

CALIFORNIA COASTAL COMMISSION

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 Staff: Charles Posner - LB
 Staff Report: 4/26/2012
 Hearing Date: May 9, 2012
 Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT****APPLICATION NUMBER:** 5-10-019-A1**APPLICANT:** Santa Catalina Island Company**AGENT:** Mark Bradshaw**PROJECT LOCATION:** Descanso Bay, City of Avalon, Santa Catalina Island, Los Angeles Co.**PROJECT ORIGINALLY APPROVED AUGUST 13, 2010 (5-10-019):**

Establish a commercial underwater tourist attraction (Sea Trek) that utilizes a 10'x 20' swimming float seaward of the mean high tide line at Descanso Bay. The Sea Trek underwater tourist attraction will provide a guide service to lead small groups of customers (with air hoses for breathing) on underwater walks on the seafloor to observe marine life.

DESCRIPTION OF PERMIT AMENDMENT:

Revise Special Condition One to authorize a new permit term for the continued operation of the Sea Trek underwater tourist attraction in Descanso Bay.

MOTION & RESOLUTION: Page Three (Approval with Conditions).**SUMMARY OF STAFF RECOMMENDATION**

The Commission's August 13, 2010 approval of Coastal Development Permit 5-10-019 authorized an initial fifteen-month term of operation for the Sea Trek underwater tourist attraction (until November 13, 2011). During the initial term the permittee was required to prepare a biological monitoring report so that the approved activities could be evaluated to determine whether they have resulted in any adverse impacts to the area's ecology. The permittee has submitted the required first annual biological monitoring report and is requesting that the Commission extend the time limit as allowed by Special Condition One of the permit.

Staff is recommending **APPROVAL** of the permit amendment and a new permit time limit (thirty months) with special conditions relating to the protection of public access and the marine resources of Descanso Bay. The recommended conditions require the permittee to continue to monitor the impacts of the underwater walking tours on the marine habitat and to submit annual monitoring reports. The Special Conditions of the underlying permit, listed on Page Eleven, prohibit interference with public access and recreation in the project area, and require implementation of specific Best Management Practices and compliance with the requirements of the resource agencies.

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PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or,
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change which affects conditions required for the purpose of protecting a coastal resource or coastal access. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations 13166].

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 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 Avalon 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 the proposed amendment to Coastal Development Permit 5-10-019 pursuant to the staff recommendation."*

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

I. Resolution for Approval

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 5-10-019 as Amended (See Appendix A)

Note: Special Conditions One and Two of Permit Amendment 5-10-019-A1 replace Special Conditions One and Two of the underlying coastal development permit, which are attached as Appendix A. All other special conditions of Coastal Development Permit 5-10-019 are unchanged and remain in effect.

Special Conditions (Cont.)1. Permit Time Limit – Thirty Months

The Commission's approval of Permit Amendment 5-10-019-A1 for the Sea Trek underwater tourist attraction shall expire thirty (30) months after the date of the Commission's approval, unless the Commission approves another permit amendment to extend the time limit. If the permittee submits a permit amendment request before expiration of the time limit, the Executive Director may authorize the program to continue as authorized by this coastal development permit until the Commission can act on the future amendment request. If the Commission does not approve a permit amendment granting an extension of this time limit, the Sea Trek underwater tourist attraction shall be discontinued. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the proposal as approved by the Commission must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. Monitoring of the Marine Habitat

The permittee shall continue to monitor the intertidal and subtidal areas nearby (reference transects) and where the underwater guided tourists walk along the seafloor (impact transects) consistent with the methodology set forth in the “Marine Biological Monitoring Plan Descanso Beach Sea Trek Underwater Walking Tour, Santa Catalina Island, California, by Coastal Resources Management, Inc.. (8/8/2010)”. Quantitative surveys of the physical characteristics and biological resources along permanent transects every half meter shall be conducted at least two times per year, once before the start of the tourist season (April-May), and once at the end of the tourist season (September-October).

After the survey at the end of each tourist season during the permit term, but prior to January 31st of the following winter, the permittee shall prepare and submit an annual report of the monitoring results prepared by a qualified marine biologist to the Executive Director and to the Department of Fish and Game. Each annual report shall include copies of all previous reports as appendices, and an “Evaluation” section where information and results from the monitoring program are used to evaluate any changes to the physical characteristics and biological resources at the project site over time. The annual report shall evaluate whether the project’s approved activities have caused any ecological changes to the project site over time and whether those changes have resulted in adverse impacts to the project site’s physical characteristics and biological resources, and shall also include recommendations to reduce any identified adverse impacts.

Upon review of the annual reports and the recommendations set forth therein, the Executive Director, in consultation with the Commission’s staff ecologist and the Department of Fish and Game, is authorized to direct the permittee, and the permittee agrees, to implement specific changes to the approved activities as deemed necessary to protect marine resources. If, after reviewing an annual report, the Executive Director determines that the specific changes to the approved activities necessary to protect marine resources would require Commission approval, then the Executive Director shall notify the permittee, in writing, of his or her determination and the permittee shall cease its approved activities and apply for an amendment to this permit to address the marine resource impacts.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Description of Permit Amendment Request

On August 13, 2010, the Commission approved the establishment of a commercial underwater tourist attraction (Sea Trek) at Descanso Bay (See Exhibits). The Sea Trek underwater tourist attraction provides customers with a guide service that leads small groups of customers (with air hoses for breathing) on underwater walks on the seafloor to observe marine life. The underwater walking tour follows a ninety-foot long pre-designated trail situated in waters about fifteen feet deep, about 120 feet from the shoreline. A 10' x 20' swimming float is utilized for staging the tour groups in Descanso Bay. The permit is subject to six Special Conditions attached as Appendix A.

The approval of Coastal Development Permit 5-10-019 authorized an initial fifteen-month term of operation for the Sea Trek underwater tourist attraction (until November 13, 2011). During the initial term, the permittee was required to prepare a biological monitoring report so that the approved activities could be evaluated to determine whether the attraction has caused any ecological changes to the project site over time and whether those changes have resulted in adverse impacts to the area's ecology. The permittee has submitted the required first annual biological monitoring report and is requesting Commission approval of this permit amendment to authorize another term of operation, as allowed by Special Condition One of the permit. The monitoring results in the first annual report support the permittee's request by reporting that the bay's ecology shows no significant adverse impacts resulting from the Sea Trek operation.

The current proposal also includes the relocation of the underwater walking trail to a new location south of the previously approved trail and swimming float (Exhibit #4). The underwater trail is delineated by a line attached to metal poles that have been placed into the bay bottom. The permittee relocated the trail at the request of the Los Angeles Harbor Patrol in order to avoid the potential for conflict between the underwater tourists and boaters.

B. Description of Sea Trek Underwater Tours

After paying their guide fee, each person in a group of four-to-six tourists is given an eighty-pound underwater helmet and receives a safety and environmental briefing. The customers are then transported by a non-motorized method to the swimming float anchored about 120 feet from the rocky beach in Descanso Bay. The swimming float includes two swim ladders and provides a mid-way support for the land-based air hose that provides air to the underwater tourists with the special helmets (Exhibit #5). A submerged air hose connects the air supply from the air pump on land to the air hose connection on the swimming float.

Once on the swimming float, the tour group dons their helmets and climbs down the float's ladder onto the seafloor. With the land-based air hoses providing the necessary amount of air to their weighted helmets, the tourists walk along the pre-designated trail which is limited to the parts of the seafloor comprised of only sand and cobble. The underwater trail extends only about forty feet south of the swimming float (Exhibit #4). A certified Sea Trek guide and a safety diver accompany each group. The guide provides a running commentary about marine life and ecology, while the safety diver guards the group's air supply. Each underwater walking tour lasts about thirty minutes.

The permittee expected to guide up to two hundred visitors per week at Sea Trek during the first season (2011), and about 1200-1500 visitors annually. In actuality, 1,241 was the total number of tourists who participated in the underwater tours between April and September 2011. The most underwater Sea Trek customers in a single day was 22. Sea Trek operates only April to October, when the float is removed.

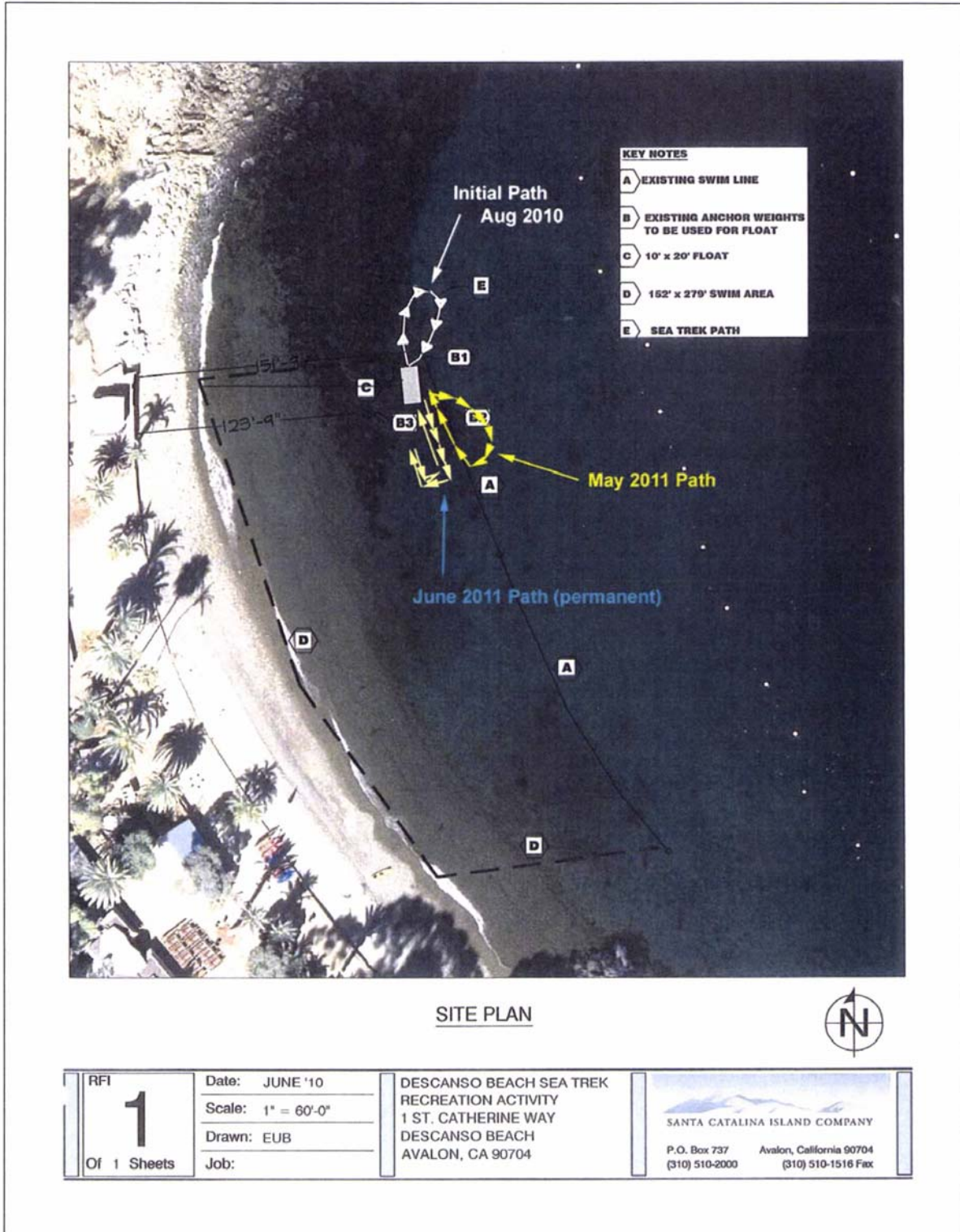


Figure 7. Proposed and Final Locations of Sea Trek Pathway in Descanso Bay

C. Marine Resources

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located in the coastal waters of Descanso Bay at Catalina Island (See Exhibits). The standard of review 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, public recreation and marine resources. Section 30240 of the Coastal Act requires that the proposed project shall be sited and designed to prevent impacts which would significantly degrade environmentally sensitive habitat areas. The intertidal and subtidal areas of Descanso Bay contain environmentally sensitive habitat areas, which shall be protected from the adverse impacts of development. The amended permit is conditioned to protect these marine resources.

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The Marine Biological Survey Report prepared before the commencement of the Sea Trek operation concluded that the footsteps of the tourists and guides would result in localized turbidity and minor habitat disruption to marine plants, invertebrates and fish, but these impacts would be minor and less-than-significant [Marine Biological Survey Report and Project Impact Assessment for the Descanso Beach Sea Trek Underwater Walking Tour, Santa Catalina Island, California, by Coastal Resources Management, Inc., 10/7/2009]. As part of the original proposal, the permittee agreed to avoid kelp beds and reefs by keeping the tours on a pre-designated trail limited to the parts of the seafloor comprised of only sand and cobble. The permittee also agreed to implement the best management practices (BMPs)

and monitoring provisions listed in the Biological Survey Report (Exhibit #6). The permittee also retained a marine biologist to conduct ongoing surveys to collect data to be used to assess the impacts of the underwater guided walking tours.

The Commission approved the coastal development permit for the proposal on August 13, 2010, but limited the term of the approval to fifteen months (until November 2011) so that the impact of the underwater tours could be assessed after a full season of operation. Special Condition Two of the permit required the permittee to prepare a detailed monitoring program to monitor the marine habitat where Sea Trek tours occur in order to determine whether the underwater walking tours adversely affect the ecology of the area. The permittee submitted the required monitoring plan for the Executive Director's approval in August 2010 [Marine Biological Monitoring Plan Descanso Beach Sea Trek Underwater Walking Tour, Santa Catalina Island, California, by Coastal Resources Management, Inc., 8/8/2010]. Coastal Development Permit 5-10-019 was then issued on September 8, 2010. The three-year monitoring plan called for a detailed baseline study of the ecology of Descanso Bay and an assessment of any impacts caused by the Sea Trek operation.

On March 7, 2012, the permittee submitted the first annual report prepared as part of the approved monitoring plan. The first annual report is entitled, "Analysis of the Potential Effects of the Descanso Beach Sea Trek Underwater Walking Tour on Marine Biological Communities in Descanso Bay, Santa Catalina Island, California, Year 1 (2010-2011) Marine Biological Monitoring Studies Report" by Coastal Resources Management, Inc. (1/25/2012). The first annual report provides an extremely thorough description and survey of the ecology of Descanso Bay that will be valuable as a baseline for all future studies in the area. The first annual report contains both pre-project commencement (baseline) and post-project commencement monitoring program information that includes turbidity and underwater temperature and light data, kelp habitat mapping, and comprehensive biological survey data (including algae, invertebrate, and fish species richness and diversity data), a summary of the Sea Trek monitoring results, and a brief list of recommendations.

The monitoring results in the first annual report support the permittee's request for a new permit term and approval of this permit amendment by reporting that the bay's ecology shows no significant adverse impacts resulting from the Sea Trek operation. There is no indication of any loss of species or reduction in kelp cover that could result from increased turbidity. The biological monitoring showed no significant increase in bottom-water turbidity or decrease in bottom-water light levels, except in the shadow of the swimming float. The physical disturbance of the sand/cobble bay bottom, which was limited to the trail route that is one-to-two meters wide, was minor and insignificant since this surface is typified by low species richness and diversity. No damage was reported to the nearby reefs and kelp plants, as the tour guides maintained separation between the tourists and those features. The annual report states that fish are attracted to the underwater tourists, which helps the guides by providing opportunities to discuss fish behavior and general marine ecology. The biologists stated in the annual report that there was no noticeable adverse reaction of the fish community to the Sea Trek operation.

Recommendations set forth in the first annual report include: minimize the use of stones being used to support the guideposts, maintain the separation between the trail and kelp plants, and continue to implement the monitoring plan. The permittee has agreed to carry out the recommendations.

The Commission's staff ecologist has reviewed the project and based on her review finds the first annual report to be very thorough and informative. Based on the results of the monitoring plan, the Commission's staff ecologist supports the continuation of the underwater tours along the relocated trail

consistent with the conditions of the underlying permit and the recommendations set forth in the first annual report. The Commission's staff ecologist suggests that the surveys done for the monitoring plan need to occur only two times each year: once at the start of the tourist season and once at the end of the tourist season. The seasonal tourist attraction is not operated from October to March.

Therefore, the permit amendment for the continued Sea Trek operation is approved with a new time limit of thirty months in order to allow three summer seasons of underwater tours and continued monitoring of the marine ecology in Descanso Bay. The permit amendment is conditioned to require the permittee to continue to monitor the areas where the underwater guided tourists walk along the seafloor consistent with the methodology set forth in the "Marine Biological Monitoring Plan Descanso Beach Sea Trek Underwater Walking Tour, Santa Catalina Island, California" by Coastal Resources Management, Inc. (8/8/2010). Surveys of the physical characteristics and benthos biology along permanent transects every half meter shall be conducted at least two times per year, before the start of each tourist season and at the end of each tourist season. Special Conditions Three through Six of the underlying permit, which address the way the approved tourist attraction is operated, remain in full force and effect (See Appendix A). Only as conditioned is the permit amendment and the project consistent with Sections 30230, 30231 and 30240 of the Coastal Act.

D. 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 permit is conditioned to 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 30224 of the Coastal Act states:

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

The primary coastal access issue raised by the project is the potential for conflict between the guided tour groups and the recreational activities that have historically occurred at the site. The public currently has access to the shoreline at Descanso Bay, and the waters of Descanso Bay are popular with

boaters, swimmers, snorkelers, divers and kayakers. The permittee has posted new signs that state that no fee payment is necessary to walk along the public tidelands below the mean high tide line.

There were concerns in 2010 (before the start of the project) that the guided tour groups and the swimming float (with its attached air hoses) would displace or interfere with the existing recreational activities, even though the tours do not need to have exclusive use of any area. However, Commission staff received no complaints regarding the Sea Trek operation during the first summer and fall season (2011), or at any time since the operation commenced. It has been demonstrated that swimmers, snorkelers, and Sea Trek tourists can all be in the project area at the same time without any conflict. In any case, the Sea Trek tours occur intermittently, and the most Sea Trek customers in a single day was 22, so the potential for conflict is relatively small.

In conclusion, the approved project provides unique access to the underwater environment and public recreational opportunities at Catalina Island. The project does not adversely affect the Casino Point SCUBA diving area or recreational boating opportunities. The potential for conflict with existing swimming and snorkeling activities is adequately addressed by Special Condition Three which prohibits the permittee and the development from having any exclusive use on the area or interfering with public access along the shoreline or in the project area. In addition, since the term of the approved permit is limited, the Commission will be able to evaluate any impacts on public access and recreation when the permittee applies for a new term permit term. As conditioned, the permit amendment is consistent with the public access and recreation policies of the Coastal Act.

E. Local Coastal Program

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. A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Avalon certified LCP is advisory in nature and may provide guidance.

The Commission certified the City of Avalon LCP on May 21, 1981. The City of Avalon certified Land Use Plan (LUP) designates the project area as a Resort Recreational District. The certified LCP states that the Resort Recreational District is established "for the purpose of stimulating and allowing a variety of uses associated with the resort character of Avalon." The principal use of the Resort Recreational District is that of resort hotel uses and associated activities. The proposed project, which supports public recreation, is consistent with the Resort Recreational land use designation. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and the certified LCP for the area.

F. 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.

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

APPENDIX A**SPECIAL CONDITIONS OF COASTAL DEVELOPMENT PERMIT 5-10-019**1. **Permit Time Limit – Fifteen Months (See Permit Amendment 5-10-019-A1)**

The Commission's approval for the Sea Trek underwater tourist attraction shall expire fifteen (15) months after the date of the Commission's approval, unless the Commission approves a permit amendment to extend the time limit. If the permittee submits a permit amendment request before expiration of the time limit, the Executive Director may authorize the program to continue as authorized by this coastal development permit until the Commission can act on the future amendment request. If the Commission does not approve a permit amendment granting an extension of this time limit, the Sea Trek underwater tourist attraction shall be discontinued. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the proposal as approved by the Commission must be submitted for review by the Executive Director to determine whether an amendment to this coastal development permit is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.

2. **Monitoring of the Marine Habitat (See Permit Amendment 5-10-019-A1)**

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service as appropriate, a final detailed monitoring program designed by a qualified marine biologist for monitoring of the project site. The monitoring program shall at a minimum include the following:

- A. Provisions for monitoring the intertidal and subtidal areas where the underwater guided tourists walk along the seafloor, including quantitative surveys of the physical characteristics and benthos biology along permanent transects every half meter. The surveys shall be conducted at least three times per year, once during May, once during July, and once during September.
- B. Provisions for assessing the initial biological and ecological status of the project site prior to the initiation of the approved underwater tourist attraction, in accordance with the final detailed monitoring program. The assessment shall include an analysis of the attributes that will be monitored pursuant to the program.
- C. Provisions for monitoring of the project site in accordance with the approved final mitigation program for the life of the project.
- D. Provisions for submission of annual reports of monitoring results prepared by a qualified marine biologist to the Executive Director, beginning November 1st of the first year after submission of the initial biological and ecological assessment. Each annual report shall include copies of all previous reports as appendices, and shall also include an "Evaluation" section where information and results from the monitoring program are used to evaluate any changes to the project site over time. The annual report shall evaluate whether the project's approved activities have caused any ecological changes to

the project site over time and whether those changes have resulted in adverse impacts to the project site's marine biology.

3. Public Access and Recreation

The development shall not interfere with public access along the shoreline in the project area. The exclusive use of any water area for Sea Trek Tours is not permitted. The proposed project shall not interfere with existing boat mooring areas, and no moorings shall be altered or relocated to make room for Sea Trek activities. No motorized vessels or dinghies shall be used to transport people or equipment to the approved swimming float. The approved swimming float shall be available for use by the general public. The permittee shall post and maintain signs at the pedestrian entrance to Descanso Bay Beach that clearly state: "No fee payment is necessary to access the public tidelands below the mean high tide line."

4. 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, California State Lands Commission, 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.

5. Marine Resources - Best Management Practices

The permittee shall comply with the following Best Management Practices:

- The existing weights shall remain in their existing locations, and no additional anchors or weights are permitted to secure the swimming float.
- Provide educational materials to customers prior to their underwater excursion to promote the protection of the underwater natural resources of the project site and Catalina Island.
- The tourists shall stay within the approved ninety-foot long pre-designated path and shall avoid kelp beds and the reef. Implement a single-file, underwater walking plan to limit damage to soft bottom subtidal habitat. Use small floats attached to earth anchors that are positioned one meter above the seafloor around the perimeter of the walking pathway to reduce the areal impact of any sea-trekking operations on soft bottom habitat.
- Avoid reefs and patch reef outcrops. Pre-set, designated underwater walking route should be accompanied by a buffer zone around reef habitat that will keep underwater walkers five meters away from reef and kelp bed habitat, including isolated patch reef habitat over sandy/silt habitat.

- To minimize entanglements of air supply hoses with kelp, air supply hose lines shall be kept away from any kelp canopy. Whole kelps plants shall not be torn away or removed. Cutting a portion of the surface canopy is recommended only for the safety of sea trekkers.
- Adhere to local and State Regional water Quality Control Board section 401(b) requirements that provide not-to-exceed water quality limits for turbidity and conform to County of Los Angeles Stormwater Runoff Guidelines.
- Prohibit the discard of construction and trash debris into the intertidal zone or the nearshore waters.
- Maintain all equipment in good working order to minimize potential for hazardous waste spills. Maintain current hazardous material spill prevention and cleanup plans on site.
- Under the direction of the Department of Fish and Game, and with the assistance of the Catalina Conservancy, implement a plan to control and remove the invasive *Sargassum filicinum* from the reefs in the project area to enhance species diversity.

6. Wildlife Feeding and Collecting Prohibited

Sea Trek staff and participants shall not feed, harvest, collect, or otherwise disturb marine fish and wildlife in Descanso Bay.

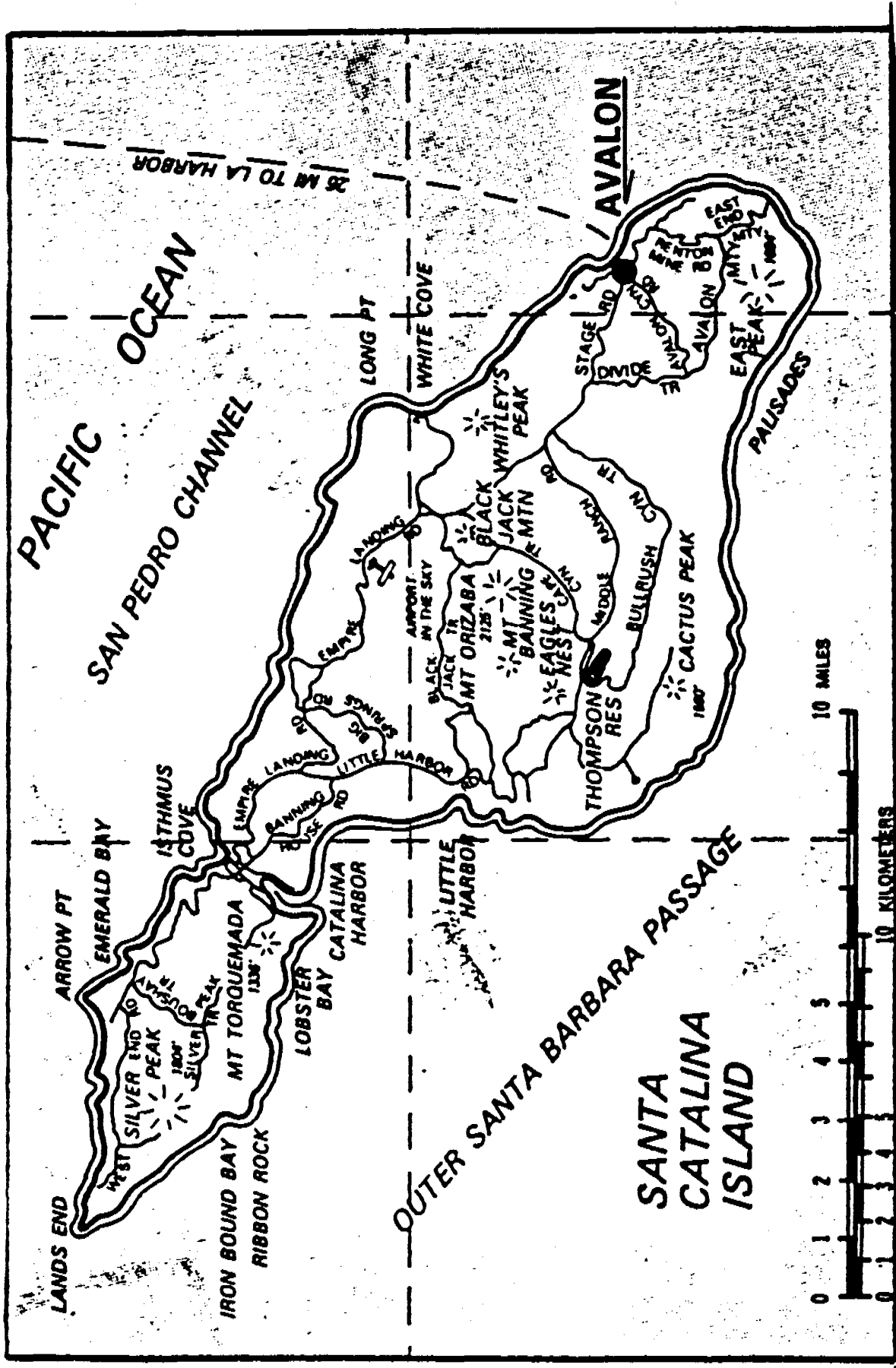
APPENDIX B

SUBSTANTIVE FILE DOCUMENTS

1. City of Avalon certified Local Coastal Program (LCP), May 21, 1981.
2. Marine Biological Survey Report and Project Impact Assessment for the Descanso Beach Sea Trek Underwater Walking Tour, Santa Catalina Island, California, by Coastal Resources Management, Inc., 10/7/2009.
3. Marine Biological Monitoring Plan Descanso Beach Sea Trek Underwater Walking Tour, Santa Catalina Island, California, by Coastal Resources Management, Inc., 8/8/2010.
4. Analysis of the Potential Effects of the Descanso Beach Sea Trek Underwater Walking Tour on Marine Biological Communities in Descanso Bay, Santa Catalina Island, California, Year 1 (2010-2011) Marine Biological Monitoring Studies Report, by Coastal Resources Management, Inc., 1/25/2012.

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.

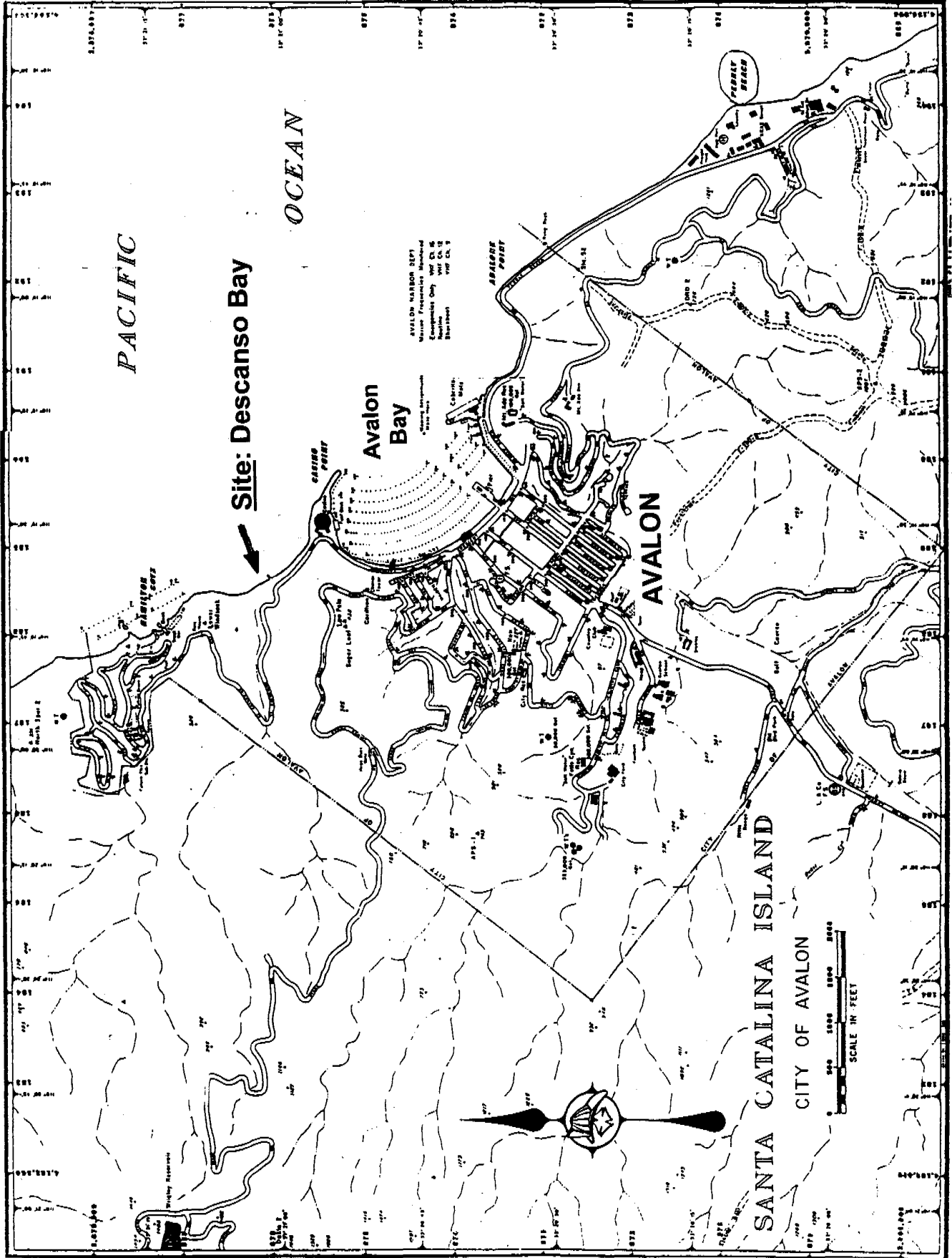


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EXHIBIT # 1

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Descanso Beach

Sea Trek Project Site

Descanso Beach



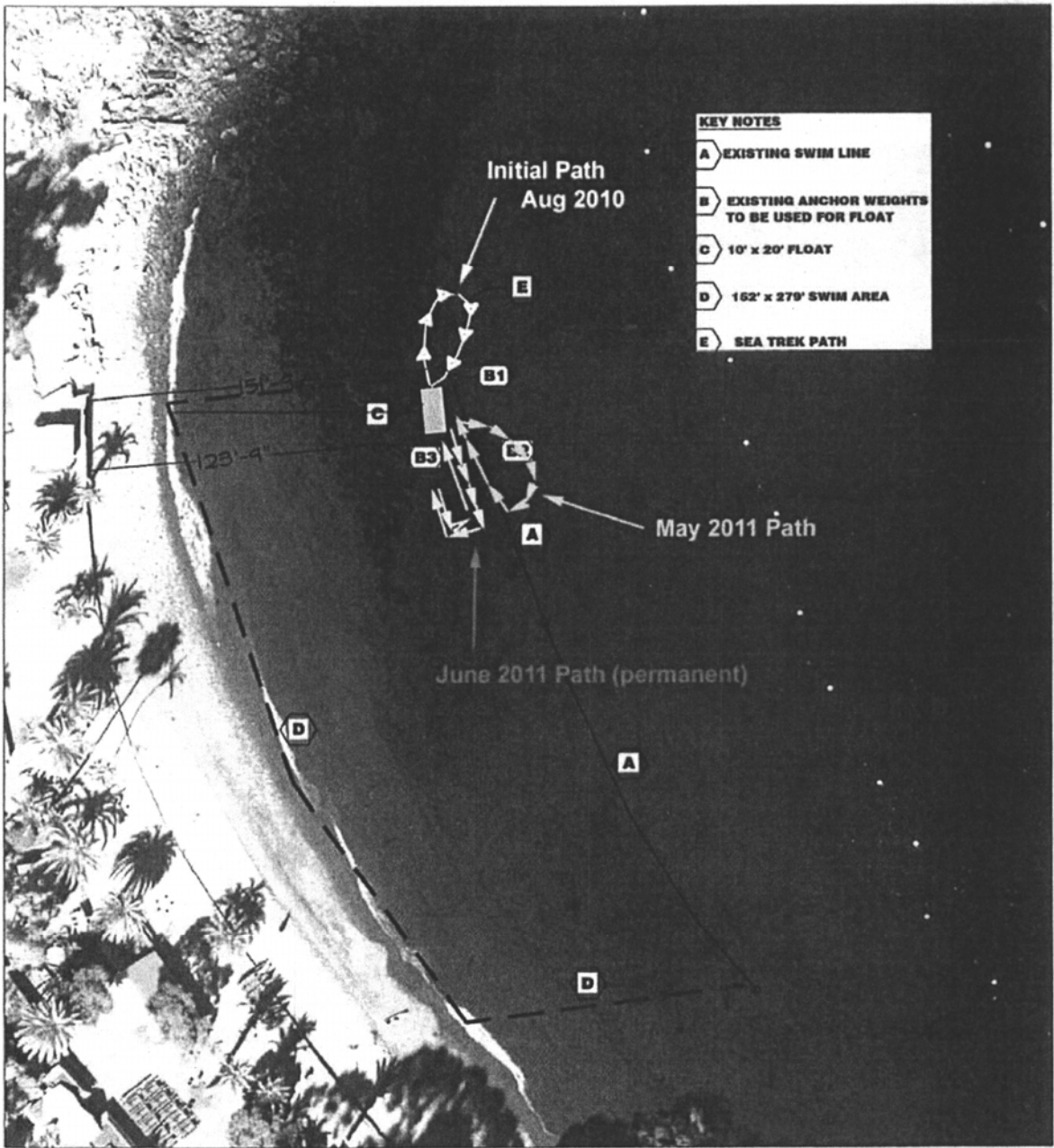
COASTAL COMMISSION

5-10-019

EXHIBIT # 3


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SITE PLAN



RFI 1 Of 1 Sheets	Date: JUNE '10	DESCANSO BEACH SEA TREK RECREATION ACTIVITY 1 ST. CATHERINE WAY DESCANSO BEACH AVALON, CA 90704	 SANTA CATALINA ISLAND COMPANY P.O. Box 737 Avalon, California 90704 (310) 510-2000 (310) 510-1516 Fax
	Scale: 1" = 60'-0"		
	Drawn: EUB		
	Job:		

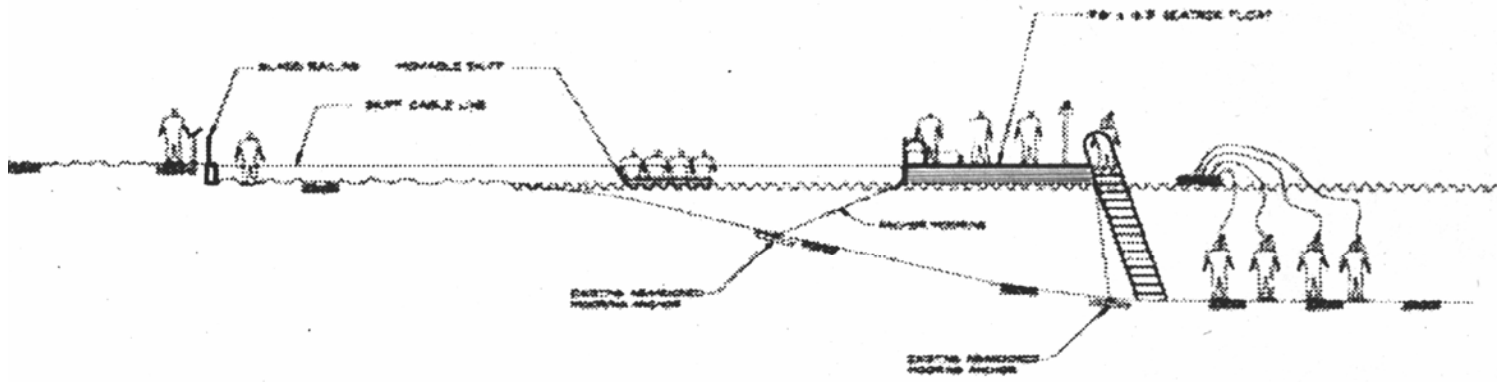
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COASTAL COMMISSION

Figure 7. Proposed and Final Locations of Sea Trek Pathway in Descanso Bay

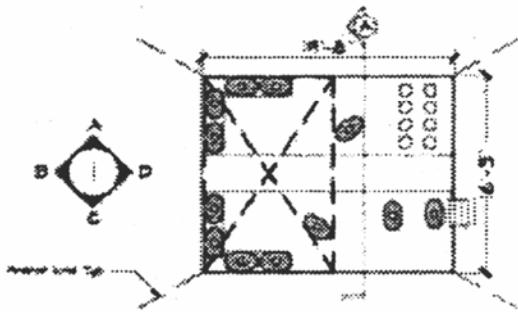
EXHIBIT # 4

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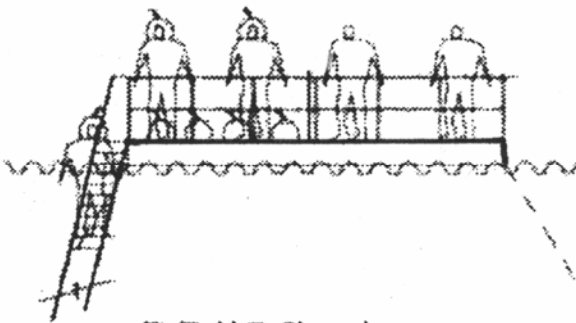


FLOAT CONCEPT

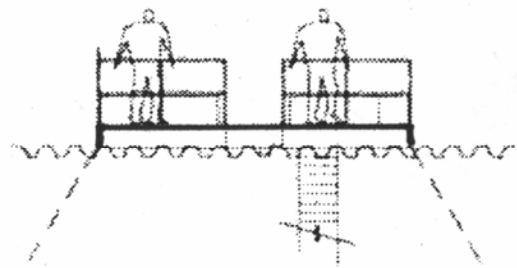
Sea Trek



FLOAT PLAN See page two



ELEVATION -A



ELEVATION -B

Floating Dock Plan

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EXHIBIT # 5

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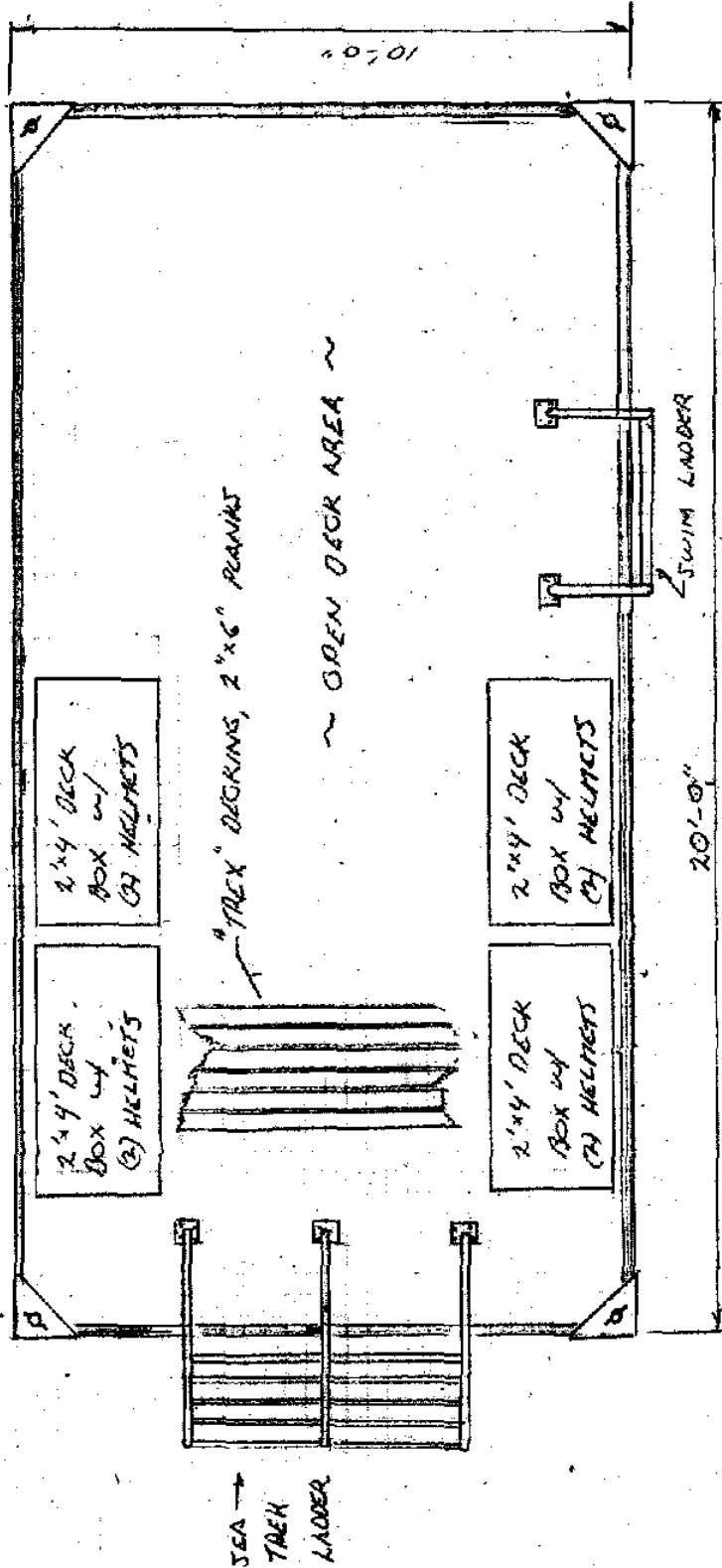
RECEIVED
South Coast Region

JUN 16 2010

CALIFORNIA
COASTAL COMMISSION

(4) CORNER BRACKETS
W/BITS FOR MOORING
FLOAT

EAST → AVALON



DESCANSO BEACH →

10'x20' SEA TREK FLOAT
SANTA CATALINA ISLAND CO.
JUNE 14, 2010, 3/8" 1'-0"

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5.0 SUGGESTED BEST MANAGEMENT PRACTICES

- Adhere to local and/or State of California Regional Water Quality Control Board Section 401(b) requirements that provide not-to-exceed water quality limits for turbidity and conform to County of Los Angeles Stormwater Runoff Guidelines.
- Implement Best Management Practices to contain and minimize the spread of any construction-related turbidity plume resulting from the project, including, but not limited to using silt curtains when repositioning mooring anchors if necessary.
- Prohibit the discard of construction and trash debris into the intertidal zone or the nearshore waters during construction or Sea Trek operations
- Maintain all construction-related equipment and fuel pier operation equipment in good working order to minimize the potential for hazardous waste spills. Maintain current hazardous material spill prevention and cleanup plans on site.
- Implement a single-file, underwater walking plan to limit aerial damage to soft bottom subtidal habitat
- Use small floats attached to earth anchors that are positioned one meter above the seafloor around the perimeter of the walking pathway to reduce the areal impact of any sea-trekking operations on soft-bottom habitat
- Avoid reefs and patch reef outcrops. Pre-set, designated underwater walking route should be accompanied by a buffer zone around reef habitat, that will keep underwater walkers five meters away from reef and kelp bed habitat, including isolated patch reef habitat over sandy/silt habitat.
- To minimize entanglements of air supply hoses with kelp, , air supply hose lines should be kept away from any kelp canopy. If required for the safety of the Sea Trekkers, cutting a portion of the surface canopy or stipes is recommended. Whole kelp plants should not be torn away or removed.
- Implement a plan to remove the invasive *Sargassum filicinum* from the reefs within the Sea Trek project area during the operation of Sea Trek operations to enhance species diversity with the assistance of the Catalina Conservancy and the Department of Fish and Game. Actively control the population of this invasive species.
- Provide educational materials to customers prior to their underwater excursion to promote the protection of the underwater natural resources of the project site and Catalina Island.