

W13a

5-21-0910 South Coast Water District

December 14, 2022

Correspondence

Re: [EXTERNAL] 5-21-0910 SCWD Lift Station 2 Project

Medak, Christine <Christine_Medak@fws.gov>

Thu 12/8/2022 8:09 AM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Cc: Nichols, Katie@SCC <Katie.Nichols@scc.ca.gov>; mlau@esassoc.com <mlau@esassoc.com>; Roberts, Carol <carol_a_roberts@fws.gov>; Yemane, Miriam CIV USARMY CESPL (USA) <Miriam.Yemane@usace.army.mil>; tkjolsing@scwd.org <tkjolsing@scwd.org>

Meg,

We previously met with the U.S. Army Corps of Engineers (Corps) and the representatives for South Coast Water District (SCWD) on September 15, 2022 to review proposed changes to the project that would avoid permanent impacts to critical habitat for tidewater goby and eliminate the need for a 404 permit from the Corps. At that time, it was our understanding from SCWD representatives that the proposed new roadway (providing a separate access to The Ranch) would be temporary and removed following completion of the project so that the alignment could be modified if needed to accommodate the Aliso Creek Restoration Project and to avoid unmitigated permanent impacts to critical habitat for federally endangered tidewater goby. As currently proposed, it is now presented as a permanent roadway. On page 24 of the staff report it states:

"The proposed road re-alignment has been carefully coordinated with key project stake holders including: the Ranch Resort, City of Laguna Beach, and the Aliso Estuary Restoration Project proponents. All support the realigned road and its location."

The U.S. Fish and Wildlife Service is an Aliso Estuary Restoration Project (Restoration Project) proponent and provided funding for the Restoration Project. We have not received any additional information since September 15, 2022 to indicate that the new road is to be a permanent alignment. We do not support the project as currently proposed because it is unclear if the proposed roadway will be compatible with the Aliso Creek Restoration Project. In addition, the staff report recommends that the proposed outlet to Aliso Creek be deleted (Special Condition 1.A.1). It was our understanding that the new larger drainage structure and outlet to Aliso Creek were needed to accommodate the substantial increase in impervious surface within the project site. As presented during our meeting on September 15, the reason the outfall could be eliminated *for now* was that there was no permanent increase in paved surface included as part of the project.

Consistent with the meetings we have had with the California Coastal Commission to date, and our comments on the Mitigated Declaration for the project (attached) we continue to seek a more collaborative process with SCWD to ensure the final roadway alignment meets the access requirements of SCWD and improves access to The Ranch Resort while also retaining options to provide parking as part of the Aliso Creek Restoration Project. We recommend that Special Condition 2 (page 6 of the staff report) be modified to include the following:

1. SCWD will allow for development of parking spaces within the SCWD property north of Aliso Creek to help accommodate the loss of public parking south of Aliso Creek for the purposes of Restoration Project, except that parking will not preclude necessary access to buried pipelines and other SCWD facilities.
2. SCWD will collaborate with the Aliso Creek Restoration Project proponents on the siting and design of public parking and necessary SCWD actions to construct public parking and access associated with the Restoration Project.
3. The roadway will be considered a temporary alignment pending coordination with the Aliso Creek Restoration Project proponents to identify opportunities for parking that are approved by SCWD.

Because the staff report does not reflect our understanding of the project and misrepresents the position of our agency, we would appreciate an opportunity to discuss these proposed changes with you and other Aliso Creek Restoration Project proponents before the upcoming Coastal Commission hearing on December 14.

Christine L. Medak
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
Office: 760-431-9440, ext 298
<http://www.fws.gov/carlsbad/>

Carlsbad Fish and Wildlife Office 2021 Highlights:
<https://fws.maps.arcgis.com/apps/Cascade/index.html?appid=0347e0e3c4e946ad839cf23f5b2df87a>

"I'd like to offer a plug for actually having the natural processes instead of having to simulate them."
— Nadav Nur, PRBO Conservation Science

From: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>
Sent: Thursday, December 1, 2022 3:12 PM
To: Medak, Christine <Christine_Medak@fws.gov>; Sloane, Evyan@SCC <Evyan.Sloane@scc.ca.gov>
Subject: [EXTERNAL] 5-21-0910 SCWD Lift Station 2 Project

<p>This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.</p>
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Hello Christine and Evyan,
I wanted to let you both know that the staff report for the SCWD lift station project is available on the Coastal Commission website: <https://www.coastal.ca.gov/meetings/agenda/#/2022/12>
It is Agenda Item 13a on Wed., 12/14/2022.
Once you've had a chance to review the staff report, please let me know if you have any questions, comments or concerns.
Thank you,
Meg Vaughn
Coastal Program Analyst
California Coastal Commission
meg.vaughn@coastal.ca.gov



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer to:
FWS-OR-18B0006-21CPA0054

March 29, 2021
Sent Electronically

Taryn Kjolsing
Principal Engineer
South Coast Water District
31592 West Street
Laguna Beach, California 92651-6907

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration for the Proposed Lift Station No. 2 Replacement Project, City of Laguna Beach, Orange County, California

Dear Taryn Kjolsing:

We have reviewed the Mitigated Negative Declaration (MND) for the proposed Lift Station No. 2 Replacement Project in the City of Laguna Beach (City), Orange County, California. The South Coast Water District (SCWD) proposes to replace the existing lift station and facilities, permanently realign a 1,000-foot section of Country Club Drive, replace the existing drainage outlet into Aliso Creek, install a new odor control scrubber, and connect the SCWD and City sewer pipelines to provide backup sewer capacity in emergency situations (Proposed Project).

The primary concern and mandate of the U.S. Fish and Wildlife Service (Service) is the protection of public fish and wildlife resources and their habitats. Specifically, the Service administers the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and provides support to other Federal agencies in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*). Section 7 of the Act requires Federal agencies to consult with the Service should it be determined that their actions may affect federally listed threatened or endangered species or their critical habitats. The MND (page 2) anticipates that the project will undergo section 7 consultation for potential impacts to tidewater goby (*Eucyclogobius newberryi*) and its critical habitat in association with the issuance of a permit by the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act for project construction.

Our primary concerns with respect to the Proposed Project are the potential impacts to federally listed species and that the Proposed Project could potentially preclude planned restoration of estuarine habitat in Aliso Creek. The mission of the Service is working with others to conserve, protect, and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. Consistent with our mission, we are working with partners to improve conditions for the federally endangered tidewater goby and other wildlife and the local community within and surrounding the Aliso Creek Estuary. We are providing funding and technical assistance along with the California Coastal Conservancy to Laguna Ocean Foundation

for the Aliso Creek Estuary Restoration Project (Restoration Project). The Restoration Project has been identified as a priority for the region by 18 state and federal agencies participating in the Southern California Wetlands Recovery Project (WRP). We offer the following specific comments and recommendations regarding project-associated biological impacts based on our review of the MND, our participation in the Restoration Project, and our knowledge of declining habitat types and species within Orange County.

1. Restoration Project: The Proposed Project will retain the existing Country Club Drive to provide a separate gated access to SCWD facilities, while establishing a permanent new alignment of Country Club Drive to access The Ranch Resort. The new Country Club Drive will be located closer to Aliso Creek and will be wider than the existing roadway to accommodate landscaping and a pedestrian path. Implementation of the Restoration Project depends on the ability to relocate an existing parking lot from its current location south of the Aliso Creek Estuary to areas along Country Club Drive north of the estuary. We are concerned that without appropriate coordination, the Proposed Project's permanent modifications to County Club Drive will limit the ability to remove the developed parking lot south of the estuary and, therefore, preclude the restoration of a critical estuarine habitat directly adjacent to the SCWD property.

We recommend that the MND include reference to the Restoration Project and include a condition that the Proposed Project will not permanently preclude the planning and implementation of the Restoration Project. Specifically, we recommend that the proposed realignment of Country Club Drive be considered temporary until further coordination with the Restoration Project partners allows the site to be designed in a manner that meets the access requirements of SCWD and improves access to The Ranch Resort while also retaining options to provide parking as part of the Restoration Project.

2. Tidewater Goby Critical Habitat: Aliso Creek estuary was historically occupied by tidewater goby up until at least 1977 (Swift *et al.* 1989). Critical habitat for the goby was designated at Aliso Creek in 2013 because it possesses the physical or biological features that provide for the species' life history processes essential to the conservation of the species and because the location has been identified as a potential reintroduction site that would aid in recovery of the genetically unique South Coast Recovery Unit (Service 2013). If the Restoration Project is precluded, the Proposed Project would severely limit or eliminate the potential to improve habitat conditions for tidewater goby. In addition, the proposed drainage outlet into Aliso Creek will permanently impact breeding habitat for tidewater goby by replacing a portion of the existing soft bottom stream channel with concrete and riprap. Finally, the increase in impervious surfaces resulting from the project would double the flow rate exiting the new drainage outlet to Aliso Creek (MND, page 92), which could affect critical habitat for the tidewater goby. We recommend alternatives to the proposed project are considered that will support recovery of tidewater goby by eliminating permanent impacts to critical habitat and retaining opportunities to improve habitat quality for the tidewater goby through implementation of the Restoration Project.

3. Coastal California Gnatcatcher: A minimum of 2.24 acres of potential breeding and foraging habitat¹ for the federally threatened coastal California gnatcatcher (*Poliophtila californica californica*; gnatcatcher) was identified in the survey area for the project; however, the total impacts to habitat are not quantified in the MND. Mitigation measures are included to conduct pre-construction surveys for the gnatcatcher if construction will occur during the breeding season (defined as March 1 through September 1) and minimize the potential for disturbance to nesting gnatcatchers in the project vicinity (BIO-5), and to mitigate for impacts to gnatcatcher-occupied habitat (BIO-7). We recommend that protocol surveys for the gnatcatcher are completed, regardless of the timing of construction, and specific measures to avoid, minimize, and mitigate potential impacts to the gnatcatcher and its habitat are identified, as appropriate, prior to submitting an application to the Corps for a 404 permit.
4. Sensitive Plant Surveys: The MND includes a mitigation measure (BIO-1) to have focused plant surveys conducted prior to construction due to the potential for the federally threatened big-leaved crownbeard (*Verbesina dissita*) and other sensitive plant species to occur within the project footprint. We recommend that the surveys are completed and specific measures to avoid, minimize, and mitigate potential impacts to the sensitive plant species are identified, as appropriate, prior to submitting an application to the Corps for a 404 permit.

We appreciate the opportunity to provide comments on the MND and would welcome the opportunity to collaborate with the City, SCWD, The Ranch Resort, and other stakeholders to develop alternatives to the proposed project that will meet your project objectives while also accommodating the Restoration Project and minimizing impacts to federally listed species. If you have any questions regarding these comments, please contact Service biologists [Carolyn Lieberman](#)² and [Christine Medak](#)³ of this office.

Sincerely,

**JONATHAN
SNYDER**

Jonathan Snyder
Assistant Field Supervisor

Digitally signed by
JONATHAN SNYDER
Date: 2021.03.29 10:12:17
-07'00'

cc:

Evyan Sloane, California Coastal Conservancy
Ed Almanza, Laguna Ocean Foundation
Eric Sweeney, U.S. Army Corps of Engineers
Amber Dobson, California Coastal Commission
Chiara Clemente, Regional Water Quality Control Board

¹ Includes vegetation communities mapped as California Sagebrush Alliance, Mulefat Alliance, and Laurel Sumac Alliance.

² carolyn_lieberman@fws.gov

³ christine_medak@fws.gov

LITERATURE CITED

- Swift, C. M., J. L. Nelson, C. Maslow, and T. Stein. 1989. The biology and distribution of the tidewater goby, *Eucyclogobius newberryi* (Pisces: Gobiidae) of California. Contributions in Science 404:1-19. Natural History Museum of Los Angeles.
- [Service] U.S. Fish and Wildlife Service. 2013. Endangered and threatened wildlife and plants; Designation of critical habitat for the tidewater goby; Final Rule. Federal Register 78:8746-8819.

FW: Public Comment on December 2022 Agenda Item Wednesday 13a- Application No 5-21-0910 (South Coast Water District, Laguna Beach)

SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Thu 12/8/2022 8:47 AM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

FYI

From: p.martz@cox.net <p.martz@cox.net>

Sent: Wednesday, December 7, 2022 8:27 PM

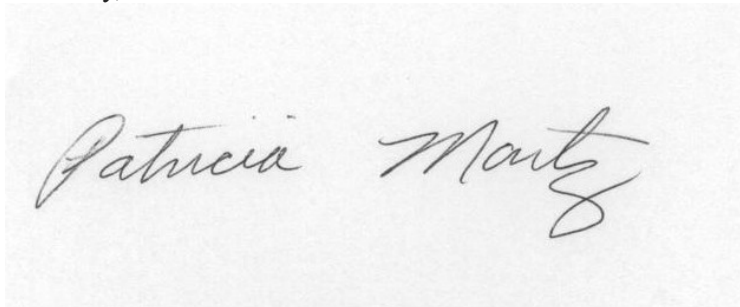
To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Subject: Public Comment on December 2022 Agenda Item Wednesday 13a- Application No 5-21-0910 (South Coast Water District, Laguna Beach)

Please note that the cultural resources section of the staff report does not mention that there is the potential for the proposed project to affect CA-ORA-9 which is situated on the Ranch at Laguna Beach. CA-ORA-9 is the ninth archaeological site to be recorded in Orange County. This low number means that the site had to be very prominent and significant because in the early days when archaeologists began recording archaeological sites in Orange County there were still many archaeological sites along the coast and only sites with many artifacts and human burials were recorded.

Therefore, in addition to archaeological and Native American monitoring, the Special Conditions should require that a professional archaeologist should conduct a records and literature search at the South Central Coastal Information Center at Cal State University, Fullerton. The records should be used to include avoidance of the recorded site location as stipulated in California Public Resources Code 21083.2.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Martz". The signature is written in dark ink on a light-colored, slightly textured background.

Patricia Martz, Ph.D.
President

FW: Public Comment on December 2022 Agenda Item Wednesday 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Thu 12/8/2022 8:46 AM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Re SCWD CDP app

From: Ninder Chima-Jordan - BPM <nchima-jordan@bayviewmgmt.com>

Sent: Wednesday, December 7, 2022 9:53 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Subject: Public Comment on December 2022 Agenda Item Wednesday 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Hello,

I am the Community Manager for Aliso Creekside HOA located on Wesley Drive, Laguna Beach. The board has requested I share their concerns. There will be a lot of air pollution, possible landslides and liquification, wildfire hazard, and very loud noise for three years. There will be 70 diesel fuel trucks per days (1,500-2,000 total) for 3 years. The road below us, Country Club Road, will be rerouted.

1. Will there be any mitigation measures that include reimbursement for damage to our building from ground vibrations, landslides, flooding, liquification, and possible wildfires?
2. The other concern is will there be any reimbursement for the loss of the use of any of our condos due to air quality being a hazard to someone with decreased lung function and because of possible utility interruptions during construction?
3. We want to echo the concerns submitted by our neighboring community Creekside South Laguna HOA.

Thank your for your consideration of our concerns.

Sent from [Mail](#) for Windows

FW: Public Comment on December 2022 Agenda Item Wednesday 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Fri 12/9/2022 6:50 AM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Cc: Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Re SCWD project

From: Debbie Naude <deb.naude@gmail.com>

Sent: Thursday, December 8, 2022 10:10 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Subject: Public Comment on December 2022 Agenda Item Wednesday 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Dear Commissioners and Commission Staff,

My husband Paul and I are lifetime environmentalists with an emphasis on the Oceans and Laguna Beach in particular.

We live DIRECTLY overlooking the project under consideration in Agenda item 13A, at the end of Brooks Street in South Laguna, and will be extremely impacted by the project.

We are pleased to see the needed upgrade of the lift station, along with a properly set back "country" road leading to The Ranch resort along with a public access pedestrian walkway and removal of the storage yard adjacent to the estuary. The current roadway alignment is unsightly and unsafe and frustrates emergency personnel due to its many blind spots. We also appreciate the project's willingness to replace Arundo with native plants.

In our view, SCWD has not been a good steward of the property along the southern bank of the Aliso Creek, having used it for many years as the district's site for vehicle maintenance, storage, and a staging area for long-term construction. Much of the project area is on land that was formerly part of a healthy estuary and therefore deserves greater care and respect than it has been given. We still consider the creek and the estuary as a sacred, natural habitat even though it has been largely ignored and neglected.

We also overlook The Ranch resort which is an industry leader in terms of their commitment to the environment. The Ranch is part of "Beyond Green's" carefully vetted portfolio of resorts who are dedicated to conservation and environmentally friendly practices. All members of "Beyond Green" The Ranch included, actively work to reduce their carbon footprint. They have eliminated single use plastic water bottles, embrace new technologies ranging from renewable energy to water recycling while also actively supporting wildlife conservation and ecosystem restoration.

Our hope is that the Coastal Commission has carefully considered the proposed site plan and conditions of approval in the context of the very active project to restore the Aliso Creek Estuary, which is also supported by the Coastal Commission, the City of Laguna Beach, The Ranch and many other stakeholders, and that by approving the Lift Station Project, the Commission foresees a clear path forward for the eventual entitlement and implementation of the project to restore the Aliso Creek Estuary which is immeasurably more important than the minor upgrades in vegetation that accompany the Lift Station Project.

Lastly, but also importantly, we are often impacted by noise from SCWD's current activities, even without a construction project. Our residence and the homes of our neighbors are especially sensitive receptors to noise because of our higher elevation relative to the SCWD site (we hear EVERYTHING). Moreover, the level of noise generated by SCWD is generally incompatible with the park and wilderness setting of the adjacent estuary and Aliso Beach Park. We would like to see the Construction Best Management Practices identified in Section 8 of the Special Conditions include a Construction Noise Abatement Program that would reduce impacts from construction noise as much as possible through requirements such as prohibition of prolonged idling of vehicles, minimization of vehicle backup alarms, requirements for high performance mufflers on construction vehicles and equipment and placement of temporary sound barriers to block the line-of-sight to residences from noise generating construction activities such as use of heavy construction equipment, diesel engines, generators etc. We think noise abatement Best Management Practices should also be in place during the operational phase after construction.

Thank you in advance for supporting the staff's findings and approving this long overdue project.

Debbie and Paul Naudé
31072 Brooks Street
Laguna Beach, CA 92651

SouthCoast@coastal.ca.gov

December 9, 2022

RE: Public Comment - Item 13 Coastal Permit Applications

December 2022 Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Application by South Coast Water District to demolish existing sewer lift station and construct new sewer lift station (SCWD's Lift Station No. 2); construct new intertie between the new sewer lift station and the City's North Coast Interceptor (NCI) sewer pipeline; and related development, at 31104 Country Club Drive, Laguna Beach, Orange County.

Commissioners and Staff,

Please issue a continuance for Application No. 5-21-0910 (South Coast Water District, Laguna Beach. The proposed project is being presented during the Holiday season when citizens and environmental groups are busy with family and other demands.

The proposed project introduces a mechanical raw sewage grinding and primary processing facility next to a mapped environmentally sensitive area and adjacent Marine Protected Area (MPA). Noting past sewage spills to South Laguna, the proposed pump system may be subject to clogging and electrical failures to release more raw sewage at the mouth of Aliso Creek and recreational coastal waters at Aliso Beach. Rather than a piece meal approach to wastewater management, the present application is an opportunity to evaluate and improve Laguna Beach's out of date sewage treatment system and inaccessible Coastal Treatment Plant discharging to protected, fragile, coastal waters and sea life.

As a 40 year resident of South Laguna, I have served on several City committees seeking to improve the Coastal Treatment Plant serviced by the present SCWD Lift Station No. 2. The Coastal Treatment Plant (CTP), built in the 1950's, is located in a mapped High Wildfire Hazard Area with remote access and has a history of accidents. As one example, the recent Coast Fire in the afternoon of May 11, 2022 began near the Coastal Treatment Plant and destroyed 200 acres along with 20 homes. If the wildfire had spread to the CTP, a 3 million gallon sludge storage tank would have been disasterously compromised.

In addition to annual wildfire threats in the dry Aliso Canyon, severe storms often destroy the access bridge stranding employees for days.

In 2019, a massive sewer failure sent 1.7 million gallons of raw sewage into Aliso Creek and nearby Marine Protected Areas (MPAs) closing 16 miles of beaches from Newport Beach to Dana Point.

As a former Laguna Beach Mayor once observed, "The Coastal Treatment Plant would never be built at his location today".

Background

The proposed project represents a piece meal approach to managing the aging Coastal Treatment Plant (CTP). Rather than retiring the dangerously sited facility, the City and South Coast Water District seek to continue current operations. Since raw sewage must be pumped against gravity from Coast Highway to the CTP, pressure leaks and equipment failures have occurred. Lacking on site capacity, sludge from the CTP must be pumped over 4 miles to the Regional Treatment Plant to perpetuate a very high energy intensive system.

Additionally, severe stormwater erosion prompted the Army Corp of Engineers to design a 2005 \$100 million SUPER Project, yet to be built, to protect sewer pipes along Aliso Creek. The SUPER Project remains consistently opposed by citizens of Laguna Beach as environmentally damaging to Aliso and Woods Canyon Wilderness Park.

Approving the proposed project as submitted simply perpetuates sewage operations for an old out of date facility in an environmentally sensitive coastal area with known equipment, wildfire and stormwater threats.

Environmental Justice

The community of South Laguna suffers the impacts of the Coastal Treatment Plant without a vote on water and wastewater issues. During annexation procedures in 1987, the City unilaterally eliminated voting rights for 5,000 South Laguna residents while subjecting us to numerous expensive projects including the \$140 million Doheny Ocean Desalination Project, the \$100 million Tunnel Project and, still pending, the \$100 million SUPER Project.

The 2014 \$2.8 million Aliso Creek Water Reclamation Facility, initiated by South Laguna residents to remove excess dry season flows to Aliso Beach and Laguna's MPAs, has yet to remove any urban runoff from Aliso Creek. Without a vote on water and wastewater issues, South Laguna ratepayers must endure wastewater impacts and pay for expensive projects without representation.

Recommended Actions

Lacking a vote and a timely opportunity to present "reasonable, feasible, environmentally superior alternatives", SCWD and City seek to continue operating a substandard sewage system in a High Wildfire area without any mitigation measures.

The City of Laguna Beach Water District remains the only South County city without recycled water during prolonged droughts and annual wildfires. Lacking recycled water, all City wastewater is presently discharged at the rate of 1.87 million gallons per day (1/2 billion gallons per year) just 1.5 miles offshore. Main Beach and City parks are irrigated with drinking water.

Please consider a continuance on this item. If approved, mitigations should include:

1. Actual City commitment of staff and funds, including grants, to restore the Aliso Estuary presently funded by the California Coastal Conservancy and local community groups.
2. As an environmental justice issue, require restoration of fundamental voting rights for South Laguna ratepayers.
3. For safety issues, relocate of the CTP operations to the inland Regional Treatment Plant for regional beneficial reuse via safe access for routine maintenance along roadways consistent with contemporary sewer management industry standards.

Thank you for the opportunity to present comments and recommendations to insure a safer sewer system for South Laguna, the City of Laguna Beach and California's iconic Marine Protected Areas.

Mike Beanan

South Laguna

References:



Coast Wildfire at Remote Coastal Treatment Plant May 11, 2022

<https://www.lagunabeachindy.com/plant-prevents-runoff-reaching-sea-2/>

Plant Prevents Runoff from Reaching the Sea - Laguna Beach Local News

Thanks to the acknowledged efforts of a local waterman for pressing local authorities to clean the creek water spilling onto Aliso Beach, the ribbon was officially cut on a water reclamation facility in Aliso

Canyon last week. If creek levels allow, the \$2.8 million Aliso Creek Water Reclamation Facility will be able to divert 400 [...]

<https://www.lagunaoceanfoundation.org/aliso-creek-estuary-restoration/>

Aliso Creek Estuary Restoration - Laguna Ocean Foundation

“Bring the Lagoon Back to Laguna” Campaign to Restore Aliso Creek Estuary. Laguna Ocean Foundation has received a gift of \$40,000 from the Netwrix Corporation to kick off the “Bring the Lagoon Back to Laguna” Matching Gift campaign to restore the estuary at Aliso Creek to a healthy and thriving estuary ecosystem.

Robert and Joanne McMahon
31024 Aliso Circle
Laguna Beach, CA 92651
Cell: 949-813-3181
robert@mcmahonlaw.net

Agenda Item: 13a
Application Number: 5-21-0910
Location: 31104 Country Club Dr.
Laguna Beach, CA

Via E-Mail: executivestaff@coastal.ca.gov & southcoast@coastal.ca.gov

Dear California Coastal Commissioners:

We reside at 31024 Aliso Circle, Laguna Beach, California. Our home sits on the north Aliso Canyon wall above the existing South Coast Water District construction yard. For decades, we have enjoyed majestic unspoiled whitewater views of Aliso Beach to the south and Aliso Canyon and Creek to the east. Evening and nighttime views reveal a dark starlit canyon and glimmering creek.

The Coastal Commission Hearing Notice dated November 23, 2022, mailed to us was postmarked on December 1, 2022. Is public notice of this hearing adequate? Additionally, the 65 pages of Exhibits cannot be legibly viewed online and the amount of data does not allow for printing of the entire packet despite several attempts on different printers. Please send us the Exhibits in legible form.

I am extremely concerned that the proposed re-alignment of Country Club Road will negatively impact our residence from the standpoint that car headlights coming down the realigned the Aliso Canyon access road known as Country Club Road will more directly shine directly toward our home. Our living room and rear deck enjoy a view to the east and south across Aliso Canyon. During evening hours, Aliso Canyon and the Creek is an idyllic dark canyon with open space and a glimmering creek. Cars presently hug the north Aliso Canyon wall/cliff. If Country Club Road is realigned toward Aliso Creek and closer to the middle of Aliso Canyon car lights will shine more prominently into our home. Vehicles crossing speed bumps along the realigned road will also increase flashes of headlights into our home. There will be more pavement along the north side of Aliso Canyon. Has a light pollution study been conducted in connection with the overall proposed project? Is it necessary for the realignment to be permanent?

Please establish mitigating conditions to shield the vehicle lights from our home. Additionally, it is hoped that all contemplated improvements to the water district structure do not increase the amount of light pollution within Aliso Canyon. It is requested that appropriate studies be conducted, and conditions set to mitigate lights shining within Aliso Canyon. Landscaping could help mitigate shining car lights and subdued lighting of the new lift station structure would help to mitigate an increase in light pollution.

I am also concerned that traffic noise will further increase with the proposed realignment. Has a noise study been conducted and will sound mitigation measures be set as a condition for approval? We already endure excessive traffic noise which carries up Aliso Canyon from Pacific Coast Highway.

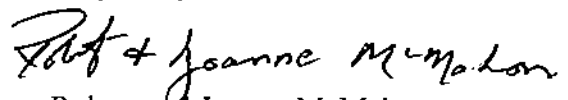
In reviewing the Exhibits attached to this agenda item, it appears that significant conceptual alterations are contemplated within Aliso Canyon east of Pacific Coast Highway and on both sides of Aliso Creek. The Exhibits reveal that there is an Aliso Canyon-wide concept plan with elements grander than just the remodeling of a sewer lift station. One of the conceptual changes is the construction of approximately 20 public parking spaces immediately below our home on the north side of Aliso Canyon that will negatively impact us – a significant intensification of use. Will the proposed new parking spaces be available 24/7 or will these spaces be for day use only? We oppose the establishment of parking along Country Club Road below our home.

An additional change conceptually contemplated is the elimination of existing public inland parking spaces on the southeast side of Aliso Creek and the reduction and/or removal of a large existing lawn area adjacent to the public restroom structure that is situated to the east of, and adjacent to PCH. Public parking (with attendant lights illuminating the new parking area) will replace a large portion of the existing grassy area and additional light will shine into our home.

With respect to the proposed estuary, we have had repeated contacts over the years with Orange County Vector Control with respect to Aliso Creek. Mosquito species known to carry West Nile virus have been found by Vector Control. Seasonal berming of sand at the outlet to the ocean results in the backing up of Aliso Creek, and the backed-up Creek increases the presence of airborne pests in our adjacent neighborhood.

The implications of the proposed road realignment and apparent reference to grander concept measures, including elimination and/or relocation of public parking, increase in paving, elimination of a large lawn area for a new parking area with lights will further urbanize Aliso Canyon and negatively impact our enjoyment of our home on Aliso Canyon. These items have not been the subject of an appropriately noticed public hearing. It is hoped that the California Coastal Commission will not tacitly adopt conceptual matters which merit public hearing and future consideration.

Very Truly Yours,


Robert and Joanne McMahon



December 7, 2022
12/14/22)

Agenda Item 13a (on

Donne Brownsey
Chair
California Coastal Commission
455 Market St., Suite 300
San Francisco, CA 94105
SouthCoast@coastal.ca.gov

Dear Chair Brownsey:

On behalf of The Ranch at Laguna Beach, the resort directly connected to this project, I am pleased to convey and share with your Commission our strong support for the South Coast Water District's (SCWD) Lift Station No. 2 Project.

Lift Station No. 2 has been in operation since the 1950's and is long overdue for replacement and modernization. The new, more reliable sewer lift station will significantly reduce the chance of spills into Aliso Creek, onto Aliso Beach, and further protect the Pacific Ocean. SCWD's plan for the project will not only upgrade the aging infrastructure but also provide improvements to the area including a re-aligned Country Club Drive and promote public access with a new six-foot wide public access trail. The public access trail will provide connectivity to/from The Ranch (an adjacent Laguna Beach Resort) to Aliso Beach and Coast Highway. SCWD has worked collaboratively since 2015 with the City of Laguna Beach, The Ranch, and nearby stakeholders to propose the most environmentally sound and advantageous Project to all parties. The new roadway will provide a much safer environment for SCWD employees, employees of The Ranch and visitors to both.

This Project will enable SCWD to increase reliability and mitigate failures and interruptions that would be a disruption to the community and harmful to the environment if this infrastructure should fail. The planned site improvements, increased odor control, and native landscaping, will be a welcomed improvement to all who live in, and visit the area of south Laguna Beach.



In addition to the sewer reliability benefits, we support this Project because of the SCWD's close collaboration with the Aliso Estuary Restoration Project and commitment to address impacts to neighbors and Ranch visitors during construction, and the potential mutual benefits post-construction to enhance the experience for those visiting the area in addition to the much safer environment.

The Lift Station No. 2 Project is a necessary project for sewer reliability and provides numerous public benefits and enhancements to the area. As such, it is a pleasure to convey our The Ranch at Laguna Beach's strong support of the California Coastal Commission's consideration and approval of the Lift Station No. 2 Project. Thank you for your consideration and for your ongoing commitment to and efforts on behalf of our residents and businesses.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Bjorkman". The signature is stylized with a large, sweeping "K" and a long, horizontal stroke extending to the right.

Kurt Bjorkman

GM / COO

The Ranch at Laguna Beach

FW: SUPPORT FOR AGENDA ITEM 13A on DECEMBER 14, 2022

SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Fri 12/9/2022 12:42 PM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

From: Mark Christy <mark@hobie.com>

Sent: Friday, December 9, 2022 12:20 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Subject: SUPPORT FOR AGENDA ITEM 13A on DECEMBER 14, 2022

Donne Brownsey – Chair
California Coastal Commissioners
Coastal Commission Staff

On behalf of The Ranch at Laguna Beach, the property owner immediately adjoining and MOST impacted by this project, we strongly support APPROVAL OF AGENDA ITEM 13A (SCWD Lift Station improvements) for a variety of certain and irrefutable reasons:

- **THE FACILITY UPGRADE AND INTERTIE ARE DESPERATELY NEEDED.** The disastrous spill of raw sewage a few years back happened to a pipe running through an easement on our property and was devastating from both a financial and reputational standpoint. Though it was obviously not our line, the headlines nationwide read “Massive sewage spill occurred at Ranch at Laguna Beach.” I’m no engineer but could not imagine how the system did not have adequate safety features and/or redundancy in the form of a reciprocal intertie between the LB force main and the SCWD force main in the event of an emergency. This project will improve the system, create a physical storage basin for emergencies and finally create an intertie redundancy.
- **ENVIRONMENTAL WINDFALL.** The property has been an industrial work and storage wasteland immediately adjacent to the creek for decades. This will remove the industrial element away from the creek, vastly improve mitigation of harmful water runoff and replace a massive Arundo forest with habitat-appropriate native vegetation. From the moment we purchased the property at The Ranch, we have tried to set the standard for sustainability and environmental stewardship, and this is an opportunity to connect the work we have been doing upstream down to the Ocean.
- **SAFETY.** The existing entry road is not located in the Ranch’s easement, is indescribably dangerous due to constant pedestrian/vehicular use (SCWD workers dodging cars all day) and has a series of blind spots exacerbating both the SCWD/Ranch traffic as well as emergency vehicle visibility and access. This was particularly glaring during the brushfire which occurred immediately behind our property earlier this year wherein this entry road was the primary access point for literally dozens of fire vehicles and personnel. The new road alignment eliminates the hazards of pedestrian/vehicular accidents, falls within the easement, ensures plenty of buffer from the creek (for native vegetation, runoff capture and mitigation) and vastly improves sightlines for normal and emergency access.
- **PUBLIC ACCESS AND BENEFIT.** We have been diligently supporting the efforts of CCC, The City of Laguna, The Laguna Canyon Foundation, etc. in establishing a safe and viable pathway connecting the open space behind us to the coast. And while we’re not in charge of that project, we look forward to its completion. The pedestrian pathway component of this project will offer a safe, environmentally friendly, and aesthetic public access route to help make that final connection.
- **COMPATABILITY WITH POTENTIAL ESTUARY RESTORATION CONCEPT PLAN.** For years we have been working collaboratively with our friend Ed Almanza and Laguna Ocean Foundation (LOF) in their efforts to

potentially restore the historic estuary to the extent possible. Ed/LOF have submitted a letter to you supporting SCWD's project and the roadway realignment specifically as it would offer them opportunity to relocated some of the parking which may be lost on the southern side of Aliso Creek with their project.

In summary, this project represents a massive improvement for system function and integrity for SCWD, substantial and permanent environmental protection, a potentially lifesaving safety improvement for workers, hotel guests and the public writ large, enhanced public access and ensures compatibility with a potential estuary restoration project.

Thank you in advance for your kind consideration and we strongly encourage you to APPROVE AGENDA ITEM 13A as submitted.

Sincerely,

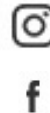
Mark

MARK CHRISTY

Managing Partner

mark@ranchlb.com

P. 949.235.2538



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California Coastal Commission
South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302

December 9, 2022

Subject: Item: W13a 5-21-0910 (SCWD) – South Coast Water District
Sent via email to Meg Vaughn, Coastal Program Analyst

Dear Coastal Commissioners,

I am grateful to Coastal Commission staff for discussions about the South Coast Water District (SCWD) Lift Station project given its relationship to the on-going project to restore the Aliso Creek Estuary funded by the Coastal Conservancy. I thank the Commission staff for their continued support of the estuary restoration project and for staff's participation early-on in the collaborative permit process.

Regarding this permit application, I appreciate the Commission staff's addition of Special Conditions to this permit, specifically

Special Condition 2. Agreement to Cooperate with the Aliso Estuary Restoration Project

However, we encourage staff to adopt stronger and more specific language regarding coordination with the estuary restoration project:

~~This may~~ Permittee's cooperation shall include, but is not necessarily limited to, consideration of the accommodation of public access and parking, obtaining permits and entitlements, site planning, the necessary relocation of affected infrastructure within the Restoration Project site, providing relevant information on permittee's operations and infrastructure, and participating in the development of agreements related to access, ownership, and management of the restored Aliso Estuary.

1515 Clay Street, 10th Floor
Oakland, California 94612-1401
scc.ca.gov
510-286-1015

The goal of the Aliso Creek Restoration Project (Restoration Project) is to restore the estuary's historical ecosystem functions and wetland habitat. The restored estuary will provide multiple benefits including creating a more intact tidal wetland system, providing resilience to sea level rise and climate change, improved water quality, and enhanced public access to a public resource with rich educational and interpretive opportunities. Restoring the estuary requires removal of a public parking lot and during conversations with Commission staff about the project and consultation on the Aliso Estuary Restoration Plan, staff has urged that the plan provide full public access to the restored estuary, and that the project demonstrate that public parking has been replaced or provided to the fullest extent feasible. The feasibility of providing public access and parking for the Restoration Project is influenced by constraints presented by the existing and proposed uses of the SCWD site and thus I encourage the Commission to carefully consider requiring public parking as part of this permit. The SCWD site could accommodate additional public parking on the North side of the creek and would be a good location to replace parking lost by the restoration.

The Restoration Project proponents continue to seek a collaborative process with SCWD to ensure the public access trail and roadway alignment meet the access requirements of SCWD while improving public access, access to The Ranch Resort, and retaining options to provide public parking. Providing additional parking at the SCWD site is critical to the success of the Restoration Project site and I hope this can be included in their project plans.

I also support the addition of the Cultural Resources Treatment and Monitoring Plan and thank you for adding this component.

Thank you for your consideration of this comment.

Respectfully submitted,



Katie Nichols
Project Manager, South Coast
Coordinator, Southern California Wetlands Recovery Project
California State Coastal Conservancy

cc:

Ed Almanza, Laguna Ocean Foundation
Christine Medak, U.S. Fish and Wildlife Service

1515 Clay Street, 10th Floor
Oakland, California 94612-1401
scc.ca.gov
510-286-1015



December 9, 2022

California Coastal Commission
455 Market Street Suite 300
San Francisco, CA 94105

Re: Agenda Item 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Dear Commissioners:

The Save Hobo Aliso Task Force was formed in 2021 to address development threats in the Aliso and Hobo Canyons area of Laguna Beach that would adversely impact both our ocean and terrestrial natural resources that were in rapid decline. With the assistance of the California Coastal Commission, we have worked together to improve the environmental integrity of this immediate area, but remain diligent due to ongoing challenges. With this in mind, we thank you for considering our comments on this proposed project in Aliso Canyon.

We understand that this new sewer lift station is important, especially in light of the past problems associated with the existing, antiquated equipment, and the potential for future failures. However, there are a few issues that have been discussed with Commission staff that we feel deserve Commission deliberation in an effort to bring forward better solutions.

In October, this Commission approved a desalination plant for South Coast Water District (SCWD). As you know, the Sierra Club opposes desalination because we are confident there are superior remedies to water shortage, with the top priority being conservation. Water conservation is a concept that appears to be completely foreign to SCWD, and no matter how many attempts are made by the public and concerned environmental NGOs to raise the district's awareness, these attempts are met with nothing but failure and more water waste. Case in point is the district's request for the, "construction of a maintenance wash and storage garage" in conjunction with this new sewer lift station. In a telephone conversation yesterday with Taryn Kjolsing, project manager for SCWD, when asked what type of water would be used in the maintenance wash garage, there was a long pause and no answer. On a second try at the question she was specifically asked if it would be potable water and she said, "yes." Given that this Commission has been convinced by SCWD that this area of South Orange County is in desperate need of more water because there simply isn't enough potable water for the district's ratepayers, why would SCWD ever consider a vehicle wash garage that uses potable water? Recycled water is at the ready right there on site, and has been being used by the neighboring golf course for several years now after many years of the golf course refusing to use this resource. What is baffling, is that staff appears to be totally comfortable with recommending approval of this vehicle wash garage and never connected the dots on the approval of the desal plant just two months ago to the use of potable water for washing a fleet of service vehicles. **We ask that the Commission please deny this maintenance vehicle wash garage** and help SCWD understand the meaning of water conservation.

The other issue that is top-of-mind with this task force is the Trail to the Sea that is discussed at length in the staff report, but doesn't provide any updates on the current status of the trail. As Commissioner Bochco may recall, this trail was debated by the Commission in January of 2015 during a very contentious and uncomfortable hearing regarding The Ranch at Laguna Beach project. As the Chair of the Commission in later months, Commissioner Bochco patiently endured months and months of follow up testimony on this issue. We are now entering the eighth year of waiting for this Trail to the Sea (aka Forest to the Sea Trail) to be opened. This trail was approved by the County of Orange in 1974 to connect Aliso Woods Canyon Regional Park to the sea. At the 2015 hearing, The Ranch was required by the Commission to open this trail as conditioned in their CDP. The staff report states that the trail is "desirable" which is not the case. The trail is a requirement of the 2015 CDP. It would appear from other statements in the staff report that the trail is only open to guests of The Ranch and has been made a private amenity. In a Zoom with Commission staff yesterday it was unclear as to the status of the Trail to the Sea. We request that staff update the Commission and the public on the status of this trail since it is unclear if the trail is ready for reopening now or if they are recommending that the trail opening wait until the road alignment is complete. It's unclear as to why the road alignment or the completion of the entire sewer lift project would be necessary in order to open the Trail to the Sea since public access is mandatory through the entire construction process. Eight years is too long to wait for a trail that has been approved since 1974. If the SCWD project is projected to take two years for completion, we are then faced with waiting ten years for the Trail to the Sea since the Commission's original requirement/conditioning of the CDP. To the best of our knowledge, this was not what was intended when the Commission required this trail opening in 2015. The ongoing privatization of this coastal public access amenity should not be allowed to continue. Please condition this CDP to require the immediate opening of the Trail to the Sea. Please don't allow The Ranch or the City of Laguna Beach to deprive the public access to this long awaited trail.

Thank you for considering these comments and we look forward to your positive deliberation.

Respectfully,

A handwritten signature in cursive script that reads "Penny Elia".

Penny Elia
Chair
Save Hobo Aliso Task Force
Sierra Club

FW: Wednesday Item 13a [SCWD pump station and road]

Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>

Thu 12/8/2022 9:43 AM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>; Wilkens, Claire@Coastal <claire.wilkens@coastal.ca.gov>; Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Can we address Andi's concerns?

From: Andi Culbertson <mac@aculbertsonlaw.com>

Sent: Thursday, December 8, 2022 9:12 AM

To: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>

Subject: Wednesday Item 13a

Hello Karl -

Unfortunately I have to bring a matter to your attention that concerns me.

Wednesday Item 13a is a project of the South Coast Water District. I have no problems with the project.

I DO have problems with the staff's characterization of the Aliso Creek Trail through the Ranch property as privately used. You may recall the hearing in January 2015 where The Ranch project was approved by the CCC pursuant to a condition for a PUBLIC trail through the property. It was to connect Aliso Wood Canyons Regional Park to the sea. It is often called the "Forest to the Sea Trail" and was originally approved by the County in 1974. It is in every relevant LCP and Specific Plan. The CDP imposed a public trail not his property as well as a shuttle program.

The Ranch was required by the CCC to open such a trail through their property between the gate into the regional park in connection with the approved CDP. Steve Kinsey led the charge. I believe that the City was made responsible for seeing that it happened.

However, on page 30 of your staff report, last paragraph, it states as follows:

"A connection between AWCWP and the ocean, across the Ranch Resort property and the SCWD properties, is identified as desirable in the Certified LCP OS/C Element's Figure 5."

It is not "desirable" - it is a requirement of the CDP. Apparently, The Ranch has closed off this trail to the public and it is only used by its guests.

I would like you to reconsider the staff report language and also check on the status of the trail through the Ranch project.

Thank you in advance for your attention. I really don't want to add to your work by writing a letter on the item but I will to protect the public nature of this trail if I have to.

Best regards,

Andi

Andi Culbertson

Culbertson Adams and Associates, Inc.

805-245-7701

mac@aculbertsonlaw.com

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electronic transmission in error, please immediately contact Andi Culbertson at (805) 245-7701 or mac@aculbertsonlaw.com and immediately delete the electronic transmission.

Re: Public Comment on December 2022 Agenda Item Wednesday 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Penny Elia <trademarkmg@cox.net>

Fri 12/9/2022 4:31 PM

To: Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Cc: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>; Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>

Thank you, Meg and Zach. This is all we have to go on? A red line that you can barely make out on the City's GIS map? Are you able to see how this works? Looks like it's up in the ESHA and very high value habitat areas.

I sincerely appreciate being included in these discussions and will pass along to the rest of my task force as well as other concerned parties that are truly in the dark on all of this. Is it possible to also share the MOU with me please?

Sorry, one more question please. Has Aaron McLendon or Lesley Hill at OCTA seen this mapping since there are definitely some restrictions up in the area I think they are wandering into, i.e. some of that may not be there land. The trail is required to be on The Ranch property.

Perhaps Andi Culbertson will have some insight on this.

Thanks again and have a nice weekend.

Penny

On Dec 9, 2022, at 4:22 PM, Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov> wrote:

Hi Penny, for context, the City shared this exhibit with Commission staff in January along with a draft MOU with the Laguna Canyon Foundation, which would maintain the trail. The City plans to hold a public hearing in February 2023 - we will share any materials or notice we receive in advance of that hearing.

--

Zach Rehm
District Supervisor
California Coastal Commission
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802
(562) 590-5071

From: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Sent: Friday, December 9, 2022 7:17:07 PM

To: Penny Elia <trademarkmg@cox.net>

Cc: Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>; Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>

Subject: Re: Public Comment on December 2022 Agenda Item Wednesday 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Zach suggested I share the attached map with you.

From: Penny Elia <trademarkmg@cox.net>

Sent: Friday, December 9, 2022 3:39 PM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Cc: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>; Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Subject: Re: Public Comment on December 2022 Agenda Item Wednesday 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Thanks very much, Meg. If there is any way you can provide me with a mapping of the trail you mentioned yesterday I would really appreciate it. I don't know how my task force has been taken out of this trail loop given that we have been one of the enviro leads on this for many, many years. I am no longer included in any way and in fact threatened with arrest if I even dare step foot on The Ranch property.

Best -

Penny

On Dec 9, 2022, at 3:23 PM, Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov> wrote:

Received. Thank you.

From: Penny Elia <trademarkmg@cox.net>

Sent: Friday, December 9, 2022 3:09 PM

To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Cc: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>; Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Subject: Public Comment on December 2022 Agenda Item Wednesday 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Good afternoon -

Would you please be kind enough to confirm receipt of these comments.

Many thanks!

Best -

Penny Elia

Re: Public Comment on December 2022 Agenda Item Wednesday 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Penny Elia <greenp1@cox.net>

Fri 12/9/2022 4:49 PM

To: Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Cc: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>; Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>

I asked my husband to look at this since he has done so much map work in this area and this does NOT connect to the Trail to the Sea. What is that green line?

So far you have two very confused people and I'm sure Andi Culbertson will really be scratching her head. And how will anyone except a very expert hiker even begin to hike this very, very steep trail?

This is totally wrong, Zach. This is not what was required of The Ranch. Karl, you know what was required - you were there and have lived through all of this. The City should not be attempting to do this. The trail must connect with the existing trail in the wilderness park that Mark Christy's guests all avail themselves of. This is what we are asking for. Equal public access. Not a trail that goes to nowhere and is virtually impossible to hike.

Sorry to rag on, but this is a huge disappointment after eight years of waiting.

On Dec 9, 2022, at 4:22 PM, Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov> wrote:

Hi Penny, for context, the City shared this exhibit with Commission staff in January along with a draft MOU with the Laguna Canyon Foundation, which would maintain the trail. The City plans to hold a public hearing in February 2023 - we will share any materials or notice we receive in advance of that hearing.

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Zach Rehm
District Supervisor
California Coastal Commission
301 E. Ocean Blvd, Suite 300
Long Beach, CA 90802
(562) 590-5071

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Penny

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To: SouthCoast@Coastal <SouthCoast@coastal.ca.gov>

Cc: Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>; Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Subject: Public Comment on December 2022 Agenda Item Wednesday 13a - Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

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Many thanks!

Best -

Penny Elia



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008



In Reply Refer to:
23-0024283-TA-OR

December 12, 2022
Sent Electronically

California Coastal Commission
301 E. Ocean Boulevard, Suite 300
Long Beach, California

Subject: Staff Report for South Coast Water District's Lift Station No. 2 Project, Laguna Beach, Orange County, California (Application No. 5-21-0910)

Dear Coastal Commissioners:

We have reviewed the staff report prepared for the Lift Station No. 2 Replacement Project (Project) in the City of Laguna Beach (City), Orange County, California. We previously sent comments on the staff report on December 8, 2022; however, we are providing the following letter in response to a discussion with Coastal Commission staff on December 9, 2022. We first shared our concerns regarding the project with Coastal Commission staff on February 26, 2021, and we have appreciated the opportunity to coordinate on the proposed project since that time.

The primary concern and mandate of the U.S. Fish and Wildlife Service (Service) is the protection of public fish and wildlife resources and their habitats. Specifically, the Service administers the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Section 7 of the Act requires Federal agencies to consult with the Service should it be determined that their actions may affect federally listed threatened or endangered species or their critical habitats. The Service was in consultation with the U.S. Army Corps of Engineers (Corps) to evaluate the effects of the proposed Project on critical habitat for the federally endangered tidewater goby between September 21, 2021, and September 15, 2022. Critical habitat for the goby was designated at Aliso Creek because it possesses the physical or biological features that provide for the species' life history processes essential to the conservation of the species and because the location has been identified as a potential reintroduction site that would aid in recovery of the genetically unique South Coast Recovery Unit.

Our primary concern with the Project, as proposed in the staff report, is the potential for it to preclude planned restoration of estuarine habitat in Aliso Creek. We are providing funding and technical assistance along with the California Coastal Conservancy to Laguna Ocean Foundation for the Aliso Creek Estuary Restoration Project (Restoration Project). The Restoration Project has been identified as a priority for the region by 18 State and Federal agencies participating in the Southern California Wetlands Recovery Project, including the Coastal Commission. The

Restoration Project proposes to remove a public parking lot south of Aliso Creek, and Coastal Commission staff have emphasized that the Restoration Project must demonstrate that the parking is replaced to the fullest extent feasible. Without appropriate coordination, the proposed Project, including permanent modifications to Country Club Drive and the addition of a public access easement, may limit the potential for parking to be relocated to the north of Aliso Creek and, therefore, preclude the restoration of critical estuarine habitat directly adjacent to SCWD property. If the Restoration Project is precluded, the proposed Project would severely limit or eliminate the potential to improve habitat conditions for tidewater goby. We offer the following specific comments and recommendations based on our review of the staff report:

Alignment of Country Club Drive and Public Access Easement

On September 15, 2022, we met with the Corps and the representatives for SCWD to review proposed changes to the project that would avoid permanent impacts to critical habitat for tidewater goby and eliminate the need for a 404 permit from the Corps. At that time, it was our understanding from SCWD representatives that the proposed new roadway (providing a separate access to The Ranch) would be temporary and removed following completion of the project so that the alignment could be modified if needed to accommodate the Restoration Project and to avoid unmitigated permanent impacts to critical habitat for federally endangered tidewater goby. As currently proposed, the roadway alignment and public access (Special Condition 4 of the staff report) are now presented as permanent fixed features of the Project. On page 24 of the staff report it states:

“The proposed road re-alignment has been carefully coordinated with key project stake holders including: the Ranch Resort, City of Laguna Beach, and the Aliso Estuary Restoration Project proponents. All support the realigned road and its location.”

The Service is a Restoration Project proponent. We have not received any additional information since September 15, 2022, to indicate that the new road is to be a permanent alignment or that the location of the public access easement is compatible with the design of the Restoration Project. Consistent with the discussions we have had with Coastal Commission staff to date, we continue to seek a more collaborative process between SCWD and Restoration Project proponents to ensure the final roadway alignment meets the access requirements of SCWD and improves access to The Ranch Resort while also retaining options to provide parking as part of the Restoration Project. We recommend that Special Condition 2 (page 6 of the staff report) be modified to include the following:

1. SCWD will allow for development of parking spaces within the SCWD property north of Aliso Creek to help accommodate the loss of public parking south of Aliso Creek for the purposes of Restoration Project, except that parking will not preclude necessary access to buried pipelines and other SCWD facilities.
2. SCWD will collaborate with the Aliso Creek Restoration Project proponents on the siting and design of public parking and necessary SCWD actions to construct public parking and public access associated with the Restoration Project.

3. The roadway will be considered a temporary alignment pending coordination with the Aliso Creek Restoration Project proponents to identify opportunities for parking that are approved by SCWD.

If these special conditions are not amenable to the Coastal Commission then we request that the staff report: 1) acknowledges the potential for the Project to limit options to replace parking in association with the Restoration Project, and 2) reaffirms the Coastal Commission's support of a Restoration Project design that will improve habitat conditions for tidewater goby in addition to water quality and provide educational opportunities for the public about southern California's lagoon ecosystems.

Outlet Structure

The staff report recommends that the proposed outlet to Aliso Creek be deleted (Special Condition 1.A.1). As a result of this change, the Corps withdrew its request for section 7 consultation with our agency. It was our understanding that the new larger drainage structure and outlet to Aliso Creek were needed to accommodate the substantial increase in impervious surface within the project site. As presented during our meeting on September 15, the reason the outfall could be eliminated *for now* was that there was no permanent increase in paved surface included as part of the project. The special condition requires a revised site drainage plan without the outlet structure. We recommend that the Coastal Commission consider the health of the estuary and its potential to support reintroduction of tidewater goby in your review of the drainage plan. In addition, we recommend that the drainage features are coordinated with the Restoration Project proponents to ensure the overall drainage needs of the site, including potential parking spaces, are included in the design.

We appreciate the opportunity to review the staff report for the proposed project and look forward to continued coordination with Coastal Commission staff to ensure the objectives of the proposed project can be met without precluding the Restoration Project. If you have any questions regarding these comments, please contact [Christine Medak](#)¹ of my staff.

Sincerely,

CAROL
ROBERTS

Digitally signed by CAROL
ROBERTS
Date: 2022.12.12 15:06:18
-08'00'

for Jonathan D. Snyder
Assistant Field Supervisor

cc:

Katie Nichols, State Coastal Conservancy
Ed Almanza, Laguna Ocean Foundation

¹ christine_medak@fws.gov

RE: 5-21-0910 W13a additional correspondence

Taryn Kjolsing <tKjolsing@scwd.org>

Tue 12/13/2022 9:41 AM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>; Michael Houlihan <MHoulihan@esassoc.com>

Cc: Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Good morning Meg,

In response to USFWS:

Our understanding is that the Aliso Creek Estuary Project proponent is in support of the permanent road realignment because it is in alignment with the latest Estuary conceptual plan.

The outlet structure was a project enhancement and is not needed.

Thank you and please let me know if you have any further questions.

Taryn

From: Taryn Kjolsing

Sent: Monday, December 12, 2022 4:45 PM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>; Michael Houlihan <MHoulihan@esassoc.com>

Cc: Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Subject: RE: 5-21-0910 W13a additional correspondence

Thanks Meg,

We are meeting tomorrow morning to discuss a response.

I am not opposed to using recycled water to wash vehicles, but I need to confirm that this is an acceptable use per Title 22 requirements.

Thanks,

Taryn

From: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Sent: Monday, December 12, 2022 2:25 PM

To: Taryn Kjolsing <tKjolsing@scwd.org>; Michael Houlihan <MHoulihan@esassoc.com>

Cc: Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Subject: Re: 5-21-0910 W13a additional correspondence

Hi Taryn,

We are drafting a response, but a response from SCWD would be welcome.

And, just checking back on the possibility of recycled water for the vehicle wash.

Thanks,

Meg

From: Taryn Kjolsing <tKjolsing@scwd.org>

Sent: Monday, December 12, 2022 1:42 PM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>; Michael Houlihan <MHoulihan@esassoc.com>

Cc: Rehm, Zach@Coastal <Zach.Rehm@coastal.ca.gov>

Subject: RE: 5-21-0910 W13a additional correspondence

Thank you Meg,

Application No. 5-21-0910 (South Coast Water District, Laguna Beach)

Fudge <fudge1@cox.net>

Fri 12/9/2022 4:52 PM

To: Vaughn, Meg@Coastal <Meg.Vaughn@coastal.ca.gov>

Cc: Mark Fudge <markfudge@icloud.com>

Dear Meg,

Our comments on the proposed project along Aliso Creek (SCWD - 5-21-0910) are primarily supportive of the staff report's recommendations in all aspects other than the subject of the public access trail along the private Country Club Road.

The public access easement provision requirement is appropriate (Special Condition 4), but the Public Access Management Plan (Special Condition 5) should not be implemented prior to the completion of the trail through the property at The Ranch. In 2014, The Ranch was required to sign a MOU and make movement towards completing the Trail to the Sea, which is discussed in the staff report. However, this MOU has not materialized, and to our knowledge, no progress has been made on actually completing the trail.

As written in the Laguna Ocean Foundation's letter of May 3, 2022 (one of your exhibits), The Ranch Resort's desire is to "provide safe and scenic access to their site" and nothing in the staff report indicates that the actual Trail - as required by the LCP's Figure 5 - is any closer to reality than it was in 2014.

This currently proposed portion of the trail is only 'the final link' of the Trail to the Sea when considered geographically, and as proposed only leads to a dead end. Due to the lack of a completed trail inland of the proposed easement for this applicant, the new trail (as proposed) will continue to serve ONLY the patrons/owners of The Ranch resort. There is no purpose for the public to use this particular trail unless their destination is the resort. As SCWD is a public agency, **we believe this may be an illegal gift of public funds to a private party (pursuant to the California Constitution, Article XVI, §. 6,).** This may also apply to the costs involved with realignment of the road for the sole purpose of that same private party's benefit. The costs are being borne by the customers of SCWD and being used to benefit The Ranch, at least initially.

We ask that the easement be procured (Special Condition 4), but that the trail development (Special Condition 5) be postponed until such time as it becomes a true public benefit and the Trail to the Sea completed as per the certified LCP (Figure 5).

Thank you for your consideration of our concerns.

Sincerely,
Mark and Sharon Fudge
949-481-1100



December 12, 2022

Agenda Item 13a (on 12/14/22)

Donne Brownsey
Chair
California Coastal Commission
455 Market St., Suite 300
San Francisco, CA 94105
SouthCoast@coastal.ca.gov

Dear Chair Brownsey:

On behalf of the City of Laguna Beach, I am pleased to convey and share with your Commission our strong support for the South Coast Water District's (SCWD) Lift Station No. 2 Project.

Lift Station No. 2 has been in operation since the 1950's and is long overdue for replacement and modernization. The new, more reliable sewer lift station will significantly reduce the chance of spills into Aliso Creek, onto Aliso Beach, and further protect the Pacific Ocean. SCWD's plan for the project will not only upgrade the aging infrastructure but also provide improvements to the area including a re-aligned Country Club Drive and promote public access with a new six-foot wide public access trail. The public access trail will provide connectivity to/from The Ranch (an adjacent Laguna Beach Resort) to Aliso Beach and Coast Highway. SCWD has worked collaboratively since 2015 with the City of Laguna Beach the (City), The Ranch, and nearby stakeholders to propose the most environmentally sound and advantageous Project to all parties.

This Project will enable SCWD to increase reliability and mitigate failures and interruptions that would be a disruption to the community and harmful to the environment if this infrastructure should fail. The planned site improvements, increased odor control, and native landscaping, will be a welcomed improvement to all who live in, and visit the area of south Laguna Beach.

Furthermore, the City has a particular interest in this Project because it includes an Enhanced Compliance Action (ECA) which was approved by the San Diego Water Quality Control Board as part of the City's settlement of ACL Order No. R9-2021-0008. The ECA portion of the Project is the interconnection (Intertie) of Lift Station No. 2 to the North Coast Interceptor (NCI) which will provide the ability to bypass either NCI (2 MGD) or Lift Station No. 2 force main (1.8 MGD) for emergencies or maintenance. This provides a mutual benefit for both agencies, prevents potential sewer spills from the NCI and the Lift Station No. 2 forcemain, and safeguards Aliso Creek, the Alison Creek County Beach, and the coastline from Dana Point to Newport Beach. ***We would note that time is of the essence as the City must implement the ECA within three years of the order which was adopted on June 9, 2021.***

In sum, the Lift Station No. 2 Project is a necessary project for sewer reliability and provides numerous public benefits and enhancements to the area. As such, it is a pleasure to convey our

City's strong support of the California Coastal Commission's consideration and approval of the Lift Station No. 2 Project. Thank you for your consideration and for your ongoing commitment to and efforts on behalf of our residents and businesses.

Sincerely,



Shohreh Dupuis
City Manager

Cc: Phil Kohn, City Attorney
Marc Wiener, Director of Community Development
Mark McAvoy, Director of Public Works and Utilities
David Shissler, Director of Water Quality
Gavin Curran, Assistant City Manager/CFO
Aggie Nesh, Director of Human Resources/Risk Management