

CALIFORNIA COASTAL COMMISSION

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Filed: December 20, 2010
49th Day: January 7, 2011
180th Day: June 18, 2011
Staff: Fernie Sy-LB
Staff Report: May 26, 2011
Hearing Date: June 15-17, 2011
Commission Action:

**STAFF REPORT: REGULAR CALENDAR****APPLICATION NUMBER:** 5-11-006**APPLICANT:** Orange County (OC) Parks: Attn: Megan Jameson**PROJECT LOCATION:** Poche Beach Outlet & Capistrano (Capo) Beach Outlet No. 1, City of Dana Point (County of Orange)**PROJECT DESCRIPTION:** Semi-annual outlet maintenance and as-needed minor maintenance consisting of removing sand deposits at the end of the outlet structures, distributing the sand on the beach above the high tide line, and grading to prepare for recreational use.**LOCAL APPROVALS RECEIVED:** OC Parks Approval-in-Concept dated May 18, 2011.**SUMMARY OF STAFF RECOMMENDATION:**

OC Parks is requesting authorization to carry out semi-annual outlet maintenance and as-needed minor maintenance consisting of removing sand deposits at the end of the outlet structures, distributing the sand on the beach above the high tide line, and grading to prepare for recreational use. The major issues addressed in the staff report involve water quality, biological resources and public access.

Staff is recommending **APPROVAL** of the proposed project with **NINE (9) SPECIAL CONDITIONS** regarding: **1)** conformance with proposed minor 'as needed' maintenance criteria; **2)** submittal of evidence of an approved 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB); **3)** conformance with Best Management Practices (BMP's); **4)** conformance with the Water Quality Monitoring Plan (WQMP); **5)** conformance with the Grunion Protection Plan, **6)** adherence to Wrack guidelines; **7)** expiration of the permit is five (5)-years from the date of Commission action; **8)** timing of construction to minimize public access impacts; and **9)** submittal of a Construction Storage/Staging Plan.

The proposed development is taking place in the City of Dana Point, which has a certified Local Coastal Program (LCP). However, the dredging and placement of dredged material is taking place on the beach at Poche Beach and Capistrano Beach, all of which is occurring partially or wholly within the Commission's area of original jurisdiction. Section 30601.5 of the Coastal Act allows the Commission to take action on development proposals where there is both local and Commission jurisdiction, and the City of Dana Point has agreed to let the Commission process a CDP for the portions of this project within the City's jurisdiction. Therefore, the development must be evaluated for consistency with the Chapter 3 policies of the Coastal Act. The policies of the certified Dana Point LCP may be used for guidance.

SUBSTANTIVE FILE DOCUMENTS: Immaterial Amendment to Coastal Development Permit No. 5-06-093-A1; Coastal Development Permit No. 5-10-237; Coastal Development Permit No. 5-06-093; Coastal Development Permit No. 5-04-308; Coastal Development Permit No. 5-03-252-W; Coastal Development Permit No. 5-02-031; Emergency Coastal Development Permit (No. 5-01-214-G); and Coastal Development Permit No. P-79-4642

LIST OF EXHIBITS

1. Location Maps
 2. Site Plans
 3. “Minor As Needed Work Criteria for Poche Beach and Capistrano Beach (Capo) Outlet” document received May 25, 2011
 4. “Appendix H, Best Management Practices for Ocean Outlet Maintenance Activities” document received May 25, 2011
 5. “Water Quality Monitoring Plan for Ocean Outlet Maintenance” document prepared by P & D Consultants dated January 2003 (revised September 2003)
 6. “Grunion Protection Plan for Necessary Maintenance During the Grunion Spawning Season of March through September” document dated September 7, 2006
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STAFF RECOMMENDATION OF APPROVAL:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

I move that the Commission approve Coastal Development Permit No. 5-11-006 pursuant to the staff recommendation.

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

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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 on which the Commission voted on the application. 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. CONFORMANCE WITH MINOR AS NEEDED MAINTENANCE CRITERIA

The applicant shall conform to the “Minor As Needed Work Criteria for Poche Beach and Capistrano Beach (Capo) Outlet” document received May 25, 2011 (Exhibit #3). Any change in the approved project shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. REGIONAL WATER QUALITY CONTROL BOARD (RWQCB)

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director evidence of an approved 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB). The applicant shall submit a copy of the permit and inform the Executive Director of any changes to the project required by such permit. Such changes shall not be incorporated into the project until the applicant obtains a Commission-approved amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

3. CONFORMANCE WITH BEST MANAGEMENT PRACTICES (BMP's)

The applicant shall undertake development in conformance to the “Appendix H, Best Management Practices for Ocean Outlet Maintenance Activities” document received May 25, 2011, attached as Exhibit #4. Additionally, the applicant shall comply with the following construction-related requirements:

A. The permittee shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters;
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible; and
- (6) No mechanized equipment shall operate below the daily high tide mark. Hand tools may be utilized.

B. Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

4. CONFORMANCE WITH WATER QUALITY MONITORING PLAN (WQMP)

The applicant shall monitor the effects of the proposed maintenance activities in accordance to the “Water Quality Monitoring Plan for Ocean Outlet Maintenance” document prepared by P & D Consultants dated January 2003 (revised September 2003), attached as Exhibit #5. The applicant shall submit the annual report for Commission review by February 1 of each year. If it is determined that the maintenance activities are contributing to a discharge resulting in adverse impacts to the adjacent receiving waters, the applicant shall be required to submit a revised, or supplemental, program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

5. CONFORMANCE WITH GRUNION PROTECTION PLAN

The applicant shall conform to the “Grunion Protection Plan for Necessary Maintenance During the Grunion Spawning Season of March through September” document dated September 7, 2006 (Exhibit #6). Any change in the approved project shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

6. WRACK

In conjunction with the proposed work, removal of organic beach wrack¹ from the beach should be minimized, or avoided if possible. Inorganic trash may be removed. Any beach wrack picked up during trash removal should be separated from the trash and returned to the area from which it was removed. However, wrack may be relocated and/or removed where its presence interferes with water quality objectives.

7. EXPIRATION OF PERMIT

This Coastal Development Permit (5-11-006) shall expire five (5)-years from the date the Commission votes on the application. Except as provided in Public Resources Code Section 30610 and applicable regulations, and as specifically provided in this condition, any future development as defined in PRC section 30106, including but not limited to, maintenance activities beyond the expiration date of this permit, shall require an amendment to 5-11-006 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission.

8. TIMING—PUBLIC ACCESS

To minimize impacts on public access and recreational use of the beach, project operations associated with routine maintenance activities shall occur during non-holiday, mid-week periods to the maximum extent feasible.

9. STORAGE/STAGING AREA FOR CONSTRUCTION

¹ The term “wrack” or “beach wrack” is used to describe the organic material such as kelp and sea grass that is cast up onto the beach by surf, tides, and wind.

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the permittee shall submit two (2) copies of a plan for the review and approval of the Executive Director which indicates the construction storing/staging areas.
- (1) The plan shall demonstrate that:
 - a. Construction equipment shall not be staged or stored outside the staging or storage area;
 - b. Public parking areas shall not be used for staging or storage of equipment;
 - c. Beach areas and habitat areas shall not be used as staging or storage areas; and
 - d. The staging and storage area for construction of the project shall not obstruct vertical or lateral access to the beach.
 2. The plan shall include, at a minimum, the following components:
 - a. A site plan that depicts:
 1. Limits of the staging area(s);
 2. Construction corridor(s);
 3. Construction site; and
 4. Location of construction fencing and temporary job trailers, if any.
- B.** The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION, DESCRIPTION AND PERMIT HISTORY

The project sites are the Poche Beach Outlet and Capistrano (Capo) Beach Outlet No. 1 in the City of Dana Point, County of Orange (Exhibit #1). The Poche Beach Outlet, located approximately 130-feet Southeast of the intersection of Camino Capistrano and Pacific Coast Highway, is a concrete trapezoidal channel with a rock revetment to the East and a wooden bulkhead to the West of the outlet. The channel has a concrete bottom up to its spillway, but has a sandy bottom seaward of the spillway and it includes a public walkway (catwalk) under the railway bridge. This is the only pedestrian access to the beach in this area. The Capo Beach Outlet No.1, located at the intersection of Pacific Coast Highway and Palisades Drive, is a trapezoidal channel with a concrete bottom up to its spillway, but has a sandy bottom seaward of the spillway as well.

Maintenance activities at these two (2) Outlet locations were previously permitted under Coastal Development Permit No. 5-02-031 issued to the Orange County Public Facilities and Resources Department. However, these two (2) locations are now under the responsibility of Orange County Parks (OC) Parks and hence the submittal of this application.

The applicant is proposing maintenance of these outlets to reestablish outlet flow in order to preserve pedestrian access to the beach and to return the beaches to conditions that are amenable to recreational use. The sediment that accumulates in front of these ocean outlets must be periodically excavated or removed and relocated in order to keep the outlet flows from ponding or meandering that can interfere with recreational use of the public beach or access to the beach. At the Poche Beach Outlet, surf and tidal conditions cause sand berms to block the outlet year round, causing flows to meander or pond in the area. As a result, the impounding water floods the catwalk located inside the water channel, which is the only pedestrian access to the beach. The Capo Beach Outlet No. 1 is blocked by drifting sand, which impairs flood control functions and public recreational uses of the beach.

More specifically, the actual maintenance activities consist of “semi-annual” and “as-needed” outlet maintenance activities. These maintenance activities do not involve the removal of any sediment off of the beach, only grading and redistribution of the accumulated sediments needed to restore the flow at the outlets.

1. SEMI-ANNUAL MAINTENANCE ACTIVITIES

These semi-annual maintenance activities typically take place before the storm season (Fall) and before the Summer peak beach use (Spring). Generally, these maintenance activities involve the removing of sand deposits at the end of the outlet structures, distributing the sand on the beach above the high tide line and grading to prepare for recreational use.

(a) Poche Beach Outlet

The semi-annual maintenance activities here include the grading of approximately a 0.179 acre of area and the excavation of approximately 960 cubic yards (+/- 192 cubic yards) of sediment deposited within the channel outlet. Disposal of this excavated sand and related earthwork will take place on the beach adjacent to the outlet in an approximately 0.576 acre area above the high tide line (Exhibit #2).

(b) Capo Beach Outlet No. 1

The “Fall” semi-annual maintenance activities here include the grading of approximately a 0.103 acre of area and the excavation of approximately 486 cubic yards (+/- 97 cubic yards) of sediment deposited within the channel outlet. Disposal of this excavated sand and related earthwork will take place on the beach adjacent to the outlet in an approximately 0.230 acre area above the high tide line. The “Spring” semi-annual maintenance activities include back-filling of the outlet to allow for public recreational use (Exhibit #2).

2. MINOR AS NEEDED MAINTENANCE ACTIVITIES

The minor as needed maintenance activities include year round berm-breaching activities when ponding occurs and public beach access is impaired. The maintenance activities will be conducted based on inspections by OC Parks that will assess the outlet conditions and identify potential maintenance needs. The maintenance necessary would be the minimum amount necessary to restore sufficient water flows. The applicant has submitted the “Minor As Needed Work Criteria for Poche Beach and Capistrano Beach (Capo) Outlet” document received May 25, 2011 that provides criteria when such Minor As Needed Maintenance would be necessary (Exhibit #3).

(a) Poche Beach Outlet

The trigger for Minor As Needed Maintenance work for the Poche Beach Outlet, where public access along the catwalk is imminent of flooding, would be the following:

- (1) When the distance between the outlet water and the catwalk is 6-inches at the highest tide and a berm formation is present; and
- (2) When the distance between the outlet water and the catwalk is 1-foot, the tide is increasing, and a berm formation is present.
- (3) If it appears self correction does not occur at the berm, preparation for maintenance will begin (scheduling equipment operators, water quality monitoring, etc). If during preparation the berm corrects itself and the distance between water and catwalk increases, then the maintenance will be cancelled (if the berm is absent) or postponed (if there is a partial berm present with the potential to block the outlet and allow water levels to rise).

(b) Capo Beach Outlet No. 1

The trigger for Minor As Needed Maintenance work for the Capo Beach Outlet No. 1 would be the following:

- (1) If a nuisance is created as a result of stagnant water at the outlet;
- (2) If pooling affects the bottom area of the steps from the parking lot to the beach; and
- (3) If pooling expands and affects space used by beach visitors.
- (4) If during preparation pooling subsides and does not create the mentioned criteria, then the maintenance will be cancelled (if the pooling absent or minimal) or postponed (if there is pooling with the potential to block the outlet and allow water levels to rise).

In order to make sure that these Minor As Needed Maintenance criteria are adhered to, the Commission imposes **SPECIAL CONDITION NO. 1**, which requires the applicant to conform to the “Minor As Needed Work Criteria for Poche Beach and Capistrano Beach (Capo) Outlet” document received May 25, 2011.

3. PERMIT HISTORY

In May 2011, the Commission granted an **Immaterial Amendment to Coastal Development Permit No. 5-06-093-A1** to the County of Orange for the relocation of the outflow discharge at Poche Beach from the current location at the mouth of the channel, to the high intertidal zone of the beach, for a demonstration trial period during the summer, June-August 2011. The proposed discharge would utilize the existing rigid 8” diameter PVC discharge pipe along an adjacent wood bulkhead connected to a buried flexible 50-foot long PVC pipe extension to discharge the treated water directly to the high intertidal zone bypassing existing beach pond. Monitor flexible pipe, water quality, pond size/water levels for the duration of the trial and provide a final report with trial findings and recommendations. Repair a broken section of the 8” diameter PVC discharge pipe along the wood bulkhead. Repair work would require a minor breach of the sand berm (10’ wide and 4’ deep) to allow wave action to disperse sand and lower the pond water level sufficiently for access to damaged pipe section. Return to previously approved outfall at the end of the trial period. A new permit amendment would be required for a permanent change to the project.

In June 2007, the Commission granted **Coastal Development Permit No. 5-06-093** to the County of Orange for construction of a 1,120 square foot ultraviolet light oxidation water disinfection facility at Poche Beach to collect, filter, and disinfect urban runoff water from the Prima Deshecha Cañada flood control channel (M01) and discharge about 97% of it back at the mouth of the M01 channel prior to reaching the ocean (3% backwash discharged to sewer). The facility includes a rubber dam, wet well, pump, filters, media filtration tanks, water conveyance PVC pipes (i.e., suction pump inlet supply line, backwash line, and discharge line), electrical supply and two parking spaces for maintenance personnel. At the same hearing, June 2007, the Executive Director reported **Emergency Coastal Development Permit No. 5-07-192-G** to excavate a 12-foot wide (bottom) notch with side slopes of 3:1 from the sand berm that has formed in front of the channel outlet at Poche Beach to re-establish the currently impeded water flow perpendicular to the shoreline for flood control purposes and restoration of adequate public access to the beach.

In September 2005, an **Emergency Coastal Development Permit No. 5-05-329-G** was reported to the Commission to excavate the channel outlet at Poche Beach (consisting of approximately 583 cubic yards; 105-foot long, 15-foot bottom, 45-foot top and 5-foot (average) depth trapezoidal notch to be removed) in order to restore public access through it. Excavated material will be spread onto the beach adjacent to the channel, above the mean high tide water line, in an area measuring approx. 125-feet by 125-feet.

In May 2005, the Commission granted **Coastal Development Permit No. 5-04-308** to the County of Orange for the modification to the Poche Beach pedestrian access way inside the M01 flood control channel under El Camino Real that provides access from the inland (east) side of the street to the beach and construction of a new walkway and stairs to connect the street-grade signalized crosswalk across El Camino Real with a re-constructed catwalk on the seaward (west) side of El Camino Real leading to the public beach under the existing OCTA railroad tracks. In September 2005, an **Immaterial Amendment to Coastal Development Permit No. 5-04-308-A1** was processed.

In August 2003, a **Waiver of Coastal Development Permit requirements (No. 5-03-252-W)** was granted to the County to install an ultraviolet disinfection system within the M01 flood control channel for water quality enhancement purposes at Poche Beach. This project was implemented but not fully developed due to equipment malfunctions.

In July 2003, the Commission granted **Coastal Development Permit No. 5-02-031** to the County of Orange for implementation of an ocean outlet maintenance program at seven (7) ocean outlet locations throughout Orange County, including Poche Beach Outlet and Capo Beach Outlet No. 1. Maintenance activities will include the servicing of the outlet facilities semi-annually before the storm season (late summer) and before the summer recreation season (late spring). Occasionally, the channels will be reestablished, as needed, during the summer months when the meandering stream flow either precludes recreational use of the beach, affects private property, or when sediment obstructs tidal flow. In general, maintenance activities will consist of removing sand deposits at the end of the outlet structures and distributing the sand on the beach above the mean high tide line. Typically, maintenance is required when the streambed is either blocked at the end of the outlet structure or the streambed meanders across the beach for several hundred feet in either direction. The amount of sand to be removed varies with surf conditions, storm surge and time of year. Depending on the quantity of material to be moved, equipment such as bulldozers, backhoe and front loaders will be used. Estimated average volumes are included in the Maintenance Manual based on historic data and an estimated maximum volume is provided to set the upper limit of the earthwork anticipated.

In June 2001, the Executive Director issued an **Emergency Coastal Development Permit (No. 5-01-214-G)** to the County of Orange to dredge approximately 20 cubic yards of sand to create an approximately 30 foot long by 3 foot deep channel extending from the concrete lined spillway to the Pacific Ocean at Poche Beach. No permanent structures were proposed.

In May 1980, the South Coast Regional Commission approved **Coastal Development Permit No. P-79-4642** to subdivide a 1.4 acre beach-front parcel into 2 residential lots and a third open space “beach” lot. The third open space “beach” lot was dedicated to the

County of Orange and became what is now known as Poche Beach. A deed restriction limits use of the “beach” lot to recreation, beach access and open-space uses.

4. OTHER AGENCY APPROVALS

The proposed project falls within the jurisdictional boundary of multiple governmental agencies:

(a) United States Army Corps of Engineers (USACOE)

An application for a Regional General Permit was submitted to the USACOE in October 2011 and is being reviewed and processed concurrently with this application.

(b) California Department of Fish & Game (CDF&G)

The CDF&G has determined that the activities associated with the Poche Beach Outlet and Capo Beach Ocean Outlet No. 1 maintenance are not subject to the Fish and Game Code (FGC) Section 1600 et al. Per letter from the CDF&G dated April 29, 2010: “Future removal of sediment blocking the outlet areas at these two sites will not require notification under FGC Section 1600”. Therefore, no Streambed Alteration Agreement was needed for this project and an application was not submitted.

(c) Regional Water Quality Control Board (RWQCB)

An application for a 401 Water Quality Certification was submitted to the San Diego Regional Water Quality Control Board in October 2010 and is being reviewed and processed concurrently with this application. A 401 Water Quality Certification has still not yet been issued. Thus, the Commission is imposing **SPECIAL CONDITION NO. 2**, which requires submittal of evidence of approval of a 401 Water Quality Certification by the RWQCB.

B. MARINE RESOURCES AND WATER QUALITY

Section 30230 of the Coastal Act states, in pertinent part:

Marine resources shall be maintained, enhanced, and where feasible, restored.

Section 30231 of the Coastal Act states:

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

Section 30232 of the Coastal Act states, in pertinent part:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.

Section 30233 (d) of the Coastal Act states:

(d) Erosion control and flood control facilities constructed on water courses 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 30236 of the Coastal Act states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The proposed project involves maintenance of existing ocean outlets that carry urban runoff to the sea. The subject outlets are flood control facilities maintained by the County. The project does not constitute channelization or substantial alteration of rivers and streams. The capacity of the existing outlets will not be changed. As such, no additional storm water runoff will result from the proposed project. Nevertheless, storm drain outlets are the discharge points for contaminants that are entrained in urban runoff. The contaminants may include trash and particulate debris, petroleum hydrocarbons, bacteria and pathogens, heavy metals, sediments, synthetic organic compounds, nutrients, pesticides and herbicides, and others. These pollutants may build up at the ocean outlet, and any movement of sediment at the mouth may cause the release of a plume of contaminants into coastal waters. OC Parks proposes to utilize Best Management Practices (BMP's) when carrying out their maintenance activities and will monitor the runoff being discharged from each outlet to determine if the proposed maintenance will have a detrimental effect on the surf zone water quality. Also, at Poche Beach, the County has installed a water treatment system designed to improve water quality. The proposed maintenance activities are being undertaken, in part, with the operational needs of the treatment facility in mind. Furthermore, the County is undertaking the work with an overall goal of improving water quality at Poche Beach and Capistrano Beach.

1. BEST MANAGEMENT PRACTICES (BMP's)

The proposed project would involve some use of heavy machinery on sandy beaches or in tidal inlets. Machinery may have oils, greases, heavy metals, and other vehicular fluids on the body of the machine. OC Parks has provided the "Appendix H, Best Management

Practices for Ocean Outlet Maintenance Activities” document received May 25, 2011, which includes measures designed to minimize the release of vehicular or other contaminants to coastal waters (Exhibit #4). The list includes BMP’s such as off-site cleaning and maintenance of equipment, as well as trash collection and employee education. This document was also recently included as part of Coastal Development Permit No. 5-02-031-A4-(Orange County Department of Public Works) granted to the Orange County Department of Public Works approved by the Commission in March 2011. This Coastal Development Permit Amendment was for a five (5) year time extension to allow maintenance at six (6) ocean outlets, excluding the Poche Beach Outlet and Capo Beach Outlet No. 1, as described in the “Ocean Outlet Maintenance Manual”.

In order to ensure implementation of the proposed BMP’s designed to prevent adverse impacts to water quality and marine waters, the Commission imposes **SPECIAL CONDITION NO. 3**, which requires the applicant to conform to “Appendix H, Best Management Practices for Ocean Outlet Maintenance Activities” document received May 25, 2011.

2. MONITORING

Compliance with the special condition discussed above will mitigate any immediate water quality impacts associated with the proposed maintenance activities. However, the long-term effects of maintenance activities must also be considered. The County is also proposing to evaluate the effects of the maintenance activities on water quality through a new monitoring program entitled “Water Quality Monitoring Plan for Ocean Outlet Maintenance” document prepared by P & D Consultants dated January 2003 (revised September 2003) (Exhibit #5). Part of the County’s Maintenance Manual involves monitoring of the discharge at each site before and after maintenance activities. This document was also recently included as part of Coastal Development Permit No. 5-02-031-A4-(Orange County Department of Public Works) granted to the Orange County Department of Public Works approved by the Commission in March 2011, as discussed previously.

In order to examine the long-term effects of the outlet maintenance activities, the Commission imposes **SPECIAL CONDITION NO. 4**, which requires the applicant to monitor the effects of the proposed maintenance activities in accordance with the “Water Quality Monitoring Plan for Ocean Outlet Maintenance” document prepared by P & D Consultants dated January 2003 (revised September 2003) and to submit their annual monitoring report to the Executive Director by February 1 of each year. If significant impacts or damage occur to water quality or sensitive wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

CONCLUSION

To minimize the adverse impacts upon marine resources and protect water quality, **TWO (2) SPECIAL CONDITIONS** have been imposed. **SPECIAL CONDITION NO. 3** requires the applicant to conform to the “Appendix H, Best Management Practices for Ocean Outlet Maintenance

Activities” document. **SPECIAL CONDITION NO. 4** requires the applicant to monitor the effects of the proposed maintenance activities in accordance with the “Water Quality Monitoring Plan for Ocean Outlet Maintenance” document prepared by P & D Consultants dated January 2003 (revised September 2003) and to submit their annual monitoring report to the Executive Director by February 1 of each year. Only as conditioned does the Commission find that the proposed project is consistent with Sections 30230, 30231, 30232 and 30233 (d) of the Coastal Act.

C. BIOLOGICAL RESOURCES

Section 30233 of the Coastal Act states in part:

(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:

(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.

Section 30240 (b) of the Coastal Act states:

(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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

1. WETLAND

At the outfall at Poche Beach, a scour pond forms where urban runoff from the 4,404 acre Prima Deshecha Cañada watershed collects prior to reaching the Pacific Ocean. Wave action builds up a sand berm on the seaward side of the pond, further deepening the pond. The pond is fed by the flow coming down the channel and from ocean wave run-up. The pond water naturally breaches the sand berm and slowly drains out when the tide recedes and the pond water elevation rises. The County has artificially breached the berm too.

A wetlands delineation based on the Coastal Commission definition of a wetland was performed as part of a biological assessment in 2003 in conjunction with CDP No. 5-06-093. Based on hydrology, the survey found the pond area at Poche Beach to be a wetland using the single criterion method.

The scour pond has a sandy bottom and consists of open water, but does not support vegetation or fish. The Poche Beach area is a coastal habitat that primarily supports seagulls, but may also be utilized by other shorebirds and waterfowl. According to Fish and Wildlife, six (6) species classified as federally threatened or endangered (i.e., tidewater goby, southern steelhead, brown pelican, least tern, Western snowy plover and Pacific pocket mouse) are known to occur or potentially occur within the project area. Field investigation included observing plant species, observing wildlife and seining the scour pond for fish species. However, none of these species were found to occur within a 3-mile

radius of Poche Beach. Wildlife species observed included the California gull, Heermann's gull, western gull, spotted sandpipers and rock doves.

The project involves artificially breaching the sand berm that is partly responsible for creating the pond that forms at the outlet. This action is akin to dredging the wetland. The action is permitted under Section 30233(a)(4) of the Coastal Act, only if there is no feasible less environmentally damaging alternative and where feasible mitigation measures are provided to minimize environmental impacts if the project purpose qualifies as an incidental public service.

Section 30233 of the Coastal Act only allows impacts to wetlands for an incidental public service purpose when there is no feasible, less environmentally damaging alternative available. In addition, whatever impact is allowed, must be minimized, and those unavoidable impacts must be mitigated. Thus, to the maximum extent feasible, the project should avoid loss of the wetland.

Through the proposed actions, the applicant would not drain the entire wetland. Instead, the berm would be breached just enough to allow enough water to flow out such that the public access walkway inside the flood channel is no longer flooded. Thus, the applicant is minimizing the impact. The proposed breach would mimic natural conditions. The work proposed is also a continuation of work previously permitted by the Commission and no additional impacts are expected. The public walkway cannot be redesigned to avoid being flooded due to overhead restrictions and flanking development (i.e. a railroad track). There is no other feasible manner of accessing the beach in this location thus retaining the walkway and minimizing its flooding is important. Thus, the impact is unavoidable and the proposed project is the least environmentally damaging feasible alternative. In order to ensure that the proposed project will not have any adverse impacts upon coastal resources, and to ensure that any changed circumstances are subject to Commission review, **SPECIAL CONDITION NO. 7** is imposed that implements a five (5)-year duration/expiration for the permit. If, at the end of the five (5)-year period significant adverse impacts are observed, mitigation for those impacts would be appropriate and should be included in the next County permit submittal. As discussed further below, additional mitigation measures are included.

2. GRUNION SPAWNING

The proposed semi-annual maintenance activities involve the use of mechanized equipment to breach storm water outlets and create dredged channels to the ocean for flood control and public recreation purposes. At certain outlet locations, removed sand will be spread on adjacent beaches above the mean high tide line. These activities have the potential to affect marine resources and/or environmentally sensitive habitat area. For example, these two (2) outlets sites are subject to grunion spawning. To minimize any potential impacts maintenance work may cause the applicant has submitted a "Grunion Protection Plan for Necessary Maintenance During the Grunion Spawning Season of March through September" document dated September 7, 2006. Some measures found in the plan include: 1) *At the beginning of spawning season, trained personnel will assess the potential of the beach to support grunion spawning at each outlet;* and 2) *Monitoring will only be required only at sites that have been identified as areas that support grunion spawning;* and 3). This document was also recently included as part of Coastal Development Permit No. 5-02-031-A4-(Orange County Department of Public Works)

granted to the Orange County Department of Public Works approved by the Commission in March 2011. In order to make sure that the proposed project does not adversely impact grunion spawning, the Commission imposes **SPECIAL CONDITION NO. 5**, which requires the applicant to conform to the “Grunion Protection Plan for Necessary Maintenance During the Grunion Spawning Season of March through September” document dated September 7, 2006.

3. BEACH SAND HABITAT

A variety of biological resources are present on sandy beaches. Intertidal sand is habitat to a variety of invertebrates such as amphipods, isopods, and polychaete worms. Beach wrack on the upper beach provides habitat for more invertebrates such as beach hoppers, flies and their larvae. All these species are significant food resources for shore birds.

The proposed project involves some temporary disturbance to the sandy beach during removing of sand deposits at the end of the outlet structures, distributing of the sand on the beach above the high tide line, and grading to prepare for recreational use. Sand will be moved in the course of the project, but none would be removed from the beach. Also, some incidental relocation of beach wrack would be expected. Removal of organic beach wrack from the beach should be minimized, or avoided if possible. Inorganic trash may be removed. Any beach wrack picked up during trash removal should be separated from the trash and returned to the area from which it was removed. However, wrack may be relocated and/or removed where its presence interferes with water quality objectives. To minimize the effects of the disturbance on Wrack, the Commission imposes **SPECIAL CONDITION NO. 6**. **SPECIAL CONDITION NO. 6** requires adherence to Wrack guidelines, as discussed above.

CONCLUSION

To minimize the adverse impacts upon biological resources, **THREE (3) SPECIAL CONDITION** has been imposed. **SPECIAL CONDITION NO. 5** requires the applicant to conform to the “Grunion Protection Plan for Necessary Maintenance During the Grunion Spawning Season of March through September” document dated September 7, 2006. **SPECIAL CONDITION NO. 6** requires adherence to Wrack guidelines. Removal of organic beach wrack from the beach should be minimized, or avoided if possible. Inorganic trash may be removed. Any beach wrack picked up during trash removal should be separated from the trash and returned to the area from which it was removed. However, wrack may be relocated and/or removed where its presence interferes with water quality objectives. **SPECIAL CONDITION NO. 7** imposes a five (5)-year duration on the permit so that impacts associated with the maintenance activity can be re-evaluated and addressed. Only as conditioned does the Commission finds that the proposed project is consistent with Sections 30233(a)(4) and 30240 (b) of the Coastal Act.

D. PUBLIC ACCESS AND RECREATION

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 30212(a)(2) of the Coastal Act states, in pertinent part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(2) adequate access exists nearby

Section 30604(c) of the Coastal Act requires that every coastal development permit issued for any development between the nearest public road and the sea include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3, including 30210 and 30212 identified above. As shown in Exhibit #1, the proposed project sites are located on the beach, between the first public road and the sea.

As described previously, the proposed project consists of ocean outlet maintenance that provides an essential public service for the benefit of residents and visitors. Construction impacts, such as obstruction of lateral or vertical access to the shoreline with trucks and/or equipment, can affect the public's ability to access the beach and recreate on it. Construction related impacts can be partially alleviated by limiting construction work to the off-peak season (Fall to early Spring) and/or when beach use by the public is typically low. With this in mind, the County intends to carry out routine maintenance activities before and after the popular summer beach use season. However, some work may be needed on occasion during the peak season too. To ensure that the proposed maintenance activities minimize impacts to continued public access, the Commission imposes **SPECIAL CONDITION NO. 8**, which requires that work be conducted during non-holiday, mid-week periods to the maximum extent feasible.

Additionally, in order to ensure that the construction storage and staging areas do not adversely impact public access at each of these sites, a Construction Storage and Staging Plan needs to be submitted. A plan showing the location of the Capo Beach Outlet No.1 storage and staging area has been submitted but a plan for the Poche Beach Outlet storage and staging area has not been submitted. In order to make sure that the construction storage and staging areas do not adversely impact public access at each of these sites, the Commission imposes **SPECIAL CONDITION NO. 9**, which requires the applicant to submit Construction Storage and Staging Plans for each of the project sites showing the location of all equipment and prohibiting storage on the beach.

CONCLUSION

To minimize the adverse impacts upon public access and recreation, **TWO (2) SPECIAL CONDITIONS** have been imposed. **SPECIAL CONDITION NO. 8**, requires that work be conducted during non-holiday, mid-week periods to the maximum extent feasible. **SPECIAL CONDITION NO. 9**, which requires the applicant to submit Construction Storage and Staging Plans for each of the project sites showing the location of all equipment and prohibiting storage on the beach. Only as conditioned does the Commission find that the proposed project is consistent with Sections 30210 and 30212(a)(2) of the Coastal Act.

E. LOCAL COASTAL PROGRAM (LCP)

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP), which conforms with Chapter 3 policies of the Coastal Act.

The proposed development is taking place in the City of Dana Point, which has a certified Local Coastal Program (LCP). However, the dredging and placement of dredged material is taking place on the beach at Poche Beach and Capistrano Beach, all of which is occurring partially or wholly within the Commission's area of original jurisdiction. Section 30601.5 of the Coastal Act allows the Commission to take action on development proposals where there is both local and Commission jurisdiction, and the City of Dana Point has agreed to let the Commission process a CDP for the portions of this project within the City's jurisdiction. Therefore, the development must be evaluated for consistency with the Chapter 3 policies of the Coastal Act. The project, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act and therefore will not prejudice the ability of the City to continue to administer its LCP.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The OC Parks is the lead agency responsible for certifying that the proposed project is in conformance with the California Environmentally Quality Act (CEQA). The City determined that in accordance with CEQA, the project is Categorically Exempt from Provisions of CEQA under Guidelines Section 15301 for maintenance of existing facilities. Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications 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).

Although the proposed development is categorically exempt from CEQA, the Commission has imposed conditions to ensure conformity with Coastal Act requirements. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that 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 consistent with the requirements of the Coastal Act and CEQA.

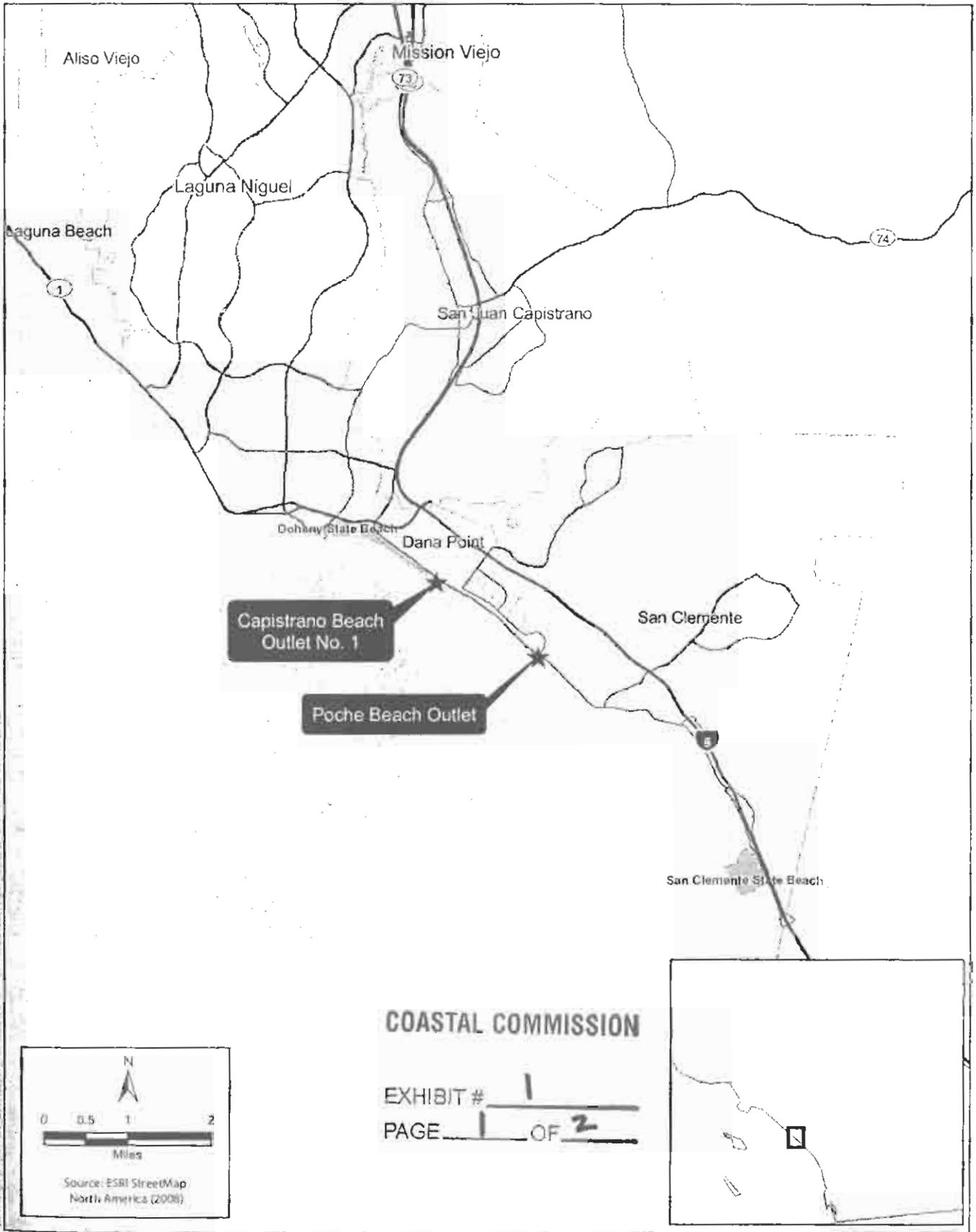


Figure 1
Regional Location Map
Poche Beach and Capistrano Beach Outlet
No. 1 Ocean Outlet Maintenance

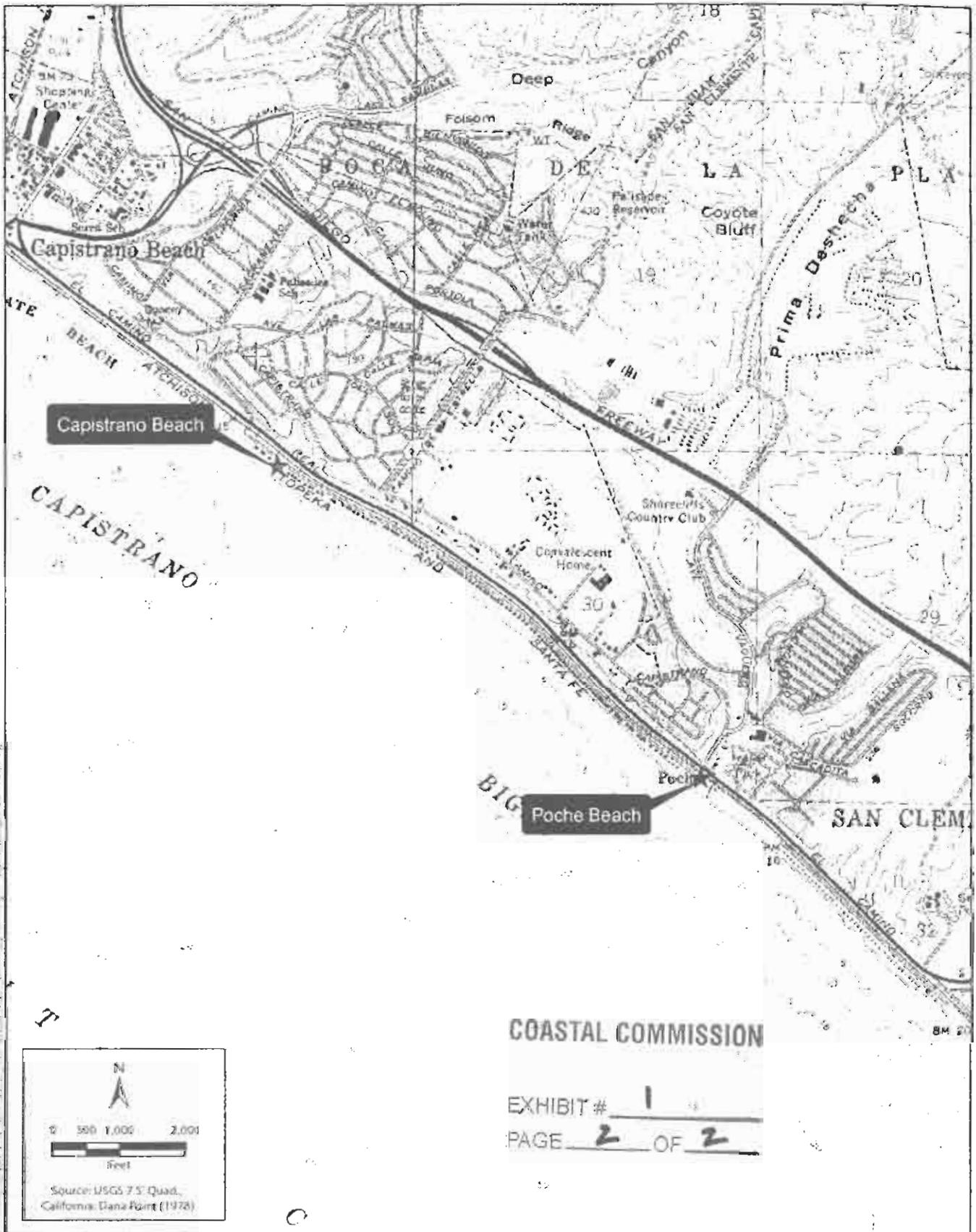


Figure 2
USGS Local Vicinity Map
Poche Beach and Capistrano Beach Outlet
No. 1 Ocean Outlet Maintenance

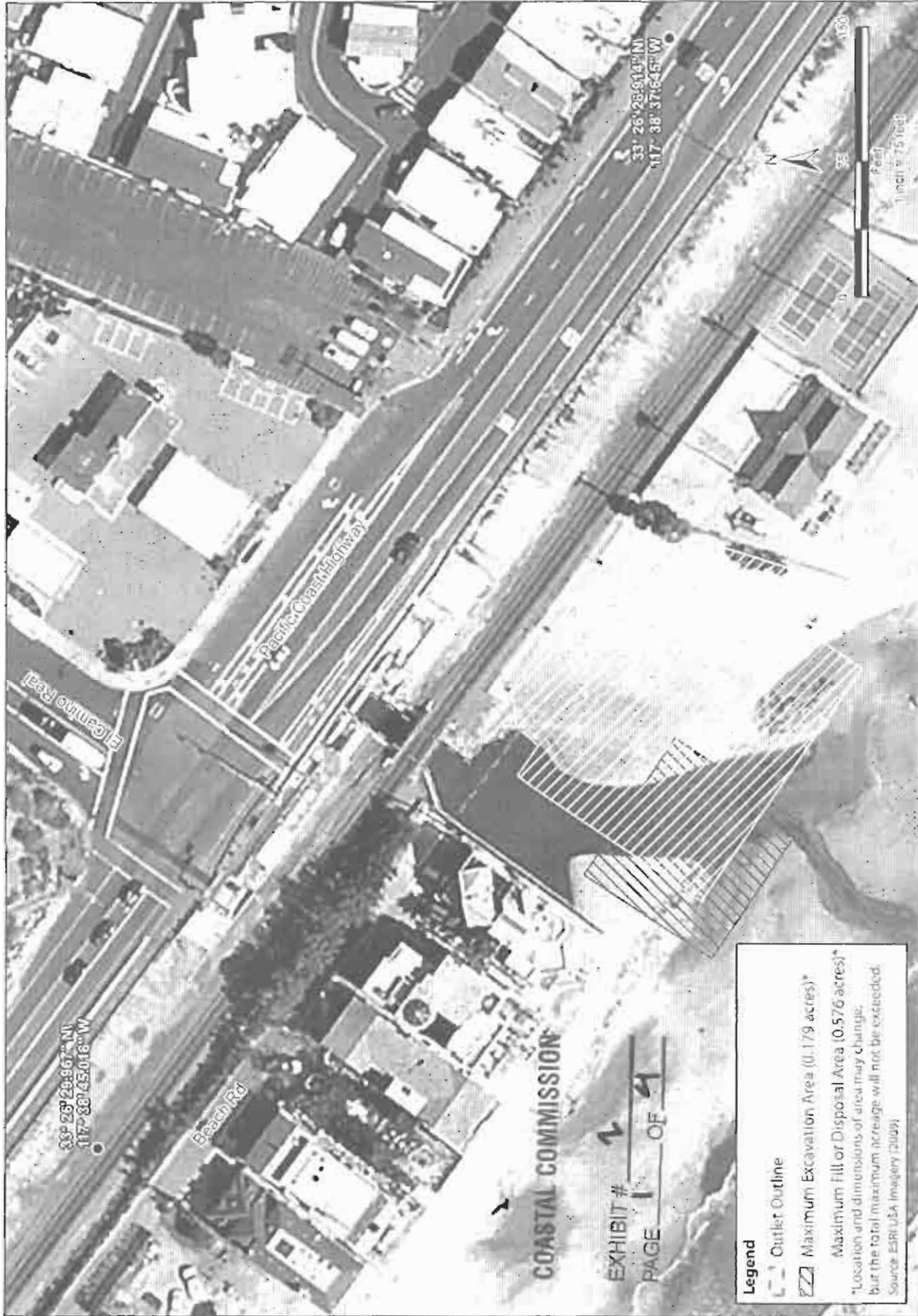


Figure 3a
 Project Impact Map
 Poche Beach Outlet

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Legend

- Outlet Outline
- Maximum Excavation Area (0.179 acres)*
- Maximum Fill or Disposal Area (0.576 acres)*

*Location and dimensions of area may change, but the total maximum acreage will not be exceeded.
 Source: ESRI/USA Imagery (2009)

GENERAL NOTES

- 1. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
- 2. EXISTING CHANNELS ARE TO BE MAINTAINED AND NOT TO BE DELETED OR ALTERED.
- 3. ALL CHANNELS ARE TO BE MAINTAINED AND NOT TO BE DELETED OR ALTERED.
- 4. ALL CHANNELS ARE TO BE MAINTAINED AND NOT TO BE DELETED OR ALTERED.

PAVING WORK QUANTITIES

PAVING WORK QUANTITIES

ITEM NO.

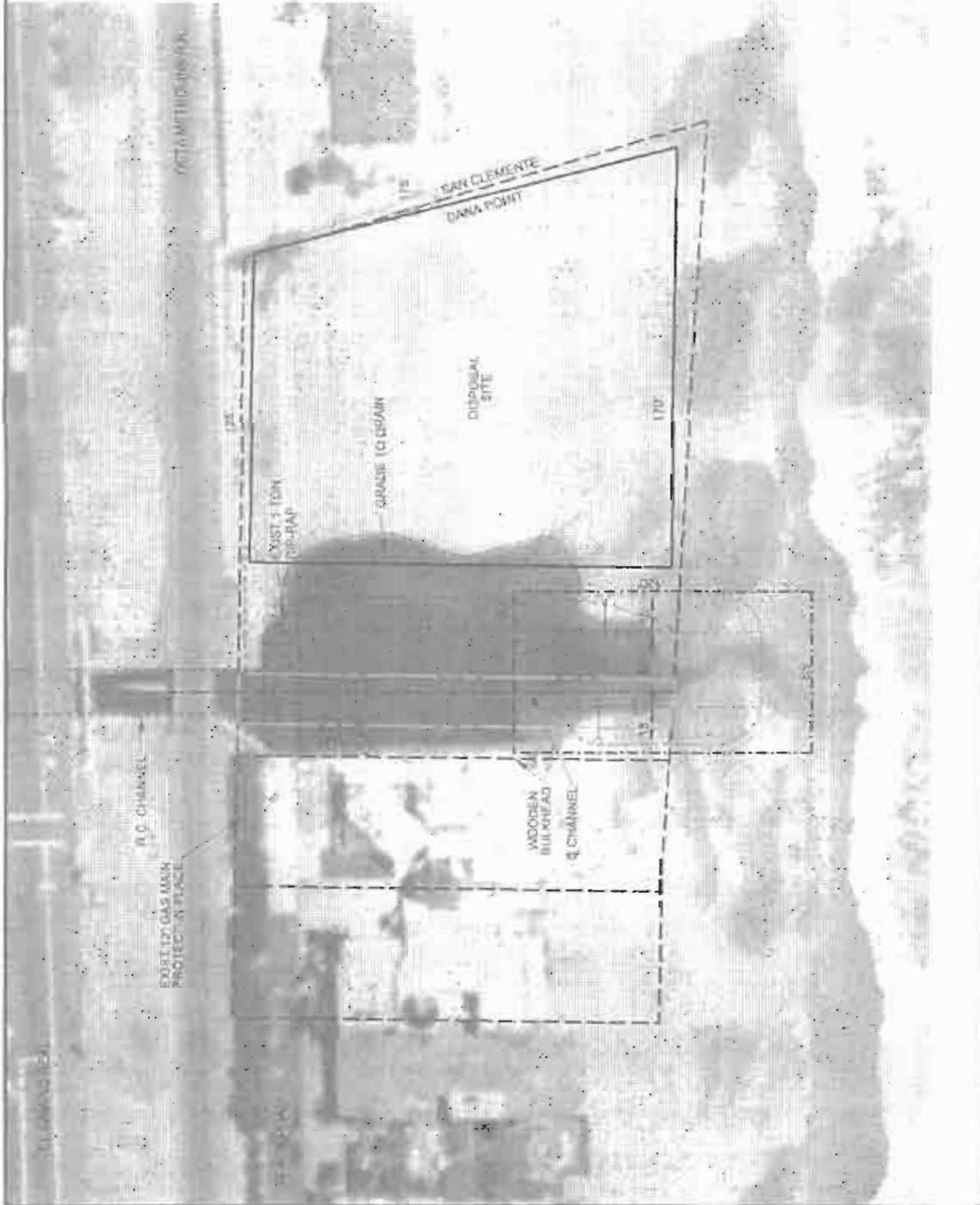
DESCRIPTION

QUANTITY

UNIT

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COASTAL COMMISSION 400 CALIFORNIA STREET SAN FRANCISCO, CALIFORNIA 94104 PHONE: (415) 774-2000 FAX: (415) 774-2001 WWW.COASTALCOMMISSION.COM		SHEET NO. <u>2</u> OF <u>8</u>
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Figure 3b
 Project Impact Map
 Capistrano Beach Outlet No. 1
 Ocean Outlets Maintenance

GENERAL NOTES

1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
2. THE DESIGNER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED.
3. THE DESIGNER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED.
4. THE DESIGNER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED.

EARTHWORK DETAILS

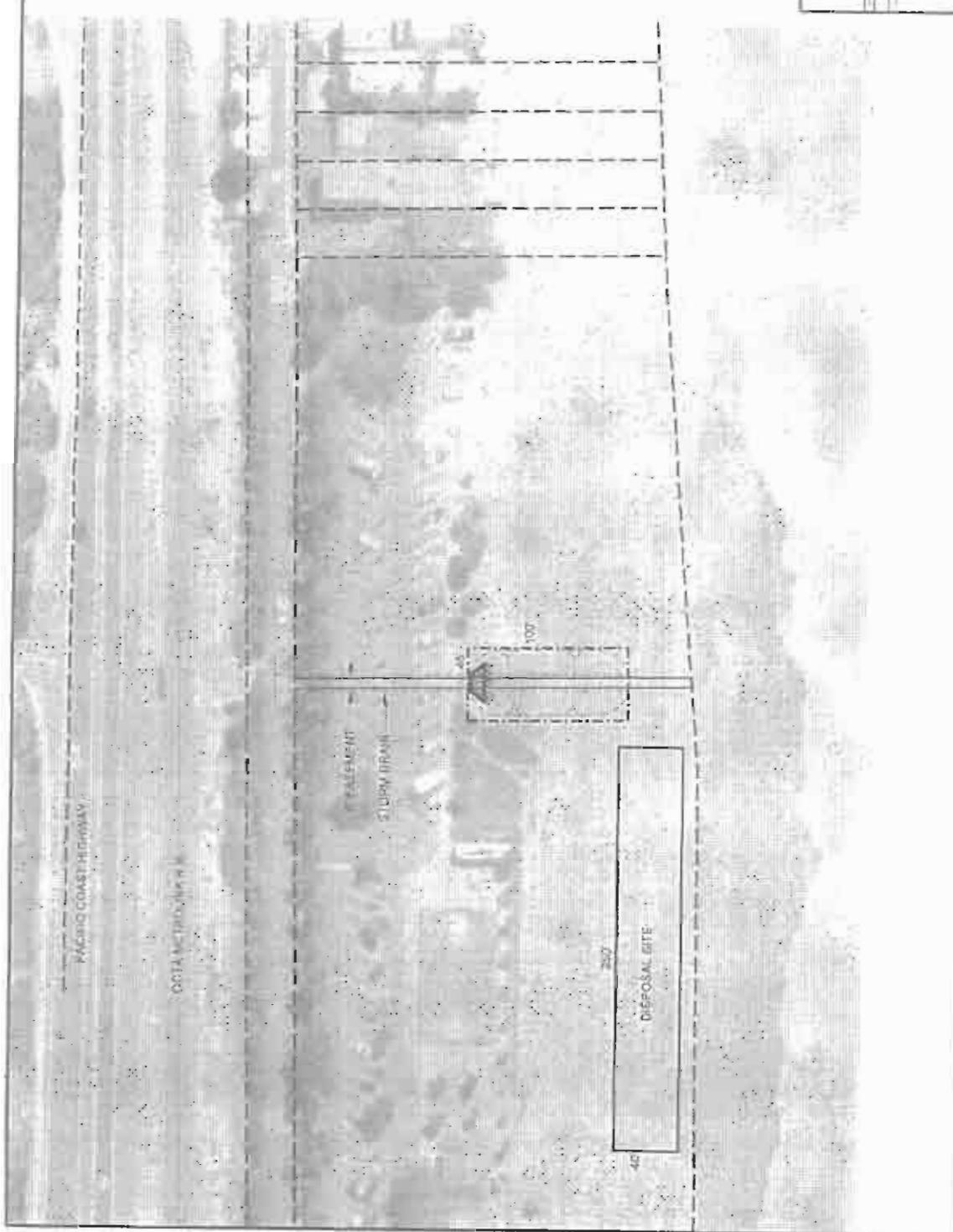
1. SEE NOTES ON SHEET 1 FOR EARTHWORK DETAILS.

LEGEND

- Proposed Right of Way Boundary
- Proposed Easement Boundary
- Proposed Structure Footprint
- Proposed Structure Foundation
- Proposed Structure Wall

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EXHIBIT # 2
PAGE 4 OF 4



PROJECT INFORMATION	
PROJECT NO.	100-100-100-100
DATE	10/10/10
SCALE	AS SHOWN
DESIGNER INFORMATION	
DESIGNER	ABC COMPANY
ADDRESS	12345 MAIN ST, ANYTOWN, CA 90001
PHONE	(555) 123-4567
DATE OF CERTIFICATION	10/10/10
CERTIFICATION	WORK LIMITS
NO. OF SHEETS	4
SHEET NO.	4

Minor As Needed Work Criteria for Poche Beach and Capistrano (Capo) Beach Outlet:

Poche Beach Outlet

The trigger for minor as needed work for the Poche Beach Outlet, where public access along the catwalk is imminent of flooding, would be the following:

- when the distance between the outlet water and the catwalk is 6 inches at the highest tide and a berm formation is present,
- when the distance between the outlet water and the catwalk is 1 foot, the tide is increasing, and a berm formation is present.

If it appears self correction does not occur at the berm, preparation for maintenance will begin (scheduling equipment operators, water quality monitoring, etc.). If during preparation the berm corrects itself and the distance between the water and catwalk increases, then the maintenance will be cancelled (if the berm is absent) or postponed (if there is a partial berm present with the potential to block the outlet and allow water levels to rise).

Capo Beach Outlet

The trigger for minor as needed work for the Capo Beach Outlet would be the following:

- if a nuisance is created as a result of stagnant water at the outlet
- if pooling affects the bottom area of the steps from the parking lot to the beach
- if pooling expands and affects space used by beach visitors

Preparation for minor as needed work will be conducted (scheduling equipment operators, water quality monitoring, etc.). If during preparation pooling subsides and does not create the mentioned criteria, then the maintenance will be cancelled (if the pooling absent or minimal) or postponed (if there is pooling with the potential to block the outlet and allow water levels to rise).

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PAGE 1 OF 1

APPENDIX - H
Best Management Practices
for
Ocean Outlet Maintenance Activities

To ensure the highest possible water quality controls during, and after, the ocean outlets maintenance activities, the following Best Management Practices (BMP) are adopted by PFRD – Operations and Maintenance. The purpose of these guidelines is to prevent, to the maximum extent practicable, the discharge of pollutants into storm water or beaches caused by activities proposed in the O&M maintenance manual. Each BMP listed below includes a description of the specific implementation of the BMP regarding the ocean outlets maintenance activities, the entity responsible for the maintenance activities, and the location, if applicable, for structural BMP. Any exceptions to a BMP, which will not be implemented, will be noted with a brief explanation and proposed alternative courses of action, if any.

1 CA20 – Solid Waste Management

Structural Non-Structural

- 1.1 **Description:** O&M will prevent the pollution of maintenance sites by collection of trash and other debris located in the storm channel outlets.
- 1.2 **Maintenance:** PFRD - Operations and Maintenance Division
- 1.3 **Location:** All Sites
- 1.4 **Exceptions:** N/A – BMP accepted as is.

2 CA30 – Vehicle and Equipment Cleaning

Structural Non-Structural

- 2.1 **Description:** O&M will prevent the pollution of maintenance sites through regular cleaning of on-site vehicles, such as bulldozers or front loaders. The cleaning will occur at County facilities prior to arriving on the beach or storm channel, and after leaving the job site upon the daily completion of work.
- 2.2 **Maintenance:** PFRD - Operations and Maintenance Division
- 2.3 **Location:** All Sites
- 2.4 **Exceptions:** N/A – BMP accepted as is.

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3 CA32 – Vehicle and Equipment Maintenance

Structural Non-Structural

- 3.1 **Description:** O&M will reduce and prevent the discharge of pollutants from vehicles and equipment by regular off-site inspection of vehicles and equipment for leaks and fluid buildup, such as grease or oil. If any maintenance or repair is needed, the necessary corrective measures will be taken promptly. Additionally, employees will be trained in proper equipment maintenance and spill cleanup procedures.
- 3.2 **Maintenance:** PFRD - Operations and Maintenance Division
- 3.3 **Location:** All Sites
- 3.4 **Exceptions:** N/A – BMP accepted as is

4 CA40 – Employee/Subcontractor Training

Structural Non-Structural

- 4.1 **Description:** O&M will conduct thorough employee training to promote clear identification and understanding of activities that have the potential to pollute storm water. The prevention of storm water pollution will be accomplished through a comprehensive training plan emphasizing the importance of problem awareness, analysis, and identifying solutions.
- 4.2 **Maintenance:** PFRD - Operations and Maintenance Division
- 4.3 **Location:** All Sites
- 4.4 **Exceptions:** N/A – BMP accepted as is

5 SC40 – Vehicle and Leak Spill Control

Structural Non-Structural

- 5.1 **Description:** To prevent the discharge of pollutants to storm water from vehicles, the County will use secondary containment such as drain pans or drop cloths, to catch leaks or spills, under all equipment when not in use. If leaks or spills are detected, the affected machinery will promptly be removed from the site to a suitable location for repair. Employee training will include the proper procedures for cleanup of leaks and spills, and the disposition of spill materials.
- 5.2 **Maintenance:** PFRD - Operations and Maintenance Division
- 5.3 **Location:** All Sites
- 5.4 **Exceptions:** Minor spills or leaks will not be officially reported to the fire department or local agency if cleanup assistance is unnecessary.

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6 SC71 – Catch Basin Cleaning

Structural Non-Structural

- 6.1 **Description:** O&M will maintain and monitor catch basins located adjacent to the target ocean outlets to prevent and reduce pollutant buildup from entering the ocean.
- 6.2 **Maintenance:** PFRD - Operations and Maintenance Division
- 6.3 **Location:** Capistrano Beach Outlet No. 2 only
- 6.4 **Exceptions:** O&M will not inspect or maintain private catch basins. O&M has no legal authority to enter private property to inspect or clean privately owned catch basins. It is the responsibility of the private property owners to maintain their catch basins. O&M will not keep logs or records of the number of catch basins cleaned, or the amount of waste collected.

7 ESC1 - Scheduling

Structural Non-Structural

- 7.1 **Description:** Maintenance activities will be scheduled to reduce the amount of beach exposed to runoff and vehicle tracking. Maintenance activities in the fall will open up the outlets for flood control purposes and allow for the proper conveyance of flow. Maintenance activities in the summer will back-fill the outlets to allow for public recreational purposes.
- 7.2 **Maintenance:** PFRD - Operations and Maintenance Division
- 7.3 **Location:** All Sites
- 7.4 **Exceptions:** See below for site specific scheduling practices.
- 7.5 **Site Specific Practices:** Project scheduling plays an important role in effective processing of required project information to the regulatory agencies, protection of aquatic resources near the project site and effective use of field work crews.
- 7.5.1 Inspections should be scheduled such that the extent of the work is defined, biological assessment of the work site is conducted, pre-construction water samples are collected and appropriate notification packages are sent to the regulatory agencies.
- 7.5.2 The scheduler needs to consider avoidance of biological resources such as spawning grunion and the least Tern colony at Huntington Beach. Avoidance measures include scheduling maintenance activities prior to the grunion spawning season or during times when a grunion run has not occurred at the project site and performing maintenance activities at the Talbert and Santa Ana River outlets prior to the arrival of the least Tern.

7.5.3 California Grunion spawning season occurs from late February to early September. Grunion runs occur sporadically along the Orange county coast, therefore the Inspector should contact local park rangers to determine if grunion have spawned in the vicinity of any outlet

7.5.4 The Talbert Outlet maintenance promotes tidal flow into the Huntington Beach marsh which serves as a foraging site for the California Least Tern. Each spring an inspection of the outlet should be scheduled to determine if the outlet is blocked by sediment. The sediment removal work should be scheduled in the early spring and completed prior to the arrival of the least tern.

The outlet should be inspected during the spring and summer months for observance of blockage in the outlet. If a blockage is observed a meeting with regulatory agencies shall be scheduled to determine a course of action. The blockage needs to be removed within seven (7) days of its observation.

8 ESC30 – Earth Dike

Structural Non-Structural

- 8.1 **Description:** O&M will be constructing and utilizing sand berms to control and prevent pollutants from public exposure and entering the Pacific Ocean. The berms will be used to backfill the channel above the high water line during the summer months for public recreational purposes.
- 8.2 **Maintenance:** PFRD - Operations and Maintenance Division
- 8.3 **Location:** North Doheny Creek Outlet
- 8.4 **Exceptions:** N/A – BMP accepted as is

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9 ESC40 – Outlet Protection

Structural Non-Structural

- 9.1 **Description:** O&M will be replacing/retrieving protective rocks that have been washed out of the outlet onto the beach during winter storms.
- 9.2 **Maintenance:** PFRD - Operations and Maintenance Division
- 9.3 **Location:** Salt Creek Outlet
- 9.4 **Exceptions:** O&M will only use the pre-existing rock found at the target site, rather than using imported rock or protective matting. The rocks will not be permanently placed, but instead allowed to wash out onto the beach. Inspection and maintenance of this site will occur annually in the spring as outlined in the Ocean Outlets Maintenance Manual.

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COUNTY OF ORANGE
Public Facilities and Resources Department

**Water Quality Monitoring Plan for
Ocean Outlet Maintenance**

PREPARED FOR:

County of Orange
Public Facilities and Resources
Operations and Maintenance Division
300 North Flower Street
Santa Ana, California 92703

PREPARED BY:

P&D Consultants
999 Town and Country Road
Orange, California 92868

January 2003
Revised: September 2003

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Tables

Table 1: Water Sampling and Analysis

Table 2: Sediment Sampling and Analysis

Attachments

Attachment A: Maintenance Activities at Each Outfall Location

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1.0 Introduction

Periodic maintenance at seven County of Orange Public Facilities and Resources Department (PFRD) outfall locations is required to ensure that recreational use of beaches and protection of adjacent private property is not compromised due to sediment and trash buildup or changes in the stream channel. As a result of these periodic maintenance activities, a monitoring program is needed to determine if maintenance on any of these outlets has contributed a discharge that resulted in impacts to the adjacent receiving waters (e.g. the Pacific Ocean). The monitoring program will be conducted when maintenance activities that have the potential to result in a discharge to the ocean occur. Attachment A of this Water Quality Monitoring Plan (WQMP) contains a detailed list of maintenance activities that have the potential to discharge to the ocean, as noted in Sections 2 and 3 of the Ocean Outlet Maintenance Manual (manual) prepared by the PFRD.

This WQMP details the water and sediment sampling protocols that will be implemented when any of the activities listed in Attachment A of this WQMP are conducted at the following outlet facilities currently maintained by PFRD:

- Segunda Deshecha – M02
- Prima Deshecha – M01
- Capistrano Beach #1 and #2
- North Doheny Creek
- Salt Creek – K01
- Santa Ana River – E01
- Talbert Channel – D02

2.0 Sample Collection Protocol

2.1 Sampling Frequency

Water Samples

Sampling activities will include pre- and post-maintenance activity sampling of freshwater discharge and the receiving waters. Pre-maintenance water sampling will be conducted for three consecutive days during the week prior to the scheduled maintenance activity. Additionally, post-maintenance water sampling will be conducted for three consecutive days during the week following completion of the maintenance activity. Pre- and post-maintenance water samples will be collected during morning hours when bacteria levels are at their highest. Water sample collection is not necessarily required during weekends unless directed otherwise.

In the event the sampling results do not return to pre-construction levels or are significantly higher than standard limits, sampling will continue and the Regional Board within whose jurisdiction of the outlet is located will be consulted to determine appropriate monitoring.

Sediment Samples

Sediment sampling will be limited to pre-maintenance activity sample collection. Sediment sampling shall be conducted for one day during the week prior to the scheduled maintenance activity.

2.2 Sample Locations

Water Samples

Three grab samples will be collected each day that water sampling occurs. Each day where a water sample is collected is known as a water sampling event. One water sample (discharge from the outlet) will be collected within the discharge immediately upstream of the freshwater-saltwater interface. The two remaining water samples will be collected 25 yards up-coast and 25 yards down-coast at the receiving water (ocean) of the freshwater-saltwater interface (outlet discharge). The freshwater-saltwater interface occurs where the freshwater discharge from the outlet meets the saline waters in the ocean. In the case of an impounded outlet where the stream course is redirected because a sand shoal plugs the outlet, the freshwater-saltwater interface is immediately above the wave run up limit of the surf zone.

In the event that a shift in the location of the freshwater-saltwater interface occurs due to maintenance activities, such as stream reestablishment, post-maintenance receiving water sampling locations will also be shifted accordingly. Samples will continue to be collected 25 yards up-coast and 25 yards down-coast of the interface, based on the shift.

Sediment Samples

Three grab samples (continuous core, discrete, and residual) will be collected from each area where sediment removal is proposed during maintenance. Each day where a sediment sample is collected is known as a sediment sampling event. Sampling depth will be selected at random.

2.3 Sample Preparations

An adequate stock of sampling supplies and equipment will be available prior to each sampling event. Monitoring supplies and equipment will be stored in a cool-temperature environment that will not come into contact with rain or direct sunlight to protect the integrity of sample bottles. Sampling supplies include: latex powder-free, surgical gloves, sample collection equipment (bailers, water

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collection scoops, core sampler, etc.), coolers, sample bottles, distilled water, identification labels, Ziploc[®]-type storage bags, paper towels, and Chain of Custody (COC) forms. Sample bottles, identification labels, and the COC forms can be obtained from the laboratory that will be conducting the sample analyses.

Prior to collecting samples, sampling personnel shall attach an identification label to each sample bottle. Self-adhesive labels shall be prepared to prevent sample misidentification. At a minimum, the following information will be recorded on the label with waterproof ink:

- Project name
- Name of sample collector
- Matrix – water or soil
- Sample identification number and location. [Six digit sample collection date]-[Location]. *Example* [061003-Prima Deshecha -- Up-coast].
- Collection date and time
- Analysis parameter *Example* [Total suspended solids (TSS), Turbidity]

2.4 Decontamination Protocols

Sampling equipment will be decontaminated prior to and after sample collection. All sampling equipment will be decontaminated by washing with non-phosphate detergent, rinsing with tap water, and then rinsing twice with distilled water to ensure that contaminants have been thoroughly removed. The equipment will then be air dried in a dust-free environment and wrapped in aluminum foil or a plastic bag for transport to the sampling location. Sample bottles obtained from a laboratory for the analysis will already be sterile and will not require decontamination.

2.5 Sample Collection

Water Samples

Water samples will be collected approximately 0.3-meters (1 foot) below the water surface with a bailer or other clean collection device (i.e. sample scoop), and transferred to appropriate sample bottles. If a water sample cannot be collected at 0.3-meters below the water surface for discharge streams, the water sample should be collected at the mid-point of the flow without disturbing the streambed. For TSS and turbidity analyses, fill the sample bottle completely without rinsing and immediately seal with the cap.

For bacteriological analyses (total coliform, fecal coliform, and enterococcus), fill the sample bottle without rinsing so as to leave approximately 2 to 3 cm of air space in the sample bottle to facilitate mixing by shaking prior to laboratory

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analysis. Water samples should be collected just below the water surface in ankle-deep water to minimize the amount of sand or other suspended particles. Standard Water sampling protocols established in the Standard Methods for Examination of Waters and Wastewater, 20th edition will be observed.

Sediment Samples

Sediment samples shall be collected at randomly selected depths depending upon the location and potential for contaminants. A continuous core, discrete, and residual sample will be collected from each sample area. The discrete and residual samples can be collected with a stainless steel spoon or grain scoop. A sediment dredge, such as an Eckman dredge, may also be used. If conditions are safe, the sampler may wade into the water body to obtain a scooped sample, or the scoop may be attached to an extendible pole for obtaining samples several feet from shore. The sample should be collected in the upstream direction of flow. Care should be taken not to disturb the bed of the stream prior to sample collection. The sample bottle shall be filled completely and immediately sealed with the cap.

Coring devices can be fabricated from a stainless steel, PVC, or teflon pipe or a gravity driven device may be purchased. The corer should be placed in the sediment where the sample is to be collected and rotated as it is pushed in. Rotation should be around its axis, not rocked back and forth. A cap shall be placed on the bottom of the corer upon withdrawal to prevent the sample from sliding out. The core should then be extruded out into the sample jar and immediately sealed with the cap.

3.0 Sample Handling and Preservation

In order to reduce the potential for sample contamination, sample collection personnel will abide by the following measures:

- Where a clean pair of latex surgical gloves prior to the collection and handling of each sample at each location.
- Do not contaminate the inside of the sample bottle by allowing it to come into contact with any material or fluid other than the sample.
- Discard sample bottles or sample lids that have been dropped onto the ground.
- Do not allow falling or dripping rain water to enter sample containers.
- Do not eat, smoke, or drink during sample collection.
- Do not open any sample bottle until it is ready to be filled.

Each sample will be inspected following collection for anomalously large amounts of foreign material that might have been captured or for any other reason to suspect that any

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bottle is not sterile during sample collection. If such a condition is observed, discard the sample bottle, prepare a new sample bottle, and resample.

Although the integrity of the sample during sample collection should not be compromised, it is also noted that wearing adequate protection of the sampler is also just as important. Samplers should wear protective eye wear, clothing, and gloves to ensure sampler safety from any contamination in the water or soil. In the case of high flows, a second sampler should be utilized to maintain a 'buddy-system'.

Following collection, sample bottles for laboratory analytical testing will be sealed in a Ziploc[®]-like plastic storage bag and stored in an ice-chilled cooler at as near to 4 degrees Celsius (39.4 degrees Fahrenheit) as practicable. Blue Ice[®] or its equivalent is the recommended coolant. If ice packs are used they should be placed in bubble-wrap sheaths to prevent sample temperatures from reaching 0 degrees Celsius. A certified thermometer should be kept in the cooler during sample transport and the temperature should be recorded at the time of submittal to the analytical laboratory.

Each sample must be documented on a COC form following sample collection. A COC form is a document used to record important information regarding each sample collected and the transfer of the custody of each sample to the laboratory conducting the analyses. The samples and the COC form must be delivered within 5 hours to a California state-certified laboratory due to limited holding times bacteria for bacteria analysis.

4.0 Testing and Analysis

Tables 1 and 2 summarize the analytical requirements for water and sediment sampling.

5.0 Analysis Results

The results of each sample analysis will be delivered from the laboratory following completion of the analyses. The arithmetic means of the three pre-maintenance outlet discharge samples will be compared to the arithmetic means of the three post-maintenance outlet discharge samples. Likewise, the geometric mean concentration of each bacteriological indicator from up-coast and down-coast pre-maintenance samples will be compared to the respective post-monitoring samples. The results of the sediment samples will be used to determine whether constituents present within the sediment exceed water quality objectives for the receiving water prior to disturbance. Findings will be included in the maintenance reports described below in Section

6.0 Quality Control and Reporting Requirements

All data will be documented on log books, sample identification labels, and COC forms using waterproof ink. All documentation is considered accountable documents. If an error is made on an accountable document, the individual will make corrections by lining through the error once and entering the correct information. The erroneous information will not be obliterated. All corrections will be initialed and dated.

Log Books: Log books will be maintained to document where the samples were collected, depth of collection, date and time of sample collection, sampling procedures, and any other pertinent information on how and where the sample was collected.

Chain-of-Custody Forms: All samples to be analyzed by a laboratory will be accompanied by a COC form provided by the laboratory. Ensure that all of the required information on the COC is fill out completely and that there are no blanks left on the form. Typical COC information includes: sample number; date, time and location of the collected sample; sample type; sample preservation requirements; signatures of samplers involved in the chain of possession; signature of collectors; and date and time of laboratory custody. COC procedures must be strictly adhered to for quality control purposes.

Maintenance Reports: Water and soil sampling activities and sample results will be documented in accordance with the reporting requirements listed in Section 6 of the Ocean Outlet Maintenance Manual for routine and emergency maintenance activities. These reports will be compiled into an annual report used to document compliance with the maintenance manual and this monitoring plan.

An annual report including water quality monitoring data and assessment will be submitted to the regulatory agencies at the end of each calendar year (December 31). The annual WQMP report will be distributed the Corps of Engineers, CA Department of Fish and Game, CA Coastal Commission and the State, San Diego and Santa Ana Water Boards.

Table 1: Water Sampling and Analysis

Sample Location	Parameter	Analytical Method	Minimum Sample Volume	Sample Type	Minimum Analysis Frequency	Sample Preservation	Maximum Holding Time
Outlet Discharge	Total Suspended Solids (TSS)	SM2540(d)	200 mL	Grab	3 days prior and following the scheduled maintenance activity	Store at 4°C	7 days
	Turbidity	SM2130(b)	100 mL	Grab	3 days prior and following the scheduled maintenance activity	Store at 4°C	24 hours
Up- & Down-Coast from Receiving Waters	Total Coliform	SM9222(b)	100 mL	Grab	3 days prior and following the scheduled maintenance activity	Store at 4°C	6 hours
	Fecal Coliform	SM9222(d)	100 mL	Grab	3 days prior and following the scheduled maintenance activity	Store at 4°C	6 hours
	Enterococcus	SM9230(c)	100 mL	Grab	3 days prior and following the scheduled maintenance activity	Store at 4°C	6 hours

Notes:

°C - Degrees Celsius

mL - Milliliters

SM - Standard Method (per *Standard Methods for the Examination of Water and Wastewater*, 20th Edition)

Poly - Polypropylene

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Table 2: Sediment Sampling and Analysis

Sample Type	Parameter	Analytical Method	Units	Sample Unit	Minimum Analysis Frequency
Continuous Core Sampling	Atterberg Limits	--	---	Grab	Once prior to maintenance activity
	Moisture Content	--	%	Grab	Once prior to maintenance activity
	Pesticides	EPA 8081	ug/kg	Grab	Once prior to maintenance activity
	pH	--	pH units	Grab	Once prior to maintenance activity
	Polynuclear Aromatic Compounds	EPA 8310	ug/kg	Grab	Once prior to maintenance activity
Discrete Sampling	Soluble and Total Metals	EPA 6010, 7000	mg/L	Grab	Once prior to maintenance activity
	Total Extractable Petroleum Hydrocarbons (Kerosine and Diesel)	California LUFT 8015	mg/L	Grab	Once prior to maintenance activity
	Total Organic Carbon	---	mg/L	Grab	Once prior to maintenance activity
Residual Sampling	Polychlorinated Biphenyls	EPA 8082	ug/kg	Grab	Once prior to maintenance activity
	Total Mercury	EPA 7471	ug/kg	Grab	Once prior to maintenance activity

Notes:

EPA – Environmental Protection Agency

ug/mg – Micrograms per Milligram

mg/L – Milligrams per Liter

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REFERENCES

Standard Methods for the Examination of Water and Wastewater, 20th Ed. American Public Health Association, American Water Works Association, and Water Environment Federation, Washington D.C. 1998.

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Attachment A

Maintenance Activities at Each Outfall Location

Segundo Deshecha Outlet: General Maintenance consists of re-establishing the outlet channel. Sediment to be removed semi-annually in Fall and Spring. All sediment shall be spread on adjacent beaches above ordinary high water line.

Prima Deshecha Outlet: General Maintenance consists of re-establishing the outlet channel. Sediment to be removed semi-annually in Fall and Spring. All sediment shall be spread on adjacent beaches above ordinary high water line.

Capistrano Beach Outlet #1: General Maintenance consists of re-establishing the outlet channel. Sediment to be removed semi-annually in Fall and Spring. All sediment shall be spread on adjacent beaches above ordinary high water line.

Capistrano Beach Outlet #2: General Maintenance consists of re-establishing the outlet channel. Sediment to be removed semi-annually in Fall and Spring. All sediment shall be spread on adjacent beaches above ordinary high water line.

North Doheny Creek Outlet: General maintenance consists of installing a berm across the ditch above the ordinary high water line in the spring and removing the berm in the fall. The sand used for the berm shall be spread on adjacent beaches above ordinary high water line. All sediment shall be spread on adjacent beaches above ordinary high water line.

Salt Creek Outlet: General maintenance consists of retrieving riprap washed out onto the beach and placing the rock back to the end of the concrete apron. All sediment shall be spread on adjacent beaches above ordinary high water line.

Santa Ana River Outlet: General maintenance consists of re-establishing the outlet channel. Sediment shall be removed periodically to ensure tidal flow and flood control capacity. All sediment shall be spread on adjacent beaches above ordinary high water line.

Talbert Channel Outlet: General Maintenance consists of re-establishing the outlet channel. Sand shoals blocking tidal flow shall be removed within seven days. Sediment to be removed semi-annually in Fall and Spring. All sediment shall be spread on adjacent beaches above ordinary high water line.

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environmental planning
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Mr. Christopher G. Kubasek, Chief
Orange County Resources and
Development Management Department
300 North Flower Street
Santa Ana, CA 92703

Re Grunion Protection Plan for Necessary Outlet Maintenance During the Grunion Spawning Season of March through September

Dear Mr. Kubasek:

In consultation with Dr. Karen Martin of Pepperdine University, I have developed a plan to protect grunion when necessary maintenance activities must be performed at the ocean outlets of creeks and drains during the grunion spawning season of March through September. The following is an outline of the grunion protection plan:

- At the beginning of the spawning season, trained personnel will assess the potential of the beach to support grunion spawning at each outlet. Monitoring will be required only at sites that have been identified as areas that support grunion spawning.
- If maintenance needs to be performed during the spawning season at an outlet that may support spawning, the predicted grunion run prior to (or during) the maintenance work will be monitored. The predicted grunion run will be monitored for three nights: the night after the full or new moon phase and the 2 following nights. The monitoring would occur from the time of the high tide for two hours following the tide or until the grunion stop running if they are still running two hours after the high tide.
- If grunion are observed to run in the vicinity of an outlet, the area where they ran will be marked physically and/or by Global Positioning System locations. The density of the grunions throughout the area will be noted.
- Maintenance workers will avoid the spawning area, if possible.
- If spawning occurred over the entire maintenance area, work will be rescheduled until the area is clear of eggs. This may occur during the window in between two grunion runs, i.e., the two or three days before every full or new moon or when it has been otherwise determined that the eggs from the run have washed out to hatch.

By following these procedures, maintenance activities can be performed without significant impact on grunion.

Sincerely,

CHAMBERS GROUP, INC.

Noel Davis, Ph.D.
Marine Biologist

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