

**CALIFORNIA COASTAL COMMISSION**

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Staff: Charles Posner - LB  
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Hearing Date: September 7, 2011  
Commission Action:

**W20a****STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NUMBER:** 5-09-071-A1

**APPLICANT:** City of Long Beach      **AGENT:** Eric Lopez

**PROJECT LOCATION:** Colorado Lagoon (5119 E. Colorado Street), City of Long Beach, Los Angeles County.

**LOCAL APPROVAL:** Long Beach City Council Resolution No. RES-10-0139, 11/16/2010.

**DESCRIPTION OF PROJECT ORIGINALLY APPROVED ON AUGUST 14, 2009:**

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

**DESCRIPTION OF AMENDMENT REQUEST:**

Increase the amount of the dredging for the Colorado Lagoon Restoration Project, from 32,500 cubic yards to 72,000 cubic yards.

**SUMMARY OF STAFF RECOMMENDATION**

The proposed project is located within the Commission's area of original jurisdiction on submerged lands and filled tidelands. The additional dredging is federally mandated by the water and sediment quality provisions of the Clean Water Act - the contaminated sediment must be removed from the bottom of the lagoon. Once it is dredged, the sediment will be dewatered, comprehensively treated with cement, lime and/or chemical reagents, and then trucked to an approved confined landfill at the Port of Long Beach. Staff is recommending that the Commission **APPROVE** the permit amendment because the increase in the amount of dredging will not result in any additional significant impacts beyond those impacts that have already been anticipated and mitigated by the conditions of the previous approval. The special conditions already imposed by the underlying coastal development permit (Coastal Development Permit 5-09-071) are adequate to protect coastal resources. The conditions require mitigation of the project's impacts to eelgrass beds, the completion of a pre-construction survey for toxic algae (*Caulerpa*), and compliance with the requirements of the resource agencies. **See Page Two for the motion to approve the permit amendment.**

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Long Beach certified Local Coastal Program (LCP), 7/22/1980.
2. Final Environmental Impact Report Addendum for the Colorado Lagoon Restoration Project, Long Beach, CA. September 2010 (SCH No. 2007111034).
3. California Regional Water Quality Control Board, Certification for Colorado Lagoon Restoration Project, Long Beach (File No. 09-024).
4. U.S. Army Corps of Engineers, Project File No. 2009-00305-KW.
5. Coastal Development Permit 5-09-071 (City of Long Beach, Colorado Lagoon Rest.).
6. Coastal Development Permit 5-08-356 (City of Long Beach, Beach Nourishment).

**STAFF NOTE:** Pursuant to Section 30519 of the Coastal Act, development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The Commission's area of original jurisdiction includes tidelands, submerged lands, and public trust lands, whether filled or unfilled. The proposed project is situated on submerged lands and on filled tidelands within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development in its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

**MOTION:** *"I move that the Commission approve with special conditions the proposed amendment to Coastal Development Permit 5-09-071 per the staff recommendation."*

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

**I. Resolution to Approve a Permit Amendment**

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

## II. **Special Conditions of Permit 5-09-071 as Amended**

Note: Permit Amendment 5-09-071-A1 is subject to the following Special Conditions of Coastal Development Permit 5-09-071:

### 1. **Protection of Marine Resources**

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

- A. During dredging, clams and other native mollusks shall be relocated to another part of the lagoon when possible.
- B. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Colorado Lagoon or Alamitos Bay.
- C. Floating booms shall be maintained around the coffer dams and pier construction in order to capture floating debris during all demolition and construction phases.
- D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- E. If turbid conditions are generated during dredging and construction, silt curtains shall be utilized to control turbidity.
- F. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Colorado Lagoon or Alamitos Bay. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.
- G. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.
- H. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Colorado Lagoon or Alamitos Bay. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.

- I. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- J. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- K. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
- L. In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.
- M. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

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

2. Eelgrass Survey and Mitigation Plan

- A. Pre Construction Eelgrass Survey. Prior to commencement of any disturbance of the lagoon intertidal or subtidal areas authorized under this coastal development permit, a valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of dredging and pier construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The permittee shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any disturbance of the lagoon intertidal or subtidal areas.
- B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in Section A of this condition above, within one month after the conclusion of construction, the permittee shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine

Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The permittee shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the permittee shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location in Alamitos Bay, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

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

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any disturbance of the lagoon intertidal or subtidal areas authorized under this coastal development permit, the permittee shall undertake a survey of the project area and a buffer area at least ten meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.
- C. Within five (5) business days of completion of the survey, the permittee shall submit the survey for the review and approval of the Executive Director; and to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).
- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the permittee shall not proceed with the project until 1) the permittee provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the permittee has revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Timber Treatment

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

5. Dredge Spoils

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

6. Landscaping Plan

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

- A. Prior to the removal of non-native vegetation, a qualified biologist shall survey the project site and identify with flags all areas of existing native vegetation. The permittee shall ensure that the areas of existing native vegetation, except for those areas where re-contouring or public access improvements are permitted, are protected from disturbance during the implementation of the approved project, and that adequate water is provided to keep the plants healthy. Native vegetation that is removed from the areas where disturbance is permitted shall be transplanted elsewhere within the project area.
- B. Prior to weed abatement and removal of any plant material, a qualified biologist or ornithologist shall survey the project site to detect bird nests and submit a survey report to the permittee and the Executive Director of the Coastal Commission. The survey report shall include identification of all known nests. The permittee shall maintain a database of survey reports that includes a record of nests that is available as public information and to be used for future vegetation removal decisions. No bird nests shall be disturbed. Weed abatement and removal of any plant material may not proceed within 300 feet (500 feet for raptors) of a nest where evidence of courtship or nesting behavior is observed. In the event that any birds continue to occupy nests during the non-nesting season, work shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet (500 feet for raptors) of any nest.
- C. Erosion Control. Prior to removing the non-native plants and preparation of the soil, the permittee shall install silt curtains along the entire length of the water's edge to prevent siltation of the lagoon. Jute matting (with no plastic netting) shall be placed on all slopes immediately following the removal of the existing plant cover. In addition, the permittee shall implement the following temporary erosion control measures during the restoration project: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, and additional silt fencing as needed
- D. All vegetation planted on the site will consist of native plants typically found on the banks of Alamitos Bay and the Los Cerritos Wetlands. As much as possible,

the seeds and cuttings employed shall be from local sources adjacent to Alamitos Bay and the Los Cerritos Wetlands.

- E. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.
- F. Re-vegetation shall commence as soon as possible following removal of the existing vegetation and preparation of the soil. The existing native vegetation and all required plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. Re-vegetation activities may continue during the least tern nesting season.
- G. Planting shall maintain views of the water from the public areas.
- H. Monitoring. The permittee shall actively monitor the site, remove non-natives and reinstall plants that have failed for at least five years following the initial planting. The permittee will monitor and inspect the site no less than once each thirty days during the first year that follows the initial planting. Thereafter, the permittee will monitor the site at least once every ninety days or on the City's regular landscape maintenance schedule, whichever is more frequent.

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

7. Tree trimming and Maintenance of Colorado Lagoon Park

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

- A. Tree trimming and non-native tree removal shall take place only outside of bird breeding and nesting season, which is January 1 through September 30.
- B. The trimming or removal of any tree that has been used for breeding and nesting within the past five years is prohibited. Prior to tree trimming or removal of any tree, a qualified biologist or ornithologist shall survey the trees to be

trimmed or removed to detect nests and submit a survey report to the permittee, a representative of the Audubon Society, and the Executive Director of the Coastal Commission. The survey report shall include identification of all trees with nests. The permittee shall maintain a database of survey reports that includes a record of nesting trees that is available as public information and to be used for future tree trimming and removal decisions.

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

8. Conformance with the Requirements of the Resource Agencies

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

### **III. Findings and Declarations**

The Commission hereby finds and declares:

#### **A. Amendment Description**

Colorado Lagoon, which was historically part of the Los Cerritos Wetlands, is a 17.7-acre tidal lagoon that is connected to Alamitos Bay (Marine Stadium) through a 933-foot long underground tidal culvert (Exhibit #2). The lagoon is listed as an impaired water body pursuant to the Clean Water Act as a result of 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. Bacterial contamination of the lagoon water is also a continuing problem that has adversely affected recreational activities.

On August 14, 2009, the Commission approved Coastal Development Permit 5-09-071 for Phase One of a major habitat restoration project at Colorado Lagoon. Coastal Development Permit 5-09-071 approved: 1) dredging and removal of 32,500 cubic yards of sediment, 2) re-contouring the lagoon banks, 3) diversion of low-flows from storm drains into the sanitary sewer, 4) installation of trash collection devices in three major storm drains, 5) creation of two vegetated bioswales between the water and the adjacent golf course, 6) clearing of the tidal culvert connecting the lagoon to Alamitos Bay, 7) demolition of the northern paved parking lot, access road and restroom, 8) re-vegetating the former parking area and lagoon banks with native plants, 9) construction of public access trails, and 10) construction of a 135-foot long observation pier with thirty piles (to replace the existing pier).

The City vested the coastal development permit in November 2009 when it constructed a vegetated bioswale near the western arm of the lagoon. In November 2010, the City constructed the low-flows diversion system and cleared the tidal culvert that connects the lagoon to Alamitos Bay. Phase Two, a future phase that is not part of the approved permit or this permit amendment, involves the potential construction of an open channel through Marina Vista Park to replace the underground culvert that now connects the lagoon to Alamitos Bay.

This permit amendment is necessary to permit an increase in the amount of the dredging for the Colorado Lagoon Restoration Project to 72,000 cubic yards. In order to meet water and sediment quality standards set by the State Water Resources Control Board pursuant to the requirements of the Clean Water Act, the City must remove about 40,000 more cubic yards of contaminated sediment from the lagoon than it had previously planned to remove. The dredging plan is being revised to a deeper depth, with significantly more sediment being removed from the north arm of the lagoon (Exhibit #4). Approximately 29,000 cubic yards needs to be dredged from the western arm (instead of 22,500 cubic yards), 9,000 cubic yards needs to be dredged from the central lagoon (instead of 6,500 cubic yards), and 34,000 cubic yards needs to be dredged from the north arm (instead of 3,500 cubic yards). All of the proposed dredging will be done mechanically (i.e., wet dredged) with land-based and barge-based excavators. Silt curtains will be utilized to minimize turbidity. The lagoon will not be dewatered during excavation, as was previously proposed.

The contaminated sediment dredged from the lagoon will be dewatered, comprehensively treated with cement, lime and/or chemical reagents, and then trucked to the Port of Long Beach for disposal at an approved confined landfill (Port of Long Beach Middle Harbor CDF). Project staging, stockpiling and dewatering will occur in the parking lot located near the north shore of the lagoon (Exhibit #4, p.1).

The City intends to commence dredging operations in October 2011. Dredging and re-contouring of the lagoon banks is expected to be completed by August 2012, when the sandy lagoon beach would be re-opened for public recreation. The re-vegetation of the former parking area and lagoon banks, and construction of the public access trails and the new pier, is expected to begin in 2013.

The Colorado Lagoon Restoration Project was developed with input from multiple stakeholders, including the California Coastal Conservancy, the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, U.S. Army Corps of Engineers, National Marine Fisheries Service, Regional and State Water Resources Control Boards, and the Friends of Colorado Lagoon (FOCL). The proposed project will remove contaminated sediments, improve water quality, restore and enhance native habitat, prevent recontamination and sedimentation, and enhance public recreational opportunities. The project is partially funded by a \$3.2 million grant distributed by the State Water Board as part of the American Recovery and Reinvestment Act (Federal Stimulus Bill).

## **B. Marine Resources**

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located in coastal waters that are part of Alamitos Bay. The standard of review for development proposed in coastal waters is the Chapter 3 policies of the Coastal Act, including the following marine resource policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, coastal water quality, and marine resources. Section 30233 of the Coastal Act regulates the filling and dredging of open coastal waters, wetlands and estuaries.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground

water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

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

6) Restoration purposes.

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

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

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

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

Colorado Lagoon is a 17.7-acre body of tidal water that serves as the natural low-point in the local watershed area of approximately 1,172 acres. The lagoon serves three main functions: hosting estuarine habitat, providing public recreation (including swimming), and retaining and conveying storm water drainage (it is the natural low-point in the local watershed area of approximately 1,172 acres). The lagoon is surrounded by 18.5 acres of public parkland managed by the City of Long Beach (Exhibit #3). The lagoon's condition has deteriorated over time due to untreated inflows from eleven storm drains, dry weather runoff, and inadequate tidal flushing due to the reduced capacity of the underground culvert that connects the lagoon to Alamitos Bay. These conditions have led to the lagoon being listed as an impaired water body by the Clean Water Act because of toxic contaminants and elevated bacteria levels.

The approved Colorado Lagoon Restoration Project includes several improvements that will restore and enhance water quality, biological productivity, public recreation and marine resources in Colorado Lagoon, including: 1) the removal of contaminated sediments and deepening of the lagoon by dredging, 2) clearing of the tidal culvert that connects the lagoon to the bay, 3) removal of paved vehicular areas from the north shore, and 4) installation of low-flow diversions and trash separation devices in the storm drains. The Commission, on August 14, 2009, found that the proposed restoration project (including the dredging) will result in significant improvement of the water quality, biological productivity and public recreation in Colorado Lagoon consistent with the requirements of the marine resource policies of the Coastal Act. In a letter dated September 22, 2009, the National Marine Fisheries Service concluded that the impacts of the restoration project would be temporary and the project would have long-term benefits to Essential Fish Habitat.

Section 30233 of the Coastal Act is relevant as this permit amendment will increase the amount of dredging associated with the approved restoration project. This permit amendment changes only the amount of dredging associated with the project: an increase from 32,500 cubic yards to 72,000 cubic yards of sediment being removed. The dredging will be done without dewatering the lagoon, and silt curtains will be utilized to minimize turbidity. Most of the material to be removed is contaminated and will be disposed of off-site at a confined landfill at the Port of Long Beach. Sediment that is confirmed to be clean will be re-used on-site to the maximum extent possible.

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

Restoration is one of the allowable reasons for which Section 30233(a)(6) of the Coastal Act permits dredging. The proposed dredging is for restoration purposes.

The proposed increase in the amount of dredging will not result in any additional significant impacts beyond the impacts that have already been anticipated and mitigated by the conditions of the underlying permit which approves 32,500 cubic yards of dredging. The additional dredging will result in generally deeper water depths (down to 18 feet), but it will not significantly alter the previously approved ratio between intertidal, shallow subtidal and deep subtidal habitat areas (after the approved re-contouring of the lagoon's banks). Re-contouring of sections of the lagoon's banks will provide a stable and gradual slope between the beach and the deepened parts of the lagoon, while maximizing the amount of intertidal and subtidal habitat areas. As previously approved by the underlying permit, the removal of the sediment, along with the re-contouring of parts of the lagoon banks, will significantly increase the amount of deep subtidal habitat (more than fifteen feet below Mean Sea Level) from 0.6 acres to 1.9 acres. Shallow subtidal habitat area (four to seven feet below Mean Sea Level) will be increased from 1.2 acres to 2.3 acres. Moderate subtidal habitat area (seven to fifteen feet below Mean Sea Level) will be reduced from 6.7 acres to 5.1 acres.

Section 30233 of the Coastal Act only allows the proposed dredging if feasible mitigation measures have been provided to minimize adverse environmental effects. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, coastal water quality, and marine resources. Specific mitigation measures must be implemented in order to ensure that water quality, biological productivity and marine resources are protected as required by Sections 30230, 30231 and 30233 of the Coastal Act. The proposed dredging will involve temporary impacts that must be mitigated.

The special conditions already imposed by the underlying coastal development permit (Coastal Development Permit 5-09-071) are adequate to protect coastal resources during the proposed (revised) dredging of the lagoon. The conditions require mitigation of the project's impacts to eelgrass beds, the completion of a pre-construction survey for toxic algae (*Caulerpa*), and compliance with the requirements of the resource agencies. Approval of the permit amendment is subject to the same special conditions as the underlying permit.

Special Condition One requires the permittee to implement the following specific project staging and construction best management practices in order to minimize potential adverse environmental impacts:

- During dredging, clams and other native mollusks shall be relocated to another part of the lagoon when possible.
- Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Colorado Lagoon or Alamitos Bay.
- Floating booms shall be maintained around the coffer dams and pier construction in order to capture floating debris during all demolition and construction phases.

- Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.
- If turbid conditions are generated during dredging and construction, silt curtains shall be utilized to control turbidity.
- The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Colorado Lagoon or Alamitos Bay. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.
- Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.
- Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Colorado Lagoon or Alamitos Bay. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- All floatable debris and trash generated by construction activities within the project area shall be disposed of at the end of each day, or as soon as possible.
- All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
- In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.

Special Condition Two requires mitigation for the revised project's impacts to eelgrass. The proposed dredging will adversely impact eelgrass beds that exist in Colorado Lagoon, although the revised dredging plan will not result in any additional significant impacts beyond the impacts that were identified as part of the previously approved dredging project. There is not a recent eelgrass survey for the lagoon, but eelgrass has been observed in the lagoon during reconnaissance dives in 2004 and earlier. The condition requires the City to survey the project site prior to dredging to determine the extent of the eelgrass (*Zostera marina*) beds that exist

within the lagoon. After the dredging and re-contouring of the lagoon is completed, the City will mitigate the loss of any eelgrass that occurs by replacing eelgrass in the lagoon at a minimum 1.2:1 ratio in compliance with the National Marine Fisheries Service's Southern California Eelgrass Mitigation Policy and Special Condition Two of this permit amendment. Special Condition Three requires a survey to determine if the invasive alga *Caulerpa taxifolia* is present in the area and, if found on-site, the condition requires the city to take proper measures to prevent proliferation of this invasive alga. Only as conditioned is the proposed (revised) project and permit amendment consistent with the marine resource policies of the Coastal Act.

Alamitos Bay and Colorado Lagoon are potential foraging areas for the endangered California brown Pelican (*Pelicanus occidentalis*) and the endangered California least tern (*Sterna antillarum brownie*). To minimize adverse impacts to least terns, permits are sometimes conditioned to schedule work outside of the least tern nesting season that commences March 15 and ends September 1. In this case, however, these species are not expected to be impacted by the proposed project because the lagoon is a poor quality foraging site and higher quality foraging areas are available nearby in Alamitos Bay. No least tern nesting is known to occur at Colorado Lagoon. Therefore, the proposed project can proceed during the nesting season without adversely affecting the least terns or brown pelicans, and the project will improve the least tern habitat in the long run.

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

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

Section 30233 of the Coastal Act allows dredging and filling of coastal waters (or wetlands) only where feasible mitigation measures have been provided to minimize adverse

environmental effects and where there is no feasible less environmentally damaging alternative. In this case, there is no feasible less environmentally damaging alternative because the proposed project will restore and enhance marine resources without causing any significant adverse impacts. The proposed project will not result in conversion of open water area or wetlands to upland. The proposed project will not reduce the amount of marine habitat area. A primary mitigation provided by the proposed project is the restored coastal salt marsh and mudflat habitat that will be provided around the banks of the lagoon as a result of the proposed re-contouring and landscaping. The special conditions are adequate to protect coastal resources during the dredging of the lagoon. The conditions require mitigation of the project's impacts to eelgrass beds, the completion of a pre-construction survey for toxic algae (*Caulerpa*), and compliance with the requirements of the resource agencies. The proposed project will result in significant improvements to marine resources and water quality in Alamitos Bay. Therefore, the Commission finds that the proposed project and permit amendment, as conditioned, is consistent with Sections 30230, 30231 and 30233 of the Coastal Act.

### **C. Public Access and Recreation**

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project must conform with the following Coastal Act policies which protect and encourage public access and recreational use of coastal areas.

Section 30210 of the Coastal Act states:

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

Section 30213 of the Coastal Act states:

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

Section 30221 of the Coastal Act states:

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

Colorado Lagoon is surrounded by 18.5 acres of public parkland managed by the City of Long Beach (Exhibit #3). Existing improvements in Colorado Lagoon Park consist of restroom facilities, a lifeguard station, the Wetland and Marine Science Education Center, a preschool and model boat shop building, playground equipment, picnic tables, a parking lot north of the lagoon, and a metered parking lot parallel to Appian Way. The central lagoon, although polluted, provides a popular beach and water play area.

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

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

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

#### **D. Local Coastal Program**

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

The Commission's standard of review for the proposed development in its area of original jurisdiction is the Chapter 3 policies of the Coastal Act. The City of Long Beach certified LCP is advisory in nature and may provide guidance. The City of Long Beach LCP was certified by the Commission on July 22, 1980.

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

A. General Policy

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

B. Guidelines

1. Management Responsibility

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

2. Water Quality

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

3. Public Access

- a. When recreational use conflicts with maintenance of the clam population, controls must exist in favor of the latter.
- b. Public health and safety must be assured during major maintenance activities and periods of poor water quality or exposed sediments.
- c. Provide directive signs and other amenities to encourage maximum use of the north beach and parking lot.
- d. Health Department should monitor clams to preclude human ingestion of toxic metals.
- e. A children's play module should be provided on the south shore.

4. Maintenance

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

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

**E. California Environmental Quality Act (CEQA)**

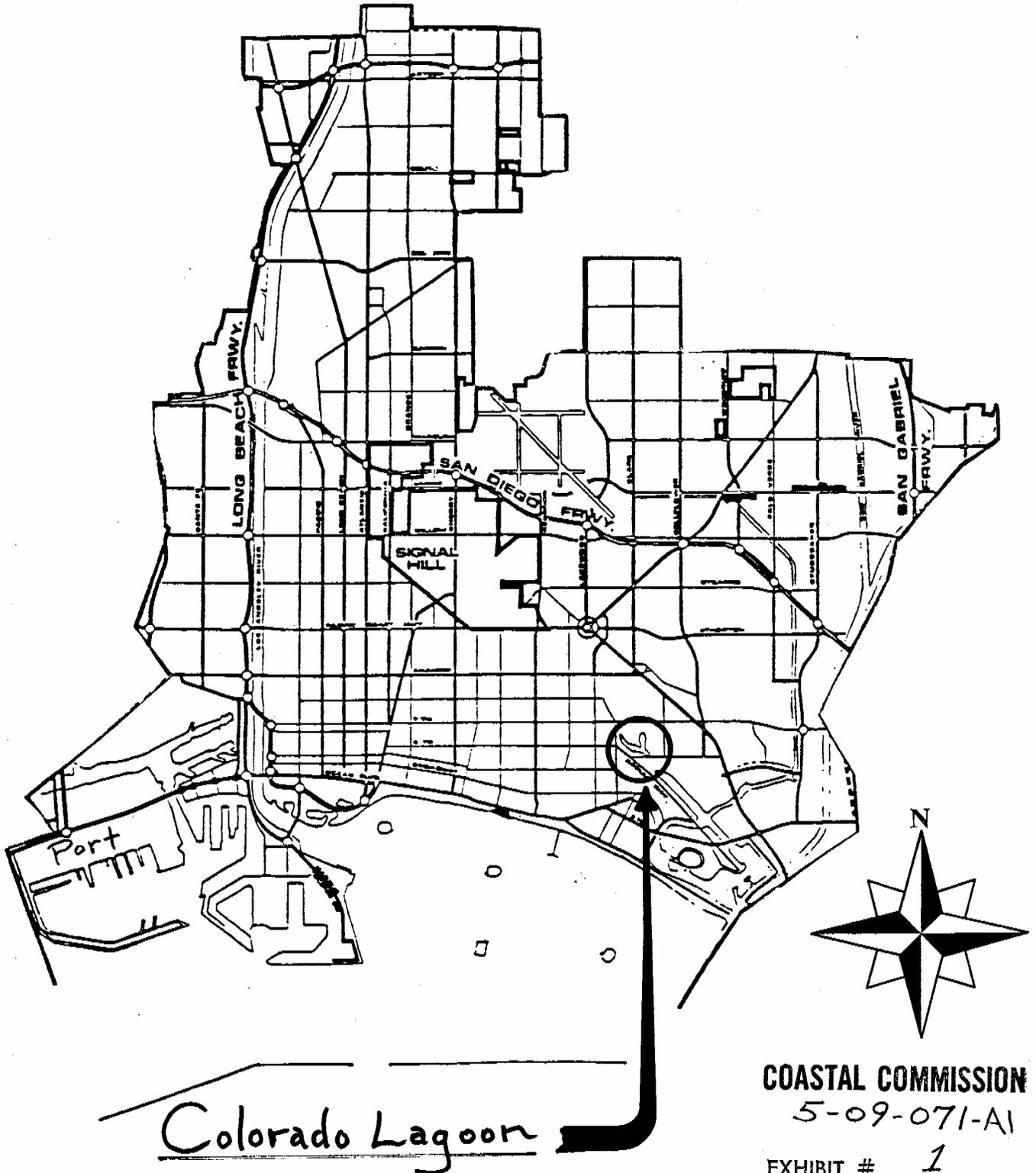
Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental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

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

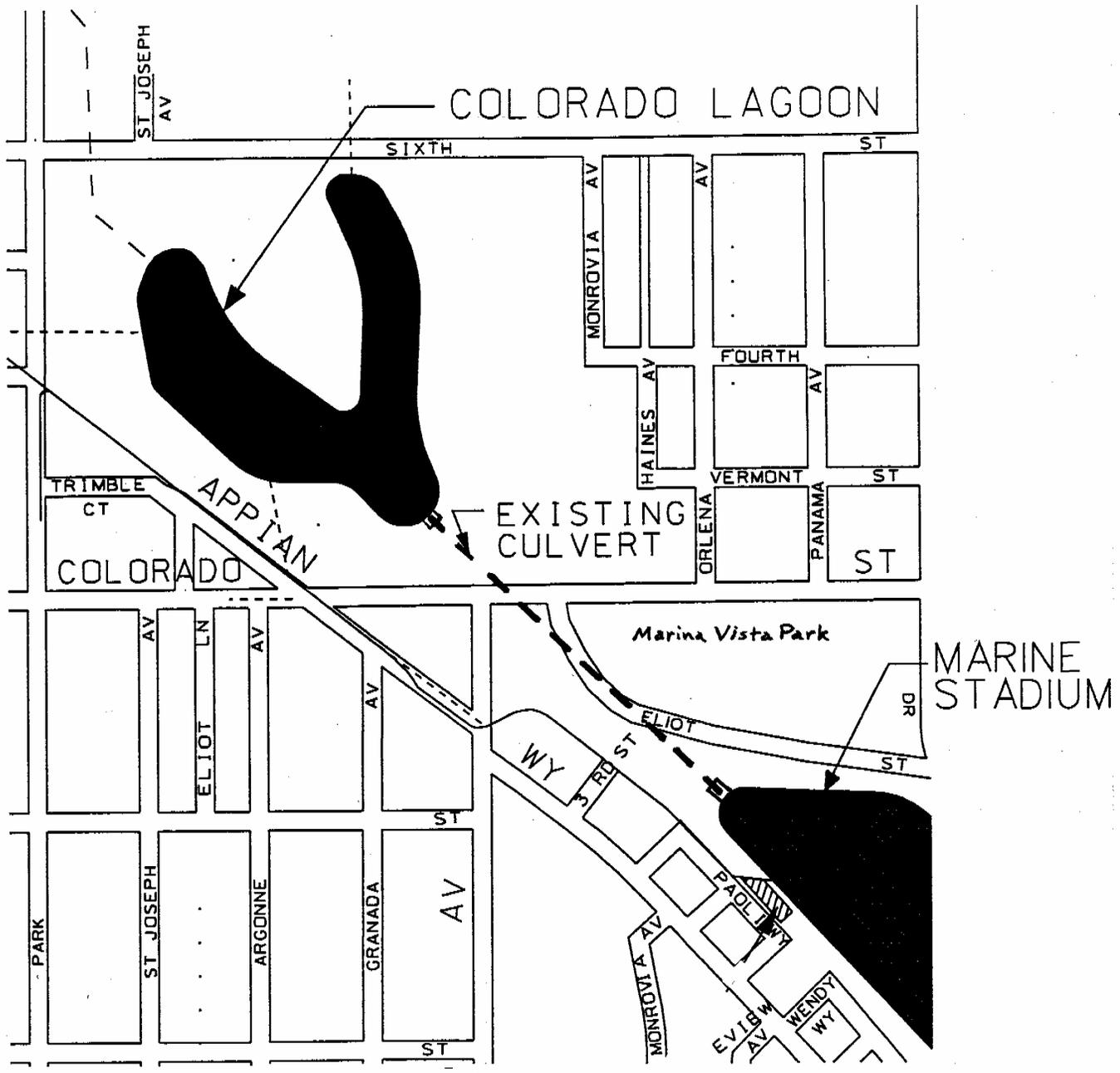
On November 16, 2010, the Long Beach City Council certified an addendum to the EIR for the revised Colorado Lagoon Restoration Project, which includes the increase in the amount of dredging (to 72,000 cubic yards) associated with the project. The City Council found that the revised project will not result in any additional significant impacts, nor would it increase the severity of the previously anticipated impacts.

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

# City of Long Beach



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COASTAL COMMISSION

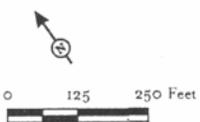
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EXHIBIT # 2

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LSA



- |                            |   |
|----------------------------|---|
| Project Boundary           | Existing Sidewalk   |
| Swimming Area              | Proposed Bioswale   |
| Sand Nourishment Area      | Proposed Viewing Platform                                       |
| Trail (Decomposed Granite) | Access Road and Parking Lot to be removed with proposed project |

SOURCE: Air Photo USA (2008), Moffat & Nichol (2007), Thomas Bros. (2007).  
 I:\CLB0803\GIS\PropRecreation\_Fig6.mxd (1/29/2009)

# Colorado Lagoon Plan

(Approved August 14, 2009)  
 5-09-071

COASTAL COMMISSION

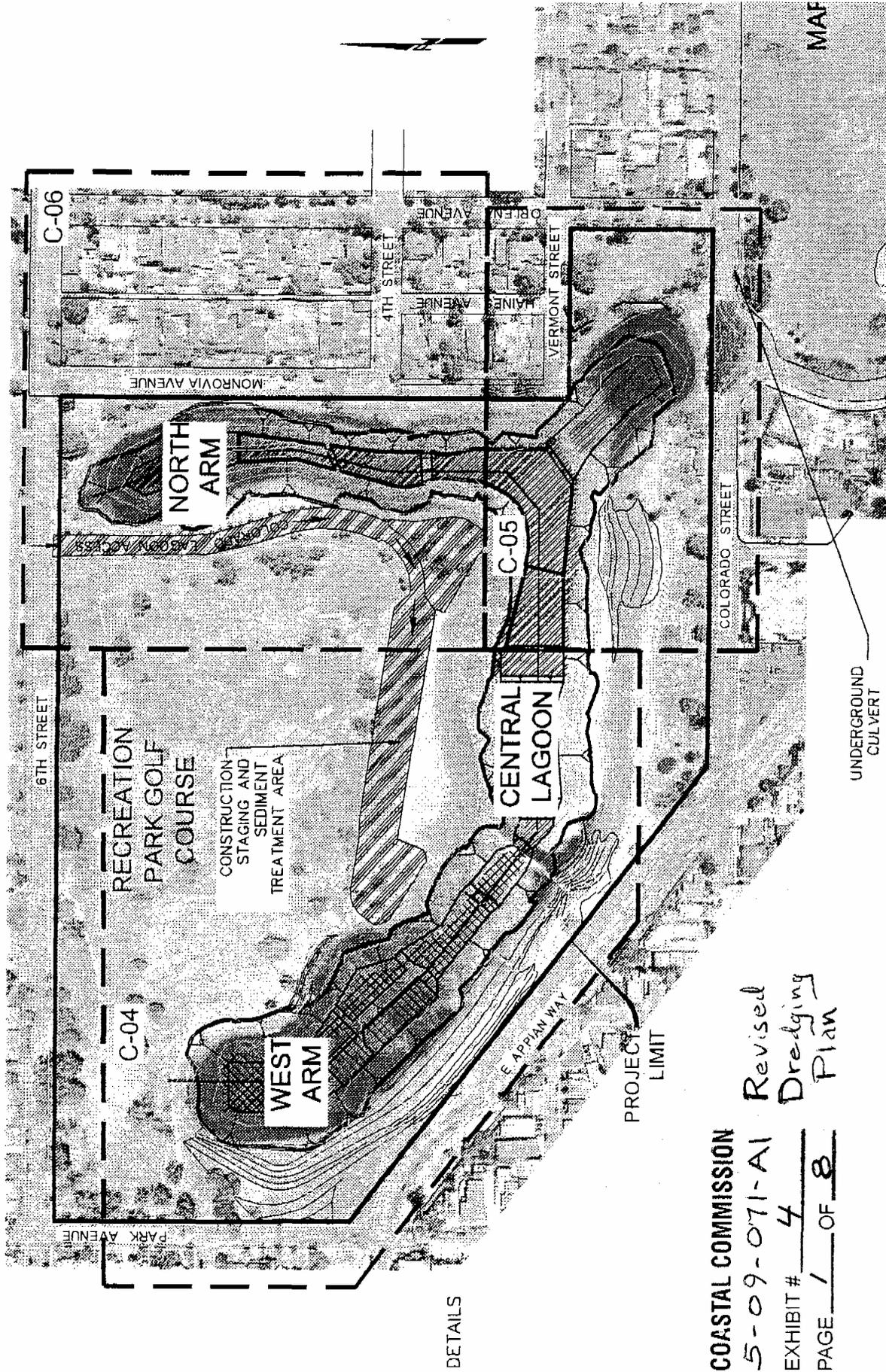
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EXHIBIT # 3

PAGE 1 OF 1

# COLORADO LAGOON IMPROVEMENTS

## CITY OF LONG BEACH



DETAILS

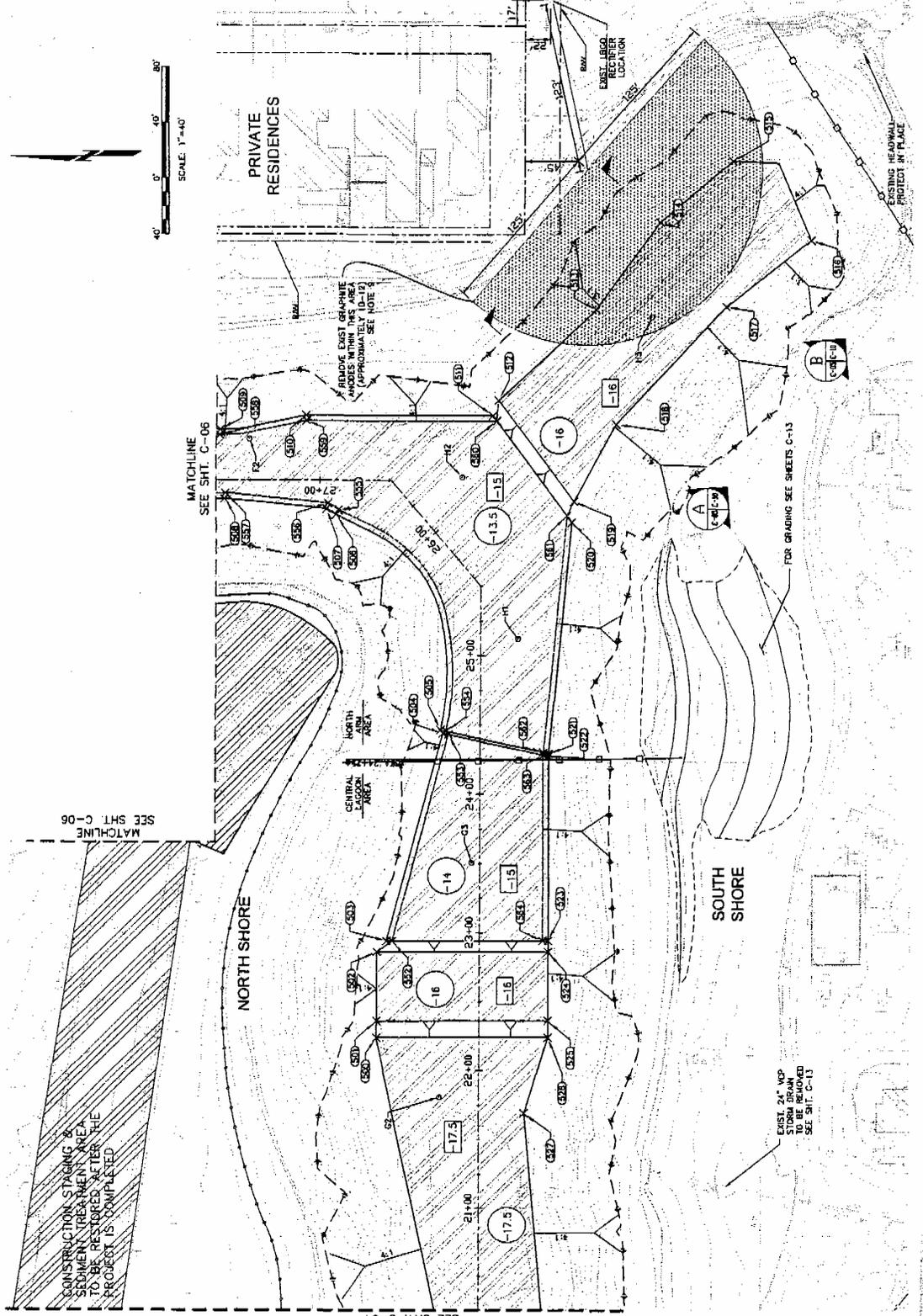
COASTAL COMMISSION  
 5-09-071-A1 Revised  
 EXHIBIT # 4 Dredging  
 PAGE 1 OF 8 Plan

MAF



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509	1738211.52	8521444.69
510	1738150.15	8521495.24
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BID. NO.	NORTHING	EASTING
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537	1738211.52	8521444.69
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552	1738075.08	8521082.28
553	1738075.08	8521059.28
554	1738075.08	8521047.28
555	1738091.98	8520992.36



- LEGEND**
- X- BID ADDITIVE 1 DREDGE DEPTH (FT)
  - X- BID ADDITIVE 2 DREDGE DEPTH (FT)
  - BID ADDITIVE 1 DREDGE TIDE LIMIT
  - BID ADDITIVE 2 DREDGE TIDE LIMIT
  - ▨ DREDGE BID ADDITIVES 1 & 2 WITHIN DREDGE
  - ▨ CONSTRUCTION STAGING AND SEDIMENT TREATMENT AREA
  - ▨ POTENTIAL LOCATION OF REMAINING ANDES
  - XX SEDIMENT SAMPLE LOCATIONS

- NOTES**
1. CONTROL POINTS REFER TO THE TIDE OF DREDGE ALIGNMENT
  2. DREDGE DRAUGHT SLOPES ARE ASSUMED TO BE NOTED (FOR PAY QUANTITY CALCULATION PURPOSES)
  3. DREDGE TIDE TRANSITION SLOPES VARY, NOT TO
  4. BATHYMETRY SURVEY WAS CONDUCTED ON 07/04
  5. SILENT CURBING SHALL BE INSTALLED AT CENTERLINE (APPROXIMATELY 10-15) SEE NOTE 9. ALSO BE INSTALLED TO KEEP ANY SEDIMENT FROM ENTERING THE CULVERT LOCATED AT THE INLET END OF THE CULVERT AT CENTERLINE STA. 24+25 FOR E ALIGNMENT.

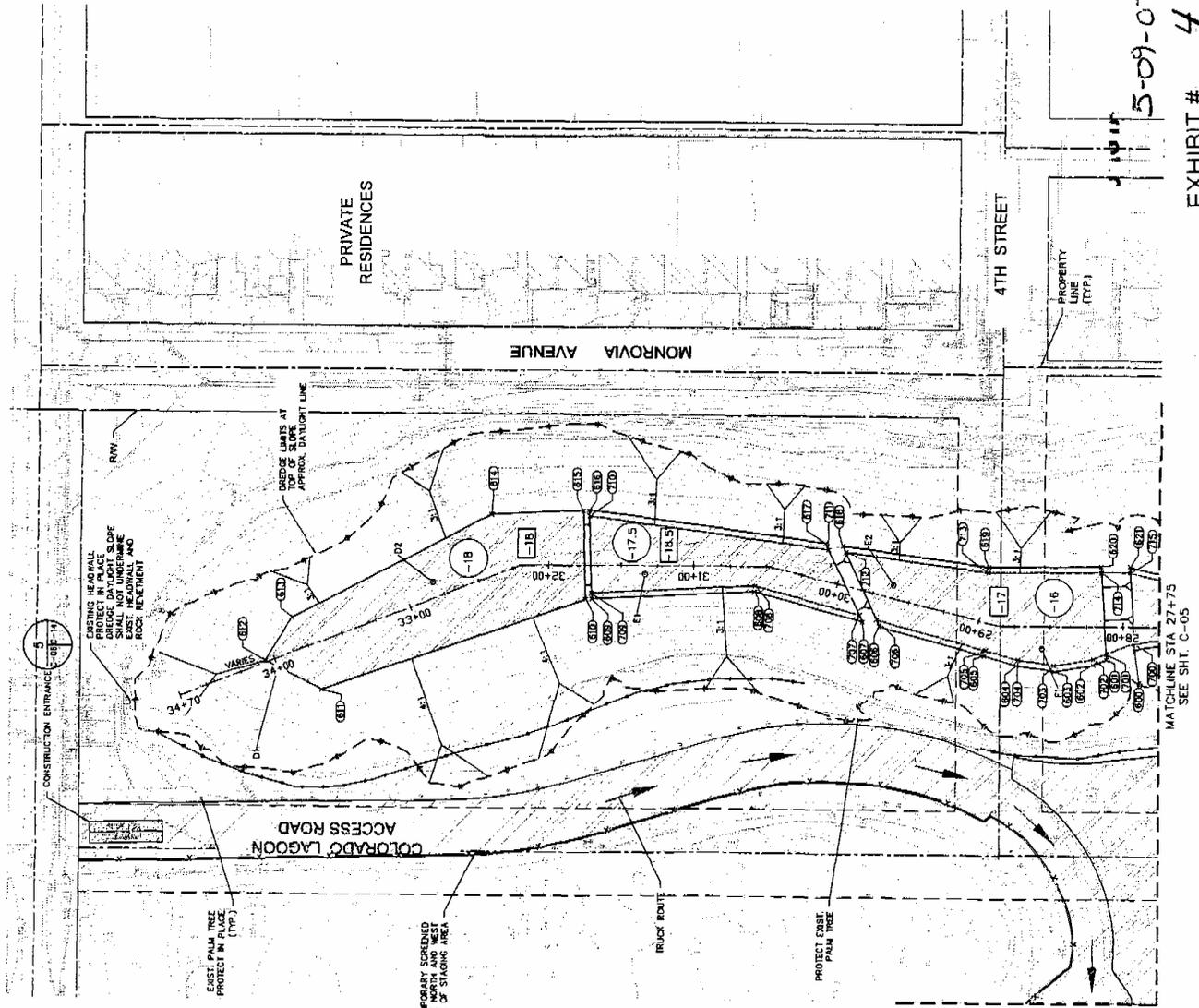
**COASTAL COMMISSION**  
 5-09-071-A1  
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Central Lagoon

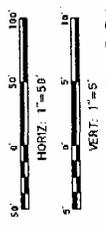
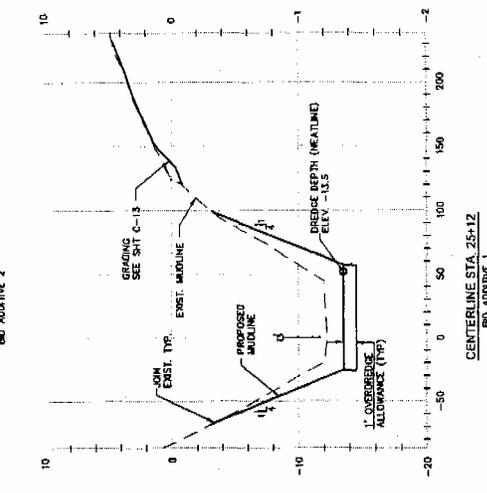
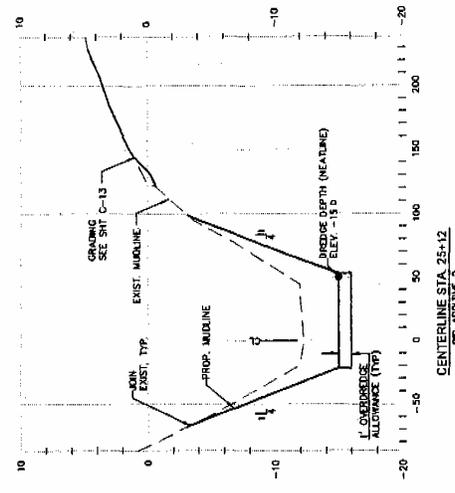
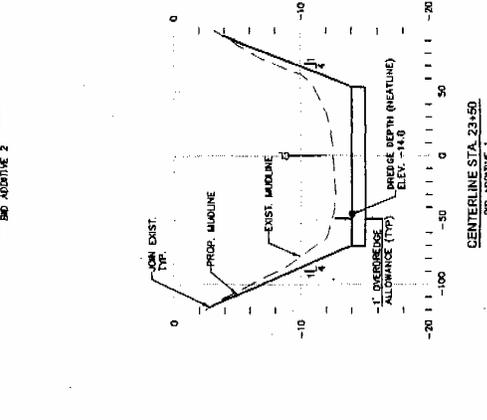
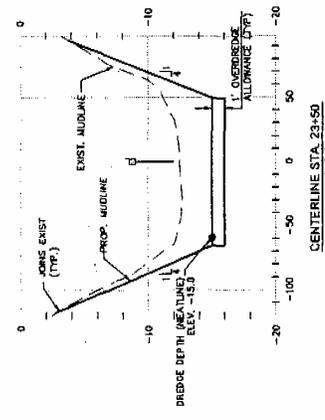
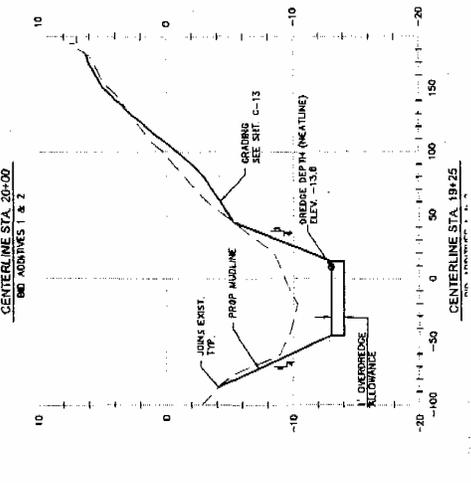
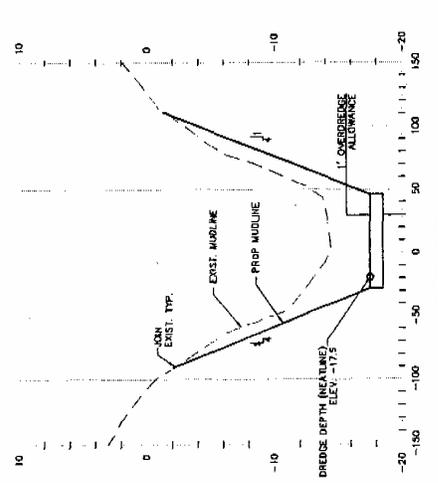
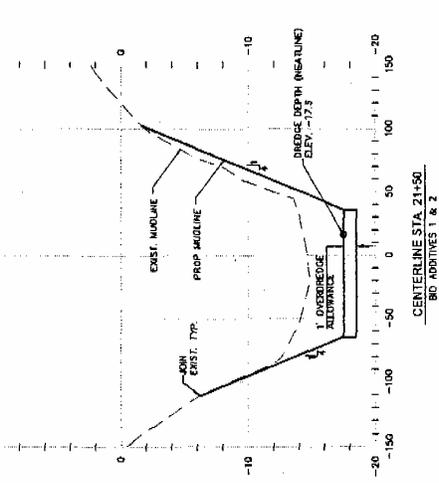
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621	1739235.09	621	1739235.09

- LEGEND**
- ① BID ADDITIVE 1 DREDGE DEPTH (FT)
  - ② BID ADDITIVE 2 DREDGE DEPTH (FT)
  - BID ADDITIVE 1 DREDGE TOE LIMIT
  - BID ADDITIVE 2 DREDGE TOE LIMIT
  - DREDGE BID ADDITIVES 1 & 2 WITHIN DREDGE TOE LIMITS
  - CONSTRUCTION STAGING AND SEDIMENT TREATMENT AREA
  - XX SEDIMENT SAMPLE LOCATIONS
  - TRUCK ROUTE
- NOTES**
- CONTROL POINTS REFER TO THE TOP OF DREDGE AREA & CENTERLINE ALIGNMENT
  - DREDGE DAYLIGHT SLOPES ARE ASSUMED TO BE 4H:1V UNLESS OTHERWISE NOTED (FOR PAY QUANTITY CALCULATION PURPOSES)
  - DREDGE TOE TRANSITION SLOPES VARY, NOT TO EXCEED 3H:1V.
  - BAZEMORY SURVEY WAS CONDUCTED ON 07/01/08 BY DAUN & BOYNTON
  - SILT CURTAIN SHALL BE INSTALLED AT CENTERLINE STA. 19+25 (APPROXIMATE) FOR BASE BID OR ALTERNATE A. SILT CURTAINS SHALL ALSO BE INSTALLED TO KEEP ANY SEDIMENT FROM ENTERING COLORADO LAGOON AND AT THE INLET / OUTLET OF COLORADO LAGOON AND AT CENTERLINE STA. 24+25 FOR ADDITIVE 1 AND ADDITIVE 2.
  - CONTRACTOR SHALL USE DETAIL 7 ON SHEET 14 AROUND ALL STOCKPILE AREAS.
  - CONTRACTOR TO FIX POTHOLES AND MAJOR DAMAGE TO PAVING LOT, LAGOON ACCESS ROAD AND ASPHALT WAY ACCESS ROAD IN ACCORDANCE WITH CITY OF LONG BEACH STANDARDS.
  - SEDIMENT SAMPLE BORING LOGS PROVIDED IN SPECIFICATION APPENDIX (WITHIN SEDIMENT SURVEY REPORTS)







COASTAL COMMISSION

5-09-071-A1

EXHIBIT # 4

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