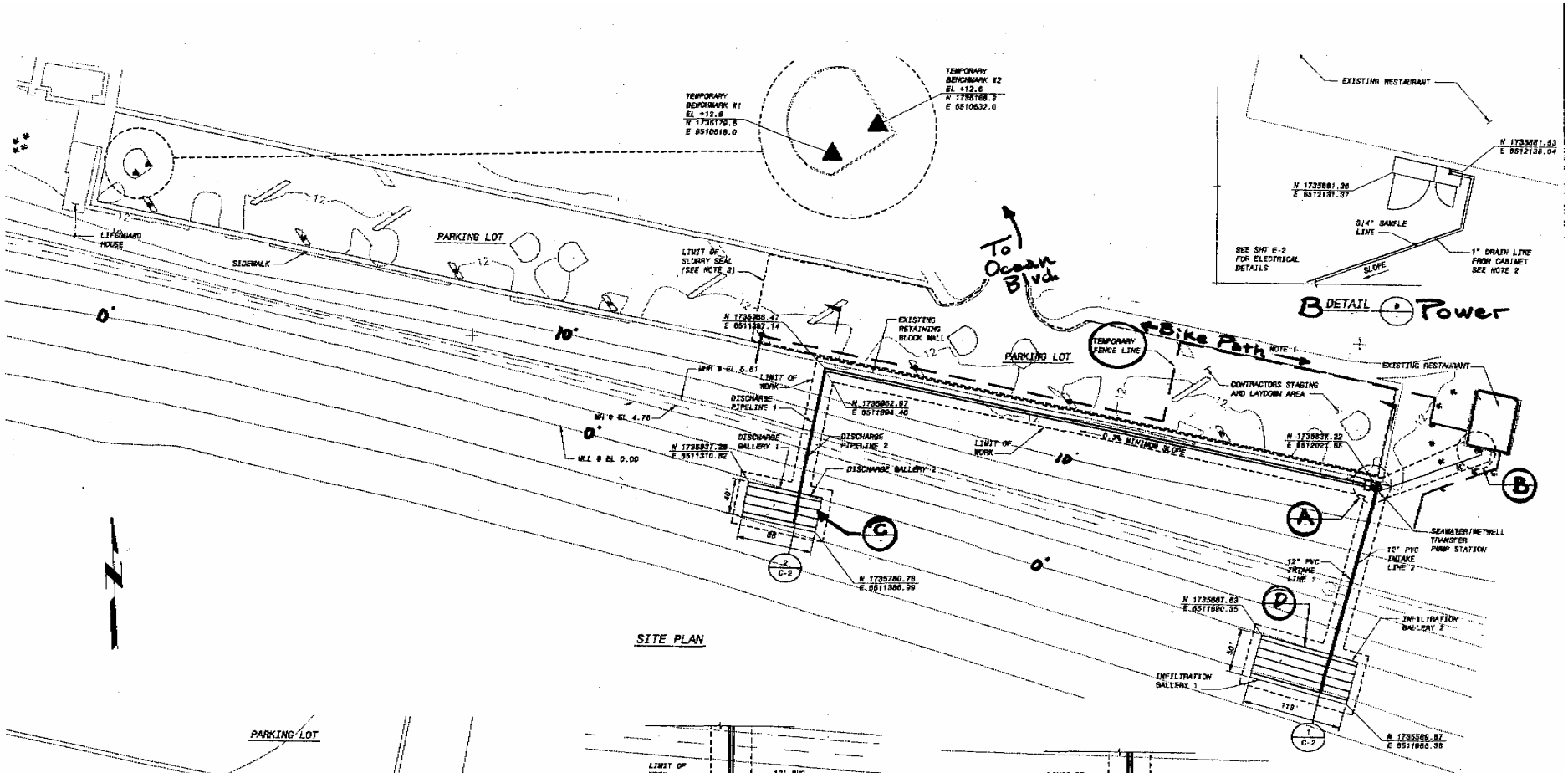

NOTES:
1. TEMPORARY FENCING SHALL NOT INTERFERE WITH BIKE PATH.
2. PIPING SHALL BE AT CONSTANT SLOPE, WITHOUT DIPS OR PEAKS.
3. SLURRY SEAL SHALL BE PROVIDED FOR THE ACCESS ROAD (FROM OCEAN AVE TO PARKING LOT) & PARKING LOT AFTER CONSTRUCTION IS COMPLETE.

Proposed Site Plan

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EXHIBIT # 3
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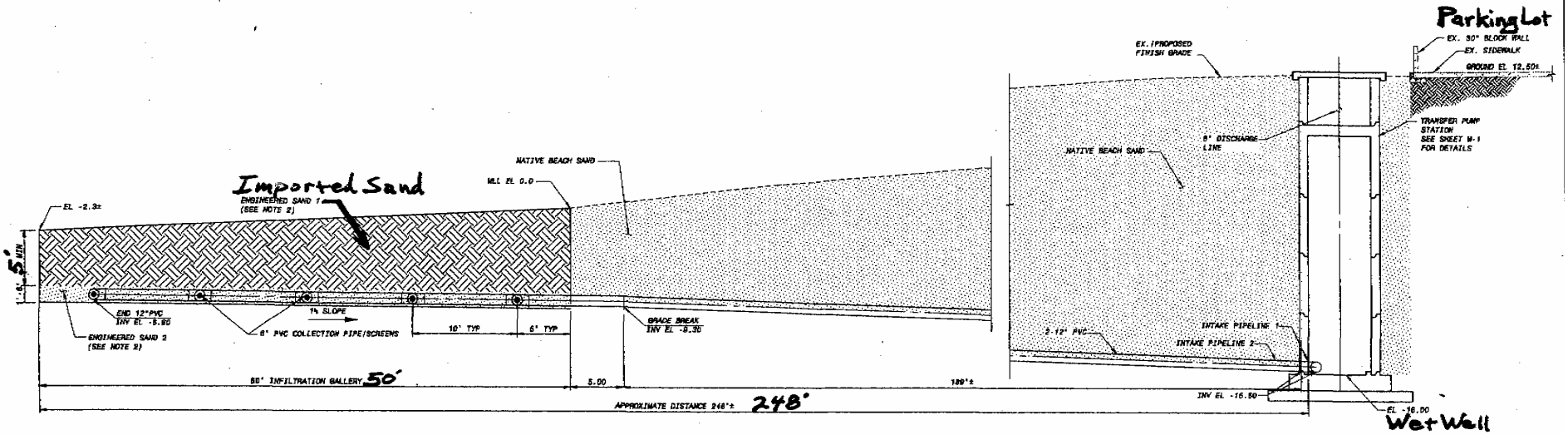
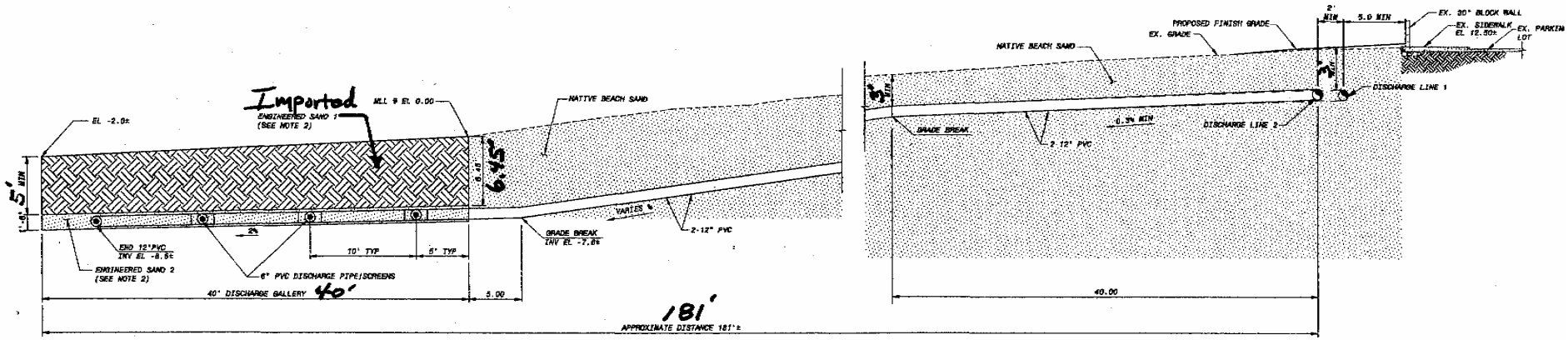


SECTION 1/C1 Infiltration



SECTION 2/C1 Discharge

COASTAL COMMISSION
5-07-094
EXHIBIT # 4
PAGE 1 OF 1

SOURCE: GlobeXplorer, 2006; Black & Veatch, 2007.

Long Beach Desal

5-07-094

Newly-Designed Intake System
Conceptual Plan (Overhead View)

Exhibit #5

TO: Tom Luster, California Coastal Commission
FROM: Joe Geever, Surfrider Foundation
DATE: August 21, 2007

RE: Long Beach Desalination Pilot Intake; Application No. 5-07-94

Dear Mr. Luster:

I am writing on behalf of the Surfrider Foundation and its more than 50,000 members to express our support for the Long Beach Water Department's Pilot Ocean Desalination Intake Project. Long Beach Water Department's approach to a water supply portfolio is consistent with Surfrider Foundation's policy that conservation, reclamation, groundwater retention and other more environmentally benign alternatives are maximized first. Surfrider Foundation is a non-profit, grassroots environmental organization dedicated to the restoration and protection of the world's ocean, waves and beaches.

Ocean desalination is a new technology fraught with conflicting policies embodied in the Coastal Act – not the least of which is the mandate to minimize marine life mortality from "entrainment." *See: Coastal Act § 30231.*

We support efforts like those of the Long Beach Water Department to use the best technology available and to think creatively and cautiously in employing technologies to avoid entrainment.

We want to be clear that this is not a blanket endorsement of ocean desalination. In fact, we will vigorously oppose ocean desalination proposals that do not minimize entrainment to the maximum extent. In fact, there is a proposal for a desalination facility in Carlsbad that stands in stark contrast to the Long Beach Water Department's efforts to not only develop state of the art intake systems, but desalination technology that diminishes energy demands and minimizes greenhouse gas emissions from the plant.

Thanks you for your attention to this issue. Please feel free to call me if you have questions.
Sincerely,

Joe Geever
California Policy Coordinator/Surfrider Foundation
8117 W Manchester Ave, #297
Playa del Rey, CA 90293