

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 4-18-0599

Applicant: Ventura Port District

Agent: Richard Parsons

Project Location: Ventura Harbor Village Marina, Spinnaker Drive, Ventura

Project Description: Replace existing wooden docks C, G, H, and the southern section of dock D with precast concrete floating docks, reconfigure docks G and H to better accommodate commercial fishing ships, replace existing piles with larger precast concrete piles, and construct a 109 foot precast concrete walkway between docks C and D.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed development with **six (6) special conditions** regarding (1) eelgrass survey(s), (2) pre-construction *Caulerpa taxifolia* survey, (3) construction responsibilities and debris removal, (4) inspection and maintenance, (5) conformance with the requirements of other resource agencies, and (6) assumption of risk.

The Ventura Port District is proposing to replace existing wooden docks C, G, H, and the southern section of dock D with precast concrete floating docks, reconfigure docks G and H to better accommodate commercial fishing ships, replace existing piles with larger precast concrete piles, and construct a 109 foot precast concrete walkway between docks C and D within the Ventura Harbor Village Marina. The proposed project is a continuation of a dock replacement program that was initiated in 2003 pursuant to Coastal Development Permit (CDP) 4-03-073, which focused on the northern section of dock D, and all of docks E, F, and I within the Ventura Harbor Village Marina. That project included the reconfiguration of the northern section of dock D, the reconfiguration of docks E, F, and I, replacement of the wooden support members and wooden floatation units with precast concrete support members and floatation units for those docks, and reinstallation of pilings to accommodate the new dock configuration. It should be

noted that the Commission previously approved CDP No. 4-14-0821 at the January 2016 Commission hearing in San Diego. While the applicant fulfilled the requirements of the Special Conditions, and the permit was issued on June 30, 2016, the development approved pursuant to the CDP was never initiated and the permit effectively expired on January 14, 2018 pursuant to Standard Condition 2. As such, the development proposed in the subject CDP is the same as development previously approved in CDP No. 4-14-0821.

The subject marina is located east of Spinnaker Drive, in the Ventura Harbor. 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 project is located in the Southwest Harbor Area.

The subject marina is used predominantly by commercial fishing boats and commercial tour operators; however, it can also accommodate recreational boat users when there are vacant slips that are not utilized by commercial boats. The proposed reconfiguration will reduce the number of smaller sized slips in the 35-40 foot range and increase the number of larger sized slips in the 60-65 foot range in order to allow the Marina to better accommodate the changing needs of the Harbor's commercial fishing fleet and allow the Marina greater flexibility in mooring a variety of boat sizes. While the proposed reconfiguration will reduce the overall number of slips within the Marina in the size range of 35 to 40 feet there are sufficient vacant slips in other marinas within the Ventura Harbor to accommodate market demand by smaller sized boats. As such, the proposed project will not adversely impact recreational boating opportunities for small vessels.

The proposed dock surface area and piles constitute fill of coastal waters and any fill has the potential to impact coastal and marine resources. However, the proposed project is a permitted fill development within coastal waters pursuant to Coastal Act Section 30233, as it proposed for commercial fishing, as well as new and expanded boating facilities. Additionally, because the proposed replacement and reconfiguration will result in a net decrease of dock surface area and piles as compared to the existing marina configuration, the project will result in a net reduction of fill within the Ventura Harbor. Furthermore, Special Conditions 1 through 5, which require surveys, construction best management practices, and conformance with the requirements of other resource agencies, ensure that the project will result in minimal environmental impacts to the Ventura Harbor marine environment.

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 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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APPENDICES

Appendix A [Substantive File Documents](#)

EXHIBITS

- Exhibit 1. [Vicinity Map](#)
- Exhibit 2. [Harbor Map](#)
- Exhibit 3. [Project Plans](#)
- Exhibit 4. [Proposed Reconfiguration of Docks G and H](#)
- Exhibit 5. [Mooring Possibilities for the Proposed Reconfiguration](#)

I. MOTION AND RESOLUTION

Staff recommends that the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit Application No. 4-18-0599 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

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 an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on the grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Pre and Post-Construction Eelgrass Survey(s)

A. Pre-Construction Eelgrass Survey:

- 1) 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.
- 2) The survey shall be prepared in full compliance with the “Southern California Eelgrass Mitigation Policy” dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) and shall be prepared in consultation with the California Department of Fish and Wildlife.
- 3) 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.
- 4) 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 in order to address and allow eelgrass mitigation measures, as described in subsection B, below. However, no amendment or new permit is needed if the Executive Director determines that no amendment or new permit is required.

B. Post-Construction Eelgrass Survey:

- 1) 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.
- 2) The survey shall be prepared in full compliance with the “Southern California Eelgrass Mitigation Policy” dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) and shall be prepared in consultation with the California Department of Fish and Wildlife.
- 3) 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.
- 4) If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy (SCEMP). All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation:impact).

- 5) The exceptions to the required 1.38:1 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

2. Pre-Construction *Caulerpa Taxifolia* Survey

- A. Not earlier than 90 days nor later than 30 days prior to commencement of any development authorized under this coastal development permit, the applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate and inspection of construction equipment.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
- C. Within two (2) weeks of completion of the survey, the applicant shall submit the results of 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). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Wildlife (858-467-4218), William.Paznokas@wildlife.ca.gov or Bryant Chesney, National Marine Fisheries Service (562-980-4037, Bryant.Chesney@noaa.gov), or their successors.
- D. Unless the Executive Director otherwise determines, if the survey identifies any *Caulerpa taxifolia* within the project area, the applicant shall submit to the Commission an application for a new coastal development permit or an amendment to this permit authorizing measures formulated to avoid, minimize and otherwise mitigate impacts that the proposed development might have resulting from the dispersal of *Caulerpa taxifolia* in the project area. The applicant shall: 1) refrain from commencement of the project until a valid permit or amendment is obtained, and 2) upon authorization of the permit or amendment, implement the approved mitigation measures in the manner and within the timeframe(s) specified in the approval.

3. Construction Responsibilities and Debris Removal.

By acceptance of this permit, the applicant agrees to comply with the following construction-related requirements:

- A. No demolition or construction materials, equipment, debris, or waste shall be placed or stored in the water, or 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. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site each day. Dock demolition debris shall be removed from the water as quickly as possible in order to prevent the spread of invasive aquatic plant species (Japanese kelp), but in no case later than the end of each day;
- C. 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;
- D. Machinery or construction materials not essential for project improvements will not be allowed at any time in the subtidal or intertidal zones;
- E. If turbid conditions are generated during construction, a silt curtain will be utilized to control turbidity;
- F. Eelgrass shall not be disturbed. Anchors shall not be placed in eelgrass areas.
- G. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
- H. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- I. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- J. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- K. 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;
- L. 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;
- M. 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;
- N. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- O. 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;

- P. 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
- Q. Any wood treatment used shall conform to the specifications of the American Wood Preservation Association for saltwater use. Wood treated with Creosote, CCA (Chromated Copper Arsenate), or ACA (Ammoniacal Copper Arsenate) is prohibited. No wood treated with ACZA (Ammoniacal Copper Zinc Arsenate) shall be used where it could come into direct contact with the water. All treated timber shall be free of chromium and arsenic.
- R. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

4. Inspection and Maintenance Program.

Throughout the life of the development approved by this permit, the permittee shall exercise due diligence in periodically inspecting (at least once per year) the facilities that are subject to this coastal development permit. The permittees shall immediately undertake any repairs necessary to maintain the structural integrity of the docks, pilings, and utility connections, prevent leaks, and to ensure that debris does not enter the environment.

5. Conformance with the Requirements of Other 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, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the 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

6. 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 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION AND BACKGROUND

The Ventura Port District is proposing to replace existing wooden docks C, G, H, and the southern section of dock D with precast concrete floating docks and replace existing piles with larger precast concrete piles. Dock C and the southern section of dock D will be replaced with the same dock configuration, slip size, and within approximately the same footprint as the existing docks. The applicant proposes to reconfigure docks G and H to better accommodate commercial fishing ships. Finally, the project includes the construction a new 109 foot precast concrete walkway between docks C and D ([Exhibit 3](#)). The proposed project is within the Ventura Harbor Village Marina (Marina) section of the Ventura Harbor.

The Ventura Harbor is located in the southern portion of the City of Ventura, north of the mouth of the Santa Clara River. The harbor is bounded by Arundell Barranca to the north, Harbor Boulevard and Olivas Park Golf Course to the east, Spinnaker Drive to the south, and the Pacific Ocean to the west ([Exhibit 1](#)). Local access is provided from Harbor Boulevard to the east, Spinnaker Drive to the south, and the Pacific Ocean to the west. Adjacent land uses to the Ventura Harbor include the City's Marina Park and the Ventura Keys residential area to the north, and agricultural uses and the Olivas Park golf course to the east. Commercial uses include an oil storage facility and a municipal water treatment plant located southeast of the harbor. Wildlife ponds, the Santa Clara River Channel, and McGrath State Beach lie to the southwest, State lands and the Pacific Ocean lie to the west.

The Marina occupies the southwestern portion of the Ventura Harbor. Surrounding uses include the Ventura Isle Marina, a recreational boat marina located across the turning basin to the east, a resort hotel, the Ventura West Marina located northeast of the project site, the Ventura Yacht Club located directly north of the project site, and the Harbor Village commercial center adjacent to the Harbor Village Marina. Additional docks for the Ventura West Marina are located north of the Ventura Yacht Club ([Exhibit 2](#)). Commercial fishing and processing operations are located at the southern end of the Ventura Harbor. The northern portion of the harbor generally consists of auxiliary marina services such as offices, fueling docks, boat storage, and a launch ramp, as well as a mobile home park. The National Park Service Channel Islands Headquarters is located on Spinnaker Drive and is accessed through the southwest harbor area.

The Ventura Harbor consists of 200 acres of land and 120 acres of water. Development of the harbor began in 1960. The entire harbor supports approximately 1,300 boat berths, a boat launching facility, public restrooms, a boat repair yard, fuel docks, charter fishing operations, commercial fishing support facilities, and the Harbor Patrol. The Marina was constructed in 1981 and 1982 as one of the four marinas in the Ventura Harbor. The Marina includes 144 boat slips ranging in length from 30 feet to 100 feet, a commercial fish-buying facility, and two travel lifts for hoisting boats. The Marina is used predominantly for commercial fishing, but also

accommodates commercial tour operations. The marina can also accommodate recreational boat users when there are vacant slips that are not utilized by commercial boats.

The proposed project is a continuation of a dock replacement program that was initiated in 2003 pursuant to Coastal Development Permit (CDP) 4-03-073, which focused on the northern section of dock D, and all of docks E, F, and I within the Ventura Harbor Village Marina. That project included the reconfiguration of the northern section of dock D, the reconfiguration of docks E, F, and I, replacement of the wooden support members and wooden floatation units with precast concrete support members and floatation units for those docks, and reinstallation of pilings to accommodate the new dock configuration. In addition, it should be noted that the Commission previously approved CDP No. 4-14-0821 at the January 2016 Commission hearing in San Diego. While the applicant fulfilled the requirements of the Special Conditions, and the permit was issued on June 30, 2016, the developed approved pursuant to the CDP was never initiated and the permit effectively expired on January 14, 2018 pursuant to Standard Condition 2. As such, the development proposed in the subject CDP is the same as development previously approved in CDP No. 4-14-0821.

The existing southern section of dock D and existing docks C, G, and H are a conventional wood frame and deck construction supported by precast concrete pontoons. The applicant has indicated that while the external appearance of the docks appears to be in fair to good condition, there is strong evidence that there is a considerable amount of interior deterioration. Evidence of warped fingers and corroded nails and metal brackets that are visible indicates that the internal dock framing is most likely compromised and has lost much of its structural capacity to resist lateral loads. Several of the four foot wide fingers at G and H docks were noted in the applicant's dock condition assessment to be unstable and unsafe to pedestrians.

In addition to the structural deterioration described above, the docks are now berthing larger fishing ships than they were originally designed for. When the Marina was initially constructed in 1981 and 1982 the primary commercial fishing ships were squid purse seiners and gill net fishing ships in the range of 35 feet to 50 feet. According to the applicant, the elimination of gill net fishing in near shore waters and the closure of several fishing grounds near the Channel Islands has resulted in a reduction of the number of 35 foot to 50 foot ships operating within the Marina from about 40 in the early 1980s to two today. While gill net fishing has declined, the commercial squid industry has seen significant growth and the 35 foot to 50 foot squid seiners of the 1980s are being replaced by larger seiners in the 60 foot to 80 foot range. These larger squid seiners have much larger berthing loads and put increased stress on the docks and piles. The proposed precast concrete docks and larger pilings will be capable of supporting the berthing loads of the larger squid seiners. The proposed reconfiguration of docks G and H will allow the marina to better accommodate the larger squid seiners by eliminating 36 slips in the 35 foot to 40 foot range and creating 14 slips in the 60 foot to 65 foot range. In addition, although construction of the subject marina would result in fewer smaller slips, the larger slips will allow smaller boats, including boats in the 35 to 40 foot range, to be incorporated into mixed mooring strategies.

On site construction activities for the proposed project will be limited and will consist mainly of pile driving to install the piles. Floating dock assemblies will be manufactured off site and delivered by truck to a designated staging area where they will be off loaded by a small land based crane, placed directly in the water, towed to the job site by a small skiff, and assembled

into the walkway and finger modules by hand. No concrete placement, dredging, excavation or import and storage of fill materials shall be performed at the project site. The piles will be precast concrete and no preservatives shall be used for the piles. The floating docks will be six-sided precast concrete shells that encase polystyrene foam flotation billets. The dock modules will be connected together with treated timber wales located above the water. The wales will be treated with Ammoniacal Copper Zinc Arsenate (ACZA) and will not be in contact with the water. All of the proposed slips at the Marina will be provided with water and electrical power connections as well as a separate fire main system for firefighting purposes.

Although the Commission has previously certified a Local Coastal Program (LCP) for the City of San Buenaventura (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.

B. COMMERCIAL AND RECREATIONAL BOATING FACILITIES/ACCESS

Section 30234 of the Coastal Act 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 commercial fishing.

Section 30234.5 of the Coastal Act States:

The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.

Section 30213 of the Coastal Act states:

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

Coastal Act Policy 30234 requires that facilities serving the commercial fishing industries shall be protected and where feasible, upgraded. Additionally, Coastal Act Section 30234.5 requires that the economic, commercial, recreational importance of fishing is recognized and protected. Furthermore, Coastal Act Section 30213 protects and encourages lower cost visitor and recreational facilities.

The purpose of the proposed project is to extend the life of the Ventura Harbor Village Marina within Ventura Harbor and to ensure that the Marina is designed to adequately serve the commercial fishing industry. The Marina has the only facilities in Ventura County that are focused primarily on serving the commercial fishing industry. The squid fishing grounds of the

Northern Channel Islands have proven to be a consistent and productive area for squid and at its current capacity commercial squid fishing accounts for 95% of the seafood product landed at the Marina, or approximately 32,000 tons per year. The commercial fishing facilities and growth of squid processing is especially important because the commercial fishing operations at the Ventura Harbor are the justification for federal maintenance of the harbor's entrance system. Ventura Harbor is one of the only small craft harbors on the California coast without a U.S. Coast Guard facility. Harbors with a U.S. Coast Guard facility receive federally supported dredging and maintenance services provided by the U.S. Army Corps of Engineers. For those harbors without a U.S. Coast Guard facility another way to receive federally supported dredging and maintenance is through supporting commercial fishing. Annual dredging of the entrance channel and sand trap at the Ventura Harbor is approximately \$6,000,000 to \$8,000,000 per year and annual maintenance of the rock structures at Ventura Harbor averages approximately \$1,280,000 per year. Without the federal assumption of dredging and maintenance, the Ventura Harbor would be unable to sustain the entrance channel and maritime interests in the harbor, both commercial and recreational, would be lost. As such, the proposed project will allow the Ventura Harbor to effectively adapt to changes and support the commercial fishing industry and remain eligible for federal dredging and maintenance assistance.

The existing dock configuration at the Marina is designed to accommodate the 35 foot to 40 foot ships while the larger 60 foot to 80 foot squid seiners are forced to unload their catch elsewhere. The existing docks consist of conventional wooden frames and deck construction supported by precast concrete pontoons. Noble Consultants performed an assessment of the existing wooden docks for the applicant and noted extensive deterioration of wooden members, corrosion of metal hardware, and warping of fingers. In addition, the docks are currently berthing large commercial ships with weights in excess of 200 tons. The gross weight from the commercial ships exceeds the design capacity of the docks and resulted in displaced guide piles and warped fingers. From their assessment Noble Consultants concluded that the internal dock framing is likely compromised and lacks the structural capacity to resist lateral loads.

Coastal Act Policy 30234 requires that facilities serving the commercial fishing industries shall be protected and where feasible, upgraded. Docks C, G, H, and the southern section of dock D are severely deteriorated and approaching the end of their service life. The proposed project will replace the existing wooden docks with heavy duty precast concrete floating docks and larger and longer precast concrete guide piles. The project will prevent the failure of the docks as well as upgrade the current commercial fishing facility by allowing the docks to safely moor larger fishing ships.

Demolition of the existing deteriorated docks and construction of the proposed docks will require temporarily relocating moored ships and will have temporary impacts to commercial and recreational slip availability within the Marina. To mitigate the impacts to slip availability, the project will occur in phases over the course of several years. Demolition and construction will focus on one dock at a time and will occur during the summer months when commercial fishing ships are out at sea and there are typically more vacancies within the Marina. Those ships that need to be relocated during a demolition and construction phase can be rafted to other moored ships within the Marina, relocated to vacant slips within the Marina, or moored temporarily at adjacent marinas. The applicant will work with ship owners and the adjacent marinas to ensure that sufficient temporary slips and rafting opportunities are available within the Marina during demolition and construction phases.

Docks C and D contain slips that are in the medium to large size range. Dock C has one slip that is 80 feet and seven 100 foot slips. Dock D contains six slips in the range of 40 feet to 60 feet, two 80 foot slips and eight 100 foot slips. These slips are intended for commercial use, but may be used by recreational boaters when they are vacant. Additionally, a portion of docks C and D are used by Ventura Boat Rentals, a visitor serving facility that provides access to rental boats, kayaks, stand-up paddle boards, and other recreational equipment. As proposed, dock C and the southern section of dock D will be replaced with the same dock configuration, slip size, and within the same footprint as the existing docks, and a 109 foot extension between docks C and D, that will be occupied by Ventura Boat Rentals, would be constructed and would serve to improve the accessibility and circulation of that visitor serving facility.

The project also proposes to reconfigure docks G and H to better accommodate the changing commercial fishing industry of the area. Currently docks G and H consist of 36 slips in the range of 35 feet to 40 feet and six 90 foot slips, which equates to 42 existing slips at docks G and H. The slips are intended for commercial use; however, the slips can be used by recreational boaters when they are vacant. The existing 35 foot to 40 foot slips are too small for the larger 60 foot to 80 foot commercial squid ships and the six existing 90 foot slips do not provide sufficient space to moor the entire fleet of 60 foot to 80 foot squid ships. The proposed reconfiguration will combine docks G and H and result in the conversion of 36 slips in the 35-40 feet size range to 14 slips in the range of 60-65 feet, and the conversion of six 90 foot slips to five 80 foot slips ([Exhibit 4](#)). This new configuration will allow more of the large squid ships to moor at the Marina and offload their catch before heading back out to the fishing grounds. In addition, the larger slips proposed in this project will continue to allow smaller boats, including those boats in the range of 35 to 40 feet, and recreational boats to be incorporated into mixed mooring strategies.

The Harbor Department provided information about the current boat slip vacancies in Ventura Harbor and other harbors in the County. The existing 35 foot and 40 foot slips on docks G and H are currently occupied by a mix of commercial and recreational ships while the six 90 foot slips are used intermittently by 80 foot commercial fishing ships. A summary of the current occupancy of the 35 foot and 40 foot slips at docks G and H is provided in Table 1 below. Approximately one fifth of the 35-40 foot sized slips on docks G and H are vacant, and half of the 35-40 foot sized slips are occupied by commercial fishing boats. The proposed reconfiguration of docks G and H will result in the conversion of smaller sized slips in the 35-40 foot range to larger sized slips in the 60-65 foot range, and thereby reduce the total number of boat slips by 23. The large commercial fishing ships that intermittently use the six existing 90 foot slips will be unaffected because they will be able to use the five proposed 80 foot slips.

Table 1. Current Use and Vacancy Among 35-ft. and 40-ft. Slips at Docks G and H

Slip Length	Number of Slips	Vacant	Recreational in Use	Commercial Fish in Use	Commercial Other in Use
35 feet	18	3	6	9	0
40 feet	18	4	5	8	1
Total	36	7	11	17	1

Pursuant to Coastal Act Policy 30234, 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. In addition, to be consistent with Coastal Act provisions that encourage lower cost facilities and support recreational boating opportunities, it is important that the marina continue to provide a mix of slip lengths, including small boat slips, to provide a full range of boating opportunities for all boaters and to provide the correct balance between the size of slips and the boaters' demand for slips.

Here, the proposed project is not reducing overall harbor space; rather, it is simply reconfiguring it to better serve current needs. Specifically, the replacement of smaller sized slips in the 35-40 foot range with larger sized slips in the 60-65 foot range will better accommodate the changing needs of the harbor's commercial fishing fleet and allow the Marina greater flexibility in mooring a variety of boat sizes including those in the range of 35 feet to 40 feet ([Exhibit 5](#)). Additionally, while the proposed reconfiguration of docks G and H will result in the loss of some smaller sized slips in the 35-40 foot range, there is adequate substitute space for boats of that size to satisfy market demand. Smaller boats can still be incorporated into mixed mooring strategies of the new dock and there are sufficient vacant slips within the Ventura Harbor to accommodate any smaller sized boats displaced by this reconfiguration. Recent Slip Occupancy Reports for the Ventura Harbor indicate that there are approximately 40 vacant slips in the 35 to 40 foot size range available for use, the majority of which are recreational slips.

Given the availability of existing vacant boat slips in the 35 foot to 40 foot size range for recreational boaters within Ventura Harbor, the proposed conversion of smaller size slips with larger size slips at docks G and H within the Marina in order to enhance commercial fishing boat use will not adversely impact recreational boating opportunities for small vessels. The proposed project will serve to enhance and extend the life of the existing marina and to ensure that the marina is designed to adequately serve the contemporary needs of the commercial fishing industry as well as recreational boaters. Therefore, the Commission finds that, as proposed, the project will be consistent with Sections 30213, 30234, and 30234.5 of the Coastal Act.

C. DIKING, FILLING, AND DREDGING WITHIN OPEN COASTAL WATERS

Section 30233 of the Coastal Act in Relevant Part States:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
- 1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
 - 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.*

Resources Element Policy 15.7 of the City of Ventura LUP (similar to, but not exactly the same as Coastal Act Section 30233) states, relevant part:

- 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:*
- 1) New or expanded port, energy, and coastal dependent industrial facilities, including commercial fishing facilities.*
 - 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 limits the type of development that may be approved in open coastal water areas, only where it is the least environmentally damaging alternative and all feasible mitigation measures have been included. Similarly, Resources Element Policy 15.7, which is used as guidance, limits the development that is allowable in open coastal waters. In both policies, new or expanded commercial fishing facilities and boating facilities are allowed in open coastal waters such as the Ventura Harbor.

The proposed project includes replacing the existing, deteriorated wooden Docks C, G, H, and the southern section of D with precast concrete docks, reconfiguring docks G and H, replacing existing concrete piles with larger precast concrete piles, and constructing a 109 foot precast concrete walkway between docks C and D. The proposed dock area and associated guide piles constitute fill of coastal waters in support of commercial fishing at the Ventura Harbor and are thus allowed pursuant to Coastal Act Section 30233(a)(1) and City of Ventura LUP Policy 15.7(A)(1). The replacement of docks C and D constitute new boating facilities (in approximately the same footprint as the existing docks). The proposed extension between docks C and D is intended for use by Ventura Boat Rentals, a visitor serving facility that provides access to rental boats, kayaks, stand-up paddle boards, electric boats, and other recreational charters. The proposed extension will improve the accessibility and the circulation of this visitor serving recreational facility. As such, the replacement of docks C and D and the extension between docks C and D are new or expanded boating facilities, allowed pursuant to Coastal Act Section 30233(a)(3) and City of Ventura LUP Policy 15.7(A)(3). Overall the proposed project will result in a net reduction of fill within the Ventura Harbor.

Because docks C and D will retain their current configuration, there will be no substantial change in dock surface area for those docks. The only change in coastal fill for that area of the project will be a reduction in the number of pilings for dock C from 26 to 20, the proposed extension between docks C and D, removal of one 40 foot slip on dock D to facilitate the proposed extension, and the two new piles required to stabilize the extension ([Exhibit 3](#)). The extension is 109 feet long, measuring approximately 785 square feet. The proposed reconfiguration will combine docks G and H resulting in the elimination of all existing 42 slips and the creation of 14 slips in the range of 60 feet to 65 feet and five 80 foot slips. By combining docks G and H into a single unit, the overall surface area of dock is reduced from approximately 8,858 square feet to 6,570 square feet, and the required number of pilings is reduced from 44 to 26. A summary of

the change in surface area for the project is summarized in Table 3. A summary of the change in guide piles for the project is summarized in Table 4.

Table 3. Summary of Dock Surface Area for the Proposed Project

Before Project		After Project	
Dock	Surface Area	Dock	Surface Area
C	5,075	C	5,075
D	8,110	D	8,110
G	4,511	G/H	6,570
H	4,347	Extension	785
Total	22,043	Total	20,540

Table 5. Summary of Pilings for the Proposed Project

Before Project		After Project	
Dock	Piles	Dock	Piles
C	26	C	20
D	31	D	31
G	22	G/H	26
H	22	Extension	2
Total	101	Total	79

Coastal Act Section 30233(a) also contains language regarding the possibility of less environmentally damaging alternatives and adequate mitigation of environmental impacts. Because the proposed replacement of docks C, G, H, and the southern section of dock D and the proposed reconfiguration of docks G and H will be located in approximately the same location as the existing dock and because the project will result in a net decrease in fill of coastal waters, the project as proposed is the least environmentally damaging alternative. Nonetheless, the construction of the project could result in adverse impacts to marine resources. Feasible mitigation measures have been required to minimize such construction impacts, as discussed in greater detail in Section D. **Special Condition One (1)** requires eelgrass surveys, **Special Condition Two (2)** requires surveys for *C. taxifolia*, **Special Condition Three (3)** requires the applicant to comply with construction responsibility and debris management, **Special Condition Four (4)** requires the permittee to conduct inspection and maintenance, and **Special Condition Five (5)** requires the applicant to comply with all applicable permit requirements of other resource agencies. These special conditions will ensure that the proposed project will result in minimal environmental impacts to the Ventura Harbor marine environment.

As such, the Commission finds that the project includes types of development that are allowed in open coastal waters, that it is the least environmentally damaging alternative, and that, as conditioned, all feasible mitigation measures have been included. Therefore, the Commission finds that the project, as conditioned, is consistent with Coastal Act Section 30233 and the guidance provided by City of Ventura LUP Policy 15.7(A).

D. COASTAL AND MARINE RESOURCES

Section 30230 of the Coastal Act States:

Marine resources shall be maintained, enhanced and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organism 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 waterflow, encouraging waste water reclamation, maintaining vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Coastal Act 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.

The proposed development will occur over and in the water. Construction, of any kind, adjacent to or in coastal waters has the potential to impact marine resources. The Ventura Harbor waterways provide an opportunity for water oriented recreational activities and also serve as habitat to marine organisms. Risks to coastal recreational activities and marine habitat are inherently linked to water quality issues.

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 Wildlife (CDFW). 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 Marina project has the potential to directly impact sensitive resources, including eelgrass, which may be present in the project area. Construction of the proposed Marina includes installation of concrete guide piles into the seafloor and placement of docks into the waterways. Installation and driving of piles can directly remove and disturb eelgrass. In addition, the docks and ships berthed above these resources can reduce the light available to eelgrass and kelp by shading portions of the ocean floor. The proposed dock replacement and reconfiguration will be located completely within the footprint of the existing

docks. The proposed walkway between docks C and D will add a small area of dock where there is no existing development. Overall, the area of dock coverage will be reduced as discussed in detail above in Section C. While there is potential for eelgrass habitat within in the project area, it was not identified during a 2014 survey completed by Pi Environmental (PiE). 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 One (1)** requires the applicant to conduct a survey of the project area for eelgrass during the period of active growth of eelgrass (typically March through October) and submit the results of the survey to the Executive Director no later than fifteen business days prior to the commencement of any development. If any eelgrass is identified in the project area prior to construction, the development shall require an amendment to this permit from the California Coastal Commission (CCC) or a new coastal development permit. If any eelgrass is identified in the project area by the pre-construction eelgrass survey the applicants shall conduct a second eelgrass survey within 30 days 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 1.38:1. 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.

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 plant species, such as *Caulerpa taxifolia* and Japanese kelp (*Undaria 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 Mediterranean.¹ Because of the grave risk to native habitats, in 1999 *C. taxifolia* was designated

¹ References:

Meinesz, A. (Translated by D. Simberloff) 1999. Killer Algae. University of Chicago Press

Chisholm, J.R.M., M. Marchioretta, 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.

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.

In 2014 PiE conducted focused surveys of the Ventura Harbor for *C. taxifolia*, and no *C. taxifolia* was identified in the survey of the project site. Because a survey was last completed in 2014 it is possible that the circumstances on the project site have changed or could change. Any project that disturbs the marine environment could cause the spread of *C. taxifolia* or Japanese kelp or other non-native invasive aquatic species. In order to assure that the proposed development does not cause the dispersal of *C. taxifolia* the Commission imposes **Special Condition Two (2)**, which requires the applicant to survey the project area for the presence of *C. taxifolia*, just prior to construction of the proposed project. If *C. taxifolia* is present in the project area, no work may commence and the development shall require an amendment to this permit from the CCC or a new coastal development permit. The applicant shall refrain from commencement of the project until a valid permit or amendment is obtained and the applicant shall implement the approved mitigation measures within a timeframe specified in the permit amendment or the new permit approval.

The 2014 PiE survey did identify the presence of wakame (*Unidaria pinnatifida*), otherwise known as Japanese kelp, attached to the docks within the project area. While Japanese kelp is identified as an invasive aquatic plant and was found attached to the docks within the project area, there is currently not an officially approved regime to remove Japanese kelp or control its spread. The demolition of wooden docks C, G, H, and the southern section of dock D, could disperse dock debris carrying Japanese kelp to other parts of the Ventura Harbor, thus spreading Japanese kelp. To prevent the spread of Japanese kelp within the Ventura Harbor **Special Condition Three (3)** requires that no demolition materials be placed or stored in the water and

Belsher, T. and A. Meinesz. 1995. Deep-water dispersal of the tropical alga *Caulerpa taxifolia* introduced into the Mediterranean. *Aquatic Botany* 51:163-169.

any debris resulting from dock demolition shall be removed from the water as quickly as possible, but in no case later than the end of each day.

Construction Impacts

The proposed project is located in and over the waters of the Ventura Harbor. The associated dock structures and concrete guide piles necessary for construction of the project would be manufactured off-site and subsequently assembled on-site. 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 and utilities. 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 Three (3)** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Marine resources and water quality can also be adversely affected by the use of toxic chemicals used to treat wood products that come into contact with the water. The toxic chemicals can leach out of treated wood and poison marine organisms. Some wood treatments can be used if the wood does not come into contact with the water. Therefore, Special Condition Three (3) also requires that any wood treatment used shall conform with the specifications of the American Wood Preservation Association for saltwater use. Wood treated with Creosote, CCA (Chromated Copper Arsenate), or ACA (Ammoniacal Copper Arsenate) is prohibited, and all treated timber shall be free of chromium and arsenic. No wood treated with ACZA (Ammoniacal Copper Zinc Arsenate) shall be used where it could come into direct contact with the water. The applicant plans to use timber in very limited quantities. The docks and piles proposed will be precast concrete.

Further, Special Condition Three (3) requires that the applicant disposes of all demolition and construction debris at an appropriate location. This condition requires the applicant to incorporate 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, **Special Condition Four (4)** requires that the permittee inspect the facilities that are subject to this coastal development permit at least once a year. The permittee shall immediately undertake any repairs necessary to maintain the structural integrity of the docks, pilings, and utility connects, prevent leaks, and to ensure that debris does not enter the environment. Finally, **Special Condition Five (5)** 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, 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, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230 and 30231 of the California Coastal Act.

E. HAZARDS

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 or contribute significantly to erosion, instability, or destruction of the site or surrounding area or in any way require the construction or protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Policy 15.3 of the City of Ventura LUP states:

New development shall be sited and designed to minimize risks to life and property in areas of high geologic, flood, and fire hazards. All new development will be evaluated in conjunction with the City's Safety Element of this Comprehensive Plan, and for its impacts to and from geologic hazards (including seismic safety, landslides, expansive soils, subsidence, etc.), flood hazards, and fire hazards. Feasible mitigation measures shall be required where necessary.

Section 30253 of the Coastal Act mandates that new development shall minimize risks to life and property in areas of high geologic and flood hazard. Additionally, policy 15.3 of the certified LUP mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic and flood hazard.

The proposed development is located in an area of the Coastal Zone that has been identified as subject to potential hazards from wave action, seiches, and surges. The Coastal Act recognizes that certain types of development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the owner's property rights. As such, the Commission finds that due to the unforeseen possibility of storm waves and surges, the applicant shall assume these risks as a condition of approval. Therefore, **Special Condition Six (6)** requires the applicant to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. The applicant's assumption of risk will demonstrate that the applicant is aware of

and appreciates the nature of the hazards which exist on the site and which may adversely affect the stability or safety of the proposed development.

Therefore, for the reasons discussed above, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30253 and Policy 15.3 of the City of Ventura LUP.

F. 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 any 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 effects, 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

CDP 4-14-0821 application file and staff report; CDP 4-18-0390 application file; Monthly Slip Size and Vacancy Reports, dated January 2016 to June 2018.