

**CALIFORNIA COASTAL COMMISSION**

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

July 21, 2010



**TO:** Commissioners and Interested Persons

**FROM:** Peter Douglas, Executive Director  
John Ainsworth, Deputy Director  
Gary Timm, Coastal Program Manager  
Charles Posner, Coastal Program Analyst

**F6a**

**SUBJECT:** Concurrence with the Executive Director's determination that the action of the City of Long Beach accepting certification with suggested modifications of Major LCP Amendment No. 1-09 (LOB-MAJ-1-09) is legally adequate. For Commission review at its August 13, 2010 meeting in San Luis Obispo.

**STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

**BACKGROUND**

On February 18, 2009, the City of Long Beach submitted Major Local Coastal Program (LCP) Amendment Request No. 1-09 for Commission certification. Amendment No. 1-09 was submitted for Commission certification by City Council Resolution No. RES-08-0129 and includes City Council Ordinance No. ORD-08-0029. The LCP amendment request amends the Resources Management Plan portion of the LCP as it relates to Colorado Lagoon, and revises the zoning code's definition of "Passive Park". Both the Land Use Plan (LUP) and the LCP Implementing Ordinances (LIP) portions of the certified LCP are affected by this major LCP amendment.

On January 14, 2010, the Commission approved LCP Amendment No. 1-09 with suggested modifications. The suggested modifications directed the City Council to: A) insert additional land use policies and Coastal Act policies into the Resources Management Plan portion of the LCP as it relates to Colorado Lagoon, B) add a Bird Nesting and Foraging Habitat Protection Policy into the Resources Management Plan, and C) adopt a specific change to the definition of "Passive Park".

On June 15, 2010 and June 22, 2010, the Long Beach City Council unanimously adopted Resolution No. RES-10-0058 and City Council Ordinance No. ORD-10-0019, respectively, incorporating into the LCP the modifications suggested by the Commission pursuant to its approval of LCP Amendment No. 1-09, and submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's action on January 14, 2010 (See Attachment).

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of LCP Amendment No. 1-09 shall become effective upon Commission concurrence with the Executive Director's determination.





OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-10-0058

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH ADOPTING, AFTER PUBLIC  
5 HEARING, AMENDMENTS TO THE LOCAL COASTAL PLAN  
6 ELEMENT OF THE GENERAL PLAN OF THE CITY OF  
7 LONG BEACH; AND AUTHORIZING THE DIRECTOR OF  
8 DEVELOPMENT SERVICES TO SUBMIT CERTIFIED  
9 COPIES OF THIS RESOLUTION AND THE ORDINANCE  
10 AMENDING THE ZONING REGULATIONS AMENDING THE  
11 DEFINITION OF PASSIVE PARK TO THE CALIFORNIA  
12 COASTAL COMMISSION FOR APPROVAL AND  
13 CERTIFICATION

14  
15 The City Council of the City of Long Beach resolves as follows:

16  
17 Section 1. The City Council does hereby find, determine and declare:

18 A. The City Council of the City of Long Beach has adopted, pursuant to  
19 Section 65300, et seq., of the California Government Code, a Local Coastal Plan (LCP)  
20 as an Element of the City's General Plan.

21 B. The City Council desires to amend the General Plan of the City of  
22 Long Beach by amending the Resources Management Plan (RMP) of the Local Coastal  
23 Plan to amend the text of said Plan as it relates to the Colorado Lagoon.

24 C. On September 4, 2008, the Planning Commission held a public hearing  
25 on a proposed amendment to the Local Coastal Plan. At that hearing, the Planning  
26 Commission gave full consideration to all pertinent facts, information, proposals,  
27 environmental documentation and recommendations respecting proposed amendments  
28 to the text of the Resources Management Plan of the Local Coastal Plan as related to the

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 Colorado Lagoon, and to the views expressed at the public hearing, and afforded full  
2 opportunity for public input and participation.

3 D. On September 4, 2008, an Environmental Impact Report (EIR 30-07)  
4 was prepared and certified by the Planning Commission in accordance with the  
5 Guidelines for Implementation of the California Environmental Quality Act (CEQA).

6 E. Following receipt and consideration of all appropriate environmental  
7 documentation, full hearings and deliberation, the Planning Commission recommended  
8 approval of the amendment to the Resources Management Plan of the Local Coastal  
9 Plan as set forth herein and further directed that said recommendation be forwarded to  
10 the City Council for its review and consideration.

11 F. On October 14, 2008, the City Council conducted a duly noticed  
12 public hearing at which time it gave full consideration to all pertinent facts, information,  
13 proposals, environmental documentation and recommendations respecting all parts of  
14 the proposed amendments to the Resources Management Plan of the Local Coastal  
15 Plan, and the views expressed at the public hearing and afforded full opportunity for  
16 public input and participation.

17 G. On October 14, 2008, following receipt of all appropriate  
18 environmental documentation, full hearings and deliberation, the City Council concurred  
19 with the recommendation of the Planning Commission and approved and adopted the  
20 environmental documentation and the amendment to the Local Coastal Plan and adopted  
21 Resolution No. RES-08-0129.

22 H. On January 14, 2010, the California Coastal Commission approved  
23 the City of Long Beach Local Coastal Program (LCP) Amendment No. 1-09 with required  
24 modifications. The Coastal Commission's approval of the LCP Amendment No. 1-09 will  
25 not be effective until: 1) the City Council adopts the Commission's required modifications  
26 and the Coastal Commission's Executive Director certifies that the City has complied with  
27 the Commission's modifications. Adoption of the modifications must be completed within  
28 six months of the Commission's January 14, 2010 action.

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 Section 2. The City Council of the City of Long Beach hereby formally  
2 approves and adopts the amendments to the text of the Local Coastal Plan of the City of  
3 Long Beach with modifications as required by the California Coastal Commission as set  
4 forth in Exhibit "A" which is attached hereto and incorporated herein by this reference.

5 Section 3. The Director of Development Services is hereby authorized to  
6 submit a certified copy of this Resolution and a certified copy of Ordinance No.  
7 ORD-10-0019 amending the zoning regulations of the City of Long Beach  
8 relating to the definition of Passive Park, together with appropriate supporting materials,  
9 to the California Coastal Commission for certification and approval by the Coastal  
10 Commission as amendments to the City's Local Coastal Program and the implementing  
11 ordinances thereof in accordance with the provisions of the Public Resources Code.

12 Section 4. This resolution shall take effect immediately upon its adoption  
13 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

14 I hereby certify that the foregoing resolution was adopted by the City Council of the  
15 City of Long Beach at its meeting of June 15, 2010, by the following vote:

16	Ayes:	Councilmembers:	Garcia, DeLong, O'Donnell,
17			Schipske, Andrews, Reyes Uranga,
18			Lerch.
19			
20	Noes:	Councilmembers:	None.
21			
22	Absent:	Councilmembers:	Lowenthal.
23			
24	Abstain:	Councilmembers:	Gabelich.

25 CERTIFIED AS A TRUE AND CORRECT COPY

26 Jerry G. Hennessy  
CITY CLERK OF THE CITY OF LONG BEACH

27 BY Carolyn Harris

28 DATE: 6/30/2010

Jerry G. Hennessy  
City Clerk

COASTAL COMMISSION

EXHIBIT # 2  
PAGE 3 OF 11

**Local Coastal Plan Colorado Lagoon Introduction:** The following text is intended to replace the existing text on page III-R3 of the City's LCP.

Colorado Lagoon is an 11.7-acre tidal water body, which is connected to Alamitos Bay and the Pacific Ocean through an underground tidal culvert to Marine Stadium. The Lagoon is surrounded by 18.5 acres of City parkland. A small building housing a preschool program for three- to five-year-old children and a model boat shop are located near the beach on the south side of the Lagoon. Other on-site facilities include the Colorado Lagoon Marine Science Center, a restroom, picnic tables, parking, a pedestrian bridge, a lifeguard station, sandy beach areas, and grassy open space areas.

The Lagoon serves three main functions: hosting estuarine habitat, providing public recreation (including swimming), and retaining and conveying storm water drainage. The water and sediment quality within the Lagoon are currently degraded. The Lagoon is currently listed on California's 303(d) list of impaired water bodies due to elevated levels of lead, zinc, chlordane, and polycyclic aromatic hydrocarbons (PAHs) in the sediment and chlordane, dichloro-diphenyl-trichloroethane (DDT), dieldrin, and polychlorinated biphenyls (PCBs) in fish and mussel tissue. In addition, testing confirmed the presence of PCBs, cadmium, copper, mercury, and silver as secondary contaminants of concern. Bacterial contamination of the Lagoon water is also a major issue. As a result, beach advisory postings due to elevated bacteria levels are frequent and the recreational value of the Lagoon is reduced.

The City is committed to implementing improvements to the Lagoon and adjacent areas. The City's goal is to restore the Lagoon's ecosystem, restore the existing native habitat, provide enhanced recreation facilities, and improve water and sediment quality while managing storm water flows.

**COASTAL COMMISSION**

EXHIBIT # 2  
PAGE 4 OF 11

**Local Coastal Plan Colorado Lagoon Text:** The following text is intended to replace the existing text on page III-R49 through III-R62 of the City's LCP.

5.1 Description of the Colorado Lagoon

The Colorado Lagoon (Lagoon) is an 11.7-acre tidal water body that is connected to Alamitos Bay and the Pacific Ocean through an underground tidal culvert to Marine Stadium. The Lagoon serves three main functions: hosting estuarine habitat, providing public recreation (including swimming), and retaining and conveying storm water drainage. The Lagoon water body is surrounded by 18.5 acres of parkland that are within the developed urban area of southeastern Long Beach. The Lagoon is primarily accessible from East Appian Way and East Colorado Street via Park Avenue from East 7th Street and Pacific Coast Highway (SR-1). Many local streets also provide access to the Lagoon.

The Lagoon is located within a recreational area of the City. Specifically, Marina Vista Park and the Marine Stadium are to the southeast of the Lagoon, and the nine-hole Recreation Park golf course owned by the City is adjacent to the north of the Lagoon. The Colorado Lagoon and the nine-hole golf course are City property, undistinguished by interior legal boundaries. A fence exists between portions of the Colorado Lagoon area and the golf course. This fence line is one of arbitrary convenience and does not necessarily demarcate tidelands from uplands in the historical or jurisdictional sense.

The Lagoon is a popular recreation resource and is designated as a "Special Use Park" in the Open Space and Recreation Element of the General Plan (October 2002) and zoned Park ("P"). The Lagoon provides free year-round recreation activities, including swimming, sunbathing, picnicking, walking, bird watching, and model-boat making. Main access to and the majority of use of the Lagoon is along the south shore, where beaches and a few structures (preschool program, a model boat shop, the Colorado Lagoon Marine Science Center, and a lifeguard station) are located.

5.2 Existing Condition

The ecological health of the Lagoon has been deteriorating for many decades for several reasons. The Lagoon receives inflow from 11 storm water drains. Since the Lagoon is a natural low point in the watershed, it accumulates pollutants deposited over the entire watershed that enter the storm drains by storm flows and dry weather runoff. The Colorado Lagoon's watershed is 1,172 acres and is comprised of 773 acres of residential, 125 acres of commercial, 55 acres of institutional (schools), and 219 acres of open space land uses. Urban runoff contains many pollutants such as heavy metals, pesticides, petroleum, hydrocarbons, nutrients, and bacteria. As a result, the Lagoon is listed in the 2002 and 2006 Clean Water Act Section 303(d) lists as an impaired water body due to elevated levels of lead, zinc, chlordane, and polycyclic aromatic hydrocarbons (PAHs) in the sediment and chlordane, dichloro-diphenyl-trichloroethane (DDT), dieldrin, and polychlorinated biphenyls (PCBs) in fish and mussel tissue. In addition, testing confirmed the presence of PCBs, cadmium, copper, mercury, and silver as secondary contaminants of concern. Bacterial contamination of the Lagoon water is also a major issue. As a result, beach advisory postings due to elevated bacteria levels are frequent and the recreational value of the Lagoon is reduced.

Other than flows from storm drains, water flows to the Lagoon through a tidal culvert that connects the Lagoon to Marine Stadium. This tidal culvert was developed in the 1960s along with fill of the area that is now Marina Vista Park. Because the culvert has not been cleaned or maintained since



development, sediment deposition and marine growth within the culvert have reduced its capacity. This capacity reduction decreases the allowable tidal flushing of the Lagoon waters and results in increased degradation of water quality. Without specific resource management attention, deterioration of the habitat and recreational environments at the Lagoon would continue.

### 5.3 Restoration Project

Because of these existing environmental and recreational concerns, the City has developed a comprehensive plan for restoring and improving the open space, recreational resource, and biodiversity that the Lagoon provides. The objectives of improving the Lagoon are to (1) create a native sustainable habitat, (2) implement water quality improvement and control measures, (3) remove contaminated sediment from the Lagoon floor, and (4) enhance the Lagoon's value as a recreational resource. Specifically, the plan would:

- Reduce and treat storm and dry weather runoff to minimize contamination of water and sediment in the Lagoon.
- Improve water quality by increasing the Lagoon's circulation and enhancing the tidal connection with Marine Stadium.
- Restore and maintain the estuarine habitat.
- Balance flood control, water quality, and the recreation demands of the Lagoon.
- Enhance public enjoyment of the Lagoon.

The objectives listed above are intended to implement goals and policies of the City's Open Space and Recreation Element of the General Plan and the Long Beach Department of Parks, Recreation, and Marine Strategic Plan, which are summarized below.

#### Open Space and Recreation Element

- Restore Colorado Lagoon to serve as both a productive wetland habitat and recreational resource by reducing pollutant discharges into the water, increasing water circulation with Alamitos Bay and/or restocking or planting appropriate biological species.
- Develop well-managed, environmentally sustainable, natural ecosystems that support the preservation and enhancement of natural and wildlife habitats.
- Promote the creation of new and reestablished natural habitats and improve open areas, including wetlands, water bodies, and native plant communities to sustain and support marine life habitats.
- Make all recreation resources environmentally friendly and socially and economically sustainable.

#### Department of Parks, Recreation, and Marine Strategic Plan

- Recreation programs and facilities will be designed to develop and serve a lifetime user through active, passive, and educational experiences.
- Support efforts to improve the water quality and cleanliness of City beach areas.

EXHIBIT # 2  
PAGE 6 OF 11

5.4 Restoration Implementation Regulations

Marine Resources and Environmentally Sensitive Habitat Areas

- a. Colorado Lagoon is an environmentally sensitive habitat area that shall be restored and protected against any significant disruption of habitat values.
- b. Native clam populations, and populations of other special interests wildlife species, shall be protected and enhanced by habitat restoration efforts.
- c. All vegetation planted on the banks and uplands surrounding the lagoon shall consist of native plants typically found in or 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. Planting shall maintain views of the water from the public areas.
- d. Water quality, not water level, shall dictate the duration and frequency and regimens of tidal gate operation. Flushing by tidal action shall be optimized by the removal of the tidal gates and by increasing tidal flows and water circulation.
- e. The lagoon shall be dredged to remove contaminated sediments and to improve water circulation.
- f. Vegetated bioswales (or similar drainage systems or features utilizing selected Best Management Practices) shall be installed between the water and the golf course to capture pollutants with native vegetation before they are carried into the lagoon.
- g. Low-flows in the storm drain system shall be diverted into the sanitary sewer rather than draining into the lagoon.
- h. The Colorado Lagoon Restoration Project shall be implemented in conformance with the provisions of Coastal Development Permit 5-09-071 (City of Long Beach, Colorado Lagoon Restoration Project).

Public Access Recreation

- i. Public access on the recreational trails around the lagoon shall not be obstructed, except temporarily during hazardous conditions and during maintenance and construction activities.
- j. Public recreational uses shall be provided and encouraged at Colorado Lagoon. Swimming and water play shall be permitted only at the beach at the southern central part of lagoon. Public notices shall be prominently posted whenever water testing indicates that the water is unsafe for water activity.
- k. Public parking, picnic tables, a children's play area, and a public restroom shall be maintained in the park. The public streets in the vicinity of the park shall provide additional

EXHIBIT # 2  
PAGE 7 OF 11

public parking opportunities. The paved parking lot on the northern side of the lagoon shall be removed and the area restored to natural habitat.

- l. Educational uses shall be encouraged. A pile-supported pier may be built in the lagoon for public recreation and educational purposes.
- m. Commercial uses other than food services and beach equipment shall not be allowed.

#### Scenic and Visual Qualities

- n. Scenic vistas and views of the water shall be preserved and protected.

#### 5.5 Conformity with the Coastal Act

The existing uses and planned improvements to the habitat and recreational opportunities at the Lagoon are in conformance with the California Coastal Act. Specifically, the following Coastal Act sections support and are supported by the Colorado Lagoon Restoration Project.

Section 30210, Access; recreational opportunities; posting: 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, Protection of public's right of access; 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, Lower-cost visitor and recreational facilities: Lower-cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.

Section 30220, Protection of certain water-oriented activities: 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, Protection of Oceanfront land; 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.

Section 30223, Reservation of upland areas; Upland areas necessary to support recreational use shall be protected for recreational uses shall be reserved for such uses, where feasible.

Section 30230, Marine resources; maintenance: 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, Biological productivity; water quality: 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 wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233, Diking, filling, or dredging; continued movement of sediment and nutrients: (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: (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 these 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.

Section 30240, Protection of environmentally sensitive habitat areas: (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 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.

Section 30251, Protection of scenic and visual qualities of coastal areas: 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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

#### 5.6 Bird Nesting and Foraging Habitat Policy

The purpose of this policy is to ensure the protection of bird nesting habitat protected by the Migratory Bird Treaty Act 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 trimming or removal of any tree shall be undertaken in compliance with all applicable codes or regulations of the California Department of Fish and Game, the U.S Fish and Wildlife Service and the U.S Migratory Bird Treaty Act, and shall be conducted under the parameters described below.

Tree trimming or tree removal shall be prohibited during the breeding and nesting season of the bird species referenced above (January through September) unless the City of Long Beach Department of Parks, Recreation and Marine, in consultation with a qualified arborist, determines that a tree causes danger to public health and safety. A health and safety danger exists if a tree or branch is dead, diseased, dying, or injured and said tree or branch is in imminent danger of collapse or breaking away. The City shall be proactive in identifying and addressing diseased, dying, or injured trees as soon as possible in order to avoid habitat disturbances anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists.

The removal of any breeding and nesting tree shall require mitigation at a 1:1 ratio. A tree replacement planting plan for each tree replacement shall be developed to specify replacement tree location, tree type, tree size (no less than 36" box size), planting specification, and a five-year monitoring program with specific performance standards. An annual monitoring report for tree replacement shall be prepared. The Department of Parks, Recreation and Marine shall maintain the annual reports on file as public information and to be used for future tree trimming and removal decisions.

All tree and tree removal in the coastal zone shall be conducted as follows:

A. Tree Trimming During Non-Breeding and Non-Nesting Season (October through December)

1. Prior to tree trimming or removal, a qualified biologist or ornithologist shall survey the trees to be trimmed or removed to detect nests and submit a survey report to the City of Long Beach Department of Parks, Recreation and Marine, a representative of the Audubon Society, and the Executive Director of the Coastal Commission (for areas within the coastal Commission's permit nests. The Department of Parks, Recreation and Marine 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.
2. Trees or branches with a nest that has been active anytime within the last five years shall not be removed or disturbed unless a health and safety danger exists. Any trimming of trees with nests shall be supervised by a qualified biologist or ornithologist and a qualified arborist to ensure that adequate nest support and foliage coverage is maintained in the tree, to the maximum extent feasible, in order to preserve the nesting habitat. Trimming of any nesting trees shall occur in such a way that the support structure of existing nests will not be trimmed and existing nests will be preserved, unless the Department of Parks, Recreation and Marine, in consultation with a qualified arborist, determines that such trimming is necessary to protect the health and safety of the public. The amount of trimming at any one time shall be limited to preserve the suitability of the nesting tree for breeding and/or nesting habitat.
3. 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 many birds continue to occupy trees during the non-

EXHIBIT # 2

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.

B. Tree Trimming or Removal During Breeding and Nesting Season (January through September). If tree trimming or removal activities cannot feasibly avoid the breeding season because a health and safety danger exists, the following guidelines must be followed:

1. A qualified biologist or ornithologist shall conduct surveys and submit a report at least one week prior to the trimming or removal of a tree (only if it is posing a health or safety danger) to detect any breeding or nesting behavior in or within 300 feet of the work area. A tree trimming and/or removal plan shall be prepared by an arborist in consultation with the qualified biologist or ornithologist and a representative of the Audubon Society. The survey report and tree trimming and/or removal plan shall be submitted for the review and approval of the Executive Director of the Coastal Commission (for areas within the Coastal Commission's permit jurisdiction), the Department of Fish and Game, the U.S Fish and Wildlife Service, and the Director of Parks and Marine shall maintain the plans on file as public information and to be used for future tree trimming and removal decisions. The plan shall incorporate the following:
  - a. A description of how work will occur.
  - b. Work must be performed using non-mechanized hand tools to the maximum extent feasible.
  - c. Limits of tree trimming and/or removal shall be established in the field with flagging and stakes or construction fencing.
  - d. Steps shall be taken to ensure that tree trimming will be the minimum necessary to address the health and safety danger while avoiding or minimizing impacts to breeding and nesting birds and their habitat.
2. Prior to commencement of tree trimming and/or removal the City of Long Beach Department of Parks, Recreation and Marine shall notify in writing the Executive Director of the Coastal Commission (for areas within the Coastal Commission's permit jurisdiction), the Department of Fish and Game, and the U.S Fish and Wildlife Service of the intent to commence tree trimming or removal.

COASTAL COMMISSION  
LB LCP 1-09

EXHIBIT # 2  
PAGE 11 OF 11