CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

F9a

Filed:	7/2/2009
49th Day:	8/20/2009
180th Day:	12/29/2009
Staff:	Charles Posner - LB
Staff Report:	7/23/2009
Hearing Date:	August 14, 2009
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-09-071

APPLICANT: City of Long Beach

AGENT: Eric Lopez, Analyst, Property Services Bureau

PROJECT LOCATION: Colorado Lagoon & Marine Stadium (5119 E. Colorado Street & 5255 Paoli Way), City of Long Beach, Los Angeles County.

PROJECT DESCRIPTION: Colorado Lagoon Restoration Project (Phase One), which includes: 1) dredging and removal of 32,500 cubic yards of sediment, 2) re-contouring the lagoon banks, 3) diversion of low-flows from storm drains into the sanitary sewer, 4) installation of trash collection devices in three major storm drains, 5) creation of two vegetated bioswales between the water and the adjacent golf course, 6) clearing of the tidal culvert connecting the lagoon to Alamitos Bay, 7) demolition of the northern paved parking lot, access road and restroom, 8) re-vegetating the former parking area and lagoon banks with native plants, 9) construction of public access trails, and 10) construction of a 135-foot long observation pier with thirty piles (to replace the existing pier).

LOCAL APPROVAL: City of Long Beach Site Plan Review, Case No. 0807-11.

SUMMARY OF STAFF RECOMMENDATION

A coastal development permit is required from the Commission because the proposed project is located within the Commission's area of original jurisdiction on submerged lands and filled tidelands. Staff recommends that the Commission grant a permit for the proposed restoration project with conditions to prevent adverse impacts to the marine resources of Colorado Lagoon and Alamitos Bay. The conditions require mitigation of the project's impacts to eelgrass beds, the completion of a pre-construction survey for toxic algae (Caulerpa), protection of native plants and bird nests, and compliance with the requirements of the resource agencies. The applicant agrees with the recommendation. **See Page Two for the motion to approve the permit.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
2. Environmental Impact Report for the Colorado Lagoon Restoration Project, Long Beach, CA. (SCH No. 2007111034).
3. City of Long Beach Local Coastal Development Permit No. 0807-11 (Marina Vista Park Landscaping).
4. Coastal Development Permit 5-08-144 (County of Los Angeles, Termino Drain Project).
5. Coastal Development Permit 5-08-356 (City of Long Beach, Beach Nourishment).

STAFF NOTE: Pursuant to Section 30519 of the Coastal Act, development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. The proposed project is situated on submerged lands and on filled tidelands within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development in its area of original jurisdiction 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 proposed project does not conflict with the City of Long Beach certified LCP.

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 5-09-071 per the staff recommendation."*

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

I. Resolution: Approval with Conditions

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. 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. Protection of Marine Resources

The permittee shall implement the following project staging and construction best management practices in order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into Colorado Lagoon or Alamitos Bay:

A. During dredging, clams and other native mollusks shall be relocated to another part of the lagoon when possible.

B. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Colorado Lagoon or Alamitos Bay.

C. Floating booms shall be maintained around the coffer dams and pier construction in order to capture floating debris during all demolition and construction phases.

D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.

E. If turbid conditions are generated during dredging and construction, silt curtains shall be utilized to control turbidity.

F. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such

materials/chemicals could pass into the waters of Colorado Lagoon or Alamitos Bay. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.

G. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.

H. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Colorado Lagoon or Alamitos Bay. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

I. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.

J. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.

K. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

L. In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

M. 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.

The permittee shall include the requirements of this condition on all plans and contracts issued for the project. The permittee shall implement and carry out the project staging and construction plan during all construction, staging and cleaning activities.

2. Eelgrass Survey and Mitigation Plan

A. Pre Construction Eelgrass Survey. Prior to commencement of any disturbance of the lagoon intertidal or subtidal areas authorized under this coastal development permit, a valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of dredging and pier

construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The permittee shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any disturbance of the lagoon intertidal or subtidal areas.

B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in Section A of this condition above, within one month after the conclusion of construction, the permittee shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The permittee shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the permittee shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location in Alamitos Bay, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

3. Caulerpa Taxifolia (Toxic Algae) Pre-Construction Survey

A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any disturbance of the lagoon intertidal or subtidal areas authorized under this coastal development permit, the permittee shall undertake a survey of the project area and a buffer area at least ten meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.

B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.

C. Within five (5) business days of completion of the survey, the permittee shall submit the survey for the review and approval of the Executive Director; and to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).

D. If *Caulerpa taxifolia* is found within the project or buffer areas, the permittee shall not proceed with the project until 1) the permittee provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the permittee has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Timber Treatment

Wood treated with Creosote, CCA (Chromated Copper Arsenate), ACA (Ammoniacal Copper Arsenate) or ACZA (Ammoniacal Copper Zinc Arsenate) is prohibited. Treated timber shall be free of chromium and arsenic and completely sealed in epoxy resin. No exposed wood shall be used where it could come into contact with the water.

5. Dredge Spoils

Dredge spoils suitable for beach replenishment shall be transported for such purposes to appropriate beaches. The permittee shall test the dredge spoils to determine if they are suitable for beach nourishment, and shall provide the test results for the review and approval of the Executive Director within five days after testing. The placement of suitable sand on City beaches is authorized pursuant to the terms of Coastal Development Permit 5-08-356 (City of Long Beach).

6. Landscaping Plan

The permittee shall conduct all landscaping consistent with the terms of this condition:

A. Prior to the removal of non-native vegetation, a qualified biologist shall survey the project site and identify with flags all areas of existing native vegetation. The permittee shall ensure that the areas of existing native vegetation, except for those areas where re-contouring or public access improvements are permitted, are protected from disturbance during the implementation of the approved project, and that adequate water is provided to keep the plants healthy. Native vegetation that is removed from the areas where disturbance is permitted shall be transplanted elsewhere within the project area.

B. Prior to weed abatement and removal of any plant material, a qualified biologist or ornithologist shall survey the project site to detect bird nests and submit a survey report to the permittee and the Executive Director of the Coastal Commission. The survey report shall include identification of all known nests. The permittee shall maintain a database of survey reports that includes a record of nests that is available as public information and to be used for future vegetation removal decisions. No bird nests shall be disturbed. Weed abatement and removal of any plant material may not proceed within 300 feet (500 feet for raptors) of a nest where evidence of courtship or nesting behavior is observed. In the event that any birds continue to occupy nests during the non-nesting season, work shall not

take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet (500 feet for raptors) of any nest.

C. Erosion Control. Prior to removing the non-native plants and preparation of the soil, the permittee shall install silt curtains along the entire length of the water's edge to prevent siltation of the lagoon. Jute matting (with no plastic netting) shall be placed on all slopes immediately following the removal of the existing plant cover. In addition, the permittee shall implement the following temporary erosion control measures during the restoration project: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, and additional silt fencing as needed

D. All vegetation planted on the site will consist of native plants typically found on the banks of Alamitos Bay and the Los Cerritos Wetlands. As much as possible, the seeds and cuttings employed shall be from local sources adjacent to Alamitos Bay and the Los Cerritos Wetlands.

E. No plant species listed as problematic and/or invasive by the California Native Plant Society (http://www.CNPS.org/), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (http://www.cal-ipc.org/), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.

F. Revegetation shall commence as soon as possible following removal of the existing vegetation and preparation of the soil. The existing native vegetation and all required plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. Revegetation activities may continue during the least tern nesting season.

G. Planting shall maintain views of the water from the public areas.

H. Monitoring. The permittee shall actively monitor the site, remove non-natives and reinstall plants that have failed for at least five years following the initial planting. The permittee will monitor and inspect the site no less than once each thirty days during the first year that follows the initial planting. Thereafter, the permittee will monitor the site at least once every ninety days or on the City's regular landscape maintenance schedule, whichever is more frequent.

The permittee shall undertake the approved development in accordance with this condition and the final plans approved by the Executive Director. To ensure compliance, the permittee shall include the requirements of this condition on all plans and contracts issued for the project. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Tree trimming and Maintenance of Colorado Lagoon Park

Tree trimming, non-native tree removal, and ongoing maintenance of Colorado Lagoon Park shall be conducted consistent with the terms of this condition in order to ensure the protection of wildlife habitat and the long-term protection of breeding, roosting, and nesting habitat of state and federally listed bird species, California bird species of special concern, and bird species that play an especially valuable role in the ecosystem.

A. Tree trimming and non-native tree removal shall take place only outside of bird breeding and nesting season, which is January 1 through September 30.

B. The trimming or removal of any tree that has been used for breeding and nesting within the past five years is prohibited. Prior to tree trimming or removal of any tree, a qualified biologist or ornithologist shall survey the trees to be trimmed or removed to detect nests and submit a survey report to the permittee, a representative of the Audubon Society, and the Executive Director of the Coastal Commission. The survey report shall include identification of all trees with nests. The permittee shall maintain a database of survey reports that includes a record of nesting trees that is available as public information and to be used for future tree trimming and removal decisions.

C. No bird nests shall be disturbed. Trimming may not proceed if a nest is found and evidence of courtship or nesting behavior is observed at the site. In the event that any birds continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet of any occupied tree.

D. No California native trees shall be removed. All existing native vegetation shall be protected.

8. 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 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 required.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description

The City of Long Beach proposes to implement Phase One of a major habitat restoration project at Colorado Lagoon (See Exhibits). Phase One of the Colorado Lagoon Restoration Project includes: 1) dredging and removal of 32,500 cubic yards of sediment, 2) re-contouring the lagoon banks, 3) diversion of low-flows from storm drains into the sanitary sewer, 4) installation of trash collection devices in three major storm drains, 5) creation of two vegetated bioswales between the water and the adjacent golf course, 6) clearing of the tidal culvert connecting the lagoon to Alamitos Bay, 7) demolition of the northern paved parking lot, access road and restroom, 8) re-vegetating the former parking area and lagoon banks with native plants, 9) construction of public access trails, and 10) construction of a 135-foot long observation pier with thirty piles (to replace the existing pier). Project staging and stockpiling will occur near the north shore of the lagoon on the site of the parking lot that is going to be removed and replaced with native vegetation. Phase Two, which is not part of this permit, involves the potential construction of an open channel through Marina Vista Park to replace the underground culvert that now connects the lagoon to Alamitos Bay (Exhibit #2).

Colorado Lagoon, which was historically part of the Los Cerritos Wetlands, is a 17.7-acre tidal lagoon that is connected to Alamitos Bay (Marine Stadium) through a 933-foot long underground tidal culvert (Exhibit #2). The lagoon serves three main functions: hosting estuarine habitat, providing public recreation (including swimming), and retaining and conveying storm water drainage (it is the natural low-point in the local watershed area of approximately 1,172 acres). The lagoon is surrounded by 18.5 acres of public parkland managed by the City of Long Beach (Exhibit #3). Existing improvements in Colorado Lagoon Park consist of restroom facilities, a lifeguard station, the Wetland and Marine Science Education Center, a preschool and model boat shop building, playground equipment, picnic tables, an observation pier, a 73-stall parking lot north of the lagoon, and a 56-stall metered parking lot parallel to Appian Way. The lagoon is listed as an impaired water body pursuant to the Clean Water Act as a result of elevated levels of lead, zinc, chlordane, and polycylic aromatic hydrocarbons (PAHs) in the sediment, and chlordane, dichloro-diphenyl-tricloroethane (DDT), dieldrin, and polychlorinated biphenyls (PCBs) in fish and mussel tissue. Bacterial contamination of the lagoon water is also a continuing problem that has adversely affected recreational activities.

The Colorado Lagoon Restoration Project was developed with input from multiple stakeholders, including the California Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, U.S. Army Corps of Engineers, Regional and State Water Resources Control Boards, and the Friends of Colorado Lagoon (FOCL). The proposed project will remove contaminated sediments, improve water quality, restore and enhance native habitat, prevent recontamination and sedimentation, and enhance public recreational opportunities. The proposed project is partially funded by a $3.2 million grant distributed by the State Water Board as part of the American Recovery and Reinvestment Act (Federal Stimulus Bill). Construction of Phase One is scheduled to commence by September 1, 2009 and take about two years to complete (not including long-term monitoring).

B. Marine Resources – Water Quality

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located in coastal waters that are part of Alamitos Bay. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, coastal water quality, and marine resources.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Colorado Lagoon is a 17.7-acre body of tidal water that serves as the natural low-point in the local watershed area of approximately 1,172 acres. The lagoon's condition has deteriorated over time due to untreated inflows from eleven storm drains, dry weather runoff, and inadequate tidal flushing due to the reduced capacity of the underground culvert that connects the lagoon to Alamitos Bay. These conditions have led to the lagoon being listed as an impaired water body by the Clean Water Act because of toxic contaminants and elevated bacteria levels.

The proposed project includes several improvements that will restore and enhance water quality, biological productivity, public recreation and marine resources in Colorado Lagoon, including: 1) the removal of contaminated sediments and deepening of the lagoon by dredging, 2) clearing of the tidal culvert that connects the lagoon to the bay, 3) removal of paved vehicular areas from the north shore, and 4) installation of low-flow diversions and trash separation devices in the storm drains.

First, the proposed dredging will remove approximately 32,500 cubic yards of sediment from the bottom of the water body, some of which is contaminated. Approximately 22,500 cubic yards will be dredged from the western arm, 6,500 cubic yards from the central lagoon, and 3,500 cubic yards from the north arm. The dredging of the western arm, where the sediment contamination is confirmed, will involve the construction of a temporary coffer dam so the

western portion of the lagoon can be dewatered and excavated (i.e., dry dredged). A biologist will be at the site during the dewatering process to ensure the survival of any sea turtle or marine mammals that are in the western arm of the lagoon during dewatering. The remainder of the lagoon, the central lagoon and north arm, will not be drained. The dredging and re-contouring in the central lagoon and north arm will be "wet dredged" using silt curtains to minimize turbidity. The proposed dredging activities will also involve the construction of some temporary piers and/or berms on the lagoon banks to enable access into the lagoon by the dredging equipment (e.g., excavators, scows, etc.).

The central and western arm of the lagoon will be deepened up to six feet, down to nineteen feet below Mean Sea Level at the deepest point. The north arm dredging will not result in any significant deepening. Re-contouring of sections of the lagoon's banks will provide a stable and gradual slope between the beach and the deepened parts of the lagoon, while maximizing the amount of intertidal and subtidal habitat areas. The removal of the sediment, along with the re-contouring of parts of the lagoon banks, will significantly increase the amount of deep subtidal habitat (more than fifteen feet below Mean Sea Level) from 0.6 acres to 1.9 acres. Shallow subtidal habitat area (four to seven feet below Mean Sea Level) will be increased from 1.2 acres to 2.3 acres. Moderate subtidal habitat area (seven to fifteen feet below Mean Sea Level) will be reduced form 6.7 acres to 5.1 acres.

The contaminated sediments will be treated as hazardous material and disposed of at the Port of Long Beach or at an appropriate upland landfill. Sediment that is confirmed to be clean will be re-used on-site to the maximum extent possible. After the proposed dredging and re-contouring of the lagoon is completed, the City will mitigate the loss of any eelgrass that occurs by replacing eelgrass in the lagoon at a minimum 1.2:1 ratio in compliance with the National Marine Fisheries Service's Southern California Eelgrass Mitigation Policy and Special Condition Two of this permit.

Second, tidal flushing of the lagoon will be significantly increased by the proposed improvements to the 933-foot long underground tidal culvert that connects the lagoon to Alamitos Bay (Marine Stadium). The lack of adequate tidal flushing contributes to poor water quality and high bacterial counts in the lagoon. Removal of the obstructions from the existing 1960's-era culvert, including the old tidal gates, structural sills, marine growth, rocks and sediment, will improve water quality by increasing tidal flushing of the lagoon. The City estimates that up to 900 cubic yards of sediment and debris can be removed from the inside of the 933-foot long culvert, along with 130 tons of rocks that partially block the culvert opening at Marine Stadium. Once cleared of the obstructions, the tidal flow will freely flow through the culvert.

The proposed cleaning of the culvert involves closing each end of the culvert temporarily with temporary sheet pile and sand bag cofferdams, dewatering the culvert, and lowering mechanical equipment into the tunnel to remove the obstructions. The coffer dams will be opened at least once every two weeks (for two or three days) during the culvert cleaning to allow tidal flushing and to prevent stagnation of the lagoon. Aerators will also be installed in the lagoon to minimize stagnation while the culvert is closed for cleaning. The rocks removed from the culvert opening are proposed to be relocated nearby to voids in the riprap embankment of Marine Stadium. In the future, the City may obtain a separate coastal development permit for a planned (Phase Two) open channel that would replace the

underground culvert that connects the lagoon to Alamitos Bay. The open culvert alternative is still in the planning stages and is not funded at this time.

The substantial increase (6.8%) in the water body's volume (resulting from the dredging and removal of the tide gates), in addition to improved tidal flushing, will result in significant improvement of the water quality, biological productivity and public recreation in Colorado Lagoon consistent with the requirements of Sections 30230 and 30231 of the Coastal Act.

Third, in order to remove a source of vehicle-related contaminants and to provide additional permeable area for filtering runoff, the proposed project will remove from the north shore a paved public parking lot (73 stalls) and the paved vehicular access road. The removal of the paved parking lot and northern access road, and the restoration of the formerly paved areas with native landscaping, will reduce pollutant discharges, minimize contamination, and minimize adverse effects of waste water consistent with the requirements of Sections 30230 and 30231 of the Coastal Act.

Finally, the proposed project includes several components to prevent recontamination and sedimentation of the lagoon by reducing and filtering runoff from the surrounding watershed. There are eleven storm drains that currently discharge into Colorado Lagoon. The Termino Drain Project currently being completed by the County of Los Angeles (Coastal Development Permit 5-08-144) will divert the end of one major storm drain and three smaller drains out of Colorado Lagoon and into Marine Stadium (with the low flows diverted into the sanitary sewer). This project (Colorado Lagoon Restoration Project) will modify the seven remaining storm drains (three major drains and four local drains) that discharge into Colorado Lagoon. The currently proposed project will also remove from the lagoon banks the storm drain pipes and outlets that have been abandoned because of the Termino Drain Project.

The three major drains are proposed to be modified with trash separation devices and low flow diversion systems. Two of the local drains will also be fitted with low-flow diverters. The low flow diversions will divert dry-weather runoff (and rain less than 0.1 inch) from the five storm drains into a wet well, and then into the County sanitary sewer system instead of the lagoon. The three trash separation devices will trap trash and debris before it enters the lagoon or the sanitary sewer. One-way flap gates will be installed at the ends of the three storm drains to prevent seawater from entering the drains and the sanitary sewer system, while allowing storm flows to discharge freely into the lagoon. The proposed low flow diversion system includes new underground pipes to carry the diverted flows from three major drains and two local drains to the underground wet well. The proposed 40'x 40' underground wet well and its above-ground pumps will be constructed northwest of the lagoon on part of the public golf course (near the intersection of 6th Street and Park Avenue).

Runoff from the other two local drains, and sheet flow from the adjacent golf course, will be captured and filtered by two new bioswales that are proposed to be installed along the northern shore of the lagoon between the water and the golf course. The bioswales are designed to capture pollutants with native vegetation before they are carried into the lagoon by the runoff. The list of native plants proposed to be used in the bioswales is attached to this report as Exhibit #5 (p.5). One 120-foot long bioswale is proposed to be located along the north bank of the western arm of the lagoon, and the other 280-foot long bioswale is proposed to be located on the site of the paved parking lot that will be demolished as part of the

proposed restoration project. In order to prevent erosion of the lagoon bank, the City proposed to place approximately sixty cubic yards of rip-rap at the western end of the 280-foot long bioswale where it drains into the lagoon. The proposed bioswales, low-flow diversions, and trash separation devices will reduce pollutant discharges, minimize contamination, and minimize adverse effects of waste water consistent with the requirements of Sections 30230 and 30231 of the Coastal Act.

The proposed restoration project will involve temporary construction impacts that must be mitigated in order to prevent adverse impacts to marine resources. Specific mitigation measures must be implemented in order to ensure that water quality, biological productivity and marine resources are protected as required by Sections 30230 and 30231 of the Coastal Act. Special Condition One requires the permittee to implement the following specific project staging and construction best management practices in order to minimize potential adverse environmental impacts:

- During dredging, clams and other native mollusks shall be relocated to another part of the lagoon when possible.

- Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Colorado Lagoon or Alamitos Bay.

- Floating booms shall be maintained around the coffer dams and pier construction in order to capture floating debris during all demolition and construction phases.

- Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.

- If turbid conditions are generated during dredging and construction, silt curtains shall be utilized to control turbidity.

- The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Colorado Lagoon or Alamitos Bay. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.

- Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.

- Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Colorado Lagoon or Alamitos Bay. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

- Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.

- All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.

- All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.

- In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

As conditioned, the proposed project is consistent with Sections 30230 and 30231 of the Coastal Act.

C. Marine Resources – Dredging and Filling

Section 30233 of the Coastal Act regulates the filling and dredging of open coastal waters, wetlands and estuaries. Section 30233 of the Coastal Act allows dredging and filling of coastal waters (or wetlands) only for the seven uses listed in Section 30233(a) of the Coastal Act, and only where feasible mitigation measures have been provided to minimize adverse environmental effects.

Section 30233 of the Coastal Act states:

> (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
>
> 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
>
> 2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
>
> 3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
>
> 4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

6) Restoration purposes.

7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.
For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30233 of the Coastal Act is relevant as the proposed project includes dredging to remove approximately 32,500 cubic yards of sediment from the bottom of the water body. Some of the material to be removed is contaminated. The proposed dredging is for restoration purposes. Restoration is one of the allowable reasons for which Section 30233(a)(6) of the Coastal Act permits dredging.

The proposed project also includes fill. The proposed construction of an observation pier in the lagoon involves the placement of twenty piles in the intertidal and subtidal zones, and ten piles above the high tide line (Exhibit #4). The twenty piles proposed below the high tide line are considered to be fill. The piles are allowable under Section 30233(a)(3) of the Coastal Act because they are necessary to support a public recreational pier.

Placement of riprap in the intertidal zone is fill. The proposed 280-foot long bioswale includes the placement of sixty cubic yards of rip-rap (to dissipate energy and prevent erosion) in the

intertidal zone. The coffer dams, although temporary, are also fill. The proposed coffer dams and the riprap at the end of the bioswales are components of the project that will restore and enhance water quality, and are allowable fill (as restoration) pursuant to Section 30233(a)(6) of the Coastal Act.

Section 30233 of the Coastal Act allows dredging and filling of coastal waters (or wetlands) only where feasible mitigation measures have been provided to minimize adverse environmental effects, and where there is no feasible less environmentally damaging alternative. In this case, there is no feasible less environmentally damaging alternative because the proposed project will restore and enhance marine resources without causing any significant adverse impacts. The proposed project will not result in conversion of open water area or wetlands to upland. The proposed project will not reduce the amount of marine habitat area. The design of the proposed observation pier includes the minimum-sized piles and the minimum number of piles necessary for structural stability. The piles are self-mitigating as a component of a restoration project because they provide a solid surface for marine organisms to colonize. The proposed riprap is part of the restoration project t prevents erosion and sedimentation, while also providing rocky intertidal habitat for marine organisms. The coffer dams are a temporary part of the construction plan that will be removed upon completion of the approved development.

A primary mitigation provided by the proposed project is the restored coastal salt marsh and mudflat habitat that will be provided around the banks of the west and north arms of the lagoon as a result of the proposed re-contouring and landscaping. The list of native plants proposed to be used in the restoration project is attached to this report as Exhibit #5.

The proposed restoration project will, however, involve temporary impacts that must be mitigated. Section 30233 of the Coastal Act only allows the proposed dredging and filling if feasible mitigation measures have been provided to minimize adverse environmental effects. Specific mitigation measures must be implemented in order to ensure that water quality, biological productivity and marine resources are protected as required by Sections 30230, 30231 and 30233 of the Coastal Act. Special Condition One requires the permittee to implement specific project staging and construction best management practices in order to minimize potential adverse environmental impacts.

The proposed dredging and pier construction will adversely impact eelgrass beds in Colorado Lagoon. Although there is not a recent eelgrass survey for the lagoon, eelgrass has been observed during reconnaissance dives in 2004 and earlier. Special Condition Two addresses the project's impacts to eelgrass. The permit is conditioned to require that the City survey the project site prior to development in order to determine the extent of the eelgrass (Zostera marina) beds that exist within the lagoon. Special Condition Three requires a survey to determine if the invasive alga *Caulerpa taxifolia* is present in the area. After the proposed dredging and re-contouring of the lagoon is completed, the City is required to mitigate the loss of any eelgrass that occurs by replacing eelgrass in the lagoon at a minimum 1.2:1 ratio in compliance with the National Marine Fisheries Service's Southern California Eelgrass Mitigation Policy and Special Condition Two. Only as conditioned is the proposed project consistent with the marine resource sections of the Coastal Act.

One special interest plant species, estuary sea-blite (Suaeda esteroa), has been found in the area (one shrub). The proposed habitat restoration plan includes salvaging and transplanting the existing estuary sea-blite. Special Condition Six requires that native plants on the lagoon banks be protected, and transplanted if necessary.

Special Condition Four protects the marine environment by prohibiting the use of wood that has been treated with toxic chemicals like Creosote, CCA (Chromated Copper Arsenate), ACA (Ammoniacal Copper Arsenate) or ACZA (Ammoniacal Copper Zinc Arsenate). Any treated timber used in the project shall be free of chromium and arsenic and completely sealed in epoxy resin. No exposed wood shall be used where it could come into contact with the water.

Alamitos Bay and Colorado Lagoon are potential foraging areas for the endangered California brown Pelican (*Pelicanus occidentalis*) and the endangered California least tern (*Sterna antillarum brownie*). To minimize adverse impacts to least terns, permits are sometimes conditioned to schedule work outside of the least tern nesting season that commences March 15 and ends September 1. In this case, however, these species are not expected to be impacted by the proposed project because the lagoon is a poor quality foraging site and higher quality foraging areas are available nearby in Alamitos Bay. No least tern nesting is known to occur at Colorado Lagoon. The City is proposing to undertake most of the work in the lagoon during the dry season, which runs from April to October, because the lagoon retains and conveys storm water drainage when it rains (it is the natural low-point in the local watershed area of approximately 1,172 acres). Therefore, the proposed project can proceed during the nesting season without adversely affecting the least terns or brown pelicans, and the project will improve the least tern habitat in the long run.

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

The proposed dredging will remove contaminated sediments from the lagoon that will be treated (with cement) and disposed of at a landfill or as fill at the Port of Long Beach. Some of the non-contaminated dredge spoils will be used on site as beach and dune sand as part of the project, but there may be excess sediment that will be transported from the site and deposited elsewhere. In regards to disposal of dredge spoils, Section 30233(b) of the Coastal Act requires that suitable dredge materials should be transported to appropriate beaches for beach nourishment. In order to ensure compliance with the requirement of Section 30233(b) of the Coastal Act, Special Condition Five requires that the City replenish appropriate beaches with dredge spoils that are deemed suitable. The suitable sand can be placed on the City beaches under the terms of Coastal Development Permit 5-08-356 (City of Long Beach) that the Commission approved on March 11, 2009 for beach nourishment on the City's beach. A qualified expert (e.g., licensed professional civil engineer) is required to inspect the dredged material to determine if the material is suitable for deposition at the approved beaches.

The proposed project will result in significant improvements to marine resources and water quality in Alamitos Bay. The permit has been conditioned to mitigate and avoid impacts to marine resources. As conditioned, the proposed project will not significantly adversely impact marine resources. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231 and 30233 of the Coastal Act.

D. Habitat Restoration - ESHA

A primary objective of the Colorado Lagoon Restoration Project is the restoration of the natural habitat areas that exist in and around the lagoon. Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) like Colorado Lagoon shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed. Also, development adjacent to ESHA shall prevent impacts that would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

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.

A major component of the proposed Colorado Lagoon Restoration Project is the restoration of native plants communities that sustain and support marine life habitat. The proposed project includes several acres of restored coastal salt marsh and mudflat habitat on the banks of the west and north arms of the lagoon. Coastal salt marsh will also be restored on the lagoon bank south of the opening of the tidal culvert. The restored marsh and mudflats will be created as part of the dredging and bank re-contouring process, and then planted with native wetland plants after all the non-native plants have been eradicated. The list of native plants proposed to be used in the restored wetlands is attached to this report as Exhibit #5 (p.4).

The proposed project also includes the restoration of upland areas surrounding the lagoon. On the north shore of the lagoon, an existing restroom, 73-stall paved parking lot and barbeque/picnic area will be demolished and replaced with native coastal dune and sage scrub plant communities after all the non-native plants have been eradicated. The areas currently dominated by non-native vegetation like South African iceplant and fan palms will be revegetated with native coastal strand plants. An asphalt strip that exists between Appian Way and the lagoon will be removed and planted with native trees and shrubs. The list of native plants proposed to be used in the restored upland areas is attached to this report as Exhibit #5 (ps.1-3).

Colorado Lagoon Restoration Project – Proposed Habitat Improvements (EIR)

- Project Boundary
- Low Marsh (Coastal Salt Marsh, Cordgrass, Unvegetated Mud Flats)
- Mid Marsh
- High Marsh/Upland
- Native Upland CSS Vegetation
- Park
- Parking/Road
- Sand
- Shrubs
- Trail (Decomposed Granite)
- Vegetated Buffer/Berm
- Proposed Bioswale
- Existing Sidewalk

Special Condition Six requires that the City protect areas of existing native vegetation during eradication of the non-native plants, and that the work areas be surveyed for bird nests prior to any disturbance. No bird nests are permitted to be disturbed. Appropriate erosion control measures will be implemented to prevent siltation in the lagoon. The native vegetation shall be preserved and will continue to provide valuable habitat for native insects on which the native birds and other animals are dependent for food. Special Condition Six contains additional provisions to ensure the success of the proposed landscaping plan.

Special Condition Seven requires that tree trimming, non-native tree removal, and ongoing maintenance of Colorado Lagoon Park shall be conducted in a manner that protects wildlife habitat and the long-term protection of breeding, roosting, and nesting habitat of state and

federally listed bird species, California bird species of special concern, and bird species that play an especially valuable role in the ecosystem.

The City has proposed to install a floating bird island in the lagoon, but that part of the project will be reviewed under a separate permit application because the plans for the island have not yet been prepared.

Any adverse environmental effects of the proposed project have been minimized by the special conditions of approval. The proposed revegetation of the project area with native plants will mitigate the temporary impacts of the proposed project by improving the quality of the habitat. The proposed project, as conditioned, will not significantly disrupt habitat values or degrade Colorado Lagoon. The proposed restoration project is compatible with the continuance of the habitat area and is an allowable use consistent with the provisions of Section 30240 of the Coastal Act. Therefore, the proposed project, as conditioned, is consistent with the ESHA and marine resource policies of the Coastal Act.

E. 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 must conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

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

Section 30213 of the Coastal Act states:

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

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.

Existing improvements in Colorado Lagoon Park consist of restroom facilities, a lifeguard station, the Wetland and Marine Science Education Center, a preschool and model boat shop building, playground equipment, picnic tables, an observation pier, a 73-stall parking lot north of the lagoon, and a 56-stall metered parking lot parallel to Appian Way. The central lagoon, although polluted, provides a popular beach and water play area.

The proposed project will provide for the public's continuing recreational use of the recreational facilities at Colorado Lagoon. Swimming and water play will be permitted only at the beach at the southern central part of lagoon. The beach and water play area will benefit from the project's expected improvement of water quality. The proposed 135-foot long observation pier will provide improved recreational opportunities for wildlife viewing and nature study. New and improved walking trails will provide for public pedestrian access along the northern, eastern and southern banks of the lagoon. The City will install 48-inch high tubular steel fences along some segments of the trails to keep people from trampling the sensitive habitat areas. The paved vehicular access road that now extends from 6th Street to the northern paved parking lot will be removed and replaced with a decomposed granite public trail/maintenance road (Exhibit #3).

The proposed project includes the demolition of the 73-stall public parking lot, picnic tables and public restroom that exist on the north shore, and the restoration of the site as native habitat and a public trail. The City studied the parking demand for Colorado Lagoon Park and determined that the remaining 56-stall metered parking lot on the southwest side of the park, along with the parking available on the surrounding public streets, would be adequate to meet the parking demands of the park. The public streets in the project area support public access to the park and lagoon, and are commonly used by park visitors who avoid paying to use the metered parking stalls.

Although the project will temporarily impact the use of some portions of the lagoon and park during the completion of the proposed restoration project, the public benefits of the project outweigh the inconveniences of the construction. The completion of the proposed project will result in a substantially improved public recreation area. Therefore, the proposed project will not have a substantial negative effect on the public's ability to access the coast, and is consistent with the public access and recreation policies of the Coastal Act.

F. 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 not have any significant adverse impacts on public views or visual resources.

G. Local Coastal Program

Pursuant to Section 30519 of the Coastal Act, development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. The proposed project is situated on submerged lands and on filled tidelands within the Commission's area of original jurisdiction.

The Commission's standard of review for the proposed development in its area of original jurisdiction 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 City of Long Beach LCP was certified by the Commission on July 22, 1980.

The proposed project generally conforms with the provisions of the City of Long Beach certified LCP. Colorado Lagoon has a zoning designation of Park (P) and designated as a Special Use Park. The certified LCP policies for Marine Stadium, as set forth in the LCP's Marine Stadium Resource Management Plan (RMP), state:

A. General Policy

> Use of Colorado Lagoon should be primarily recreational. However, presence of its unique clam population requires strong conservational considerations. Commercial use other than food services and beach equipment should not be allowed. Educational uses should be encouraged.

B. Guidelines

1. Management Responsibility

   Overall management of Colorado Lagoon will be vested in the Marine Department (see Alamitos Bay).

2. Water Quality

   a. The major storm drains presently emptying into the west and north arms of the lagoon should be diverted to the ocean or the San Gabriel River.
   b. Sediments deposited by the storm drains should be removed and replaced by sand. Clams should be re-bedded. Entire process should be supervised by Department of Fish and Game.

3. Public Access

   a. When recreational use conflicts with maintenance of the clam population, controls must exists in favor of the latter.
   b. Public health and safety must be assured during major maintenance activities and periods of poor water quality or exposed sediments.
   c. Provide directive signs and other amenities to encourage maximum use of the north beach and parking lot.

d. Health Department should monitor clams to preclude human ingestion of toxic metals.
e. A children's play module should be provided on the south shore.

4. Maintenance

Prepare a plan for upgrading and maintaining the appearance of lagoon area. This plan should include improved landscaping, grass picnic areas (especially at the northwest end), erosion control, and increased beach area. The plan should be in two phases, recognizing the impact of Guidelines 2a and b.

As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

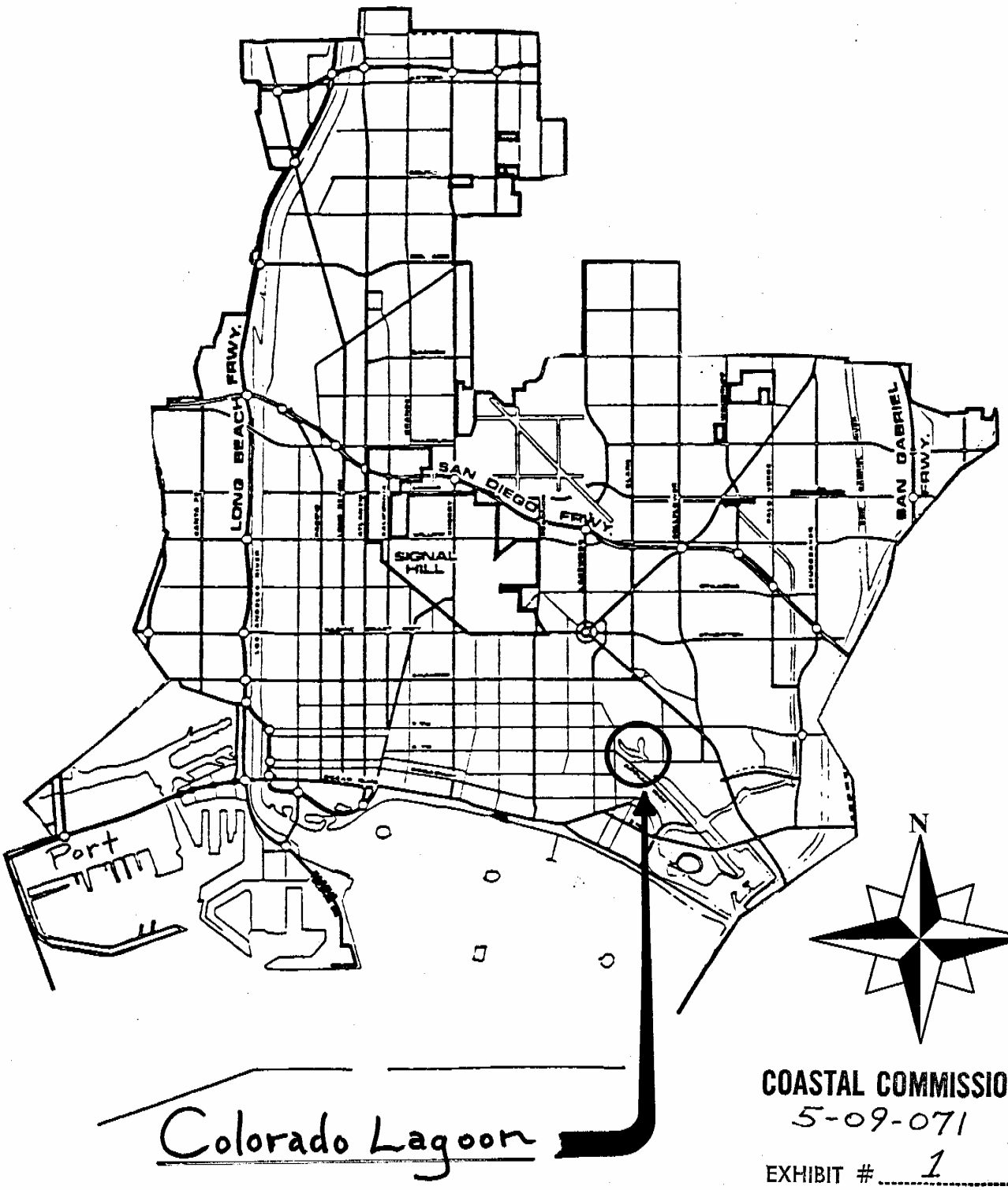
H. California Environmental Quality Act (CEQA)

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

In accordance with the guidelines for implementation of the California Environmental Quality Act, an Environmental Impact Report (EIR 30-07, SCH No. 2007111034) was certified by the City of Long Beach City Council on October 14, 2008. The Final EIR consists of two separate volumes: the Draft EIR and the Response to Comments on the Draft EIR. The Final EIR determined that all potentially significant adverse environmental impacts could be mitigated to a less than significant level except for short-term construction air quality impacts related to vehicle emissions and dredged material odors, cumulative air quality impacts, short-term construction noise impacts, and cumulative noise impacts. A Statement of Overriding Considerations prepared in accordance with CEQA determined that specific project benefits outweigh these unavoidable adverse effects and therefore the adverse effects are considered an acceptable part of this project. The project benefits include improved lagoon water quality, improved lagoon water circulation with tidal connection to Marine Stadium, restored estuarine habitats, and enhanced public recreational opportunities.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

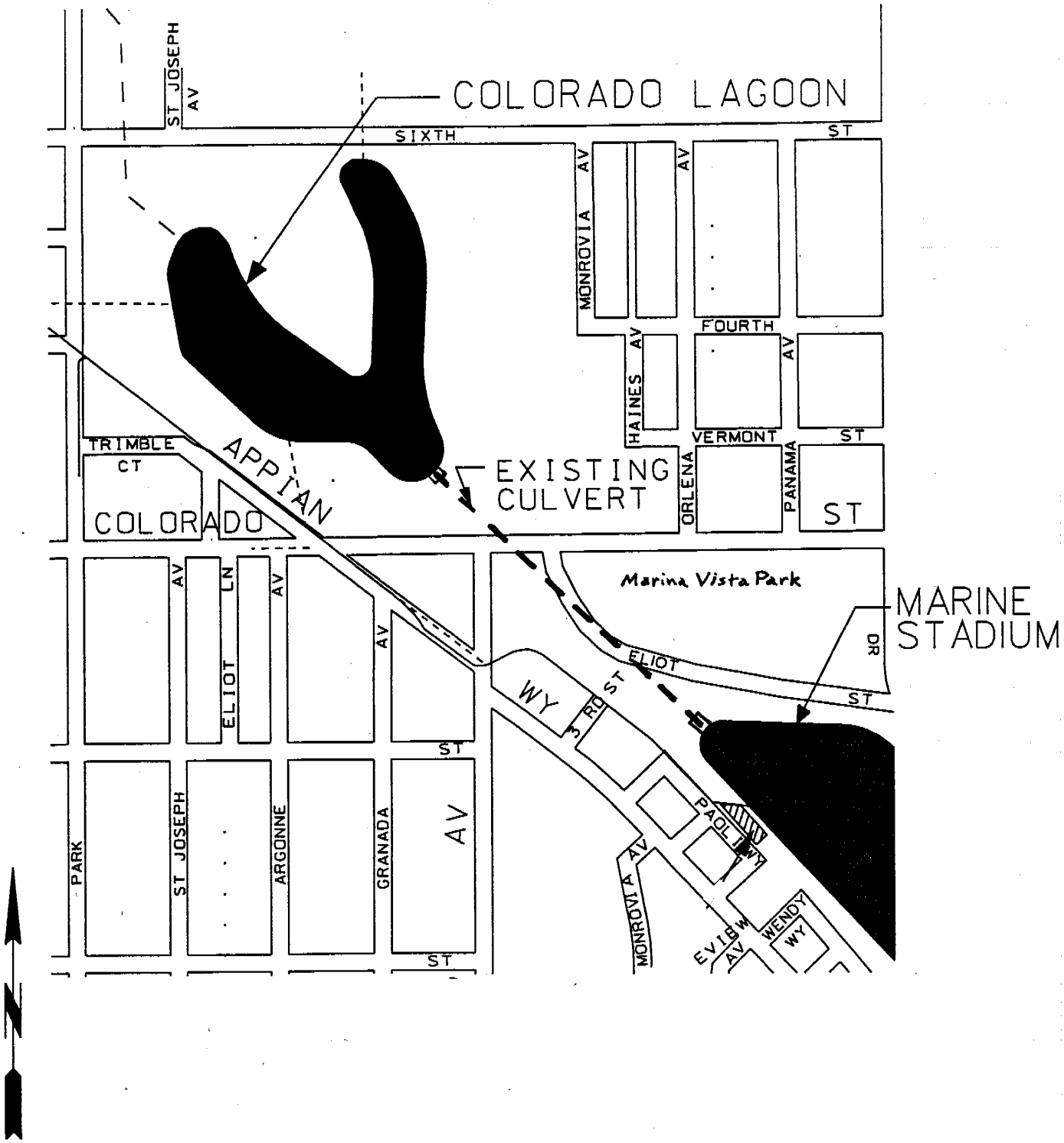
City of Long Beach



COASTAL COMMISSION
5-09-071

EXHIBIT # 1

PAGE 1 OF 1



COASTAL COMMISSION

5-09-071

EXHIBIT # 2

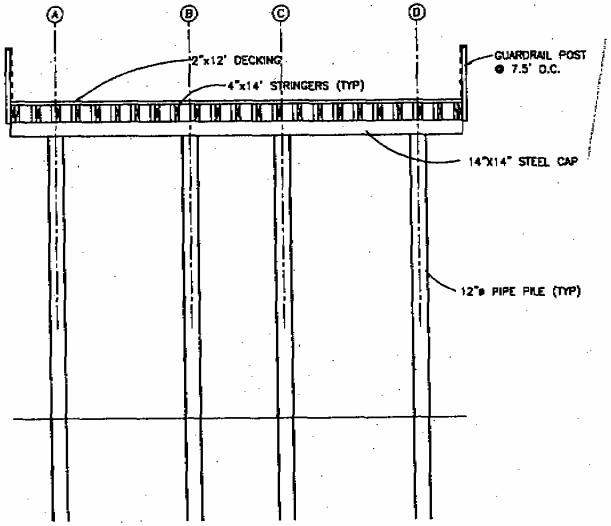
PAGE 1 OF 1

SOURCE: Air Photo USA (2008), Moffat & Nichol (2007), Thomas Bros. (2007).

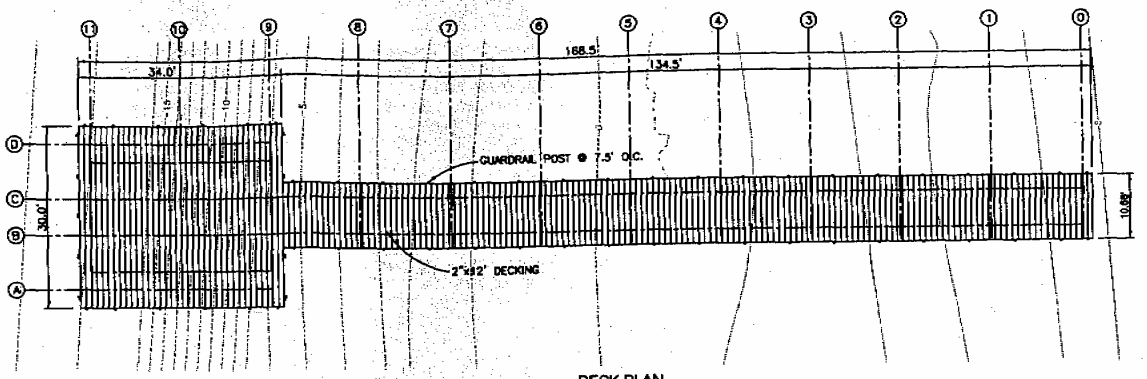
I:\CLB0803\GIS\PropRecreation_Fig6.mxd (1/29/2009)

Colorado Lagoon Plan

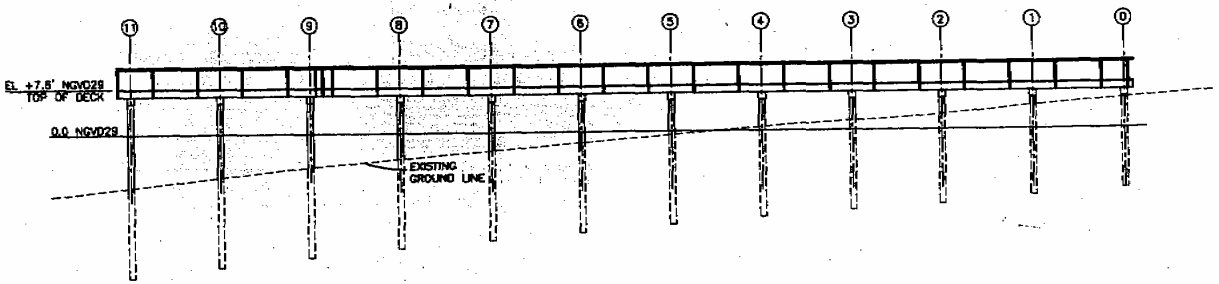
COASTAL COMMISSION
5-09-071
EXHIBIT # 3
PAGE 1 OF 1



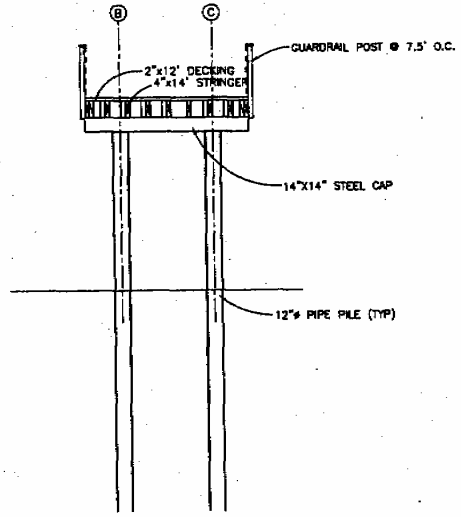
TYPICAL SECTION - END PLATFORM



DECK PLAN



ELEVATION



TYPICAL SECTION - TRESTLE

COASTAL COMMISSION
5-09-071
EXHIBIT # 4
PAGE 1 OF 1

Colorado Lagoon Plant Palette

Urban Woodland

Acer macrophylum – Bigleaf Maple
Alnus rhombifolia – White Alder
Juglans californica – Black Walnut
Lyonothamnus floribundus – Catalina Island Ironwood
Pinus torreyana – Torrey Pine
Platanus racemosa – Western Sycamore
Populus fremontii – Fremont Cottonwood
Prunus Ilicifolia – Holly Leafed cherry
Quercus agrifolia – Live Coast Oak
Quercus engelmanii – Engelman's Oak
Salix goodingii – Black Willow
Salix lasiolepis – Arroyo Willow
Umbellaria Californica – California Bay

Urban Interface Buffer (Scrub/ Dune)

Scrub-Low Profile
Artemisia californica – California Sagebrush
Baccharis pililarus 'pigeon point' – Dwarf Coyote Bush
Epilobium californica – California Fuchsia
Lonicera subspicata – Chaparral Honeysuckle
Melica imperfecta – Coast Range Melic
Mulenbergia rigens - Deergrass
Penstemon spectabilis – Showy penstemon
Scrub-Six Feet Tall
Baccharis sarothroides – Broom Baccharis
Ceanothus megacarpus – Big Pod Ceanothus
Heteromeles arbuitifolia - Toyon
Malosma laurina – Laurel Sumac
Prunus ilicifolia – Holly Leafed cherry
Rhus ovata – Sugar Bush
Dune
Abronia umbellata – Pink Sand Verbena
Calystegia soldanella - BEACH MORNING-GLORY
Camissonia cheiranthifolia – Beach Evening Primrose

Back Dune/ Pioneer Dune

Back Dune

Erigonum parvifolium – Dune buckwheat
Eschscholzia californica Coastal CALIFORNIA POPPY
Frageria chiloensis – Beach Strawberry
Lupinus chamissonis – Dune Lupine

Pioneer Dune

Abronia maritima – Red Sand Verbena
Abronia umbellata – Pink Sand Verbena
Ambrosia chamissonis – BEACH BUR
Atriplex leucophylla – Beach Saltbush
Calystegia soldanella - BEACH MORNING-GLORY
Camissonia cheiranthifolia – Beach Evening Primrose
Distichlis spicata – Salt Grass
Heliotropium curassivicum - Seaside Heliotrope

Dune Scrub

Dune

Abronia maritima – Red Sand Verbena
Abronia umbellata – Pink Sand Verbena
Ambrosia chamissonis – BEACH Bur
Atriplex leucophylla – Beach Saltbush
Calystegia soldanella - Beach MORNING-GLORY
Camissonia cheiranthifolia – Beach Evening Primrose
Distichlis spicata – Salt Grass
Heliotropium curassivicum - Seaside Heliotrope

Erigonum parvifolium – Dune buckwheat
Lupinus chamissonis – Dune Lupine
Suaeda taxifolia - WHOLLY SEA-BLITE

Scrub

Astagalus trichopodus – SoCal locoweed
Coreopsis maritima – Sea Dahlia
Encelia californica - CALIFORNIA SUNFLOWER
Eriogonum facsiculatum - CALIFORNIA BUCKWHEAT
Isocoma menziesii var. menziesii – Coastal Golden Bush
Lotus scoparius - DEERWEED
Lycium californicum – CALIFORNIA BOXTHORN

Sage Scrub

Low Profile

Adenostoma fasciculatum 'Nicolas' – Prostrate Chamise
Artemisia californica – California Sagebrush
Baccharis pililarus 'pigeon point' – Dwarf Coyote Bush
Encelia californica - CALIFORNIA SUNFLOWER
Epilobium californica – California Fuchsia
Eriogonum facsiculatum - CALIFORNIA BUCKWHEAT
Eriogonum fasciculatum 'Dana Point' – Dana Point Buckwheat
Iris douglasiana – Douglas Iris
Isomeris arborea – Bladderpod
Leymus condenstatus – Giant Rye Grass
Lonicera subspicata – Chaparral Honeysuckle
Malacothamnus fasciculatus – Chaparral Bush Mallow
Melica imperfecta – Coast Range Melic
Mimulus aurantiacus – Sticky monkeyflower bush
Mimulus puniceus – Red monkeyflower
Mirabilis californica – Wishbone Bush
Mulenbergia rigens - Deergrass
Nassella pulchra – Purple Needle Grass
Penstemon spectabilis – Showy penstemon
Sporobolus airoides – Alkali Drop-Seed

>Six Feet Tall

Baccharis sarothroides – Broom Baccharis
Ceanothus megacarpus – Big Pod Ceanothus
Eriogonum gigantea – St. Catherine Lace
Heteromeles arbuitifolia - Toyon
Malosma laurina – Laurel Sumac
Prunus ilicifolia – Holly Leafed cherry
Quercus dumosa – Nuttals Scrub Oak
Rhus integrifolia – Lemonade Berry
Rhus ovata – Sugar Bush
Ribes indecorum – White Flowering Currant

Wildflower

Achillea millefolium – Yarrow
Clarkia bottae – Farewell-to-Spring
Eschscholzia californica - CALIFORNIA POPPY
Gilia capitata – Globe Gilia
Lasthenia californica – Coast Goldfields
Layia platyglossa – Tidy Tips
Linum lewisii – Blue Flax
Lupinus succulentus – Succulent Lupine

Nemophila menziesii – Baby Blue Eyes
Sisyrinchium bellum – Blue-Eyed grass

Salt Marsh Transition

Agave shawii – Coastal Agave
Ceanothus spinosus – Greenbark Ceanothus
Cylindropuntia prolifera – Coastal Cholla
Juncus acutus – Spiny Rush
Isocoma menziesii var. menziesii – Coastal Golden Bush
Lycium californicum – California Box Thorn
Opuntia littoralis – Coastal Prickly Pear
Quercus dumosa – Nuttals Scrub Oak
Rhamnus crocea – Spiny Redberry
Ribes speciosum – Fushia Flowering Gooseberry
Rosa californica – California Rose
Sueada taxifolia – Wholly Sea Blite
Yucca whipplei – Our Lord's Candle

Marsh

UPPER MARSH
Cressa truxillensis – Alkali Weed
Monanthochloe littoralis – Shore Grass
Salicornia subterminalis – Parish's Glasswort
Distichlis spicata – Salt Grass
Atriplex watsonii – Matscale
Frankenia salina – Alkalia Heath
Suaeda calceoliformis – Horned Sea Blight
MID MARSH
Suaeda esteroa – Estuary Sea Blite
Cuscuta salina – Salt Marsh Dodder
Triglochin concinna – Arrow Grass
Limonium californicum – Marsh Rosemary
Jaumea carnosa – Salty Susan
Batis maritima - Saltwort
Salicornia bigelovii – Annual Pickleweed
LOWER MARSH
Spartina foliosa – Pacific Cordgrass

Bioswale

Claytonia perfoliata – Miner's Lettuce
Artemisia douglasiana – Mugwort
Juncus acutus – Spiny Rush
Polygonum lapathifolium – Willow Weed
Salix exigua – Sandbar Willow
Salix goodingii – Black Willow
Salix lasiolepis – Arroyo Willow
Typha latifolia – Broad-leaved Cattail
Typha domingensis - Southern Cattail
Scirpus robustus – Bull Tule
Scirpus californicus – California Bullrush
Mimulus cardinalis – Scarlet Monkeyflower
Baccharis salicifolia – Mule Fat
Baccharis pilularus – Coyote Bush
Baccharis emoryi – Emory's Baccharis
Eleocharis macrostachya – Spike Rush