

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 4-12-065

Applicants: Ventura Port District

Agents: Richard Parsons

Location: Public Boat Launch Ramp (Port District Parcel 12) in the Ventura Harbor, Anchors Way, City of San Buenaventura, Ventura County.

Project Description: Demolish the approximately 266 ft. wide, six lane, existing concrete public boat launch ramp, and replace with a new approximately 170 ft. wide, six lane, public boat launch ramp with a 50 ft. non-motorized, personal watercraft launch area; add approximately 2,500 tons of rock revetment; and install boarding floats, piles, abutments, and lighting.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with **eight (8) special conditions** regarding (1) temporary boat launch facility, (2) regional water quality board approval, (3) eel grass survey(s), (4) pre-construction *Caulerpa taxifolia* survey, (5) construction responsibilities and debris removal, (6) boat launch ramp facility inspection and maintenance program, (7) conformance with the requirements of other resource agencies, and (8) assumption of risk.

The Ventura Port District is proposing to demolish the existing 266 ft. wide, six lane concrete public boat launch ramp and construct a new 170 ft. wide, six lane concrete public boat launch ramp with a 50 ft. wide non-motorized, personal watercraft launch area. The project includes the placement of two boarding floats that provide pedestrian access to and from launched boats. Two of the existing three boarding floats will be re-used in new locations after construction of the launch ramp, and would be anchored in place by new concrete abutments and six new precast, pre-stressed, concrete guide piles. The existing light poles located on the launch ramp would be removed and replaced with new poles and luminaries, which would be designed to minimize light pollution. Due to the decreased footprint of the proposed boat launch ramp, approximately 2,500 tons of rock revetment would be placed along approximately 100 ft. of shoreline.

Within the City of San Buenaventura's (Ventura) certified Land Use Plan (LUP), the Ventura Harbor is divided into four areas: South Peninsula Harbor Area, Southwest Harbor Area, Central Harbor Area, and the Northeast Harbor Area. The proposed boat launch ramp is located along Anchors Way, in the Northeast Harbor Area. This area of the harbor is developed primarily with visitor serving uses, including a 123 space public parking lot, restrooms, and public promenade.

The subject CDP was submitted to the Commission on September 28, 2012. The permit application was deemed incomplete and a letter outlining the additional information needed was sent to the applicant on October 26, 2012. The applicant provided all of the information items requested by staff and the permit application was deemed complete for filing on November 27, 2012.

Although the Commission has previously certified a Local Coastal Program (LCP) for the City of Ventura, the proposed project will be located within an area where the Commission has retained jurisdiction over the issuance of coastal development permits. Thus, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the City of Ventura LCP as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

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EXHIBITS

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Aerial Photograph
- Exhibit 3 – Proposed Site Plan
- Exhibit 4 – Typical Ramp Cross Section

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 4-12-065 pursuant to the staff recommendation.*

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

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter Three 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 Three. Approval of the permit complies with the California Environmental Quality Act because either (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or (2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Temporary Boat Launch Facility.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director:
 - A. A written plan detailing the provision of an alternative facility in Ventura Harbor for the launching of boats by the general public, at no cost, for the duration of the boat launch ramp closure. The plan shall include, at a minimum, measures (including conspicuously posted signs, fencing, posting of security guards, etc.) that will be employed to make the public aware of the availability and location of the temporary boat launch facility, to ensure the public's safe use of the facility, and to avoid conflicts with other uses in the area of the temporary boat launch. This plan shall also include a description of the circulation patterns that will be implemented at the temporary location to ensure safe access to and from the designated temporary boat launch facility.
 - B. Two full size sets of project plans (i.e. site plan, elevations, cross-sections, etc.), which depict the following:
 - (1) The location of the alternate boat launch facility that is subject to the agreement required in Part C of Special Condition One (1).
 - (2) The location and methods by which the measures described within the plan, required in Part A of Special Condition One (1), will be implemented.
 - C. An agreement between the Port District and designated lessee, which describes the alternate boat launch facility that shall be available for use by the general public, at no cost, for the duration of the construction approved pursuant to this permit.

The applicant shall implement the temporary boat launch facility in accordance with the plan approved pursuant to this condition. The temporary boat launch facility shall be made available for use no later than the first day that the existing boat launch ramp is closed for construction and shall continue to be available up to the first day the reconstructed boat launch facility is reopened to the public.

2. Regional Water Quality Board Approval. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide to the Executive Director a copy of a permit issued by the Regional Water Quality Control Board regarding the launch ramp construction and dewatering, or a letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Regional Water Quality Control Board. Such changes shall not be incorporated into the project until the applicant obtains an amendment to this coastal development permit, unless the Executive Director determines that no amendment is required.

3. Eelgrass Survey(s).

A. Pre Construction Eelgrass Survey:

- 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 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 Eight (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 applicant 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 development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

B. Post Construction Eelgrass Survey:

- If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant 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 Eight (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 applicant 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 applicant shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, 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.

4. Pre-Construction *Caulerpa taxifolia* Survey.

- A. Not earlier than ninety (90) days and no later than thirty (30) days prior to commencement of any development authorized under this coastal development permit (the “project”), the applicant shall undertake a survey of the project area and a buffer area at least ten (10) 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 applicant shall submit the survey:
 - (1) for the review and approval of the Executive Director; and
 - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT).
- D. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicant shall not proceed with the project until (1) the applicant 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 applicant 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.

5. Construction Responsibilities and Debris Removal. By acceptance of this permit, the applicant agrees to comply with the following construction-related requirements:

- A. No construction materials, debris, or waste shall be placed or stored where it may be subject to wave or tidal action, erosion, or dispersion.
- B. Any and all debris resulting from construction activities shall be removed from the site within twenty-four (24) hours of completion of construction and disposed of at an appropriate location.
- C. If turbid conditions are generated during construction, a silt curtain shall be utilized to control turbidity.

- D. Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged shall be removed as soon as possible but no later than the end of each day.
 - E. Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
 - F. The applicant shall dispose of all construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a separate coastal development permit shall be required before disposal can take place.
 - G. Reasonable and prudent measures shall be taken to prevent any discharge of fuel or oily waste from heavy machinery or construction equipment into coastal waters. The applicant and applicant's contractors shall have adequate equipment available to contain any such spill immediately.
 - H. All debris and trash shall be disposed of in the proper trash and recycling receptacles at the end of each construction day.
 - I. The applicant shall use the least damaging method for the placement of the sheetpiles and any other activity that will disturb benthic sediments. The applicant shall limit, to the greatest extent practicable, the suspension of benthic sediments into the water column.
 - J. Machinery or construction materials not essential for project improvements shall not be allowed at any time within the intertidal zone.
 - K. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with soil.
 - L. At the end of the construction period, the permittee shall inspect the project area and ensure that no debris, trash, or construction material has been left on the beach or in the water, and that the project has not created any hazard to navigation.
 - M. Any fueling and maintenance of construction equipment shall occur within upland areas within designated staging areas. Mobile fueling of construction equipment and vehicles on and around the ramp construction site shall be prohibited.
 - N. Concrete work shall employ methods to avoid the placement of uncured cement, cement-laden wash, or concrete debris where it could enter coastal waters.
6. **Boat Launch Ramp Facility Inspection and Maintenance Program.** Throughout the life of the development approved by this permit, the applicant shall exercise due diligence in periodically inspecting (at least once a year) the boat launch ramp facilities that are subject to this coastal development permit. The applicant shall immediately undertake any repairs necessary to maintain the structural integrity of the boarding floats, pilings, and launch ramp to ensure that pieces of unattached plastic or other debris do not enter the environment.

7. **Conformance with the Requirements of the Resource Agencies.** The applicant shall comply with all permit requirements, and mitigation measures of the California Department of Fish and Wildlife, State Water Quality Control Board, Regional Water Quality Control Board, 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 which 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.

8. **Assumption of Risk.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from storm waves, tsunamis, surges, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

Prior to commencement of development, the applicants shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND BACKGROUND

The Ventura Port District is proposing to demolish the existing 266 ft. wide, six lane concrete public boat launch ramp and construct a new 170 ft. wide, six lane concrete public boat launch ramp with a 50 ft. wide non-motorized, personal watercraft launch area. The project includes the placement of two boarding floats that provide pedestrian access to and from launched boats. Two of the existing three boarding floats will be re-used in new locations after construction of the launch ramp, and would be anchored in place by new concrete abutments and six new precast, pre-stressed, concrete guide piles. The existing light poles located on the launch ramp would be removed and replaced with new poles and luminaries, which would be designed to minimize light pollution. Due to the decreased footprint of the proposed boat launch ramp, approximately 2,500 tons of rock revetment would be placed as slope protection along approximately 100 ft. of shoreline.

The proposed boat launch ramp is located along Anchors Way, northwest of the terminus of Schooner Drive, in the Ventura Harbor, as seen in Exhibit 1. Within the City of San Buenaventura's (Ventura) certified LUP, the Ventura Harbor is divided into four areas: South

Peninsula Harbor Area, Southwest Harbor Area, Central Harbor Area, and the Northeast Harbor Area. The proposed boat launch ramp is located in the Northeast Harbor area, immediately west of the irregularly-shaped peninsula that was the subject of City of Ventura Local Coastal Program Amendment 1-11 (Sondermann Ring Partners), which was requested to accommodate a mixed-use development project. In the waters immediately adjacent to both the subject boat launch ramp and the above mentioned peninsula, coastal development permit 4-09-026 approved an approximately 44,400 sq. ft. new public recreational marina. A 123 space public parking lot, restrooms, and a portion of a harbor-wide public promenade are all located immediately landward of the subject boat launch ramp. Immediately west of the project site are boat slips, a boat yard, and a time-share hotel. The remaining harbor area is currently developed with a variety of facilities that include, in part, a hotel, a yacht club, a boat repair yard, shops and restaurants, commercial fishing and recreational boat slips, and the Channel Islands National Park Headquarters/Visitor Center.

Construction of the proposed boat launch ramp, and demolition of the existing boat launch ramp, will be carried out on dry land after the placement of a temporary sheet pile cofferdam. The cofferdam would be built by driving steel sheet piles with a vibratory hammer, and would enclose the ramp footprint to allow for the construction area to be dewatered. Water extracted from the construction area will be tested for conformance with the discharge standards of the Regional Water Quality Control Board (RWQCB). The applicant has applied to the RWQCB for approval of the proposed project, including the dewatering plan. If approved by the RWQCB, the applicant proposes to discharge this water into an area of adjacent harbor waters fully enclosed by a silt curtain to avoid impacts from turbidity or siltation. Conventional earth moving equipment would be utilized to perform the excavation and prepare the subgrade for the new launch ramp foundation. The proposed ramp would be composed of eight inch thick reinforced concrete. As the proposed boat launch ramp has a smaller footprint than the existing, the placement of rock revetment slope protection would extend approximately 100 ft. west of the proposed boat launch ramp. After construction, the cofferdam would be completely removed, and the site would be re-watered. Two of the three existing boarding floats would then be reinstalled to new concrete abutments located on the landward portion of the boat launch ramp. Each boarding float would also be anchored by three 16 inch precast, pre-stressed, concrete guide piles. The new piles would be anchored inside the frame of the boarding float, instead of outside (as is the current configuration), to increase the area of useable float space and to allow for use by larger vessels, as seen in Exhibit 3. The sidewalk and curb along the top of the launch ramp would be replaced, and new light poles and luminaries would be installed. Staging of the equipment necessary for construction of the proposed boat launch ramp would be in a portion of the adjacent 123 space parking lot, however, 38 parking spaces for vehicles with trailers and 16 vehicle only parking spaces would remain available for use throughout the duration of construction.

The existing boat launch ramp was constructed in the early 1960s, during the initial construction of the Ventura Harbor. Since its original construction, the boat launch ramp has not been reconstructed.

Although the Commission has previously certified a Local Coastal Program (LCP) for the City of Ventura, the proposed project will be located within an area where the Commission has

retained jurisdiction over the issuance of coastal development permits. Thus, the standard of review for this project is the Chapter Three policies of the Coastal Act, with the applicable policies of the City of Ventura LCP as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

B. RECREATIONAL BOATING AND PUBLIC ACCESS

Coastal Act Section 30210 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.

Coastal Act Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30213 of the Coastal Act states, in part:

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

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

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.

Coastal Act Section 30234 states:

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Circulation Element Program 8.2.7 of City of Ventura LUP states, in pertinent part:

Provide maximum public access and/or protect areas, public safety and fragile resources by conspicuously posting well-designed directional and informational signs.

Coastal Act Section 30210 and Coastal Act Section 30211 mandate that maximum public access and recreational opportunities be provided and that development not interfere with the public's right to access the coast. Section 30212(a) of the Coastal Act provides that adequate public access to the sea be provided in new development projects. Coastal Act Section 30213 protects and encourages lower cost visitor and recreational facilities and Section 30220 protects coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas for such uses. Coastal Act Sections 30224 and 30234 encourage the development of recreational boating facilities and protect facilities serving the recreational boating industry. Further, Program 8.2.7 of City of Ventura LUP mandates that signage be posted to maximize public access and safety.

The proposed project would replace the existing deteriorated 266 ft. wide, six lane, public boat launch ramp with a new 170 ft. wide, six lane, public boat launch ramp that would also include a 50 ft. non-motorized, personal watercraft launch area. The existing boat launch ramp was constructed in the early 1960s, during the initial construction of the Ventura Harbor. As it was originally constructed, the existing boat launch ramp had ten lanes with five boarding floats. However, at the time of original construction, there were not adequate standards that could be utilized to determine the appropriate size of the subject boat launch ramp, and it was soon realized that the size of the facility was too large. Therefore, soon after construction was

complete, the number of lanes was reduced from ten to six, and the number of boarding floats was reduced from five to three. The size of the concrete boat launch ramp, however, was never reduced.

The Ventura Port District has received a grant from the Department of Boating and Waterways (DBW) for construction of the proposed boat launch ramp. The proposed boat launch ramp will therefore meet DBW's current standards regarding design and capacity. Based on the amount of parking (123 spaces), which exists immediately landward of the project site, the DBW requires a six lane facility. Consistent with the Ventura Port District's proposal, DWB requires that the launch ramp lanes are a minimum of 15 ft. in width. As proposed, the new boat launch ramp will have a new 50 ft. area for the launching of personal non-motorized watercraft, and although the proposed boat launch ramp would have a reduced width than that of the existing, it would have the same number of lanes available for the launching of boats. As such, the Commission finds that the replacement of the public boat launch ramp will continue to provide adequate availability of low cost boating and recreational opportunities within the Ventura Harbor.

As described above, construction of the proposed boat launch ramp would require the installation of temporary coffer dams around the entire work area so that the project site may be dewatered. The existing launch ramp would then be completely demolished, which would prevent the launching of boats for the duration of construction. In order to avoid this temporary impact to recreational boating with the Ventura Harbor, the applicant analyzed the feasibility of phasing the project to keep a portion of the launch ramp open during construction. However, it was determined that phasing the boat launch ramp replacement would increase the total cost of the project by approximately 30-40%, would require an alternate method of construction, and would potentially cause a safety hazard for boaters due to the presence of construction machinery near the launching area. Since phasing the project was determined to be infeasible, the applicant has proposed to open an alternate facility within the Ventura Harbor, for the duration of construction, where the public can launch boats free of cost. The applicant anticipates that one of the two existing boatyards, which have travelifts that could be utilized to lift and launch boats, would be a suitable site. However, because both boatyards are controlled by lessees of the Port District, and the terms of an agreement that would allow for temporary utilization of either facility have not been finalized, **Special Condition One (1)** requires that prior to the issuance of the coastal development permit, the applicant submit evidence of the finalized agreement between the Port District and designated lessee.

Although there are a variety of public access amenities within the Ventura Harbor, including Surfer's Knoll Public Beach, several public parking areas, public restrooms, pedestrian and bicycle accessways along the harbor-front, the subject boat launch ramp is the only public launch ramp available. Therefore Special Condition One (1) requires that the applicant submit a plan which describes the methods that will be implemented to ensure that recreational boaters are aware of the alternate launching facility, and that circulation to and within the temporary facility is adequate and safe. Further, Special Condition One (1) requires the applicant to submit project plans, which illustrate both the location of the alternate boat launch facility and the methods by which public access will be maintained at this location.

Therefore, as conditioned, the proposed project is consistent with Coastal Act Policies 30210, 30211, 30212, 30213, 30220, 30224, 30234 and City of Ventura LUP Program 8.2.7.

C. MARINE RESOURCES AND WATER QUALITY

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 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 a significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. Further, Section 30231 requires that the biological productivity and quality of coastal waters be maintained. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources.

Eelgrass

Eelgrass (*Zostera marina*) is an aquatic plant consisting of tough cellulose leaves which grows in dense beds in shallow, subtidal or intertidal unconsolidated sediments. Eelgrass is considered worthy of protection because it functions as important habitat and foraging area for a variety of fish and other wildlife, according to the Southern California Eelgrass Mitigation Policy (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (DFG). For instance, eelgrass beds provide areas for fish egg laying, juvenile fish rearing, and waterfowl foraging. Sensitive species, such as the California least tern, a federally listed endangered species, utilize eelgrass beds as foraging grounds.

Development contemplated in the proposed boat launch ramp replacement project has the potential to directly impact sensitive resources, including eelgrass, which may be present in the project area. Construction of the proposed boat launch ramp includes installation of six precast, pre-stressed, concrete guide piles into the seafloor and placement of docks into the waters of the Ventura Harbor, as depicted in Exhibit 3. Installation and driving of piles can directly remove and disturb eelgrass. In addition, the docks located above these resources can reduce the light available to eelgrass and kelp by shading portions of the ocean floor, particularly since the areas where the proposed boarding floats would be placed are not currently shaded by the floats in their existing configuration. Finally, the proposed dewatering of the entire area during construction could remove or adversely impact eelgrass habitat. While there is potential for eelgrass habitat within in the project area, it was not identified during a 2012 Essential Fish Habitat Evaluation completed by Compliance Biology. However, it is possible that eelgrass has established in portions of the project site since the survey was conducted. Staff notes that the Commission has routinely required surveys for eelgrass to be carried out just prior to construction of marina improvements, as a condition of approval, in order to ensure that, if eelgrass is present, mitigation measures are incorporated into the project.

Therefore, **Special Condition Three (3)** requires the applicant to conduct, prior to construction, a survey of the project area for eelgrass. If the survey identifies any eelgrass within the project area which would be impacted by the proposed project, the Executive Director must be notified prior to construction. If any eelgrass is identified in the project area prior to construction, the applicant shall also conduct a second eelgrass survey one month after the conclusion of construction to determine if any eelgrass was adversely impacted. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1. Implementation of mitigation shall require an amendment to this permit or new coastal development permit.

Caulerpa taxifolia

The Commission further finds that the driving of piles on the sea floor could disturb and cause the spread of non-native and invasive species, such as *Caulerpa taxifolia* and Japanese kelp (*Undria pinnatifida*). *C. taxifolia* is a tropical green marine alga that spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. Because of toxins in its tissues, *C. taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation of *C. taxifolia* has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing in places such as the

Mediterranean¹. Because of the grave risk to native habitats, in 1999 *C. taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001, the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various Caulerpa species.

In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50°F. Although warmer southern California habitats are most vulnerable, until better information is available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

In response to the threat that *C. taxifolia* poses to California's marine environment, the Southern California Caulerpa Action Team, SCCAT, was established to respond quickly and effectively to the discovery of *C. taxifolia* infestations in Southern California. The group consists of representatives from several States, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations.

Although no *C. taxifolia*, Japanese kelp or other non-native invasive aquatic species were previously identified in a 2012 Essential Fish Habitat Evaluation of the project site completed by Compliance Biology, if *C. taxifolia*, Japanese kelp or other non-native invasive aquatic species has become present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. In order to assure that the proposed marina development does not cause the dispersal of *C. taxifolia* and other non-native species, the Commission imposes **Special Condition Four (4)**, which requires the applicant to survey the project area for the presence of *C. taxifolia*, Japanese kelp, or other non-native invasive aquatic species just prior to construction

¹ References:

- Meinesz, A. (Translated by D. Simberloff) 1999. Killer Algae. University of Chicago Press
- Chisholm, J.R.M., M. Marchionetti, and J.M. Jaubert. Effect of low water temperature on metabolism and growth of a subtropical strain of *Caulerpa taxifolia* (Chlorophyta). *Marine Ecology Progress Series* 201:189-198
- Ceccherelli, G. and F. Cinelli. 1999. The role of vegetative fragmentation in dispersal of the invasive alga *Caulerpa taxifolia* in the Mediterranean. *Marine Ecology Progress Series* 182:299-303
- Smith C.M. and L.J. Walters. 1999. Fragmentation as a strategy for *Caulerpa* species: Fates of fragments and implications for management of an invasive weed. *Marine Ecology* 20:307-319.
- Jousson, O., J. Pawlowski, L. Zaninetti, A. Meinesz, and C.F. Boudouresque. 1998. Molecular evidence for the aquarium origin of the green alga *Caulerpa taxifolia* introduced to the Mediterranean Sea. *Marine Ecology Progress Series* 172:275-280.
- Komatsu, T. A. Meinesz, and D. Buckles. 1997. Temperature and light responses of the alga *Caulerpa taxifolia* introduced into the Mediterranean Sea. *Marine Ecology Progress Series* 146:145-153.
- Gacia, E. C. Rodriguez-Prieto, O. Delgado, and E. Ballesteros. 1996. Seasonal light and temperature responses of *Caulerpa taxifolia* from the northwestern Mediterranean. *Aquatic Botany* 53:215-225.
- Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga *Caulerpa taxifolia* introduced into the Mediterranean. *Aquatic Botany* 51:163-169.

of the proposed project. If *C. taxifolia*, Japanese kelp, or other non-native invasive aquatic species is present in the project area, no work may commence and the applicant shall immediately notify the Executive Director.

Construction Impacts and Maintenance Responsibilities

The proposed boat launch ramp, associated boarding floats, and guide piles are located in and adjacent to the waters of the Ventura Harbor. Two of the three existing boarding floats would be repositioned and utilized with the new boat launch ramp, and the concrete guide piles necessary to anchor the floats would be manufactured and pre-stressed off-site. Treatment materials have not been proposed for the concrete piles or existing boarding floats. Installation of the guide piles would occur from a water-based pile-driving derrick barge. Small support skiffs and other watercraft would be utilized to install the dock structures. Construction of any kind, adjacent to or in coastal waters, has the potential to adversely impact marine resources and water quality through the introduction of pollutants associated with construction.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged into waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species by interfering with their ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, **Special Condition Five (5)** outlines construction-related requirements to provide for the safe storage of construction materials. Further, Special Condition Five (5) requires that the applicant dispose of all demolition and construction debris at an appropriate location. This condition also requires, in accordance with the applicant's proposal, the incorporation of silt curtains and/or floating booms when necessary to control turbidity and debris discharge. Divers shall remove any non-floatable debris not contained in such structures that sink to the ocean bottom as soon as possible.

In addition, there is the potential for the materials used for the boat launch ramp facility to degrade over time. The boarding floats, which utilize plastics and other materials for protection, are constantly subject to abrasive forces from boats and the marine environment. If the plastics and other materials were to become brittle, they may splinter or chip upon impact and would introduce debris into coastal waters, and thus would adversely affect water quality and marine resources. Because of the potential for pieces of unattached plastic or other materials to enter into the marine environment due to damage or degradation, the docks must be routinely inspected to ensure that the facility is being maintained in an environmentally safe operating condition and so that any damaged or degraded facilities are replaced in a timely manner. Therefore, **Special Condition Six (6)** requires that the applicant inspect the boat launch ramp facilities that are subject to this coastal development permit at least once a year. If monitoring confirms that the use of plastic or other materials in the marina is damaging marine resources and water quality, the use of such materials shall be stopped as more environmentally friendly products are developed.

Construction of the project includes the placement of a cofferdam around the construction area and dewatering so that the improvements may be constructed on dry land. Water extracted from the construction area will be tested for conformance with the discharge standards of the Regional Water Quality Control Board (RWQCB). If approved by the RWQCB, the applicant proposes to discharge this water into an area of adjacent harbor waters fully enclosed by a silt curtain to avoid impacts from turbidity or siltation. The proposed boat launch ramp replacement, including the proposed dewatering of the construction area, requires Regional Water Quality Board review and approval. The applicant has applied to the RWQCB for approval of the proposed project, including the dewatering plan, but has not yet received final approval. Therefore **Special Condition Two (2)** requires that the applicant provide written evidence of Regional Water Quality Board review and approval of the proposed boat launch ramp work, including dewatering prior to issuance of the subject coastal development permit. If the Regional Water Quality Board approval results in changes to the currently proposed project, the applicant may be required to obtain an amendment to the current coastal development permit. Further, **Special Condition Seven (7)** is required to ensure that the permittee complies with all permit requirements and mitigation measures of the California Department of Fish and Wildlife, Regional Water Quality Control Board, 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 which 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.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, and 30240 of the Coastal Act.

D. DIKING, FILLING, DREDGING, AND HAZARDS WITHIN OPEN COASTAL WATERS

Section 30233 of the Coastal Act addresses, in part, the fill of open coastal waters:

(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:

...

(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.

Section 30253 of the Coastal Act states, in pertinent part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Resources Element Policy 15.6 of City of Ventura LUP (similar to, but not exactly the same as Coastal Act Section 30233) states, in part, the fill of open coastal waters:

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

...

(3) The provision of new or expanded boating facilities in open coastal waters and streams and estuaries which do not involve any wetlands.

Section 30233 of the Coastal Act and Policy 15.6 of the City of Ventura LUP limit the fill of open coastal waters to specific, enumerated uses and also requires that any project which results in fill of open coastal waters provide adequate mitigation and that the project be the least environmentally damaging alternative. Coastal Act Section 30253 mandates that new development shall minimize risks to life and property in areas of high geologic, flood, and fire hazard.

The boat launch ramp facility is located in the northeast harbor area, adjacent to existing marinas, as seen in Exhibit 2. The proposed project includes installation of six new precast, pre-stressed, concrete guide piles, two boarding floats, and approximately 2,500 tons of rock revetment. According to the Essential Fish Habitat Evaluation conducted in 2012 by Compliance Biology, the existing benthic habitat within the project area is composed of sand and silt, rocky habitat was not identified.

Allowable Use

Section 30233(a)(3) of the Coastal Act allows the fill of open coastal waters, other than wetlands, such as the Ventura Harbor waterways where the subject site is located, for new or expanded boating facilities and the placement of pilings for public recreational piers that provide public access and recreational opportunities. No wetlands are found on the project site, only open coastal waters. The proposed project, a public boat launch ramp, constitutes a new boating facility. Thus, the project is an allowable use under Section 30233(a)(3).

Least Environmentally Damaging Alternative

The applicant is proposing to construct a new public boat launch ramp, which would include the removal of eighteen existing concrete piles, and the placement of approximately six new precast concrete guide piles, two boarding floats, and 2,500 tons of rock revetment. This is the minimum number of piles necessary to adequately support and anchor the realigned boarding floats under current engineering and safety standards. The footprint of the proposed launch ramp would be smaller in size than the existing launch ramp. As such, approximately 100 ft. of slope between harbor waters and the adjacent upland would be unprotected earthen slope. Therefore the proposed placement of rock revetment is necessary to provide slope protection and assure stability of both the proposed boat launch ramp and landward development. The size and design of the rock slope protection will be similar to the rock revetment slope protection throughout Ventura Harbor. The proposed project will use the minimum number of piles and minimum quantity of rock revetment, thereby minimizing the amount of fill needed to support the proposed allowable use. Thus the project as proposed is the least environmentally damaging alternative.

Adequate Mitigation

Section 30233 also requires that any project which results in fill of open coastal waters also provide adequate mitigation. Placement of the proposed piles will displace bottom habitat area. However, the proposed project is the least environmentally damaging, feasible alternative, and includes feasible mitigation measures. Given that the subject boat launch ramp is the only launch ramp within the Ventura Harbor, and the density of development throughout the harbor, there are no alternative locations available for the proposed boat launch ramp replacement that would be less environmentally damaging. Further, the proposed boat launch ramp replacement would reduce the number of piles necessary to anchor the boarding floats from eighteen to six. Additionally, **Special Condition Three (3)** requires surveys for eelgrass, **Special Condition Four (4)** requires surveys for *Caulerpa taxifolia*, and **Special Condition Five (5)** requires that the applicant comply with construction responsibilities and debris removal. These special conditions will assure that displacing bottom habitat from placement of the pilings will result in minimal impacts to the sea floor and marine environment.

The proposed project has been designed to maximize the safety and stability of the launch ramp and boarding float system. However, given that the launch ramp, boarding floats, and piles would be constructed within a harbor channel, the project still has the potential to be subject to hazards associated with storm waves, tsunamis, surges, and flooding. Therefore, **Special Condition Eight (8)** has been included to require that the applicant assume the risks of injury and damage associated with these potential hazards as they relate to the proposed project and indemnify and hold harmless the Commission against any claims, damages, or costs associated with damage caused by such hazards.

For the reasons discussed above, the Commission finds that the proposed project is consistent with Sections 30233 and 30253 of the Coastal Act, and Policy 15.6 of the City of Ventura LUP.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

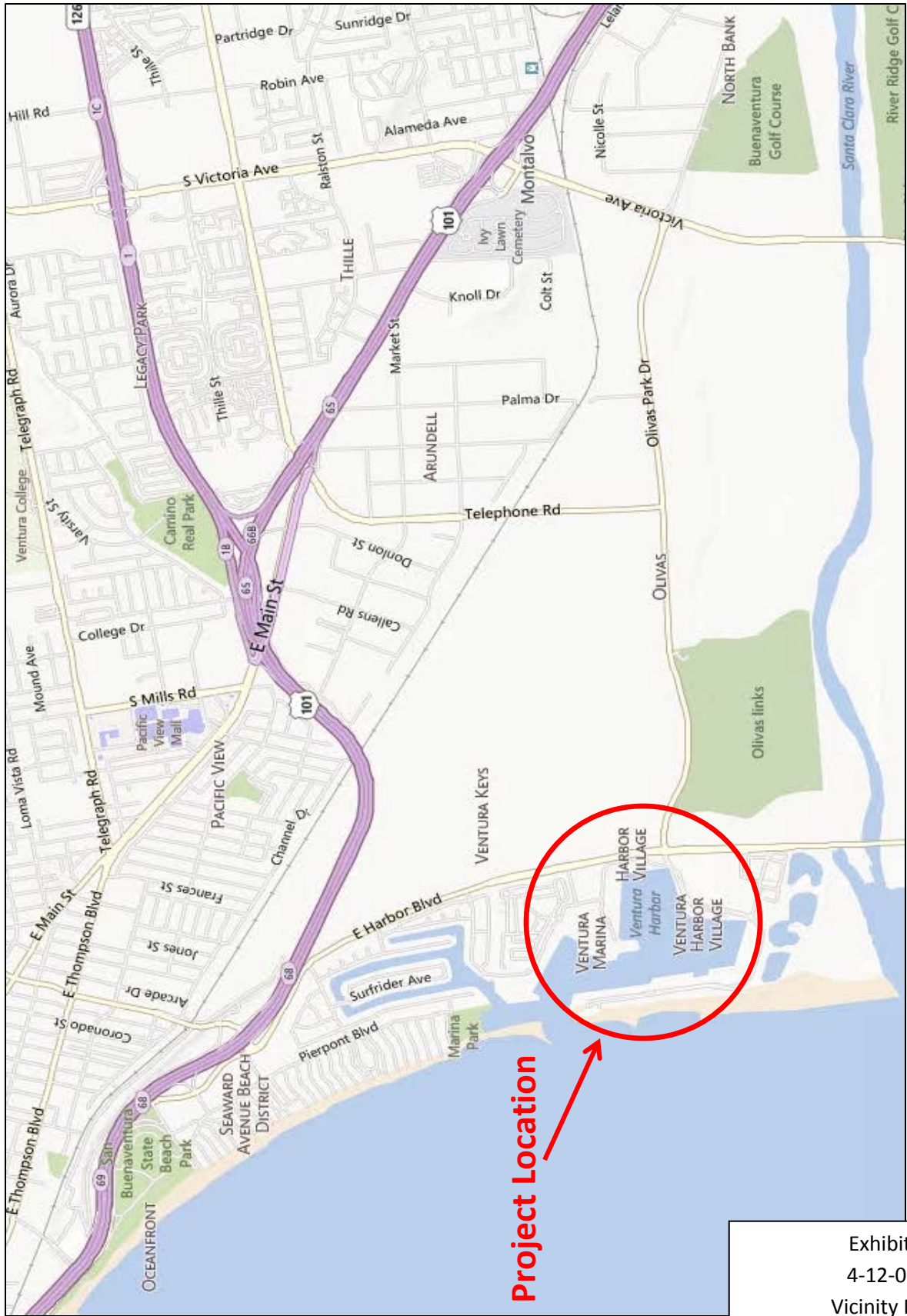
Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California 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 that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A

Substantive File Documents

Ventura Harbor Public Launch Ramp Replacement Biological Resources Assessment and Hydrology/Water Quality Technical Study, dated March 2012; Essential Fish Habitat Evaluation, dated February 18, 2012; Caulerpa Survey for Ventura Harbor Boat Launching Facility Rehabilitation Project, dated January 2012; Ventura Harbor Public Boat Launch Ramp Facility Construction BMPs, dated July, 2012; Memo from G. Scott Miller regarding the launch ramp capacity and usage, dated July 20, 2012; Correspondence with Richard Parsons regarding the project description, dated February 7, 2013.



Project Location

Exhibit 1
4-12-065
Vicinity Map

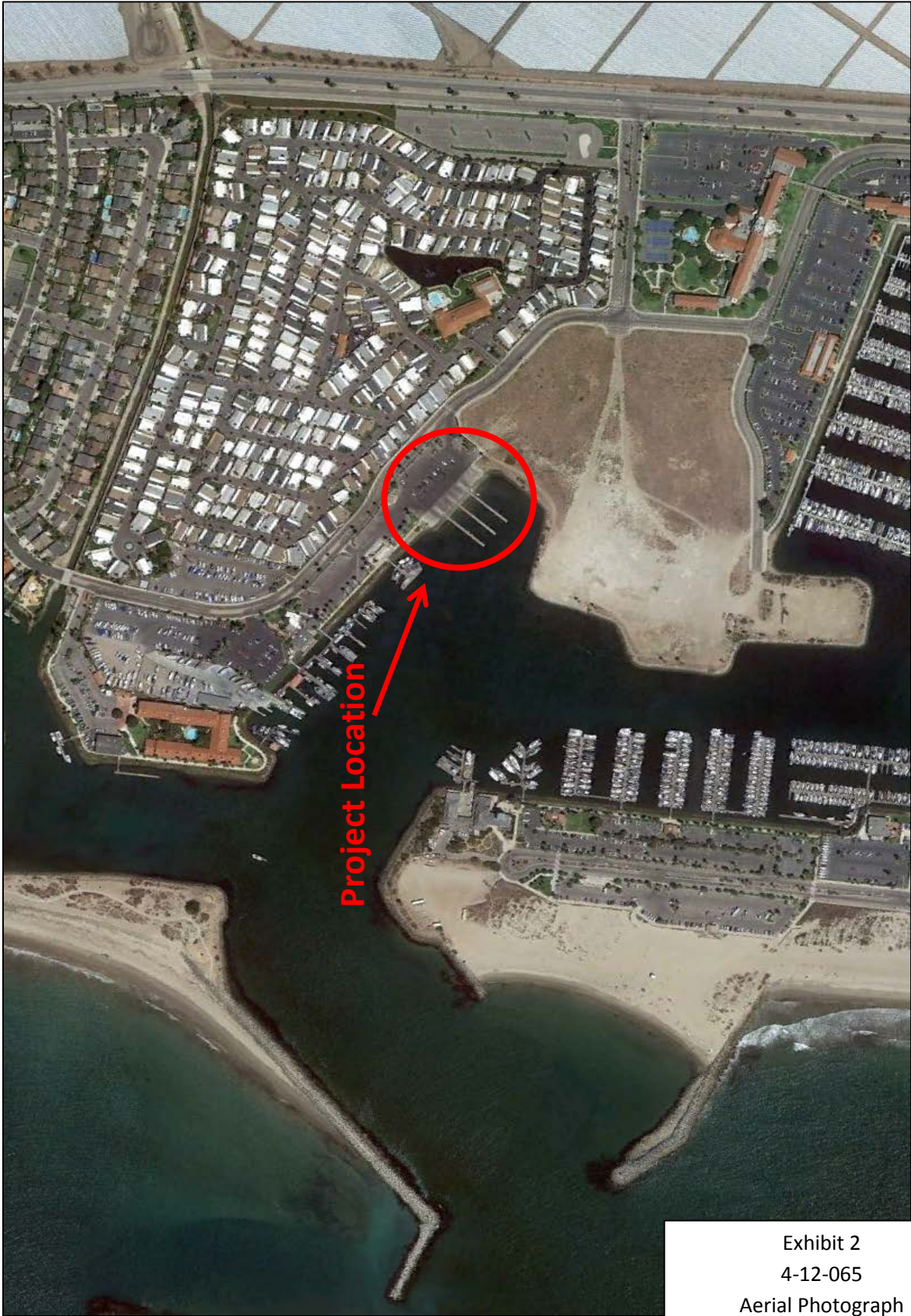
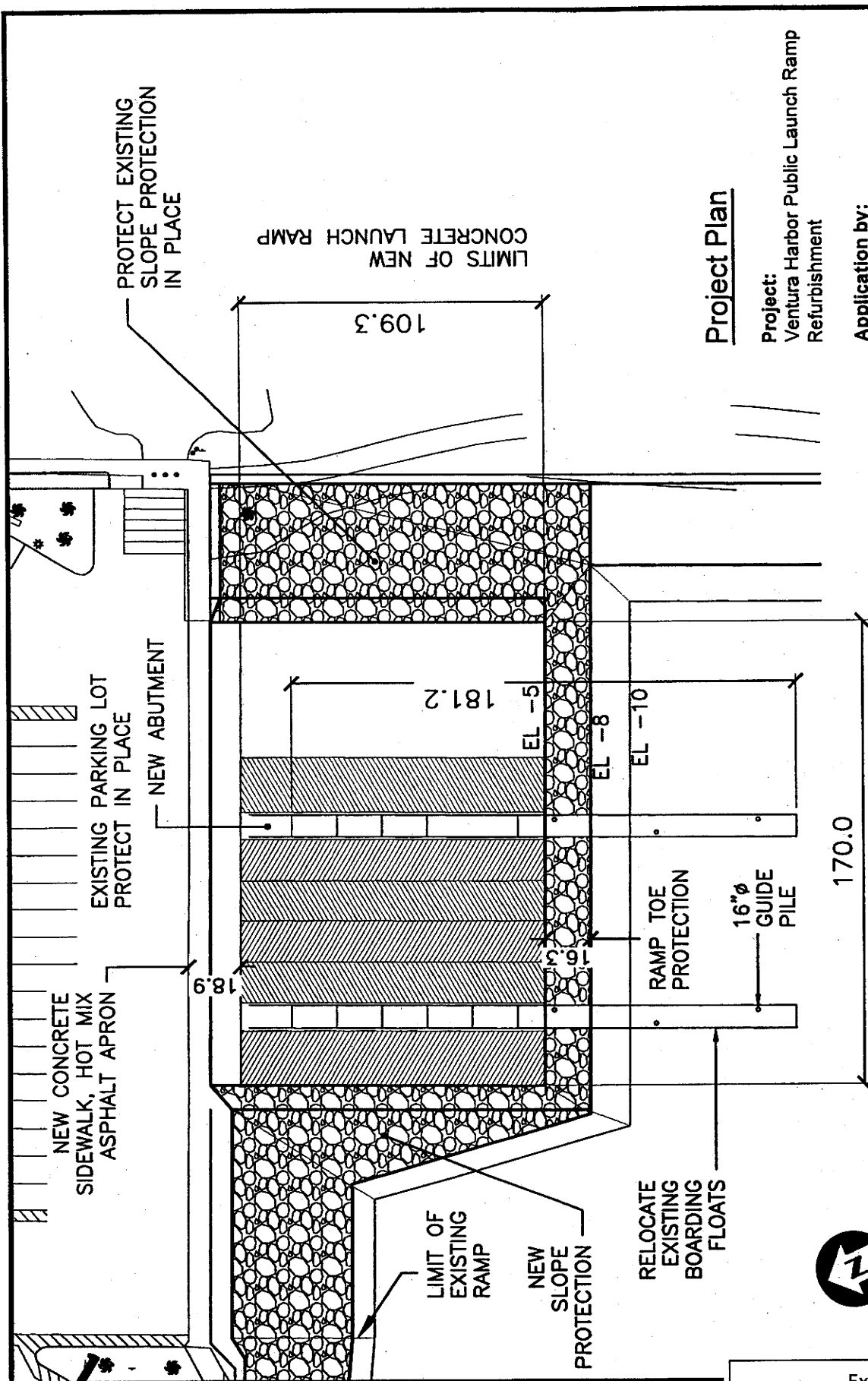


Exhibit 2
4-12-065
Aerial Photograph



Project Plan

Project:
Ventura Harbor Public Launch Ramp
Refurbishment

Application by:
Ventura Port District

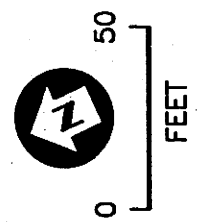
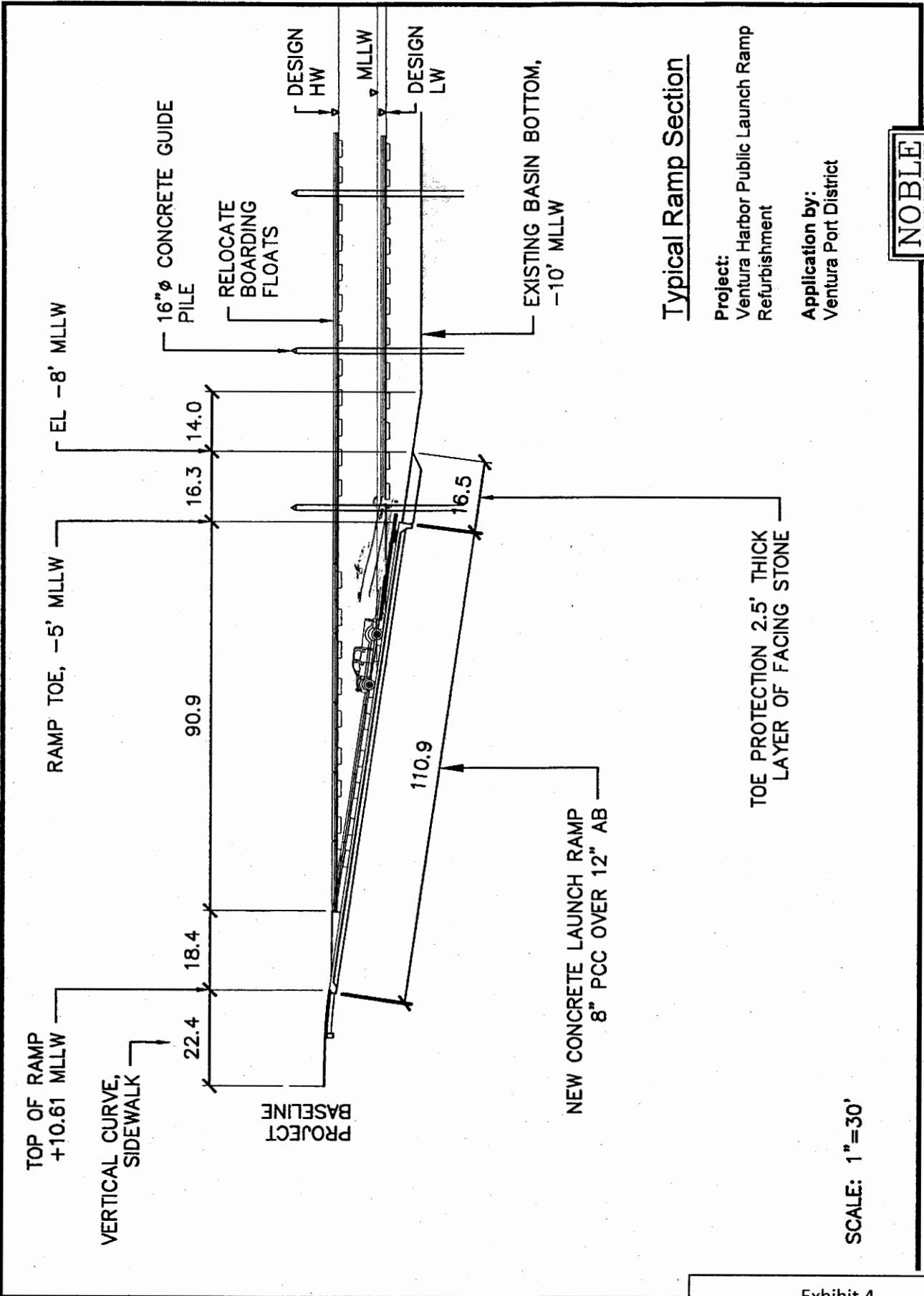


Exhibit 3
4-12-065
Proposed Site Plan





Typical Ramp Section

Project:
Ventura Harbor Public Launch Ramp
Refurbishment

Application by:
Ventura Port District



TOE PROTECTION 2.5' THICK
LAYER OF FACING STONE

SCALE: 1"=30'