

CALIFORNIA COASTAL COMMISSION

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F15a

DATE: February 15, 2018

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Barbara Carey, District Manager
Deanna Christensen, Supervising Coastal Program Analyst
Wesley Horn, Coastal Program Analyst

SUBJECT: **Notice of Impending Development (NOID) CIH-NOID-0001-18 at Channel Islands Harbor** to replace an existing 150 sq. ft. concrete abutment and an existing 128 sq. ft. gangway, install two new 14 inch concrete piles to support the new abutment, and install a total of 265 linear feet of sheet pile lateral spread wall along the perimeter of the pad for the Harbor Administrative Building, for Public Hearing and Commission Action at the March 9, 2018, Commission Meeting in Port Hueneme, CA.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **approve** Notice of Impending Development (NOID) CIH-NOID-0001-18 requested by the Ventura County Harbor Department, as conditioned. Staff is recommending two special conditions that will incorporate the conditions of approval by the Ventura County Harbor Department and require pre-construction surveys for sensitive bird species within a 500 foot radius of the project site prior to commencing construction, in order to ensure consistency with the certified Channel Islands Harbor Public Works Plan (PWP).

The subject NOID includes the replacement of an existing 150 sq. ft. concrete abutment and an existing 128 sq. ft. gangway, installation of two new 14 inch concrete piles to support the new abutment, and installation of a total of 265 linear feet of sheet pile lateral spread wall along the perimeter of the pad for the Harbor Administrative Building, located on the east side of Channel Islands Harbor at the southwest end of Pelican Way. All of the proposed development is necessary to allow for the reconstruction of the administration building. The reconstruction of the administrative building was previously approved by the Commission in 2013 pursuant to Public Works Plan Amendment PWP-4-CIH-13-0201-1 and NOID CIH-NOID-0201-13. However, pre-construction surveys of the site that have been conducted indicate that the existing abutment is showing significant signs of cracking and wear (considered to be at the end of its expected service life) and is unlikely to withstand the stress from reconstruction of the administration building and the gangway that extends to an existing boat dock. Lastly, it was determined that a sheet pile lateral spread wall along the perimeter of the building pad is necessary because site-specific geotechnical investigations have concluded that the site contains liquefiable soils and is within a seismically active region prone to occasional damaging earthquakes and could potentially experience lateral spreading and seismic slope instability. As

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such, the proposed improvements are necessary to minimize risk and assure stability and structural integrity, consistent with Coastal Act Section 30253, which is incorporated by reference in the PWP. In addition, the proposed sheet pile lateral spread wall will be within the landward area of the site behind the existing rock revetment. The proposed reconstruction of the abutment with supporting pilings will be completely within the footprint of the existing abutment. As such, there will be no new fill of coastal waters as a result of the project, and the project is consistent with Coastal Act Section 30233 as incorporated into the certified PWP.

The certified PWP includes policies for protecting water and biological resources within the Harbor. In addition, the certified PWP incorporates by reference the relevant policies of Chapter 3 of the Coastal Act. The proposed development is within an existing developed area located in the eastern portion of the Harbor. The subject site is a filled historic tideland constructed during the man-made formation of the Harbor, and the site has been developed with the existing administration building since the 1970's.

As part of the project, the Harbor Department included conditions of approval to ensure that the project is consistent with all applicable policies of the PWP. Those conditions include the necessary construction Best Management Practices (BMPs) to control potential pollutants or contaminants on site and protocols and techniques to contain any spillage and/or runoff from the site. Furthermore, consistent with the PWP requirement to avoid timber pilings treated with creosote or preservatives, the two proposed pilings that will support the replaced abutment will be concrete and coated with Carbolite epoxy, a coating approved for use in marine environments. The conditions of approval also include requirements to avoid any impacts to marine resources by conducting pre-construction surveys for non-native invasive aquatic species and sensitive marine resources, as well as to take appropriate actions if either invasive aquatic species or sensitive marine resources are encountered. To ensure consistency with the water quality and resource protection policies of the certified PWP, staff is recommending **Special Condition 1** to require that all of the applicant's conditions of approval, as submitted, be implemented as part of the proposed project.

No sensitive terrestrial biological resources or environmentally sensitive habitat areas have been identified on site or in close proximity to the subject site. The nearest location where nesting by sensitive bird species has been identified in the past within the Channel Islands Harbor is located over 1,750 feet from the subject site. However, in order to find the proposed NOID consistent with the PWP pursuant to Biological Resources Policy 12 requiring new development to minimize impacts to sensitive bird species and Biological Resources Policy 13 requiring new development to conduct pre-construction surveys for sensitive bird species, staff is recommending **Special Condition 2**, which requires the Harbor to conduct sensitive bird surveys within a 500 foot radius of the project site prior to commencing construction.

Therefore, staff recommends that the Commission determine that the NOID, as conditioned, is consistent with the certified PWP.

<p>Additional Information: Please contact Wesley Horn at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 S. California St, Second Floor, Ventura, CA 93001</p>

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I. PROCEDURAL ISSUES

Sections 30605 and 30606 of the Coastal Act and Title 14, Sections 13357(a)(5), 13359, and 13353-54 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified PWP. Section 13354 requires the Executive Director or his designee to review the Notice of Impending Development (or development announcement) within five working days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is deemed filed when all necessary supporting information has been received.

Pursuant to Section 13359 of Title 14 of the California Code of Regulations, within thirty working days of the project proponent's filing of the Notice of Impending Development, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified PWP and whether conditions are required to bring the development into conformance with the PWP. No construction shall commence until after the Commission votes to render the proposed development consistent with the certified PWP.

II. MOTION & RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

*I move that the Commission determine that the development described in the Notice of Impending Development CIH-NOID-0001-18, as conditioned, is **consistent with the certified Channel Islands Harbor Public Works Plan.***

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development CIH-NOID-0001-18, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan, 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 determines that the development described in the Notice of Impending Development CIH-NOID-0001-18, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Implementation of Proposed NOID

The project shall be subject to all conditions of approval by the Ventura County Harbor Department included as part of the proposed NOID, except as modified by the required conditions of approval for Notice of Impending Development CIH-NOID-0001-18. Any questions of intent or interpretation of any condition will be resolved by the Executive Director of the Coastal Commission.

2. Protection of Nesting and Roosting Birds

A qualified independent biologist or environmental resource specialist shall prepare biological surveys of trees on and adjacent to the project site (within 500 feet of any construction activities), just prior to any construction activities, and once a week upon commencement of construction activities that include grading or use of other heavy equipment, and that will be carried out between December 1st and September 30th, inclusive. Such surveys shall identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species in or near the project site. All surveys conducted pursuant to this condition shall be submitted to the Executive Director of the Coastal Commission.

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In the event that the surveys identify any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior on or adjacent to the project site (within 500 feet of any construction activities), then the following measures shall be included in the development:

- A. Within 300 feet of any identified active nesting sites, noise monitors shall be present during all construction activities and tree/shrub removal. Noise generated by construction shall not exceed 65 dB at any point in time, at any active nesting site. If construction noise exceeds the standard above, sound mitigation measures shall be employed. If these sound mitigation measures do not reduce noise levels within 48 hours, construction within 300 feet of the tree shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.
- B. A qualified independent monitor, approved by the Executive Director, shall be present on site during such construction to measure noise levels. During construction, noise reduction measures such as sound shields shall be used and measures taken to minimize loud noise generation to the maximum extent feasible. Bright upward shining lights shall not be used during construction and construction employees shall be prohibited from bringing pets (e.g., dogs and cats) to the construction site.

In the event that the environmental resources specialist reports finding that any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior within any of the trees/shrubs to be removed, the applicant shall cease work and immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The proposed project includes the replacement of an existing 150 sq. ft. concrete abutment and an existing 128 sq. ft. gangway, installation of two new 14 inch concrete piles to support the new abutment, and the installation of a total of 265 linear feet of sheet pile lateral spread wall along the perimeter of the building pad for the Harbor Administration Building. The subject NOID is necessary to allow for the approved reconstruction of the Harbor Administration Building.

Reconstruction of the Harbor Administrative Building was previously approved by the Commission in 2013 pursuant to Public Works Plan Amendment PWP-4-CIH-13-0201-1 and NOID CIH-NOID-0201-13. That project authorized demolition of the existing 7,825 sq. ft. one story administration building and construction and operation of a new 8,988 sq. ft. two story, 27' 6", high Harbor Administrative building on a 1.38 acre parcel owned by the County of Ventura located on the east side of the Harbor at the southwest end of Pelican Way ([Exhibit 2](#)). Including the proposed parking lot, landscaping area, and building footprint, the total proposed development area will consist of 21,623 sq. ft. and will be contained within a previously

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developed landside area of the harbor, which is devoid of any environmentally sensitive habitat areas. The new administration building will accommodate the Harbor patrol operations, as well as the Harbor department's finance, leasing, planning, and management departments. In addition, the new administration building will include the construction of a public Americans with Disabilities Act (ADA) accessible bathroom and new public sidewalks along Victoria Avenue, Pelican Way, and along the waterfront to the Harbor Patrol dock.

Pre-construction surveys for the reconstruction of the administration building discovered that the existing Harbor Patrol gangway and gangway abutment are in need of replacement. The abutment is a hollow concrete structure showing significant signs of cracking and wear and is unlikely to withstand the stress from construction of the new administration building. The gangway landing is considered to be at the end of its expected service life and needs to be replaced. Lastly, geotechnical investigations concluded that the site contains liquefiable soils and is within a seismically active region prone to occasional damaging earthquakes, thus the site could potentially experience lateral spreading and seismic slope instability.

In the application for the subject NOID the Harbor Department provided an analysis of several methods for stabilizing the liquefiable soils on site and determined that the proposed sheet pile lateral spread walls on the western and southern perimeter of the pad is the least environmentally impactful while still providing the necessary lateral resistance to keep the liquefiable soils from moving toward the water. The project as proposed by the County also includes conditions of approval to ensure compliance with the applicable policies of the PWP. Construction of the abutment, gangway and sheet pile is expected to take eight to twelve weeks and will commence after Commission certification of the subject NOID.

B. WATER RESOURCES

The Channel Islands Harbor PWP contains policies to protect water resources within the Harbor.

Water Quality Policy 1 of the PWP states:

All new development or redevelopment shall be designed to prohibit the discharge of pollutants that would cause or contribute to receiving water impairment or exceedance of water quality standards.

Water Quality Policy 3 of the PWP states (in relevant part):

Material used for construction of piers, pilings, docks, dolphins, or slips shall not include timber preserved with creosote, (or similar petroleum-derived products). Pilings treated with Ammoniacal Copper Arsenate (ACA), Ammonical Zinc Arsenate (ACZA) or Chromated Copper Arsenate (CCA) shall be used only if wrapped or coated prior to installation with a water tight plastic sleeve, or similar sealant...

Water Quality Policy 4 of the PWP states (in relevant part):

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All new development or redevelopment shall be designed to minimize erosion, sedimentation and other pollutants in runoff from construction-related activities to the maximum extent practicable...

Water Quality Policy 5 of the PWP states:

All new development or redevelopment (including exempt development in the Harbor) shall include 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 ESHA, 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 within the coastal zone, a separate Notice of Impending Development shall be required before disposal can take place.

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.

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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 or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

L. The least damaging method shall be used for the construction of pilings and any other activity that will disturb benthic sediments. The suspension of benthic sediments into the water column shall be minimized to the greatest extent practicable.

M. 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 onset of such activity.

N. All BMPs shall be maintained in a functional condition throughout the duration of the project.

In addition, the certified Channel Islands Harbor PWP incorporates by reference Sections 30231 and Section 30233 of the Coastal Act.

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 of 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 natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 of the Coastal Act states (in relevant part):

(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...

The proposed NOID to allow for the replacement of the existing abutment and gangway, installation of two piles, and installation of the sheet pile lateral spread wall has the potential to adversely impact the water quality of the Harbor through the introduction of sediment or pollutants such as chemicals, petroleum, and other pollutant sources. Coastal Act Section 30231 requires the productivity and quality of coastal waters to be maintained while the PWP policies

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cited above require new development to prevent impacts to water resources by implementing construction best management practices (BMPs) to control potential pollutants or contaminants on site and implement protocols and techniques to control any spillage and/or runoff from the site. In addition, the PWP specifies the allowable materials for pilings and piling coatings. Lastly, pursuant to Coastal Act Section 30233 the fill of open coastal waters is only permitted in certain circumstances where there is no less environmentally damaging alternative and with feasible mitigation measures.

A majority of the project site was previously developed as early as the 1970's with the existing administrative building, and the reconstruction of the administrative building (including conditions of approval for consistency with the water protection policies of the PWP and the Chapter 3 policies of the Coastal Act) was approved in 2013 with PWP amendment PWP-4-CIH-13-0201-1 and NOID CIH-NOID-0201-13. While the site is already developed, the work proposed as part of this NOID still has the potential to impact Harbor waters. The project scope includes: demolition and removal of the existing concrete abutment; demolition and removal of the existing gangway; removal of the uppermost stones and excavation of a shallow trench along the top of the revetment slope for a length of 265 feet to allow for the proposed sheet pile lateral spread wall; installation of the sheet pile lateral spread wall to a depth of 2 feet below grade; fill the trenched area of the revetment with new stone; construction of a new abutment and installation of supporting concrete piles; installation of new revetment stone to cover the slope under the abutment that was previously occupied by the old abutment; and installation of a new gangway.

Consistent with the requirements of Coastal Act Section 30231 and the PWP policies identified above, the Harbor Department included conditions of approval with the NOID to ensure protection of the Harbor waters. Those conditions included construction BMPs to control pollutants or contaminants on site and protocols and techniques to contain any spillage and/or runoff from the site. Furthermore, consistent with the PWP policy requirement to avoid timber pilings treated with creosote or preservatives with the potential to impact the Harbor waters, the two proposed pilings will be concrete and coated with Carboline epoxy, a coating approved for use in marine environments. To ensure consistency with the water resource policies of the certified PWP, the Commission finds that **Special Condition 1** is necessary to require that all of the applicant's conditions of approval, as submitted, be implemented as part of the proposed project.

Lastly, Coastal Act Section 30233 identifies the allowable diking, filling, or dredging of open coastal waters as well as the required conditions to minimize adverse environmental effects. The proposed sheet pile lateral spread wall will be within the landward area of the site behind the existing rock revetment and the proposed gangway will occupy the same area as the existing gangway. As such, these components of the project do not constitute any new fill of coastal waters. Regarding reconstruction of the abutment and supporting pilings, the existing structure is supported by concrete walls that extend down into the slope of the revetment, creating a hollow concrete structure ([Exhibit 3](#)). The proposed reconstruction will consist of a new abutment with two supporting 14 inch piles completely within the footprint of the existing abutment. Therefore, there will be no new fill of coastal waters as a result of the project and the project is consistent with Coastal Act Section 30233 as incorporated into the certified PWP.

For these reasons, the Commission finds that the NOID, as conditioned, is consistent with the applicable water quality policies of the certified PWP and the applicable Chapter 3 policies of the Coastal Act that are incorporated by reference in the certified PWP.

C. BIOLOGICAL RESOURCES

The Channel Islands Harbor PWP contains policies to protect biological resources within the Harbor.

Biological Resources Policy 12 of the PWP states:

All new marina development or redevelopment shall minimize impacts to sensitive bird species, including but not limited to black-crowned night herons, great blue herons, snowy egrets, and other sensitive bird species.

Biological Resources Policy 13 of the PWP states:

All new marina development or redevelopment shall include biological surveys of trees on and adjacent to the project site (within 500 feet of any construction activities) prepared by a qualified independent biologist or environmental resource specialist, just prior to any construction activities, and once a week upon commencement of construction activities that include grading or use of other heavy equipment, and that will be carried out between December 1st and September 30th, inclusive. Such surveys shall identify the presence of black-crowned night herons, great blue herons, snowy egrets, or other sensitive species in or near the project site. All surveys conducted pursuant to this policy shall be submitted to the Executive Director of the Coastal Commission.

In the event that the surveys identify any black-crowned night herons, great blue herons, snowy egrets, or other sensitive species exhibiting reproductive or nesting behavior on or adjacent to the project site (within 500 feet of any construction activities), then the following measures shall be included in the development:

Within 300 feet of any identified active nesting sites, noise monitors shall be present during all pile driving, concrete demolition, or other hardscape demolition. Noise generated by construction (including but not limited to pile driving) shall not exceed 65 dB at any point in time, at any active nesting site. If construction noise exceeds the standard above, sound mitigation measures shall be employed. If these sound mitigation measures do not reduce noise levels within 48 hours, construction within 300 feet of the tree shall cease and shall not recommence until either new sound mitigation can be employed or nesting is complete.

A qualified independent monitor, approved by the Executive Director, shall be present on site during such construction to measure noise levels. During construction, noise reduction measures such as sound shields shall be used and measures taken to minimize loud noise generation to the maximum extent feasible. Bright upward shining lights shall

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not be used during construction and construction employees shall be prohibited from bringing pets (e.g., dogs and cats) to the construction site.)

Biological Resources Policy 14 of the PWP states:

*All new development or redevelopment that involves disturbance to marine water substrate within the Harbor and other shallow waters (up to approx. 250 ft. depth) shall minimize impacts to marine resources through the introduction and/or spread of nonnative invasive aquatic species. All such projects shall provide a survey, prior to the commencement of development, for the presence of *Caulerpa taxifolia* (*C. taxifolia*) or other non-native invasive aquatic species within the project site and extending to the surrounding area at least 10 meters beyond the project area. The survey shall be prepared consistent with the survey protocol required by the Southern California *Caulerpa* Action Team (SCCAT). If *C. taxifolia* or other non-native invasive aquatic species is found within or in close proximity to the project site, it shall be eradicated prior to the commencement of the project.*

Biological Resources Policy 15 of the PWP states:

*All new development or redevelopment that involves disturbance to shallow water marine substrate within the Harbor shall avoid impacts to marine resources, including eelgrass. Such projects shall provide a pre-construction survey conducted during the active growth period to determine the presence of eelgrass (*Zostera marina*). If eelgrass is present within the project site, the project shall be redesigned to avoid impacts to eelgrass. If it is not feasible to avoid impacts to eelgrass on the project site or nearby, the Harbor Department shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in conformance with “Southern California Eelgrass Mitigation Policy” Revision 8 adopted by the National Marine Fisheries Service.*

In addition the certified Channel Islands Harbor PWP incorporates by reference Sections 30230 and 30240 of the Coastal Act.

Section 30230 of the Coastal Act states:

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

Section 30240 of the Coastal Act states:

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

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

The PWP policies identified above provide the requirements for pre-construction surveys to avoid impacts to biological resources as well as the necessary actions to take if biological resources are present onsite or invasive species are encountered. Coastal Act Section 30230 requires marine resources to be maintained and Section 30240 requires protection of Environmentally Sensitive Habitat Areas (ESHA) against any significant disruption of habitat values and only allows resource dependent uses within those areas.

The site of the administration building is located on the south eastern side of the Harbor in an area comprised predominantly of scattered buildings, paved areas for parking, commercial fishing operations, and visitor-serving uses. The subject site is a filled historic tideland, constructed during the man-made formation of the Harbor and the site has been developed with the existing administration building since the 1970's. Associated parking areas and landscaping were installed with the existing building's initial construction. No sensitive biological resources or environmentally sensitive habitat areas (ESHA) have been identified on site or in close proximity to the subject site.

The certified PWP states that the Harbor area is completely developed and that terrestrial vegetation consists entirely of introduced landscaping species. Bird species found in the Harbor identified in the PWP include great blue herons, double-breasted cormorant, western grebes, brown pelicans, herring gulls, and California gulls. The PWP acknowledges that it is probable that many more migratory bird species use the Harbor during the year. In past Commission actions, it has been recognized that several bird species, such as great blue herons, black-crowned night herons, and snowy egrets utilize the trees in the Harbor for roosting and nesting. Although none of these species is listed as threatened or endangered, their presence is considered important because some species of herons and egrets are considered sensitive species and play an integral role in the ecosystem as top wetland predators. The Harbor Department has consequently monitored bird nesting activity for several years.

The nearest location where nesting by sensitive bird species has been identified in the past within the Channel Islands Harbor is located over 1,750 feet from the subject site. Due to the lack of sensitive biological resources on site and the substantial distance from the project site to the nearest location where nesting by sensitive bird species has occurred in the past, impacts to birds are not expected as a result of the project. However, due to the potential for sensitive bird species to be present nearby and in order to find the proposed NOID consistent with the PWP pursuant to Biological Resources Policy 12 of the PWP requiring new development to minimize impacts to sensitive bird species and Biological Resources Policy 13 requiring new development

to conduct pre-construction surveys for sensitive bird species, the Commission finds it necessary to incorporate **Special Condition 2** which requires the Harbor to conduct sensitive bird surveys within a 500 foot radius of the project site prior to commencing construction. In the event that the surveys identify any sensitive bird species exhibiting reproductive or nesting behavior on or adjacent to the project site (within 500 feet of any construction activities), then the condition also requires that special protective measures are implemented during the construction phase of the project.

Lastly, the certified PWP states that the relatively rich complement of marine algae invertebrates and fishes present at the Harbor entrance diminish rapidly moving through the mid-Harbor area to the Mandalay Bay development due to pollutant and coliform bacteria concentrations present in the Harbor. The PWP goes on to state that impacts on the distribution and diversity of marine species will not occur with implementation of the PWP, but that the PWP contains policies and actions to protect the biological productivity of the Harbor's marine waters.

The proposed project includes development directly adjacent to and over coastal waters and has the potential to impact biological resources. Development in and near coastal waters can potentially cause the spreading of non-native and invasive species, such as *Caulerpa taxifolia*, and can cause the removal or disturbance of biological resources, including eelgrass, that may be present in the project area. Biological Resources Policies 14 and 15 of the certified PWP require any new development in the harbor that involves disturbance to marine substrate to minimize impacts to marine resources by conducting pre-construction surveys for non-native invasive aquatic species and pre-construction surveys for sensitive marine resources, including eelgrass. Furthermore, conducting pre-construction surveys of the marine environment will allow the project to minimize impacts to biological resources, consistent with the requirements of Coastal Act Section 30230 which is incorporated into the PWP by reference. As such, the Harbor Department has proposed the necessary pre-construction surveys of the marine substrate and actions for remediating any impacts. To ensure consistency with the biological resource policies of the certified PWP, the Commission finds that **Special Condition 1** is necessary to require that all of the applicant's conditions of approval, as submitted, be implemented as part of the proposed project.

Therefore, for the reasons discussed above, the Commission finds that the NOID, as conditioned, is consistent with the PWP regarding biological resources.

D. GEOLOGY AND HAZARDS

The certified Channel Islands Harbor PWP incorporates by reference Section 30253.

Section 30253 of the Coastal Act states (in relevant part):

New development shall do all of the following: ...

(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding

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area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs...

Coastal Act Section 30253 requires new development to minimize risks to life and property, to assure stability and structural integrity while not contributing to erosion, instability, or destruction of the site or surrounding area, and to not require the construction of protective devices that substantially alter natural landforms.

The project site at the south eastern side of the Harbor is relatively level and bounded by a rock revetment on the southern and western sides of the property. Soils on the site are composed of artificial fill soils capping native alluvial sediments. Pre-construction geotechnical investigations in preparation for the approved reconstruction of the Harbor Administration Building concluded that the site contains liquefiable soils and is within a seismically active region prone to occasional damaging earthquakes, thus the site could potentially experience lateral spreading and seismic slope instability. In addition, the surveys discovered that the existing Harbor Patrol gangway and gangway abutment are in need of replacement. The abutment is a hollow concrete structure showing significant signs of cracking and wear and is unlikely to withstand the stress from construction of the new administration building. The gangway landing is considered to be at the end of its expected service life and needs to be replaced. To address these issues the Harbor Department is proposing to install 265 feet of sheet pile lateral spread wall along the western and southern boundaries of the project site, replace the concrete abutment and install two new 14 inch concrete piles to support the new abutment, and replace the gangway.

As described in the site-specific geotechnical evaluation for the Harbor Administrative Building, the proposed sheet pile lateral spread wall will improve seismic slope stability of the site and provide the necessary lateral resistance to prevent the potential for lateral spread during a significant earthquake. Replacement of the abutment and gangway, and installation of the concrete piles and sheet pile lateral spread wall is necessary to assure site stability and structural integrity. As such, the project is consistent with the requirements of Coastal Act Section 30253 that is incorporated into the certified PWP by reference.

Therefore, for the reasons discussed above, the Commission finds that the NOID is consistent with the PWP regarding geology and hazards.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Harbor Department, in its role as lead agency for the PWP and the NOID for purposes of the California Environmental Quality Act (“CEQA”),¹ has determined that the project is categorically exempt from the provisions of CEQA under CEQA Guidelines Section 15302. 14 C.C.R. § 15302 (“Replacement or Reconstruction”); *see also* Pub. Res. Code section 21084 (authorizing promulgation of regulations listing categorical exemptions). Section 13096 of the

¹ Cal. Pub. Res. Code (“PRC”) §§ 21000 *et seq.* All further references to CEQA sections are to sections of the PRC.

Ventura County Harbor Department Notice of Impending Development CIH-NOID-0001-18
(Replace Abutment and Gangway and Install Sheet Pile Lateral Spread Wall)

Commission's administrative regulations requires Commission approval of Notices of Impending Development to be supported by a finding showing the application, as modified 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. As proposed, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activities may have on the environment. As conditioned, the project will not have any significant impacts on the environment within the meaning of CEQA. Therefore, the Commission finds that its approval of the Notice of Impending Development is consistent with CEQA.

Ventura County Harbor Department Notice of Impending Development CIH-NOID-0001-18
(Replace Abutment and Gangway and Install Sheet Pile Lateral Spread Wall)

Appendix A - Substantive File Documents

Channel Islands Harbor certified Public Works Plan; Channel Islands Harbor Public Works Plan Amendment No. PWP-4-CIH-13-0201-1 and Notice of Impending Development No. CIH-NOID-0201-13; Channel Islands Harbor Notice of Impending Development No. CIH-NOID-0001-18, dated January 17, 2018