

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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W8a

Staff: W. Deppe – V
Date: November 24, 2021

ADMINISTRATIVE PERMIT

Application No.: 4-21-0311

Applicant: Rachael Jacobs

Agent: Taylor Simpson

Location: Ventura Keys Waterway, 3057 Seahorse Avenue, Ventura, Ventura County (APN No: 080-0-286-145)

Project Description: Replace 758 sq. ft. concrete deck with new 830 sq. ft. wood deck, replace 210 sq. ft. floating dock and gangway with new 280 sq. ft. floating dock and gangway, and install two new 14-in. diameter concrete piles.

EXECUTIVE DIRECTOR'S DETERMINATION

The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission on December 15, 2021. PLEASE NOTE THAT THIS WILL BE A VIRTUAL MEETING. As a result of the COVID-19 emergency, California Assembly Bill 361, and the Governor's Executive Orders N-15-21, N-29-20, and N-33-20, this Coastal Commission meeting will occur virtually through video and teleconference. Please see the Coastal Commission's Virtual Hearing Procedures posted on the Coastal Commission's webpage at www.coastal.ca.gov for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Virtual Hearing Procedures, please call 415-904-5202.

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

John Ainsworth
Executive Director

By: Walt Deppe
Coastal Program Analyst

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

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STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date 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 term or 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.

SPECIAL CONDITIONS: See Page 11.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

A. PROJECT DESCRIPTION AND BACKGROUND

The proposed project is located in the Ventura Keys, within the limits of the City of Ventura, immediately north of the Ventura Harbor ([Exhibits 1 and 2](#)). The Ventura Keys waterways encompass an area of 32 acres and consist of three channels trending in a general north/south alignment and a larger connecting channel to the south which ties the other three channels together and provides a link to Ventura Harbor. The Ventura

Keys take seaward access from the mouth of the Ventura Harbor and are fringed with private recreational boat docks associated with residential development.

The sides of the waterways are bounded by private easements reserved for boat docks for more than 300 adjacent waterfront residential parcels. The easement areas occupy about half of the water surface of the waterways. Generally, each channel spans 160 feet from property line to property line, with 45-foot easements on either side of the waterway. This configuration allows for a 70-foot wide public access corridor within the center of the channel. The Ventura Keys waterways were constructed in the early 1960s shortly after the excavation of the Ventura Harbor. The waterways were developed with retaining walls and rip-rap along the banks for stabilization.

The applicant is proposing to replace an existing 758 sq. ft. concrete cantilevered deck with new 830 sq. ft. wood cantilevered deck with concrete caisson foundation, as well as to remove an existing 210 sq. ft. floating dock, which is secured to the shore with a stiff arm and cable anchoring system and accessed by a gangway, and replace it with a new 280 sq. ft. floating dock with gangway, which would be secured by the installation of two (2) new 14-inch diameter concrete piles ([Exhibits 3](#)). The piles will be installed from a floating barge by a mechanical drop hammer. A debris/silt curtain will be placed around the work site. The floating dock and gangway will be installed by crane and boat. The proposed dock and piles would be within the dock easement associated with the subject parcel, which extends 45 feet from the property line, over the existing rip-rap escarpment out into the waterway. The proposed dock is similar in function and design to other residential docks in the immediate vicinity. No environmentally sensitive habitat areas have been identified in the project area.

B. MARINE RESOURCES AND WATER QUALITY

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

The proposed project is located in and over the waters of the Ventura Keys. The Ventura Keys connect with the waters of Ventura Harbor and the marine environment of the Pacific Ocean. The Chapter 3 policies of the Coastal Act are the standard of review for development proposed in coastal waters, including the above mentioned water quality policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation, and marine resources.

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 Keys waterways provide an opportunity for water oriented recreational activities and also serve as habitat to marine organisms.

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 One (1)** outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Special Condition One (1) requires that the applicant dispose 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.

The proposed dock project will allow for the long-term berthing of boat(s) by the homeowner. Some maintenance activities if not properly regulated could cause adverse impacts to the marine environment. Certain maintenance activities like cleaning and scraping of boats, improper discharges of contaminated bilge water and sewage waste, and the use of caustic detergents and solvents, among other things, are major contributors to the degradation of water quality within boating facilities. As mentioned above, the Ventura Keys waterways provide a home for marine habitat and also provide opportunity for recreational activities. These waterways connect with the waters of Ventura Harbor and ultimately the Pacific Ocean.

To minimize the potential that maintenance activities would adversely affect water quality, the Commission finds it necessary to impose **Special Condition Two (2)** which requires the applicant to follow Best Management Practices to ensure the continued protection of water quality and marine resources. Such practices that the applicant shall follow include proper boat cleaning and maintenance, management of solid and liquid waste, and management of petroleum products, all of which associated with the long-term berthing of the boat(s).

Caulerpa taxifolia

The Commission further finds that the driving of piles on the sea floor could disturb and cause the spread of non-native and invasive species, such as *Caulerpa taxifolia*. *Caulerpa 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, *Caulerpa taxifolia* is not eaten by herbivores in areas where it has invaded. The infestation of *Caulerpa taxifolia* has had serious negative economic and social consequences because of impacts to tourism, recreational diving, and commercial fishing in places such as the Mediterranean¹. Because of the grave risk to native habitats, in 1999 *Caulerpa taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act. In addition, in September 2001 the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species.

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

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.

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

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.

If *C. taxifolia* is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. Based upon survey results in recent years from other similar boat dock projects in the Ventura Keys waterway in which no invasive species were detected, no *C. taxifolia* is anticipated to be in the area; however, it is possible that circumstances could change, particularly if the applicant does not commence construction in a timely manner. Therefore, the Commission imposes **Special Condition Three (3)**, which requires the applicant to survey the project area for the presence of *C. taxifolia* not earlier than 90 days nor later than 30 days prior to commencement or recommencement of any development authorized under this coastal development permit. If *C. taxifolia* is present in the project area, no work may commence and the applicant shall immediately notify the Executive Director.

Eelgrass

The project has the potential to directly impact sensitive resources, including eelgrass that may be present in the project area. Installation and driving of piles can directly remove and disturb eelgrass. In addition, vessels moored above these resources can reduce the light available to eelgrass and kelp by shading portions of the ocean floor. Based upon survey results in recent years from other similar boat dock projects in the Ventura Keys waterway in which no eelgrass was detected, no eelgrass is believed to be in the area; however, it is possible that circumstances could change over time if the applicant does not commence construction in a timely manner. Therefore, **Special Condition Four (4)** requires the applicant, within 60 days prior to construction, to conduct a survey of the project area for eelgrass during the period of active growth of eelgrass (typically March through October). If the survey identifies any eelgrass within the project area which would be impacted by the proposed project, the Executive Director must be notified prior to construction. If any eelgrass is identified in the project area prior to construction, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit. If any eelgrass is identified in the project area by the pre-construction eelgrass survey the applicant 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.

Therefore, only as conditioned by **Special Condition One (1)** (construction responsibilities and debris removal), **Special Condition Two (2)** (best management practices), **Special Condition Three (3)** (Caulerpa surveys), and **Special Condition**

Four (4) (eelgrass surveys), does the Executive Director determine that the proposed project consistent with Section 30230 and 30231 of the California Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

C. RECREATIONAL BOATING AND DIKING, FILLING, OR DREDGING

Coastal Act Section 30224 States:

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

Coastal Act Section 30233 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:

...

(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.

Coastal Act Section 30224 encourages recreational boating use of coastal waters and the proposed project will replace the existing, deteriorated dock and allow for increased recreational use of the facilities. In addition, Coastal Act Section 30224(a)(3) allows fill of open coastal waters, other than wetlands, for boating facilities that provide recreational opportunities. No wetlands are found within the project site and the proposed dock constitutes a recreational boating facility.

Coastal Act Section 30233(a) also contains language regarding the possibility of less environmentally damaging alternatives and adequate mitigation of environmental impacts. The proposed project includes replacement of an existing 210 sq. ft. floating dock and gangway with a new 280 sq. ft. floating dock and gangway. The proposed replacement dock will be in approximately the same location as the existing dock. The proposed project also includes installation of two new 14-inch diameter concrete piles, which constitutes fill of coastal waters. The applicant asserts that the two piles proposed to replace the existing stiff arm and cable anchoring system for the dock are the minimum number of piles necessary to adequately support and anchor the new dock under current engineering and safety standards. Placement of the proposed piles will

displace approximately two square feet of bottom habitat. The proposed project will use the minimum number of piles thereby minimizing the amount of fill needed to support the proposed allowable use. The proposed project is the least environmentally damaging, feasible alternative, includes feasible mitigation measures, and will not result in a substantial increase of fill.

With regard to the mitigation of environmental effects, **Special Condition One (1)** requires the applicants to comply with construction responsibilities and debris management, **Special Condition Two (2)** requires the applicants to incorporate Best Management Practices (BMPs) to ensure the continued protection of water quality and marine resources, **Special Condition Three (3)** requires surveys for *C. taxifolia*, and **Special Condition Four (4)** requires eelgrass surveys. These special conditions will assure that displacing bottom habitat from placement of the pilings and the construction and continued use of the proposed dock will result in minimal environmental impacts to the sea floor and marine environment consistent with Coastal Act Section 30233(a)(3). Therefore, the Executive Director determines that, as conditioned, the project is consistent with Sections 30224 and 30230 of the Coastal Act.

D. LOCAL COASTAL PROGRAM

The proposed project area lies within the limits of the City of Ventura, but falls within the Commission's area of retained original permit jurisdiction along the Ventura Keys waterways. The Commission certified the Local Coastal Program (LCP) for the City of Ventura (Land Use Plan and Implementation Ordinances) in 1981 and the Ventura Harbor LCP was incorporated into the City's LCP in 1990. The City's LCP contains policies and standards for siting and design of new development and protection of marine habitats. The application before the Commission is for development within the Commission's retained jurisdiction area, and therefore the standard of review applied by the Commission in considering the proposed project is the Coastal Act. The Commission notes that its review of the proposed project discloses no conflicts with any of the policies of the City's certified LCP, including those policies regarding marine habitat, shoreline access, and recreation.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096(a) of Title 14 of the California Code of 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 Executive Director incorporates his findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were

received prior to preparation of the staff report. As discussed in detail above, the proposed development, 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 Executive Director concludes 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.

SPECIAL CONDITIONS

The permit is granted subject to the following special conditions:

1. Construction Responsibilities and Debris Removal

By acceptance of this permit, the permittee agrees that the approved development shall be carried out in compliance with the following construction-related requirements:

- A. No demolition or construction materials, equipment, 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. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- 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 applicants 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. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

2. Best Management Practices (BMP) Program

By acceptance of this permit, the applicants agree that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

- A. Boat Cleaning and Maintenance Measures:
 - i. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints and debris.

- ii. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls is prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and only minimal amounts shall be used.
- iii. The applicants shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.

B. Solid and Liquid Waste Management Measures:

- i. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits shall be disposed of in a proper manner and shall not at any time be disposed of in the water or gutter.

C. Petroleum Control Management Measures:

- i. Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters will regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited;
- ii. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids; and
- iii. Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps

D. Sewage Pumpout System Best Management Practices

- i. Vessels shall dispose of any sewage at designated pumpout facilities provided by the Waterfront Department.

3. Pre-Construction *Caulerpa taxifolia* Survey

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any development authorized under this coastal development

permit (the “project”), the applicants shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive algae *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.

- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/caulerpa_taxifolia.html).
- C. Within five (5) business days of completion of the survey, the applicants shall submit the survey:
 - i. for the review and approval of the Executive Director; and
 - ii. to the Surveillance Subcommittee to 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. If *Caulerpa taxifolia* is found within the project or buffer areas, the applicants shall not proceed with the project until 1) the applicants provide evidence to the Executive Director that all *C. taxifolia* is discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicants have revised the project to avoid any contact with *C. taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

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

- A. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre- construction survey shall be completed within 60 days before the start of construction. The survey shall be prepared in full compliance with the “California Eelgrass Mitigation Policy” dated October 2014 (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) adopted by the National Marine Fisheries Service (except as modified by this special condition) and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicants shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any

eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

- B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within 30 days of completion of construction, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, the applicants shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicants shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the applicants shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation: impact). Any exceptions to the required 1.38:1 mitigation ratio found within the California Eelgrass Mitigation Policy 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.

5. Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures (if any) from the California Department of Fish and Wildlife, the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing