

CALIFORNIA COASTAL COMMISSION

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F23a-d&g

ADDENDUM

DATE: November 14, 2022

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: **ADDENDUM TO ITEMS F23a-d&g, AMENDMENTS NOS. 5-15-1026-A1, 5-15-1028-A1, 5-15-1029-A1, 5-15-1046-A1, AND 5-15-1760-A1 FOR THE COMMISSION MEETING ON FRIDAY, NOVEMBER 18, 2022.**

This addendum is designed to provide corrections and modifications to the staff report.

I. REVISIONS TO THE STAFF REPORT

The following clarifications and changes are made to the staff report dated November 3, 2022. Language to be added is shown in underlined text, and language to be deleted is identified by ~~strikethrough~~.

- a) Modify the last incomplete paragraph on page 2 of the Summary of Staff Recommendation as follows:

Two additional issues have been raised since the permit approvals in 2015. First, in May 2019, the Los Angeles County Board of Supervisors restricted the use of glyphosate at all County facilities. Accordingly, LACFCD does not authorize the use of herbicides, but states that future authorization may be ~~allowed~~ sought if in accordance with regulatory permits. In recent actions, the Commission has made findings acknowledging the potential adverse impacts of herbicide use in riparian habitats, ~~while still recognizing that chemical methods, including glyphosate-based herbicides, are still among the most effective, safest, and least expensive methods available for the control and management of non-native and invasive vegetation. In order to better reflect the best available science, s~~Staff thus recommends that the Commission amend requirements in **Special Condition 5** to prohibit further detail the applicability and appropriateness of herbicide use, including but not limited to glyphosate-based herbicide, under these permit approvals, unless the applicant obtains an amendment to these coastal development permits or a new coastal development permit for ~~with emphasis that herbicides use shall be used as a last~~

resort as part of an Integrated Pest Management Control Plan alongside feasible physical, mechanical, cultural, and biological control methods.

- b) Replace Special Condition 5 in II. Standard and Special Conditions on page 7 with the following:

5. Herbicide Use and Native Vegetation Delineation. ~~Herbicide use (including, but not limited to, glyphosate-based herbicide) within the flood control channel shall be prohibited as part of the approved project, unless the applicant obtains an amendment to this coastal development permit or a new coastal development permit for its use. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required. restricted to the use of AquaMaster™ Herbicide for the elimination of non-native and invasive vegetation for purposes of habitat restoration and flood control. The environmental resource specialist shall conduct a survey of the project site each day prior to commencement of vegetation removal and eradication activity involving the use of herbicide to determine whether any native vegetation is present. Native vegetation shall be clearly delineated on the project site with fencing or survey flags and protected.~~

~~In the event that non-native or invasive vegetation to be removed or eradicated is located in close proximity to native riparian vegetation or surface water, the applicant shall either: (a) remove non-native or invasive vegetation by hand, or (b) utilize a plastic sheet/barrier to shield native vegetation or surface water from any potential overspray that may occur during use of herbicide. In no instance shall herbicide application occur if wind speeds on site are greater than 5 mph or 48 hours prior to predicted rain. In the event that rain does occur, herbicide application shall not resume again until 72 hours after rain.~~

- c) Modify the last incomplete paragraph on page 15 of Herbicide Use as follows:

The applicant does not currently propose to apply herbicide within the subject Reaches. In the previous permit approvals, the Commission allowed the application of Aquamaster™ herbicide to obstructive patches of non-native and/or invasive vegetation in the creek channels during as-needed vegetation maintenance activities. The active ingredient in Aquamaster™ is glyphosate, which inhibits the synthesis of amino acids in plants and inhibits cell growth and reproduction. The Special Condition 5 titled “Herbicide Use and Native Vegetation Delineation”, as applied to the original permits and subject to these amendments, alloweds the applicant to apply the glyphosate herbicide only if controlled for overspray (using shield barriers) and if paused during periods of high wind and rain. In the applicant’s response dated April 8, 2022, it the applicant clarifies that herbicide use is not currently permitted by the County’s Board of Supervisors nor proposed as part of these projects, and if authorization may be were sought in the future, but it would only be in accordance with regulatory permits and agency-approved methods of the Regional Water Quality Control Board (RWQCB) and California Department of Fish

and Wildlife (CDFW). In such cases, the implementation of a Water Diversion Plan and other appropriate best management practices (BMPs) would be required to avoid the creation of adverse impacts to human health and marine life. Thus, the requirements in **Special Condition 5** have been amended to clarify that herbicide use, including but not limited to glyphosate-based herbicide, shall be prohibited as part of these permit approvals, unless the applicant obtains an amendment to these coastal development permits or a new coastal development permit for its use.

- d) Modify the last incomplete paragraph on page 17 and first complete paragraph on page 18 of Herbicide Use as follows:

Should LACFCD determine it necessary in order to accomplish the project goals and propose to use herbicide in a regulated manner in the future, the Commission recognizes that it could potentially fall under flood control maintenance measures consistent with Coastal Act Section 30236. This section allows for the alteration of streambeds when required for flood control projects and when necessary to protect public safety or existing development. However, the Commission further notes that Section 30236 also requires that such projects shall incorporate the best mitigation measures feasible. In addition, Section 30240 of the Coastal Act requires that all development within environmentally sensitive habitat areas must be carried out in a manner designed to minimize or prevent potential adverse effects to those resources. As such, the Commission notes that flood control activities on the subject sites, ~~including herbicide application,~~ should be carried out in the least environmentally damaging manner. In this case, alternatives exist to herbicide use during the proposed annual maintenance activities, which would reduce adverse effects to wetland and riparian habitat at the subject sites, such as mechanical and hand removal of vegetation (or mowing and cutting of vegetation) within the stream channel. Thus, **Special Condition 5** prohibits the use of herbicides under these permit approvals, unless the applicant obtains an amendment to these coastal development permits or a new coastal development permit for their use.

~~In order to better reflect the best available science, the Commission amends requirements in **Special Condition 5** to further detail the applicability and appropriateness of herbicide use, with emphasis that herbicides shall be used as a last resort as part of an Integrated Pest Management Control Plan approach. In a previous Commission approval,⁴ Commission staff researched the suitability of various herbicides in riparian and marsh habitats in California, consulted with the California Department of Pesticide Regulation (CDPR), reviewed the label instructions, and has determined that Clearcast™ (imazamox) or Habitat™ (imazapyr) are some of the least toxic herbicides certified and registered for use in aquatic habitats in California and are also appropriate for use at the subject channel Reaches. The special condition language has therefore been amended to reflect the appropriateness of use of other herbicides in aquatic environments. The selected herbicide shall be applied by a licensed professional following all necessary protocols and label instructions to avoid overspray and adverse impacts to native riparian habitat within the channels.~~

⁴ [CDP 5-20-0017](#) (City of Long Beach, Department of Public Works).

e) Replace Special Condition 5 in Appendix B on page 30 with the following:

5. Herbicide Use. Herbicide use (including, but not limited to, glyphosate-based herbicide) shall be prohibited as part of the approved project, unless the applicant obtains an amendment to this coastal development permit or a new coastal development permit for its use. Any proposed changes to the approved program shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.