

**CALIFORNIA COASTAL COMMISSION**

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# F11a

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 5-16-0627

**Applicant:** Los Angeles Department of Water and Power

**Location:** Haynes Inlet Channel, situated between LADWP Haynes Generation Station (6801 E. 2<sup>nd</sup> St., Long Beach) and Pacific Coast Highway (at 1<sup>st</sup> St. in Seal Beach), in both Orange County and Los Angeles County (APN 7237-020-276)

**Project Description:** Removal of approximately 9,021 linear feet of a 6-ft. high 2.25-inch mesh chain link security fence topped with triple-strand barbed wire along both sides of the Haynes Generation Station Cooling Inlet Channel and installation of approximately 9,021 linear feet of 8-ft. high 1-inch mesh metal mesh fence topped with triple-strand barbed wire.

**Staff Recommendation:** Approval with conditions

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### SUMMARY OF STAFF RECOMMENDATION

The proposed project is the replacement of a 6-ft. high chain link security fence topped with triple-strand barbed wire providing security along both sides of an approximately mile-long section of the Haynes Generation Station Cooling Channel. The proposed new fence is an 8-ft. high, 1" metal mesh fence topped with triple-strand barbed wire. The seawater channel provides condenser cooling water to each of the three steam turbine generating units and equipment cooling for the two gas turbines at the Haynes Generating Station, an electric power generating

facility providing power to the LADWP distribution grid. The project site crosses the Los Angeles/Orange county line, and is entirely within the Commission's area of original jurisdiction.

The major issues raised by this proposed development concern possible impacts to public access (e.g., fishing), visual resources, and sensitive biological resources. The applicant has designed the proposed project to eliminate adverse effects to public access, and to minimize adverse impacts to visual resources and sensitive biological resources. However, special conditions are necessary to ensure that the proposed development is consistent with Coastal Act policies.

To ensure that the construction phase of the proposed new development does not result in adverse impacts to adjacent sensitive habitat present within the Los Cerritos Wetland Preserve area or the surrounding area, the Commission imposes special conditions requiring all work to occur outside of the bird nesting season; submittal of a construction staging plan; construction-phase best management practices; and finally, submittal, within 30 days of the project completion, of a post-construction general reconnaissance-level field survey conducted to identify any temporary construction impacts to native vegetation/adverse impacts to sensitive southern California salt marsh wetland vegetation alliance communities present within the Los Cerritos Wetland Preserve area immediately adjacent to the project site. The applicant does not anticipate the project will result in any permanent impacts; however, should the post-construction survey identify any temporary construction impacts to any sensitive habitat, the applicant is required to mitigate for those impacts per **Special Condition #4**.

Additionally, to ensure that the proposed project is consistent with Section 30240(b) of the Coastal Act regarding the protection of environmentally sensitive habitat areas, the Commission imposes **Special Condition #1** requiring the applicant to revise the proposed project plans to maintain the 2.25" mesh chain link fence material just along the portions of the fence adjacent to the Los Cerritos Wetlands property (approximately 700 linear feet of the approximately 9,000 linear feet long of fence), and to use the proposed 1" mesh fence material for the remainder of the fence in order to maintain the ability of low-flying small bird species, such as the Belding's savannah sparrow to continue to travel through the fence line to the adjacent aquatic resources. Also, **Special Condition #2** is imposed to limit authorization of the new fence until 2029 when the applicant has indicated that water from the inlet channel will no longer be required for power generation. At that time, the applicant shall apply for a permit to remove the chain link fence in accordance with the City's long term goals to restore the adjacent wetlands.

Staff is recommending **approval** of the proposed coastal development permit with **ten (10)** special conditions regarding: **1) Submittal of Final Revised Plans; 2) Future Removal of Inlet Channel Fence; 3) Post-Construction Survey; 4) Habitat Mitigation and Monitoring Survey; 5) Construction Staging Area; 6) Timing of Construction/Monitoring; 7) Construction Phase BMPs; 8) Assumption of Risk, Waiver of Liability; 9) Future Development; and 10) Public Rights.**

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### **EXHIBITS**

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial Photo Outlining Project Site](#)

[Exhibit 3 – Biological Resources Map](#)

[Exhibit 4 – Site Photos](#)

## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** Coastal Development Permit No. 5-16-0627 pursuant to the staff recommendation.*

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

### Resolution:

*The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

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 permittees 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 permittees 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. **Submittal of Revised Final Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, two full-size sets of the Fence Detail Plan that conforms with the plans submitted to the Commission, titled *Attachment 5: Sample Fence Plan*, submitted on July 15, 2016, except that it shall be modified as required below:
  - a) Remove use of razor wire loops
  - b) Remove use of fabric cover
  - c) Replace the existing chain-link fence along the Los Cerritos Wetlands Authority property line keeping the same 2.25" mesh chain-link fence material for that portion of the fence
  - d) No color/coating of fence material

All revised plans shall be prepared and certified by a licensed professional or professionals as applicable (e.g., architect, surveyor, geotechnical engineer), based on current information and professional standards, and shall be certified to ensure that they are consistent with the Commission's approval and with the recommendations of any required technical reports [as may be specified below.]

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. **Future Removal of Inlet Channel Fence.** Authorization of the security fence which is the subject of this permit shall be limited to the end of 2029, or until the 'once-through-cooling method' is phased out and the inlet channel is no longer required to provide condenser cooling water to the Haynes Generating Station, whichever happens first. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that the landowner(s) shall remove and/or relocate, the above described development authorized by this permit when there is no longer a valid need for the development. A permit will be needed to authorize removal.
3. **Post-Construction Field Survey.** PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval a detailed plan for a post-construction general reconnaissance-level field survey conducted to identify temporary construction impacts to native vegetation/adverse impacts to sensitive southern California salt marsh wetland vegetation alliance communities present within the Los Cerritos Wetland Preserve area immediately adjacent to the project site. The applicant shall submit the results of the Field Survey to the Executive Director within 30 days of the project completion. Should the post-construction

survey identify any temporary construction impacts to any sensitive habitat, the applicant shall prepare a Habitat Mitigation and Monitoring Plan per Special Condition 4.

4. **Habitat Mitigation and Monitoring Plan.** If determined to be required based on the results of the Field Survey required by Special Condition 3, the applicant shall submit to the Executive Director for review and written approval, a detailed mitigation and monitoring plan for all impacts to sensitive biological resources associated with the proposed development. Said plan shall include the following:
  - A. Preparation of detailed site plans clearly delineating all impacted upland habitat areas and their exact acreage.
  - B. All temporary impacts to upland habitat shall be mitigated through restoration/enhancement at not less than a **1:1** mitigation ratio. All mitigation shall be located where the impact occurred, and shall not be credited through the purchase of mitigation land. In addition, a detailed site plan of the mitigation areas shall be included and shall include any proposed temporary irrigation, including its proposed duration and timing.
  - C. A Restoration and Monitoring Plan shall be prepared by a qualified restoration ecologist and shall at a minimum include the following: A baseline assessment; a description of the goals of the restoration plan, including that any restoration must achieve functionally equivalent habitat; a description of planned site preparation; a restoration plan including the planting palette, source of plant material, plant installation methods and timing; measures for remediation if success criteria (performance standards) are not met, and a plan for interim monitoring and maintenance of restoration site.

The permittee shall undertake mitigation and monitoring in accordance with the approved final, revised upland mitigation plan. Any proposed changes to the approved final, revised plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director provides a written determination that no amendment is legally required.

5. **Construction Staging Area.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a plan for the review and approval of the Executive Director which indicates that the construction staging area(s) will avoid impacts to public access to the bay and avoids impacts to sensitive habitat areas. The construction staging plan shall include, at a minimum:
  - a. Construction equipment and materials shall not be stored outside the staging area
  - b. Depict the limits of the staging area(s) and parking location for construction worker vehicles
  - c. Habitat (vegetated) areas shall not be used for staging or storage of equipment
  - d. Staging area shall not obstruct access to the channel fishing area/access point

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this

coastal development permit unless the Executive Director determines that no amendment is legally required.

6. **Timing of Construction/Monitoring.** A qualified biologist shall monitor the proposed development for disturbance to sensitive species or habitat area. Daily monitoring shall occur during construction activities that may disturb sensitive vegetation, animal or bird species (i.e., California gnatcatcher, Belding savannah sparrow, light-footed clapper rail) and raptors. Based on field observations, the biologist shall advise the applicant regarding methods to minimize or avoid significant disturbance of sensitive species or habitat areas. The biological monitor shall halt all work should any construction activities result in sensitive species disturbance.

To avoid adverse impacts on the California least tern (*Sternula antillarum browni*), Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) and other sensitive bird species known to occur within and in the vicinity of the project area, construction shall not occur between February 15 through August 30 of any year.

7. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittees shall comply with the following construction-related requirements:
  - A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion;
  - B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers;
  - C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project;
  - D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
  - E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
  - F. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
  - G. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the Coastal Zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
  - H. 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 the soil;
  - I. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
  - J. The discharge of any hazardous materials into any receiving waters shall be prohibited;

- K. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
  - L. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
  - M. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.
8. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (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 ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.
9. **Future Development.** This permit is only for the development described in Coastal Development Permit No. 5-16-0627. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by Coastal Development Permit No. 5-16-0627. Accordingly, any future improvements to the fence authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-16-0627 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
10. **Public Rights.** The Coastal Commission's approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property.



## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATION AND DESCRIPTION**

The proposed project is located along an approximately mile long portion of the Haynes Inlet Channel at the border of Long Beach (Los Angeles County) and Seal Beach (County of Orange) at Pacific Coast Hwy east (inland) to E. 2<sup>nd</sup> Street in the City of Long Beach ([Exhibit #1](#)). The Channel was constructed as a cooling water intake channel to provide condenser cooling water to the Haynes Generating Station, an electric power generating facility at 6801 E. 2<sup>nd</sup> Street providing power to the LADWP distribution grid. Water is withdrawn from Alamitos Bay through openings in a bulkhead wall in the northeast corner of the Long Beach Marina. Pipes lead under the San Gabriel River to the manmade Channel extending 1.5 miles northeast to the power generating station where four circulating water intake structures draw water from the Channel.

The Los Angeles Department of Water and Power (LADWP) proposes to replace approximately 9,021 linear feet of an existing 6-ft. high, 2.25-inch mesh chain link fence topped with triple-strand barbed wire (8 feet tall including the barbed wire) providing security along both sides of an approximately mile section of the Haynes Generation Station Cooling Channel with a new 9,021 linear foot, 8-ft. tall, 1-inch mesh fence topped with triple-strand barbed wire (10 feet tall including barbed wire). The existing fence is located within an upland area approximately 20 feet from the inlet channel and is separated from the channel by a paved service road on both sides of the channel. The paved service road will provide access to fence for removal and installation. [Exhibit #2](#) provides an aerial view outlining the section of the Channel where the existing chain link fence is proposed to be replaced. The majority of the Channel and fence is in Long Beach, a small portion along the south bank is in the City of Seal Beach.

### **STANDARD OF REVIEW**

The proposed project is located within a single lot privately owned by LADWP bisected by the County Line separating Los Angeles County and the County of Orange. The project site is primarily located within an Area of Deferred Certification (ADC) of the City of Long Beach, Los Angeles County (a certified jurisdiction) and a small portion of the site at the southern bank of the Haynes Inlet Channel is within the City of Seal Beach, County of Orange (an uncertified jurisdiction). Thus, the entire site of the proposed development is located within the Commission's permit jurisdiction and the standard of review is Chapter 3 of the Coastal Act. (Pub. Res. Code § 30519).

### **B. PUBLIC ACCESS AND RECREATION**

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 30220 states:

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

Coastal Act Section 30223 states:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

The proposed project is the replacement of an existing fence with a new, more secure fence that is 2-ft. taller and finer mesh than what is currently in place. The fence provides security to the power generation station and bulk electric power system. The applicant reported that there have been at least twenty-eight (28) documented reports of intruders and/or attempts to access the inlet Channel and a few instances of unauthorized access inside the station by way of the inlet Channel. Therefore, in order to meet Federal Energy Regulatory Commission (FERC) regulations that address threats and vulnerabilities to the physical security of critical facilities on the Bulk-Power System, the applicant proposes the fence improvements that are the subject of this CDP application. The proposed new fence would result in a 2-ft. fence height increase, finer mesh chain link material (which is stronger and harder to cut through than regular chain link), and retention of the three-strand barbed wire at the top of the fence surrounding the inlet channel structure providing a necessary cooling water supply to the power generation station, are all reasonable steps to protect the power generation station against physical security attacks.

### **Public Access to Inlet Channel Waters**

One of the main tenets of the Coastal Act is the preservation and enhancement of coastal access. Access to the site from Pacific Coast Hwy. is from a paved driveway leading to an unpaved vehicle pull-out area leading to the mouth of the inlet at a lower elevation to roadway. A few vehicles are able to park at the mouth of the inlet. There is an existing 4-ft. tall metal mesh fence at the mouth of the inlet. This area at the mouth of the inlet is a popular, well known recreational fishing spot. Fishermen have the ability to cast their lines into the inlet Channel over this 4-ft. tall metal mesh fence ([Exhibit #4](#)). Anecdotal information from local fishermen indicates that halibut, flounders, sand bass are common catches at this spot.

The applicant has modified their original project description which initially was to extend the proposed 8-ft. tall fence and barbed wire in order to enclose the southern end (mouth) of the inlet channel, and now instead proposes to leave the existing 4-ft. tall iron mesh fencing at the mouth of the inlet Channel unchanged. Thus, as proposed, the project preserves existing public access to the mouth of inlet Channel for fishing purposes. The chain link fence proposed for replacement connects to the 4-ft. tall iron mesh at the inlet Channel mouth on both sides of the Channel. Replacement of the existing chain link fence in its current position would not inhibit or interfere with the public's continued access to the inlet Channel for recreational fishing purposes.

As conditioned, the project would not interfere with the public's opportunity for recreational fishing in the Channel and is therefore consistent with the public access and recreation policies of the Coastal Act.

### **C. SCENIC AND VISUAL RESOURCES**

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed project involves the replacement of approximately 9,021 linear feet of an existing 6-ft. high 2.25-inch mesh chain link fence topped with triple-strand barbed wire (8-foot tall including the barbed wire) along both sides of an approximately mile section of the Haynes Generation Station Cooling Inlet Channel with a new 9,021 linear foot, 8-ft. tall, 1-inch mesh fence topped with triple-strand barbed wire (10-foot tall including barbed wire).

The Haynes Inlet Channel is visible from Pacific Coast Hwy and from E. 2<sup>nd</sup> Street. Public views to the site are available from the San Gabriel River which has a public bike trail to the north of the Channel; there are no significant areas providing public views from the south side of the Channel as private residential and industrial uses characterize that area. However, the Channel is at a lower elevation from both roads and the San Gabriel River bike path (see [Exhibit #4](#)); thus, the existing 8-foot tall fence and even the proposed 10-foot tall fence, though visible from the road, does not present a visual deterrence across the landscape. Therefore, the proposed additional height and smaller sized mesh on the chain link fence would not negatively affect public views or visual resources from public vantage points along Pacific Coast Hwy, E. 2<sup>nd</sup> Street, or along the San Gabriel River bike trail.

As proposed, the Commission finds that the development conforms to the scenic and visual protection policies of the Coastal Act.

### **D. BIOLOGICAL RESOURCES**

Section 30240(b) of the Coastal Act states:

*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.*

The proposed project involves the replacement of approximately 9,021 linear feet section of an existing chain link fence along both sides of an approximately mile section of the

Haynes Generation Station Cooling Inlet Channel. The existing fence is located within an upland area approximately 20 feet from the inlet channel and is separated from the channel by a paved service road on either side. Thus, the Channel itself will not be impacted by the proposed project.

The applicant provided a survey of natural resources found or potentially occurring within the project vicinity titled “*Biological Resources Letter Report for the Haynes Inlet Fence Replacement Project, City of Long Beach, Los Angeles County, California*” by Dudek, dated June 15, 2017. The Report characterizes the project study area as primarily disturbed and developed land cover types; however, it is adjacent to sensitive southern California saltmarsh wetland vegetation communities present within the Los Cerritos Wetland Preserve which surrounds the project site to the northwest and southeast, which in some areas is located immediately adjacent to the fence proposed for replacement. Work locations associated with the proposed project are limited to non-natural land covers/unvegetated communities. The proposed work areas do not contain any natural or special-status vegetation communities.

The vegetation communities identified immediately east and west of the project site and within the study area include the restored California salt marsh wetland habitat within the Los Cerritos Wetland Preserve, and pockets of interspersed disturbed and developed land covers dominated by older buildings and oil drill rigs. Fifteen (15) distinct vegetation communities and land covers were mapped within the 90 acre study areas ([Exhibit #3](#)). No special status plants were detected within the study area and therefore will not be impacted by the proposed project. However, four plant species were determined to have a moderate to high potential of occurring *within 100 feet of the project footprint*, these are: Coulter’s goldfields (*Lasthenia glabrata* ssp. *Coulteri*) Lewis’s evening primrose (*Camissoniopsis lewisii*) and California boxthorn (*Lycium californicum*).

A total of 21 wildlife species were detected within the study area including 18 bird, 1 mammal and two reptile species. No amphibian species were observed. No special-status wildlife species were detected within the study area and therefore will not be impacted by the proposed project. However, the following species have at least a moderate potential of occurring *within 100 feet of the project footprint*, these are: green sea turtle, southern California rufous-crowned sparrow, Belding’s savanna sparrow, Ridgway’s rail, black skimmer, California least tern, south coast marsh vole, Pacific pocket mouse; and southern California saltmarsh shrew. No special status wildlife are anticipated to be impacted as part of the proposed project activities.

The Los Cerritos Wetlands Authority submitted a comment letter dated May 30, 2017 expressing concern that the proposed smaller 1-inch mesh fencing material would prevent the Belding’s savannah sparrow and other small, low-flying bird species the ability to continue traveling through the chain link fence openings to adjacent aquatic resources on the Los Cerritos Wetlands Preserve property. To avoid any new adverse impacts to biological resources in the vicinity as a result of the proposed fence material, **Special Condition #1** requires the applicant revise the proposed project plans to maintain the 2.25” mesh chain link fence material just along the portions of the fence adjacent to the Los Cerritos Wetlands property and the proposed 1” mesh fence material for the remainder of the fence.

Additionally, to ensure that the construction phase of the proposed project does not result in adverse impacts to adjacent sensitive habitat present within the Los Cerritos Wetland Preserve area or the surrounding area, the Commission imposes **Special Condition #6** requiring all work to occur outside of the bird nesting season; **Special Condition #5** submittal of a construction staging plan; **Special Condition #7** construction-phase best management practices; and finally, **Special Condition #3** requiring submittal of a post-construction general reconnaissance-level field survey conducted to identify any temporary construction impacts to native vegetation/adverse impacts to sensitive southern California salt marsh wetland vegetation alliance communities present within the Los Cerritos Wetland Preserve area immediately adjacent to the project site within 30 days of the project completion. The applicant does not anticipate the project will result in any permanent impacts, however, should the post-construction survey identify any temporary construction impacts to any sensitive habitat, the applicant is required to mitigate for those impacts per **Special Condition #4**.

Furthermore, the applicant has explained that the inlet Channel provides a condenser cooling water source for the electric power generation station through a method known as once-through-cooling. The once-through-cooling will be phased out by 2029 and at that time the inlet structures and channel will no longer be required for power generation. As the need for the proposed new fence is only required until 2029, the Commission imposes **Special Condition #2** requiring the applicant to remove the fence once it is no longer necessary to provide security to the inlet channel structure.

Therefore, the Commission finds that the development, as conditioned, does not pose significant adverse impacts that would significantly degrade habitat areas and is compatible with the continuance of those areas consistent with Section 30240 of the Coastal Act.

#### **E. LOCAL COASTAL PROGRAM (LCP)**

Pursuant to Section 30519 of the Coastal Act, any development located within the Commission's area of original jurisdiction requires a coastal development permit from the Commission. The proposed project is situated partly in an uncertified jurisdiction and partly in an Area of Deferred Certification in a certified jurisdiction within the Coastal Zone and is therefore in the Commission's permit jurisdiction. Therefore, a coastal development permit must be obtained from the Commission. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act.

#### **F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, 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 City of Long Beach is the lead agency for purposes of CEQA compliance. As determined by the City, this project is statutorily exempt from CEQA. As such, the project is exempt from CEQA's requirements regarding consideration of mitigation measures and alternatives. The Commission, however, has conditioned the proposed project in order to ensure its consistency with Coastal Act requirements regarding public access and resource protection. These special conditions are: 1) Submittal of Final Revised Plans; 2) Future Removal of Inlet Channel Fence; 3) Post-Construction Survey; 4) Habitat Mitigation and Monitoring Survey; 5) Construction Staging Area; 6) Timing of Construction/Monitoring; 7) Construction Phase BMPs; 8) Assumption of Risk, Waiver of Liability; 9) Future Development; and 10) Public Rights.

There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the project would 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

## **APPENDIX A - SUBSTANTIVE FILE DOCUMENTS**

City of Long Beach Certified LCP

*“Biological Resources Letter Report for the Haynes Inlet Fence Replacement Project, City of Long Beach, Los Angeles County, California”* by Dudek, dated June 15, 2017.

*“Biological Resources Letter Report for the Haynes Inlet Fence Replacement Project, City of Long Beach, Los Angeles County, California”* by Dudek, dated June 14, 2016.