

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET., SUITE 200
VENTURA, CA 93001
(805) 585-1800



W16a/W16b

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STAFF REPORT: PERMIT AMENDMENTS

Application Nos.: 4-16-0333-A1 and 4-18-0390-A1

Applicants: Ventura Port District for 4-16-0333-A1 and
City of Ventura for 4-18-0390-A1

Agent: Derek Lerma, Rincon Consultants Inc.

Project Location: Dredging in the Ventura Harbor and Ventura Keys in the City of Ventura, with beach deposition in the cities of Ventura and Oxnard, Ventura County

Proposed Amendment (4-16-0333-A1): Modifications to the Maintenance Dredging Program in the outer and inner areas of Ventura Harbor to: (1) add beach deposition of fine sediments within a temporary sand berm/containment dike that is approximately 100-ft.-wide, 300-ft.-long, and 5-ft.-tall maximum, constructed near the mean high water line using a maximum of 1,000 cubic yards of native beach sand and dredge material; (2) modify the dredged material disposal locations, including to remove the nearshore area south of Ventura pier; (3) modify the requirements for disposal of finer grain sediment near the Santa Clara River; and (4) extend the project term expiration to October 10, 2028. The amendment also includes minor revisions and clarifications to special conditions to reflect project modifications.

**Proposed Amendment
(4-18-0390-A1):**

Modifications to the Maintenance Dredging Program for the four navigation channels in the Ventura Keys to: (1) add beach deposition of fine sediments within a temporary sand berm/containment dike that is approximately 100-ft.-wide, 300-ft.-long, and 5-ft.-tall maximum, constructed near the mean high water line using a maximum of 1,000 cubic yards of native beach sand and dredge material; (2) modify the requirements for disposal of finer grain sediment near the Santa Clara River mouth; and (3) create, use, and maintain, an Advanced Maintenance Dredging Area with a capacity of up to approximately 65,000 c.y., in the Ventura Keys Connecting Channel. The amendment also includes minor revisions and clarifications to special conditions to reflect project modifications.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of proposed Coastal Development Permit (CDP) Amendment Nos. 4-16-0333-A1 and 4-18-0390-A1 for dredging of the Ventura Harbor and Keys and related sediment disposal with several amendments to the existing permit special conditions, as well as one (1) new special condition for each permit (**Special Condition Nineteen (19) of CDP No. 4-16-0333** and **Special Condition Eighteen (18) of CDP No. 4-18-0390**) regarding use of a beach berm method for disposal of finer grain dredged material placement. All special conditions applied to each CDP would remain in effect, as amended. Previously imposed special conditions include those for project timing, dredge spoil compatibility and allowed placement locations, construction operations and responsibilities, public access management, and surveys and monitoring for sensitive species, shoreline conditions, and water quality.

The proposed amendments include modifications to the development approved in two related CDPs. CDP No. 4-16-0333 covers the outer and inner areas of Ventura Harbor under the property interest and management of the Ventura Port District (Port District) and the other CDP, No. 4-18-0390, covers four navigation channels in the Ventura Keys under the property interest and management of the City Ventura (the City). In this case, the Port District and City are two separate applicants (not co-applicants), but these two proposed amendments are being grouped in one staff report since, while they are technically separate projects, they are typically conducted in coordination with each other and share similar dredge material placement locations, methods, and requirements. These underlying CDPs involve ten-year annual dredging projects which include dredging of the Ventura Harbor and Ventura Keys, and disposal of the dredge material on nearby beaches to the north and south, and into nearby surf zones and nearshore waters. These projects are intended to maintain the harbor, the waterways of

the Keys, and beach areas, for their associated boating and recreational uses, which therefore continue to accommodate coastal-dependent and public recreational opportunities supported by the provisions of the Coastal Act.

The US Army Corps of Engineer's (USACE) annual maintenance dredging (under separate authorization) of the Ventura Harbor federal entrance area (outer harbor area) and dredge material beach placement activities typically precede the Port District and City's dredge actions. The Port District and City inner harbor and Keys dredging and material placement operations have historically taken place in coordination with the USACE action either during or immediately following the outer harbor dredging. All three entities typically utilize the same dredging contractor and equipment to execute both outer and inner harbor dredging and beach placement to take advantage of significant cost savings, reduce environmental impacts, and increase public use benefits.

Proposed modifications to CDP No. 4-16-0333 and associated amendments to special conditions comprise modifications to the Maintenance Dredging Program in the outer and inner areas of Ventura Harbor (Ventura Harbor MDP) including allowing the use of a berm placement disposal method, modifications to disposal locations allowed, modifications to the standards for which finer grain material may be placed in relation to the flow conditions of the Santa Clara River, and modifications to the project term (to match CDP No. 4-18-0390, for consistency). The proposed amendment for the Ventura Harbor MDP includes other revisions to special conditions for the project modifications, including (a) revising the threshold for what is considered coarse-grain material from an average of 91% of the material retained on a Standard U.S. Sieve Size No. 200 to an average of 65% or more, (b) minor changes to the shoreline monitoring requirements, (c) revisions to invasive algae survey and monitoring requirements, (d) revisions to operational responsibility requirements to clarify buffers from dunes, and (e) and minor changes for consistency between permits and current conditions.

Proposed modifications to CDP No. 4-18-0390 and associated amendments to special conditions include modifications to the Maintenance Dredging Program in four navigation channels in the Ventura Keys (Ventura Keys MDP), including allowing the use of a berm placement disposal method, modifications to the standards for which finer grain material may be placed in relation to the flow conditions of the Santa Clara River, and the creation, use, and maintenance of an Advanced Maintenance Dredging Area (AMDA) with a capacity of up to approximately 65,000 cubic yards in the Ventura Keys Connecting Channel. The amendment recommendation for the Ventura Keys MDP proposed also includes other revisions to special conditions for the project modifications, including (a) minor changes to the shoreline monitoring requirements, (b) revisions to invasive algae survey and monitoring requirements, (c) revisions to operational responsibility requirements to clarify buffers from dunes, and (d) and minor changes for consistency between permits and current conditions.

The project descriptions of the permits for the Ventura Harbor and Ventura Keys MDPs are proposed to be modified to add beach deposition of fine sediments within a temporary sand berm/containment dike as another potential disposal method for dredge materials. These proposed changes are the direct result of recent concerns raised by

the US Environmental Protection Agency (EPA) about the location and method of inner harbor dredge material disposal directly into the surf zone (or any material for which a majority is finer grained, consisting of silts and clays) and in nearshore areas. While the Clean Water Act jurisdiction extends to the mean high water (MHW) line, the jurisdiction of the Marine Protection, Research and Sanctuaries Act (MPRSA), also known as the Ocean Dumping Act, extends up to mean low water (MLW) outside of the Ventura Harbor, along the beaches where disposal of dredged material occurs. Therefore, the EPA has asserted that surf zone and nearshore disposal options under the existing CDPs for finer grained dredged material are not permissible under the MPRSA. The closest designated offshore ocean disposal sites approved by the EPA under the MPRSA are at LA-2 (off of Long Beach), LA-3 (off of Newport Beach), or LA-5 (off of San Diego). The USACE and EPA have since determined that if the finer grained dredged material is deposited behind a berm on the beach, above MLW, then placement would not be considered disposal, but rather fill or indirect discharge relative to the Clean Water Act Section 404(b)(1) and the Ocean Dumping Act of 1972. This determination by other resource agencies is the driver for the proposed permit modification that integrates a beach berm to the project description for finer grain dredge material placement.

The new conditions proposed for the berm disposal placement method, **Special Condition Nineteen (19) of CDP No. 4-16-0333** and **Special Condition Eighteen (18) of CDP No. 4-18-0390**, require additional qualification, sediment suitability, management, monitoring, reporting, and contingency requirements, to avoid adverse impacts to public access, recreation, and sensitive species. One major risk of using this proposed beach berm method for disposal of finer grain dredged material placement is the formation of hard pan layers on the beach. Since the beach berm placement disposal method for disposal of finer grain dredged material proposed to be allowed by the subject amendments as the potential to result in these issues if the method does not function, as designed, to flush the finer grain sediment into the surf zone around the berm, best management practices, monitoring, and review approvals by the Executive Director, are proposed to be required by **Special Condition Nineteen (19) of CDP No. 4-16-0333** and **Special Condition Eighteen (18) of CDP No. 4-18-0390**.

While the applicants provided an alternatives analysis for berm placement disposal method, new special conditions, **Special Condition Nineteen (19) of CDP No. 4-16-0333** and **Special Condition Eighteen (18) of CDP No. 4-18-0390**, specify that the beach berm method for disposal of finer grain dredged material placement would only be allowed during a given dredging season if the alternatives available for disposal are determined to be infeasible that season. In addition, this condition states that if the monitoring demonstrates that adverse impacts occur to the beach area, including to shoreline habitat and public access as a result of the beach placement, the Executive Director may disallow this method for future disposal of finer grain dredged material placement. Other approved disposal methods and locations under each of the CDPs would still be permitted.

The permits for the Ventura Harbor and Ventura Keys MDPs currently limit deposition of finer grain dredged material in the surf zone of the Santa Clara River to only be allowed

while the Santa Clara River estuary mouth is open and the river is flowing at 100 cubic feet per second or more as measured at the County of Ventura flow gage at the Victoria Avenue bridge. The applicants assert that drought and upper watershed water use are greatly impacting how often the Santa Clara River meets the existing river flow conditions required for disposal of finer grain dredged material in the surf zone or nearshore waters, and there have been several years recently when the Santa Clara River Mouth has been closed during the dredging season for the Ventura Harbor. The USACE's outer harbor dredging volume is, on average, on the order of approximately 10 times larger than the average volumes for the inner harbor and Keys, and sometimes much larger. While the outer harbor material dredged by the USACE annually is mostly coarse-grained, there is still always a percentage of the material that is considered finer grain silts and clays.

Given the high volumes of dredged material placement associated with the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area (of which the total volume of finer grain material is expected to be larger than the volume of finer grain material placed from the applicants combined dredging of the inner harbor and Keys), the shorter duration of the inner harbor and Keys dredging operations, and the background mixing associated with the seasonal wave dynamics in the surf zone and nearshore areas at the placement beaches, these requirements are proposed to be modified, as proposed in amendments to **Special Condition Four (4) of both CDP Nos 4-16-0333 and 4-18-0390**, to allow disposal of finer grain sediment if the existing Santa Clara River flow rate requirements are not satisfied if it occurs within 10 days of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area.

The proposed project areas for these amendments lie within the limits of the City of Ventura and City of Oxnard, but fall within the Commission's area of retained original permit jurisdiction because it is located in areas subject to tidal action. The standard of review for the permit amendments is Chapter Three of the Coastal Act.

Therefore, staff recommends that the Commission **approve** CDP Amendment Nos. 4-16-0333-A1 and 4-18-0390-A1 **as conditioned**. The motion and resolution to adopt the staff recommendation of approval of the permit amendments is found starting on page 7.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Aerial](#)

[Exhibit 3 – Ventura Harbor Maintenance Dredging Program \(MDP\) Site Plans](#)

[Exhibit 4 – Ventura Keys Maintenance Dredging Program \(MDP\) Plans](#)

[Exhibit 5 – Berm Method Diagram](#)

[Exhibit 6 – Advanced Maintenance Dredging Area Plans](#)

I. MOTIONS AND RESOLUTIONS

1. Motion and Resolution for 4-16-0333-A1:

Motion:

I move that the Commission **approve** the proposed amendment to Coastal Development Permit No. 4-16-0333 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

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

2. Motion and Resolution for 4-18-0390-A1:

Motion:

I move that the Commission **approve** the proposed amendment to Coastal Development Permit No. 4-18-0390 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Permit:

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act

because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. SPECIAL CONDITIONS

NOTE: Appendix B, attached, includes all standard and special conditions that apply to Coastal Development Permits 4-16-0333 and 4-18-0390, as approved by the Commission in its original action and modified by and/or supplemented by the subject amendments (4-16-0333-A1 and 4-18-0390-A1). All of the Commission's adopted special conditions and any changes in the project description proposed by the applicants and approved by the Commission in this or previous actions continue to apply in their most recently approved form unless explicitly changed in this action. New conditions and modifications to existing conditions imposed in this action are shown in the following section. Additions are shown as underline and deletions are shown in ~~strikeout~~.

A. Special Condition Amendments for CDP No. 4-16-0333

The introductory paragraph and Part (a) of Special Condition No. 1 of CDP No. 4-16-0333 shall be modified as follows:

1. Timing and Implementation of Project Operations

All dredging operations, including operation of equipment, spoil disposal, placement or removal of disposal pipelines, temporary construction of beach berm, or other construction, maintenance, material removal, or activities involving mechanized equipment shall be prohibited in all of the following locations:

- (a) Within 100 yards of, and on the entire beach seaward of, the Least Tern nesting areas, identified annually by the Department of Fish and Wildlife Game, or the State Park Resource Protection Area from March 15 through August 31 to avoid disturbance during the breeding season of the Least Tern.

...

Special Condition No. 3 of CDP No. 4-16-0333 shall be modified as follows:

3. Sediment Analysis

Physical (grain size) analysis shall be conducted of a representative sample of the sediments to be dredged from the Outer Harbor areas, consistent with the Environmental Protection Agency (EPA) and California Regional Water Quality

Control Board (RWQCB) criteria for beach replenishment and consistent with EPA/USACE Southern California Dredge Material Management Team (SC-DMMT) Sampling and Analysis Plan/Results (SAP/R) testing guidelines. Testing of Outer Harbor sediment shall be conducted ~~upon initiation and approved prior to the initiation~~ of the dredging operation. If sampling reveals that any Outer Harbor sediment does not meet beach replenishment standards, the applicant shall cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

Chemical and physical (grain size) analysis shall be conducted of a representative samples of the sediments to be dredged from the Inner Harbor, consistent with the EPA/USACE SC-DMMT SAP/R testing guidelines requirements of the ~~joint EPA/Corps Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S.—Testing Manual~~ and most recent CRWQCB waste discharge requirements. Re-testing of Inner Harbor sediment shall be conducted a minimum of three years from the date of the previous sediment sampling survey, where samples continue to meet EPA and CRWQCB guidelines. If the EPA or CRWQCB determine that the sediment exceeds any contaminant threshold levels, sampling shall commence at least six (6) weeks prior to any dredging event for all subsequent years. The results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

In the event of a major spill, release, or similar event that has the potential to result in contamination of sediments in the project area, the applicant shall submit a written report of the event to the Executive Director within 30 days of its occurrence, and shall commence sampling at least six (6) weeks prior to any subsequent dredging event. Sampling results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

Parts B and C of Special Condition No. 4 of CDP No. 4-16-0333 shall be modified as follows:

4. Dredge Spoil Compatibility

...

A. Dredged material meeting EPA and Regional Water Quality Control Board criteria for beach replenishment, and for which an average of ~~65~~⁹⁴% or more of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited in the following locations, in accordance with the approved project plans ~~shown in Exhibits 3 through 7:~~

~~(1) Nearshore area south of San Buenaventura pier;~~

~~(1)~~ (2) Cells 1 and 2 of the Pierpont Groin Field;

- (2) ~~(3)~~ South Beach or surf zone of the Santa Clara River, specifically South of the South Jetty of the Ventura Harbor entrance, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach);
 - (4) ~~Surf zone of the Santa Clara River;~~
 - (3) ~~(5)~~ Surf zone at McGrath State Beach; and/or
 - (4) ~~(6)~~ Nearshore area at McGrath State Beach;
- B. Finer sands and silts meeting applicable federal and state dredge spoil discharge requirements, and for which an average of less than 65-90% ~~or less~~ of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited in the following locations, in accordance with the approved project plans shown in Exhibits 3 through 5:
- (1) Inner Harbor Depressions;
 - (2) Surf zone of the Santa Clara River, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach) and only while provided that either (i) the Santa Clara River estuary mouth is open, and the river is flowing at a rate of 100 cubic feet per second or more as measured at the County of Ventura Flow Gage at the Victoria Avenue Bridge, or (ii) disposal occurs within 10 days of the commencement or completion of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area; and/or
 - (3) Nearshore area at McGrath State Beach;
 - (4) Within a temporary sand beach berm/containment dike, only as consistent with **Special Condition Nineteen (19)**, constructed near or just above the mean high water line and located south of the Ventura Beach South Groin, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach) provided that either (i) the Santa Clara River estuary mouth is open, and the river is flowing at a rate of 100 cubic feet per second or more as measured at the County of Ventura Flow Gage at the Victoria Avenue Bridge, or (ii) disposal occurs within 10 days of the commencement or completion of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area; and/or

- (5) Upland or offshore disposal locations approved by the Executive Director consistent with the SC-DMMT (should the disposal site be located in the Coastal Zone, a coastal development permit shall be required).

...

The introductory paragraph and Part (a) of Special Condition No. 5 of CDP No. 4-16-0333 shall be modified as follows:

5. Nearshore Disposal Project Monitoring

Maintenance dredging may be conducted using a clamshell or hopper dredge with nearshore disposal off of McGrath State Beach ~~as shown in Exhibit 4. Upcoast nearshore disposal may also be conducted pursuant to the beach nourishment agreement with the City of San Buenaventura, off San Buenaventura State Beach downcoast of the Ventura Pier as shown in Exhibit 7.~~ To evaluate the appropriateness of nearshore disposal ~~at these two locations~~ and its effectiveness in beach nourishment, the nearshore alternative shall be subject to the review and approval of the Executive Director based on the following monitoring report:

- (a) The applicant shall measure and document the response of adjacent shorelines to the placed nearshore berm in shallow water and the prevailing environmental conditions, and document the dispersion and migration of the nearshore berm in shallow water itself. The monitoring program parameters shall correspond to the Maintenance Dredging Monitoring Plan for Nearshore Disposal ~~(Exhibit 9)~~, including pre- and post- dredge surveys of the beach profiles and bathymetry. A baseline survey of the nearshore project area shall take place no earlier than four (4) weeks prior to any dredging operation. As described in the Monitoring Program, data shall be collected for a period of one year, a minimum of quarterly, after any disposal operation at a nearshore site. Monitoring results shall be provided to the Executive Director following completion of the first year of the program. Subsequent utilization of the nearshore method shall require Executive Director review and approval, and shall be contingent upon the monitoring program demonstrating that no adverse impacts to downcoast shoreline sand supply result from this method. The Executive Director's consideration will include impacts to recreational uses including surfing and swimming. Modifications to the monitoring program ~~specified in Exhibit 9~~ are subject to review and approval of the Executive Director.

...

Part A(1) and Part B of Special Condition No. 6 of CDP No. 4-16-0333 shall be modified as follows:

6. Shoreline Monitoring Program

A. The applicant shall conduct an annual shoreline monitoring program to document shoreline changes in the project vicinity. Documentation shall include but not be limited to:

- (1) An indication of beach width and sand volume changes to the beaches adjacent to all approved deposition sites south of the South Jetty of the Ventura Harbor entrance, to 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State Beach). ~~This shoreline analysis shall include the deposition area along McGrath State Beach.~~ The applicant shall utilize geospatial mapping and imagery ~~aerial photographs~~, to the extent feasible, to prepare the summary of beach width and sand volume changes.

...

B. The monitoring information shall be submitted to the Executive Director by July 1 of each year as well as to other public and federal, state, and local entities who wish to obtain such information. At a minimum, the annual reports shall be furnished to the Executive Director of the Commission, and electronically to the Cities of Ventura and Oxnard, the Army Corps of Engineers (Los Angeles District) and BEACON.

Special Condition No. 7 of CDP No. 4-16-0333 shall be modified as follows:

7. Caulerpa Surveys and Monitoring

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 applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of the invasive alga of the genus *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate and inspection of dredging equipment.

B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife Game, and the National Marine Fisheries Service.

C. Within two (2) weeks of completion of the survey, the applicant shall submit the results of the survey:

- (1) for the review and approval of the Executive Director; and

- (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee includes other resource agencies: the California Department of Fish & Wildlife, U.S. Fish and Wildlife Service, Army Corps of Engineers, and NOAA Fisheries ~~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* species are found within the project or buffer areas, the permittee shall not proceed with the project until (1) the permittee provides evidence to the Executive Director that all *Caulerpa* discovered within the project and 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 permittee has revised the project to avoid any contact with *Caulerpa*. 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. ~~Unless the Executive Director otherwise determines, if the survey identifies any *Caulerpa taxifolia* within the project area, the applicant shall submit to the Commission an application for a new coastal development permit or an amendment to this permit authorizing measures formulated to avoid, minimize and otherwise mitigate impacts that the proposed development might have resulting from the dispersal of *Caulerpa taxifolia* in the project area. The applicant shall: 1) refrain from commencement of the project until a valid permit or amendment is obtained, and 2) upon authorization of the permit or amendment, implement the approved mitigation measures in the manner and within the timeframe(s) specified in the approval.~~

Parts B, C, and D, of Special Condition No. 8 of CDP No. 4-16-0333 shall be modified as follows:

8. Sensitive Species Surveys and Monitoring

...

- B. The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, prior to any dredging or discharge activities from March through August. The environmental resource specialist shall conduct a survey of the project site, to determine presence of California grunion during the seasonally predicted run period and egg incubation period, as identified by the California Department of Fish and ~~Wildlife Game~~. If any grunion spawning activity and/or if grunion are present in or adjacent to (within 100 yards of) the project site in any life

stage, no construction, maintenance, or any grading and grooming activities on the beach or other project activities shall occur until the next predicted run in which no grunion are observed. Surveys shall be conducted for all seasonally predicted run periods in which material is proposed to be placed at any of the above sites. If material is in the process of being placed, the material shall be rough graded and returned to contours that will enhance the habitat for grunion prior to the run period. Furthermore, placement activities shall cease in order to determine whether grunion are using the beach during the following run period. The resource specialist shall provide inspection reports after each grunion run observed and shall provide copies of such reports to the Executive Director and to the California Department of Fish and Wildlife Game.

- C. The applicant shall immediately submit documentation, prepared by the biologist or environmental specialist, which indicates the results of each pre-construction survey, including if any sensitive species were observed and associated behaviors or activities. Location of any nests observed shall be mapped.
- D. The environmental specialist shall be present during the installation and removal of the discharge pipeline, and during grading of the beach, including during the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The biological monitor(s) shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 4-16-0333-4-06-086 occur or if habitat is removed or impacted beyond the scope of the work indicated in Coastal Development Permit 4-16-0333-4-06-086. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

Special Condition No. 9 of CDP No. 4-16-0333 shall be modified as follows for Part (e), with the addition of Part (g):

9. Operational Responsibilities

...

- (a) The disposal pipeline, beach grading operations (including the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration), access routes, and equipment corridor, shall not cross or disturb sand dunes and shall minimize crossings or disturbance of the wrack zone. These operations

shall avoid the dune slope along the upper beach while maintaining the maximum buffer possible with a minimum 25-foot buffer from dune vegetation. The buffer may only be reduced with approval from the Executive Director in limited cases, including when beach nourishment activities are being conducted to reinforce the dune slope or when the beach in an eroded condition that requires reduction of the buffer for safe operations. Wrack shall be separated and retained, to the maximum extent feasible, in areas where discharge operations will result in the loss or disturbance of wrack. Wrack shall be moved to the side during discharge operations, pipeline placement, beach grading operations (including the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration), and other project activities, and replaced in its original location/configuration, to the maximum extent feasible, at the completion of project operations where possible.

...

- (g) Daily inspections and removal of unnatural debris deposited in the dredge spoils, including but not limited to plastic debris, shall be conducted during all dredging and subsequent beach grading operations. Any of this debris collected shall be disposed of outside the coastal zone.

Part B(7) of Special Condition No. 10 of CDP No. 4-16-0333 shall be modified as follows:

10. Operation Staging

...

- B. The plan shall be consistent with the following criteria:

...

- (7) Stockpiled materials shall be located as far from ~~stream~~ beach areas on the designated site(s) as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the ~~top edge of a stream bank~~ high tide line.

...

The following language shall be added to Special Condition No. 11 of CDP No. 4-16-0333 :

11. Agency Coordination

... If that party proposes to place the dredged material in the Coastal Zone in a location other than those authorized in this permit, the placement of that

material shall require an amendment to this permit or a new coastal development permit.

Special Condition No. 14 of CDP No. 4-16-0333 shall be modified, in part, as follows:

14. Snowy Plover and Least Tern Monitoring

A.—A biologist(s) or environmental specialist(s) with appropriate qualifications acceptable to the Executive Director shall conduct a survey(s) of western snowy plover and California least tern in all shorefront portions of the project area, from the south side of the Ventura Harbor entrance, including Harbor Cove Beach (or, if dredge material placement is proposed at a Pierpont Groin Field location for the season's activities, from the northernmost point at the Pierpont Groinfield deposition site), to the southern terminus of McGrath State Beach property. Survey(s) shall commence at least two (2) weeks prior to any dredging activities and extend at least two (2) weeks after the final dredging activity is completed. Prior to the commencement of the survey(s), the biologist(s) or environmental specialist(s) shall submit a survey methodology report for the review and approval of the Executive Director. The report shall include, at a minimum, an illustration of monitoring sites/transects, survey dates and time, names of surveyors, and survey protocol. The survey(s) shall be conducted a minimum of twice weekly and shall be designed to assess the abundance, distribution, behavior, and any disturbances to snowy plovers and least terns foraging, roosting, or nesting in the survey area. If any snowy plover or least tern exhibits reproductive or nesting behavior within the survey areas, then the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

The applicant shall submit a western snowy plover and California least tern monitoring report to the Executive Director for review and approval by July 1 of each year during which dredging was conducted within the past year. The monitoring report shall be prepared by a qualified biologist and shall at a minimum include...

The introductory paragraph and Part (a) of Special Condition No. 15 of CDP No. 4-16-0333, shall be modified, in part as follows:

15. Water Quality Monitoring

The applicant shall conduct a water quality monitoring program that will analyze potential adverse impacts on the near-shore and offshore marine environment resulting from disposal of dredged materials ~~into the intertidal zone~~. The monitoring program will be conducted each time dredged materials

are deposited into or graded near the intertidal zone and will contain the following components:

- (a) The applicant shall retain the services of a qualified biologist(s) or environmental resources specialist(s) with appropriate qualifications acceptable to the Executive Director. The environmental resource specialist shall monitor and document the turbidity of coastal waters during all project construction activities consistent with California Regional Water Quality Control Board (RWQCB) Monitoring and Reporting Program for this project No. 6300 for Ventura Port District (Maintenance Dredging) (File No. 76-59) ~~which is attached to this report as Exhibit 14.~~ The applicant shall submit...

Special Condition No. 16 of CDP No. 4-16-0333, shall be modified, in part, as follows:

16. Assumption of Risk.

By acceptance of Coastal Development Permit ~~4-16-0333-4-06-086~~, the applicant acknowledges and agrees...

Special Condition No. 17 of CDP No. 4-16-0333 shall be modified as follows:

17. Project Term

All development approved pursuant to this coastal development permit shall be completed by ~~April 18, 2026~~ October 10, 2028.

Special Condition No. 18 of CDP No. 4-16-0333 shall be modified as follows:

18. Eelgrass Survey

(a) Pre-Construction Eelgrass Survey:

- 1) ~~a-~~ A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed prior to commencement or re-commencement of any development authorized under this coastal development permit. The applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of eelgrass.
- 2) ~~b-~~ The survey shall be prepared in full compliance with the “~~Southern~~ California Eelgrass Mitigation Policy” dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) and shall be prepared in consultation with the California Department of Fish and Wildlife.

- 3) ~~e-~~The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development.
- 4) ~~d-~~If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit in order to address and allow eelgrass mitigation measures, as described in subsection B, below. However, no amendment or new permit is needed if the Executive Director determines that no amendment or new permit is required.

(b) Post-Construction Eelgrass Survey:

- 1) ~~a-~~If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted.
- 2) ~~b-~~The survey shall be prepared in full compliance with the “~~Southern~~ California Eelgrass Mitigation Policy” dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) and shall be prepared in consultation with the California Department of Fish and Wildlife.
- 3) ~~e-~~The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey.
- 4) ~~d-~~If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the ~~Southern~~-California Eelgrass Mitigation Policy (SCEMP). All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation:impact).
- 5) ~~e-~~The exceptions to the required 1.38:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

The following special condition is hereby added as Special Condition No. 19 of CDP No. 4-16-0333:

19. Beach Berm Method.

The beach berm method of dredged material placement authorized by this permit, including the construction of any beach berm, active management of it, and subsequent beach restoration, shall be managed consistent with the operational responsibilities listed in **Special Condition Nine (9)** of this permit, as well as the following requirements:

A. Qualification. The beach berm method for disposal of finer grain (more than 35% fines) dredged material placement allowed in **Special Condition 4.C(4)** of this permit shall not be allowed during a given dredging season if:

- 1) The alternatives available for disposal identified in **Special Condition 4.C(1)** (inner harbor depressions), **Special Condition 4.C(2)** (surf zone of Santa Clara River), **Special Condition 4.C(3)** (surf zone at McGrath State Beach), or **Special Condition 4.C(5)** (upland or offshore disposal) are determined to be feasible that season; or
- 2) If the Executive Director has not approved the subsequent utilization of the beach berm method for disposal of dredged material placement following any review of its previous usage under Part E(4) of either this condition or **Special Condition Eighteen (18) of CDP 4-18-0390.**

B. Sediment Suitability. The beach berm method for disposal shall only be allowed for dredged materials meeting acceptable chemical standards for beach placement as determined by the Executive Director in consultation with the EPA and RWQCB.

C. Best Management Practices.

- 1) The applicant shall ensure that the dredged material placement (including the material within the berm basin and the berms themselves) shall be continually managed during operation to maintain appropriate flushing of a mixture of finer grain sediment suspended in a mixture with water out of the berm basin and indirectly into the surf zone adjacent to the berm, to avoid blow-outs of the containment berms, and to avoid the creation of hardpan areas.
- 2) The dredged material discharged into the berm shall be flushed out of the beach berm with assistance from machinery as necessary, toward the surf zone, while still suspended in a mixture with water,

such that the amount of fine grain material that is left on the natural beach is minimized.

- 3) At the completion of the berm disposal operations, the project footprint area on the beach shall be decompacted/ripped and reshaped to the approximate previously existing natural beach topography and compaction ratio in order to restore the dynamic shoreline habitat and to facilitate recreational use, consistent with the timing constraints listed in **Special Condition One (1)**. In addition, if disposal operations using the beach berm method impact established coastal strand habitat on the upper beach, this area must be restored and revegetated to an approximation of its pre-disturbance condition at the completion of the disposal operations and beach restoration grading.

D. Public Access Program Update. **Prior to issuance of this coastal development permit amendment**, the applicant shall submit, for review and approval of the Executive Director, an updated public access program report, consistent with the requirements of **Special Condition Twelve (12)** of this permit, revised to address the beach berm method.

E. Monitoring and Review for Subsequent Use of Beach Berm Method. To evaluate the effectiveness of the beach berm method for deposition of finer grained dredged material indirectly into the littoral system while avoiding impacts to the beach, the applicant shall measure and document the effects (if any) of the placement of finer grain sediments on the beach area from south of the Ventura Beach South Groin to 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State Beach).

Prior to issuance of this coastal development permit amendment, the applicant shall submit a berm method monitoring plan that contains the following requirements:

- 1) The berm method monitoring plan shall contain specific monitoring parameters that may include the geospatial mapping and imagery methods used for the Shoreline Monitoring Program in **Special Condition 6**, as well as visual observations and photo documentation of the beach. Methods to analyze the presence of any compacted hard pan layers within the monitoring area and to analyze grain size distribution on the beach and presence of finer grain sediment must also be included.
- 2) The berm method monitoring plan shall include methods for monitoring of the berm method during active operations, and a schedule for pre- and post-dredging monitoring during low-tides.

including at least one pre-dredge observational survey and at least two more comprehensive post-dredge surveys (one immediately after the completion of deconstruction of the berm and beach restoration, and one approximately one month later, following a full spring/neap tidal cycle).

- 3) The applicant shall provide a post-dredging monitoring report, in accordance with the approved berm method monitoring plan, to the Executive Director following completion of each use of the beach berm method, as soon as they are available, and no later than July 1 following the dredging season.
- 4) Subsequent utilization of the beach berm method for disposal of finer grain dredged material placement in **Special Condition 4.C(4)** shall require Executive Director review and approval, and shall be contingent upon the information contained within the post-dredging monitoring report(s) submitted, including that no adverse impacts to the beach area (including shoreline habitat, recreation and public access), result from use of this method.
- 5) Should adverse impacts to the beach area be observed, the Executive Director may require additional restoration of the beach using the methods described in **Part C.3** of this condition to restore the beach to alleviate any adverse conditions identified, including, but not limited to decompacting/ripping of any compacted hard pan layers and replacing those areas to the approximate previously existing natural beach topography and compaction ratio prior to the dredging disposal operations.

B. Special Condition Amendments for CDP No. 4-18-0390

The introductory paragraph of Special Condition No. 1 of CDP No. 4-18-0390 shall be modified as follows:

1. Timing and Implementation of Project Operations

All dredging operations, including operation of equipment, spoil disposal, placement or removal of disposal pipelines, temporary construction of beach berm, or other construction, maintenance, material removal, or activities involving mechanized equipment shall be prohibited:

...

Part F of Special Condition No. 2 of CDP No. 4-18-0390 shall be modified as follows:

2. Dredging and Disposal Operation Plan

...

- F. Evidence that local agencies were apprised of the availability of sand resources that meet beach replenishment standards, pursuant to Special Condition ~~Four (4)~~^{Ten (10)}, and the target destination for the current year's dredging operation.

...

Special Condition No. 3 of CDP No. 4-18-0390 shall be modified as follows:

3. Sediment Analysis

Chemical, ~~and~~ physical, ~~and~~ (grain size) analysis shall be conducted of a representative samples of the sediments to be dredged from Ventura Keys channels, consistent with the EPA/USACE Southern California Dredge Material Management Team (SC-DMMT) Sampling and Analysis Plan/Results (SAP/R) testing guidelines ~~requirements of the joint EPA/Corps *Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. — Testing Manual*~~ and most recent RWQCB waste discharge requirements. Re-testing of the Ventura Keys sediment shall be conducted a minimum of three years from the date of the previous sediment sampling survey, where samples continue to meet EPA and RWQCB guidelines. If the EPA or RWQCB determine that the sediment does not meet contaminant or grain size threshold levels, sampling shall commence at least six (6) weeks prior to any dredging event for all subsequent years. If sampling reveals that any sediment does not meet beach placement ~~replenishment~~ standards, the applicant shall notify the Executive Director and local resource agencies. The results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

In the event of a major spill, release, or similar event that has the potential to result in contamination of or significant change in the physical composition of sediments in the project area, the applicant shall submit a written report of the event to the Executive Director within 30 days of its occurrence, and shall commence sampling at least six (6) weeks prior to any subsequent dredging event. Sampling results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

Special Condition No. 4 of CDP No. 4-18-0390 shall be modified as follows, for Parts C and D, with the addition of Part E:

4. Dredge Spoil Compatibility

...

- C. Dredged material may be disposed of (1) in the surf zone or nearshore waters, or (2) within a temporary sand beach berm/containment dike, only as consistent with **Special Condition Eighteen (18)**, constructed near or just above the mean high water line, and, in either case, located south of the Ventura Beach South Groin, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach) provided that either:
- (i) the Santa Clara River estuary mouth is open, and the river is flowing at a rate of 100 cubic feet per second or more as measured at the County of Ventura Flow Gage at the Victoria Avenue Bridge; or
- (ii) Disposal occurs within 10 days of the commencement or completion of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area.
- D. Dredged material may be disposed of in the Advanced Maintenance Dredging Area (AMDA) depression within the Connecting Channel.
- E. ~~D.~~ Dredge material that does not meet the physical or chemical standards for beach replenishment or spoil discharge shall not be discharged at any of the deposition sites, except as specified above. At such time, the applicant shall identify an alternate location suitable to accept contaminated sediment. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

Part A.1 and Part B of Special Condition No. 5 of CDP No. 4-18-0390 shall be modified as follows:

5. Shoreline Monitoring Program

- A. The applicant shall conduct an annual shoreline monitoring program to document shoreline changes in the project vicinity. Documentation shall include but not be limited to:
- 1) An indication of beach width and sand volume changes to the beaches adjacent to all approved deposition sites south of the South Jetty of the Ventura Harbor entrance, to 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State

~~Beach) within the area profiles.~~ This shoreline analysis shall also include the deposition sites along ~~McGrath State Beach and Pierpont Beach~~ if dredged material is disposed of in the Pierpont Groin Field location in that year. The applicant shall utilize geospatial mapping and imagery ~~aerial photographs~~, to the extent feasible, to prepare the summary of beach width and sand volume changes.

...

- B. The monitoring information shall be submitted to the Executive Director by July 1 of each year as well as to other public and federal, state, and local entities who wish to obtain such information. At a minimum, the annual reports shall be furnished to the Executive Director of the Commission, and electronically to the Cities of Ventura and Oxnard, the Army Corps of Engineers (Los Angeles District) and BEACON.

Parts A.2, B.2, B.4, and B.5, of Special Condition No. 6 of CDP No. 4-18-0390 shall be modified as follows:

6. Eelgrass Survey

- A. Pre-Construction Eelgrass Survey:

...

- 1) The survey shall be prepared in full compliance with the ~~“Southern California Eelgrass Mitigation Policy”~~ dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) and shall be prepared in consultation with the California Department of Fish and Wildlife.

...

- B. Post-Construction Eelgrass Survey:

...

- 1) The survey shall be prepared in full compliance with the ~~“Southern California Eelgrass Mitigation Policy”~~ dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) and shall be prepared in consultation with the California Department of Fish and Wildlife.

...

- 4) If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the ~~Southern California~~ Eelgrass Mitigation Policy (SCEMP). All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation:impact).
- 5) The exceptions to the required 1.38:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

Parts A, C, and D, of Special Condition No. 7 of CDP No. 4-18-0390 shall be modified as follows:

7. Caulerpa Surveys and Monitoring

- 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 applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of the invasive alga of the genus *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate and inspection of dredging equipment.

...

- C. Within two (2) weeks of completion of the survey, the applicant shall submit the results of the survey:
 - (1) for the review and approval of the Executive Director; and
 - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee includes other resource agencies: the California Department of Fish & Wildlife, U.S. Fish and Wildlife Service, Army Corps of Engineers, and NOAA Fisheries ~~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* species are found within the project or buffer areas, the permittee shall not proceed with the project until (1) the permittee provides evidence to the Executive Director that all *Caulerpa* discovered within the project and 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 permittee has revised the project to avoid any contact with *Caulerpa*. 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. Unless the Executive Director otherwise determines, if the survey identifies any *Caulerpa taxifolia* within the project area, the applicant shall submit to the Commission an application for a new coastal development permit or an amendment to this permit authorizing measures formulated to avoid, minimize and otherwise mitigate impacts that the proposed development might have resulting from the dispersal of *Caulerpa taxifolia* in the project area. The applicant shall: 1) refrain from commencement of the project until a valid permit or amendment is obtained, and 2) upon authorization of the permit or amendment, implement the approved mitigation measures in the manner and within the timeframe(s) specified in the approval.~~

Part D of Special Condition No. 8 of CDP No. 4-18-0390 shall be modified as follows:

8. Sensitive Species Surveys and Monitoring

...

- D. The environmental specialist shall be present during the installation and removal of the discharge pipeline, and during grading of the beach, including during the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The biological monitor(s) shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 4-18-0390 occur or if habitat is removed or impacted beyond the scope of the work indicated in Coastal Development Permit 4-18-0390. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

Special Condition No. 9 of CDP No. 4-18-0390 shall be modified as follows for Part E, with the addition of Part G:

9. Operational Responsibilities

...

- E. The disposal pipeline, beach grading operations (including the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration), access routes, and equipment corridor, shall not cross or disturb sand dunes and shall minimize crossings or disturbance of the wrack zone. These operations shall avoid the dune slope along the upper beach while maintaining the maximum buffer possible with a minimum 25-foot buffer from dune vegetation. The buffer may only be reduced with approval from the Executive Director in limited cases, including when beach nourishment activities are being conducted to reinforce the dune slope or when the beach is in an eroded condition that requires reduction of the buffer for safe operations. Wrack shall be separated and retained, to the maximum extent feasible, in areas where discharge operations will result in the loss or disturbance of wrack. Wrack shall be moved to the side during discharge operations, pipeline placement, beach grading operations (including the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration), and other project activities, and replaced in its original location/configuration, to the maximum extent feasible, at the completion of project operations where possible.

...

- G. Daily inspections and removal of unnatural debris deposited in the dredge spoils, including but not limited to plastic debris, shall be conducted during all dredging and subsequent beach grading operations. Any of this debris collected shall be disposed of outside the coastal zone.

Part B.7 of Special Condition No. 10 of CDP No. 4-18-0390, shall be modified as follows, with the addition of the label for Part C to the concluding paragraph:

10. Operation Staging

...

- B. The plan shall be consistent with the following criteria:

...

- 7) Stockpiled materials shall be located as far from ~~stream~~ beach areas on the designated site(s) as feasible and in no event shall materials be

stockpiled less than 30 ft. in distance from the ~~top edge of a stream bank~~ high tide line.

...

C. The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans 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.

The following language shall be added to Special Condition No. 11 of CDP No. 4-18-0390:

11. Agency Coordination

.... If that party proposes to place the dredged material in the Coastal Zone in a location other than those authorized in this permit, the placement of that material shall require an amendment to this permit or a new coastal development permit.

Special Condition No. 14 of CDP No. 4-18-0390, shall be modified, in part, as follows :

14. Snowy Plover and Least Tern Monitoring

A biologist(s) or environmental specialist(s) with appropriate qualifications acceptable to the Executive Director shall conduct a survey(s) of western snowy plover and California least tern in all shorefront portions of the project area, from the south side of the Ventura Harbor entrance, including Harbor Cove Beach (or, if dredge material placement is proposed at a Pierpont Groin Field location for the season's activities, from the northernmost point at the Pierpont Groinfield deposition site), to the southern terminus of McGrath State Beach property. Survey(s) shall commence at least two (2) weeks prior to any dredging activities and extend at least two (2) weeks after the final dredging activity is completed. Prior to the commencement of the survey(s), the biologist(s) or environmental specialist(s) shall submit a survey methodology report for the review and approval of the Executive Director. The report shall include, at a minimum, an illustration of monitoring sites/transects, survey dates and time, names of surveyors, and survey protocol. The survey(s) shall be conducted a minimum of twice weekly and shall be designed to assess the abundance, distribution, behavior, and any disturbances to snowy plovers and least terns foraging, roosting, or nesting in the survey area. If any snowy plover or least tern exhibits reproductive or nesting behavior within the survey areas, then the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

The applicant shall submit a western snowy plover and California least tern monitoring report to the Executive Director for review and approval by July 1 of each year during which dredging was conducted within the past year. The monitoring report shall be prepared by a qualified biologist and shall at a minimum include...

The introductory paragraph of Special Condition No. 15 of CDP No. 4-18-0390 shall be modified as follows:

15. Water Quality Monitoring

The applicant shall conduct a water quality monitoring program that will analyze potential adverse impacts on the near-shore and offshore marine environment resulting from disposal of dredged materials ~~into the intertidal zone~~. The monitoring program will be conducted each time dredged materials are deposited into or graded near the intertidal zone and will contain the following components:

...

The following special condition is hereby added as Special Condition No. 18 of CDP No. 4-18-0390:

18. Beach Berm Method

The beach berm method of dredged material placement authorized by this permit, including the construction of any beach berm, active management of it, and subsequent beach restoration, shall be managed consistent with the operational responsibilities listed in **Special Condition Nine (9)** of this permit, as well as the following requirements:

A. Qualification. The beach berm method for disposal of finer grain (more than 35% fines) dredged material placement allowed in **Special Condition 4.C** of this permit shall not be allowed during a given dredging season if:

- 1) The alternatives available for disposal identified in **Special Condition 4.D** (AMDA) are determined to be feasible that season;
or
- 2) If the Executive Director has not approved the subsequent utilization of the beach berm method for disposal of dredged material placement following any review of its previous usage under Part E(4) of either this condition or **Special Condition Nineteen (19) of CDP 4-16-0333**.

B. Sediment Suitability. The beach berm method for disposal shall only be allowed for dredged materials meeting acceptable chemical standards for

beach placement as determined by the Executive Director in consultation with the EPA and RWQCB.

C. Best Management Practices.

- 1) The applicant shall ensure that the dredged material placement (including the material within the berm basin and the berms themselves) shall be continually managed during operation to maintain appropriate flushing of a mixture of finer grain sediment suspended in a mixture with water out of the berm basin and indirectly into the surf zone adjacent to the berm, to avoid blow-outs of the containment berms, and to avoid the creation of hardpan areas.
- 2) The dredged material discharged into the berm shall be flushed out of the beach berm with assistance from machinery as necessary, toward the surf zone, while still suspended in a mixture with water, such that the amount of fine grain material that is left on the natural beach is minimized.
- 3) At the completion of the berm disposal operations, the project footprint area on the beach shall be decompacted/ripped and reshaped to the approximate previously existing natural beach topography and compaction ratio in order to restore the dynamic shoreline habitat and to facilitate recreational use, consistent with the timing constraints listed in **Special Condition One (1)**. In addition, if disposal operations using the beach berm method impact established coastal strand habitat on the upper beach, this area must be restored and revegetated to an approximation of its pre-disturbance condition at the completion of the disposal operations and beach restoration grading.

D. Public Access Program Update. **Prior to issuance of this coastal development permit amendment**, the applicant shall submit, for review and approval of the Executive Director, an updated public access program report, consistent with the requirements of **Special Condition Twelve (12)** of this permit, revised to address the beach berm method.

E. Monitoring and Review for Subsequent Use of Beach Berm Method. To evaluate the effectiveness of the beach berm method for deposition of finer grained dredged material indirectly into the littoral system while avoiding impacts to the beach, the applicant shall measure and document the effects (if any) of the placement of finer grain sediments on the beach area from south of the Ventura Beach South Groin to 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State Beach).

Prior to issuance of this coastal development permit amendment, the applicant shall submit a berm method monitoring plan that contains the following requirements:

- 1) The berm method monitoring plan shall contain specific monitoring parameters that may include the geospatial mapping and imagery methods used for the Shoreline Monitoring Program in **Special Condition 5**, as well as visual observations and photo documentation of the beach. Methods to analyze the presence of any compacted hard pan layers within the monitoring area and to analyze grain size distribution on the beach and presence of finer grain sediment must also be included.
- 2) The berm method monitoring plan shall include methods for monitoring of the berm method during active operations, and a schedule for pre- and post-dredging monitoring during low-tides, including at least one pre-dredge observational survey and at least two more comprehensive post-dredge surveys (one immediately after the completion of deconstruction of the berm and beach restoration, and one approximately one month later, following a full spring/neap tidal cycle).
- 3) The applicant shall provide a post-dredging monitoring report, in accordance with the approved berm method monitoring plan, to the Executive Director following completion of each use of the beach berm method, as soon as they are available, and no later than July 1 following the dredging season.
- 4) Subsequent utilization of the beach berm method for disposal of finer grain dredged material placement in **Special Condition 4.C** shall require Executive Director review and approval, and shall be contingent upon the information contained within the post-dredging monitoring report(s) submitted, including that no adverse impacts to the beach area (including shoreline habitat, recreation and public access), result from use of this method.
- 1) Should adverse impacts to the beach area be observed, the Executive Director may require additional restoration of the beach using the methods described in **Part C.3** of this condition to restore the beach to alleviate any adverse conditions identified, including, but not limited to decompacting/ripping of any compacted hard pan layers and replacing those areas to the approximate previously existing natural beach topography and compaction ratio prior to the dredging disposal operations.

III. FINDINGS AND DECLARATIONS

A. Amendment Description and Background

Proposed Amendment Description

The applicants have proposed the subject amendments to modify portions of the maintenance dredging projects that were previously approved through Coastal Development Permit (CDP) Nos. 4-16-0333 (for Ventura Harbor) and 4-18-0390 (for the Ventura Keys). Specifically, CDP No. 4-16-0333 covers the outer and inner areas of Ventura Harbor under the property interest and management of the Ventura Port District (Port District) and the other CDP, No. 4-18-0390, covers four navigation channels in the Ventura Keys under the property interest and management of the City of Ventura (City). In this case, the Port District and City are two separate applicants (not co-applicants), but these two proposed amendments are being grouped in one staff report since, while they are technically separate projects, they are typically conducted in coordination with each other and share similar dredge material placement locations, methods, and requirements. These underlying CDPs involve ten-year annual dredging projects which include dredging of the Ventura Harbor and Ventura Keys, and disposal of the dredge material on nearby beaches to the north and south, and into nearby surf zones and nearshore waters.

As described in further detail below, the subject amendments include modifications to the project descriptions and special conditions of each permit, which are primarily driven by a reassessment of dredged material disposal methods by other resource agencies, and by the status of the Santa Clara River flow regime during recent dredging seasons. Modifications to the subject permits also address project terms, and requests from the Port District and the City for updates related to consistency between permits.

CDP Amendment No. 4-16-0333 (Ventura Harbor Dredging)

Proposed modifications to CDP No. 4-16-0333, which allows for the Maintenance Dredging Program (Ventura Harbor MDP) in the outer and inner areas of Ventura Harbor, include the following:

- (1) Berm Placement Disposal Method. The Ventura Harbor MDP is proposed to be modified to add beach deposition of fine sediments within a temporary sand berm/containment dike that is approximately 100-ft.-wide, 300-ft.-long, and 5-ft.-tall maximum, constructed near the mean high water line using a maximum of 1,000 cubic yards of native beach sand and dredge material. For coarser grained material dredged from the outer harbor, this placement method would be allowed south of the South Jetty of the Ventura Harbor entrance. For finer grained material dredged from the inner harbor, this placement method would be allowed south of the Ventura Beach South Groin, as depicted on Exhibit 3. In both cases, the southern limit of the beach berm would be at least 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern

boundary of McGrath State Beach). The specifics of this method are discussed in more detail below in Section III.B of this staff report, as are the associated revisions and additions to permit special conditions.

- (2) Disposal Locations. The disposal locations allowed for the Ventura Harbor MDP are proposed to be modified. For coarser grained material dredged from the outer harbor, the disposal location at the nearshore area south of the Ventura pier would be removed as an option. For finer grained material dredged from the inner harbor, increased flexibility in disposal locations, including an option for upland or offshore disposal as approved by the Southern California Dredge Material Management Team (SC-DMMT) and the Executive Director, are proposed to be added. The specifics of these changes are discussed in more detail below in Section III.B of this staff report, as are the associated revisions to permit special conditions.
- (3) River Flow Condition. The permit for Ventura Harbor MDP currently limits deposition of finer grain dredged material in the surf zone of the Santa Clara River to only be allowed while the Santa Clara River estuary mouth is open and the river is flowing at 100 cubic feet per second or more as measured at the County of Ventura Flow Gage at the Victoria Avenue bridge. These requirements are proposed to be modified to allow disposal of finer grain sediment if the Santa Clara River estuary mouth is closed and the flow rate requirements are not satisfied, but only if it occurs within 10 days of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area. The specifics of these changes are discussed in more detail below in Section III.D of this staff report, as are the associated revisions to permit special conditions.
- (4) Project Term. The project term expiration date for the Ventura Harbor MDP is proposed be extended from April 18, 2026, to Oct 10, 2028, to be consistent with the existing project term expiration date of the Ventura Keys dredging program under CDP No. 4-18-0390.

The proposed amendment for the Ventura Harbor MDP also includes other revisions to special conditions which include, (a) revising the threshold for what is considered coarse-grain material from an average of 91% of the material retained on a Standard U.S. Sieve Size No. 200 to an average of 65% or more, (b) minor changes to the shoreline monitoring requirements, (c) revisions to invasive algae survey and monitoring requirements, (d) revisions to operational responsibility requirements to clarify buffers from dunes, and (e) and cleanups for consistency between permits and conditions.

CDP Amendment 4-18-0390 (Ventura Keys Dredging)

Proposed modifications to CDP No. 4-18-0390, which allows for the Maintenance Dredging Program (Ventura Keys MDP) in four navigation channels in the Ventura Keys include the following:

- (1) Berm Placement Disposal Method. The Ventura Keys MDP is proposed to be modified to allow the use of a temporary sand berm/containment dike with the dimensions described above. For the Ventura Keys MDP, this option would be allowed for the placement of dredged material (both coarser and finer grained material) south of the Ventura Beach South Groin, with the southern limit of at least 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State Beach). The specifics of this method are discussed in more detail below in Section III.B of this staff report, as are the associated revisions and additions to permit special conditions.
- (2) River Flow Condition. The permit for Ventura Keys MDP currently limits deposition of finer grain dredged material in the surf zone and nearshore waters of the Santa Clara River to only be allowed while the Santa Clara River estuary mouth is open, and the river is flowing at 100 cubic feet per second or more as measured at the County of Ventura Flow Gage at the Victoria Avenue bridge. These requirements are proposed to be modified to allow disposal of finer grain sediment if the Santa Clara River estuary mouth is closed and the flow rate requirements are not satisfied, but only if it occurs within 10 days of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area. The specifics of these changes are discussed in more detail below in Section III.D of this staff report, as are the associated revisions to permit special conditions.
- (3) Advanced Maintenance Dredging Area (AMDA). The Ventura Keys MDP is proposed to be modified to allow the creation, use, and maintenance, of an Advanced Maintenance Dredging Area with a capacity of up to approximately 65,000 cubic yards, in the Ventura Keys Connecting Channel (Exhibits 4 and 6). Specifically, the AMDA would be created in order to allow for the placement of material dredged from the Keys channels, and storage of that material until the larger harbor-wide dredging project occurs. The AMDA is discussed in more detail below in Section III.B of this staff report, as are the associated revisions and additions to permit special conditions.

The proposed amendment for the Ventura Keys MDP also includes, similar to the Ventura Harbor MDP amendment, other revisions to special conditions, which include (a) minor changes to the shoreline monitoring requirements, (b) revisions to invasive algae survey and monitoring requirements, (c) revisions to operational responsibility requirements to clarify buffers from dunes, and (d) and cleanups for consistency between permits and conditions.

Project Site and Background

Ventura Harbor is a man-made commercial and recreational harbor located in the southwest portion of the City of Ventura (Exhibit 1 and 2). It was constructed in 1963 with major structural modifications to the harbor entrance in 1972 (addition of the detached breakwater and sand trap), and in 1994 (spur groin was added to the north

jetty and south beach groin). The harbor can be classified into two zones: (1) the outer harbor zone, which includes the federally maintained entrance channel, offshore sand traps, and associated protective structures and, (2) the inner harbor zone, which consists of the navigation channels, berthing areas, and sand traps within the interior of the harbor. The entrance channel is comprised of two rubble-mound jetties, a detached rubble-mound breakwater, sand trap, and the south beach groin. The inner harbor has approximately 200 commercial berths and 1,600 recreational berths, and it provides ocean access for the Ventura Keys, an adjacent waterfront residential community with private docks.

The Ventura Keys are within 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 (channels 1, 2, and 3) and a larger connecting channel to the south (channel 4) which ties the other three channels together and provides a link to Ventura Harbor. The Ventura Keys waterways were constructed in the early 1960s shortly after the excavation of the Ventura Harbor. The sides of the four channels were developed with retaining walls and rip-rap along the banks for stabilization. Private easements extend from the seaward edge of more than 300 waterfront residential parcels in the Ventura Keys neighborhood and are reserved for private boat docks. These easement areas occupy about half of the water surface of the waterways. Generally, channels 1-3 span 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 permit histories and existing approvals for both the Ventura Harbor MDP and the Ventura Keys MDP are described below. At this time, dredging under the two current permits has not been conducted since their approval dates in 2016 and 2018, respectively. However, dredging under prior permits has been conducted, as well as one event under Emergency Permit G-4-21-0013, which authorized one-time dredging from the Ventura Harbor and Ventura Keys. This emergency permit was authorized to address the imminent threat to navigation that resulted from the inability to dredge due to the inability of the applicants to meet the requirements of the underlying permits.

Ventura Harbor Dredging Background (CDP No. 4-16-0333)

Responsibility for maintenance dredging of the harbor is divided between the Port District and U.S. Army Corps of Engineers (USACE). The Port District dredges the inner harbor areas and the USACE maintains the outer harbor. The Commission approved dredging operations in the Ventura Harbor and shoreline deposition locations under Coastal Development Permit 4-83-257 (for which a total of eleven amendments were approved). That permit was granted to the Port District as local sponsor, and through various federal consistency determinations granted to the U.S. Army Corps of Engineers (USACE) as federal sponsor.

Maintenance dredging of the outer harbor area occurs on an annual basis and is usually, but not always, performed by a USACE contractor operating within the federal

project boundaries. The Commission has previously authorized similar dredging and disposal in the manner proposed by the applicant, in its review of past USACE consistency determinations (CD-64-98, CD-54-94, CD-53-91, CD-42-88, CD-51-86, CD-30-85, and CD-2-83) for the federally maintained entrance. Under federal Consistency Determination CD-64-98, the Commission approved the USACE's Six-year Maintenance Dredging Program in 1998. Since then, the Coastal Commission has concurred with Negative Determinations for similar 6 year terms (ND-036-04, ND-037-11 and ND-0037-18), and the current one runs through 2024. In past years, the dredged material from the outer harbor, which is more than 95% sand, has been deposited in the surf zone at McGrath State Beach. The responsibility for maintenance dredging of the inner harbor (Exhibit 3) is retained solely by the Port District. The Port District has been dredging the Harbor under Commission permits since 1983 (CDP 4-83-257, as amended). During that time, some portions of the inner harbor have been dredged almost every year. The Port District has often coordinated the inner harbor dredging with the same USACE contractor to be accomplished before or after the dredging of the federal area.

CDP 4-83-257 was amended in 1986, 1989, 1992, and 1995 to extend the permit for additional three-year terms. In 1995, the permit was amended to allow a five-year extension. The permit was not extended upon expiration in 2000 in order to complete a comprehensive evaluation of the potential impacts of the project, given the significant changes in environmental data and regulation (e.g., the designation of portions of the project area as critical habitat for the western snowy plover). Subsequently, the Commission approved CDP No. 4-01-143, followed by CDP No. 4-06-086, both with sixteen special conditions intended to ensure protection of sensitive resources, coastal waters, and coastal access and recreation. The term of CDP No. 4-01-143 was six (6) years, and the term of the following permit, CDP No. 4-06-086, was ten (10) years.

Existing Approvals under CDP No. 4-16-0333

CDP 4-16-0333 allows the Port District to implement an annual Maintenance Dredging Program (MDP) in the outer and inner areas of Ventura Harbor through April 18, 2026. The maintenance dredging is necessary to remove accumulated sediment from the marina bottom and entrance channel to secure the minimum depth required for navigational safety and the continued use of recreational facilities. Material from the inner harbor and outer harbor are appropriate for disposal at different locations due to the finer nature of the sediment obtained from the inner harbor.

Current approved maintenance dredging of the inner harbor allows for up to 100,000 cu. yds. of material to be dredged annually from the navigation channels, berthing areas, and sand traps, and deposited: (1) within surf zone of the mouth of the Santa Clara River, (2) three interior depressions within the interior of the harbor; and/or (3) in the 4,000 feet of nearshore area off of McGrath State Beach. In addition, up to 2,500 cu. yds. of fine-grained material is allowed to be dredged from the mouth of the Arundell Barranca and/or the Olivas Park storm drain, and must be deposited of outside of the Coastal Zone.

Current approved maintenance dredging of the outer harbor allows up to 600,000 cu. yds. of material to be removed annually from the entrance channel and offshore sand traps and deposited: (1) within the surf zone along 10,000 feet of beach extending southward from the harbor's south jetty, including South Beach, the area near the Santa Clara River mouth, and McGrath State Beach; (2) within the surf zone north of the harbor entrance in Cells 1 and 2 of the Pierpont Groin Field; (3) in the 4,000 feet of nearshore area off of McGrath State Beach; and/or (4) the 1,000 feet of nearshore area off of San Buenaventura State Beach.

Dredging is allowed to be accomplished by means of a cutterhead hydraulic pipeline dredge with deposition into designated surf zone areas or, alternately, by means of clamshell or hopper dredging with deposition in the nearshore waters. Mechanical dredges such as the clamshell type may occasionally be needed for small, shoaled areas. One or more dredge types may be used during the dredging operation. Up to 2,500 cu. yds. of fine-grained material may be dredged at the mouth of the Arundell Barranca and/or the Olivas Park storm drain by a shore-based clamshell.

Dredging and deposition is allowed to take place in the project area between Labor Day in September to the Friday prior to Memorial Day in May of the following year; however, the dredging operations are also subject to sensitive resources timing restrictions. Dredging typically takes place between November and March, and is usually accomplished on a 24-hour per day, 7 days per week basis. Past dredging of the harbor has been accomplished almost entirely by means of hydraulic dredging. This method requires the placement of pipeline, up to 3 ft. in diameter, from the dredge in the harbor to the deposition sites. The route of the discharge pipeline is shown in Exhibit 3. The approved pipeline route avoids the sand dunes and least tern sites at South Beach and the dunes at McGrath State Beach. Upon completion of each dredging cycle, the pipe is removed from the beach. After any approved surf zone disposal, mounds would be rough graded to obtain the desired beach profile.

Ventura Keys Dredging Background (CDP No. 4-18-0390)

In the past, various portions of the Ventura Keys have required dredging on cycles ranging from three to ten years. Previously, maintenance dredging of the Keys occurred pursuant to CDP 4-97-181, but was never completed under the subsequent CDP, No. 4-07-118. Disposal sites have varied over time and have included the surf zone near the mouth of the Santa Clara River, in the nearshore waters of Santa Clara River, and Cell 1 of the Pierpont Groin Field.

Existing Approvals under CDP No. 4-18-0390

CDP No. 4-18-0390 allows the City to implement a Maintenance Dredging Program in four navigation channels in the Ventura Keys for a period of ten years. The 13.5 acres of the channel area allowed to be dredged had an existing depth between -8 and -16 feet Mean Lower Low Water (MLLW) at the time CDP No. 4-18-0390 was approved. Shoaling in the Ventura Keys results from sediments deposited from runoff carried in the Arundell Barranca and 26 smaller storm drains, and this sediment accumulation

leads to shallow channel depths, which if uncorrected, would result in difficult navigation conditions. Dredging of channel 4, which connects channels 1, 2, and 3 to the Ventura Harbor, would consist of dredging to a depth of -15 feet. MLLW ± 2 ft. At the time of approval of CDP No. 4-18-0390, this channel contained about 14,000 cubic yards of shoal material and was expected to require dredging two or three times over a ten year period. The work would be accomplished by a private contractor using a 14" to 26" diesel-powered cutterhead hydraulic pipeline (suction) dredge operating on a 24-hour per day basis. Depending on the size of the equipment utilized, that operation could require 10 to 30 days per dredging episode. A portion of the connecting channel in the vicinity of the mouth of the Arundell Barranca may require more frequent dredging requiring the use of a mechanical clamshell type operation (either floating or shore-based). Hydraulic dredging requires the placement of pipeline, up to 3 ft. in diameter, from the dredge in the harbor to the deposition sites. The route of the discharge pipeline is shown in Exhibit 4. Upon completion of each dredging cycle, the pipe is to be removed from the beach.

Dredging of Channels 1, 2, and 3 would consist of dredging to a depth of -12 ft. MLLW ± 2 ft. At the time of approval of CDP No. 4-18-0390, these channels contained about 45,000 cubic yards of shoal material and were expected to require dredging one or two times each over a ten year period. The work would be accomplished by a private contractor using a 6" to 16" diesel powered cutterhead hydraulic pipeline dredge operating on a 24-hour per day basis. Depending upon the size of the equipment utilized, the operation could require 30 to 60 days per dredging episode.

Approximately 350,000 cubic yards of material may be dredged over the ten year term, but would not exceed 100,000 cubic yards in any one year. Material is allowed to be deposited either: (1) within the surf zone at Cell 1 of the Pierpont Groin Field, (2) within surf zone at the mouth of the Santa Clara River, and/or (3) the near shore waters at the mouth of the Santa Clara River. After surf zone disposal, sediment mounds would be rough graded to obtain the desired beach profile. Dredging is usually accomplished on a 24-hour per day, 7 days per week basis, but may only be operated during the daylight hours. Each dredging episode may take 30 to 60 days to complete. Additionally, all the waterways would not be dredged in any one year.

B. Diking, Filling, Dredging Open Coastal Waters

Section 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

...

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

...

Section 30233 of the Coastal Act states that diking, filling, and dredging of coastal waters may be permitted for coastal-dependent industries, and for maintaining or restoring previously dredged depths where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Section 30233 of the Coastal Act also mandates that dredging and disposal operations shall be carried-out to avoid disruption of marine and wildlife habitats, and that suitable dredge sediments shall be deposited for beach replenishment.

CDP No. 4-16-0333 currently allows the Port District to annually dredge and dispose up to 700,000 cubic yards of material from the Ventura Harbor (up to 600,000 cubic yards per year from the outer harbor, and up to 100,000 cubic yards per year from the inner harbor) after Labor Day in September to the Friday before Memorial Day in May of the following year, subject to timing constraints for resource protection. The Ventura Harbor has historically been dredged on an annual basis. This dredging is necessary to maintain and restore previously dredged navigation channels, sand traps, and berths.

CDP No. 4-18-0390 currently allows the City to dredge four navigation channels in the Ventura Keys, which encompass an area of 32 acres and consist of three channels tending in a general north/south alignment and a larger connecting channel to the south that ties the other three channels together and provides a link to Ventura Harbor. Approximately 350,000 cubic yards of material may be dredged over the ten year term, and cannot exceed 100,000 cubic yards in any one year. The dredging and deposition period runs from after Labor Day in September to Memorial Day in May, the following year, subject to timing constraints for resource protection.

Section 30233(a) of the Coastal Act imposes a three-part test on dredging and filling projects: (1) the allowable use test; (2) an alternatives test; and (3) a mitigation test. The existing Ventura Harbor and Ventura Keys MDPs, with beach disposal at the receiver sites specified in the project description and background above in Section III.A, comply with these tests because (1) maintenance dredging of existing channels is an allowable use under Section 30233(a)(2) of the Coastal Act; (2) when the material is suitable for beach disposal, and when habitat and access issues have been adequately addressed (as described in Sections III.C and III.D), there is no less damaging feasible alternative;

and (3) with the avoidance, monitoring, and mitigation measures addressing environmentally sensitive habitat and sensitive species required through the special conditions (discussed in Section III.D), all feasible mitigation measures have been provided to minimize adverse environmental impacts.

1. Berm placement disposal method

The applicant has proposed amendments to both CDP Nos. 4-16-0333 and 4-18-0390 for the Ventura Harbor and Ventura Keys MDPs, add beach deposition of fine sediments within a temporary sand berm/containment dike that is approximately 100-ft.-wide, 300-ft.-long, and 5-ft.-tall maximum, constructed near the mean high water line using a maximum of 1,000 cubic yards of native beach sand and dredge material. The southern limit of the beach berm would be 300 feet from the mouth of the Santa Clara River or, if the mouth of the Santa Clara River is not open, up to 300 feet from the northern boundary of McGrath State Beach.

This proposed change is the direct result of recent concerns raised by the US Environmental Protection Agency (EPA) about the location (tidal level) and method of inner harbor dredge material disposal directly into the surf zone (or any material for which a majority is finer grained, consisting of silts and clays) and in nearshore areas. While the Clean Water Act jurisdiction extends to the mean high water (MHW) line, the jurisdiction of the Marine Protection, Research and Sanctuaries Act (MPRSA), also known as the Ocean Dumping Act, extends up to mean low water (MLW) outside of the Ventura Harbor, along the beaches where disposal of dredged material occurs. Therefore, the EPA has asserted that surf zone and nearshore disposal options under the existing CDPs for finer grained dredged material are not permissible under the MPRSA. Under MPRSA, sediments that do not meet the criteria for surf zone or nearshore disposal must be disposed of in an EPA approved offshore site. The closest designated offshore ocean disposal sites approved by the EPA under the MPRSA are at LA-2 (off of Long Beach), LA-3 (off of Newport Beach), or LA-5 (off of San Diego), all of which are infeasible for use in the subject project. The USACE and EPA have since determined that if the finer grained dredged material is deposited behind a berm on the beach, above MLW, then placement would not be considered disposal, but rather fill or indirect discharge relative to the Clean Water Act Section 404(b)(1) and the Ocean Dumping Act of 1972, which would allow for the disposal of the dredged sediments in the same littoral cell.

Commission staff requested that the applicants provide an alternatives analysis that explain why the other methods and disposal locations available would not be feasible, and why the berm placement disposal method would be the preferred alternative to those other methods. The applicants provided an alternatives analysis that addressed the feasibility of these other options. The applicant has indicated that placement in inner harbor depressions allowed in CDP No. 4-16-0333 would be infeasible due to the fact that it is considered a short-term, low volume solution designed to address out-of-cycle dredging within the Port District's various management areas, was designed to address localized and emergency marina and dock maintenance dredging needs, would require the dredge material placed in those depressions to be disposed of outside of the harbor

after one or two cycles, and would require the Port District to mobilize a smaller dredging system than that which is typically used in the sequential operations with the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area.

They also explained that disposal of finer grain dredged material at upland or at designated offshore ocean disposal sites would not be feasible. They assert that for offshore disposal at the MPRSA-approved locations mentioned above, which are a significant distance from Ventura Harbor, a smaller mechanical or hydraulic dredge and support vessels would need to be mobilized, creating additional air quality impacts to the region, and that the use of a smaller dredging system would require an increase in the number of days required to conduct the dredging and could cause significant and prolonged seafloor disturbance of the harbor bottom, increase suspension of fine grain sediments, result in water quality impacts, and impact navigation, public use, and recreation within the inner harbor.

They also assert that upland disposal would increase air quality impacts from the additional mobilization of another group of dredging vessels, required land based dewatering, and cause both environmental and traffic impacts from truck transportation of the dewatered material, and that dewatering would have additional impacts to public use and access in the area due to logistical process and large area that would be required (Marina Park, Harbor Blvd Parking lots, etc.) and the volume of truck traffic. For reference, they estimated that an inner harbor dredging action on the order of 16,000 cubic yards of material would require approximately 1,100 dump truck loads to transport dredged material to upland disposal sites or alternative placement locations. They also noted that the clamshell dredging options available are only allowed for limited volumes and would result in additional impacts to resources and public use as addressed above. The applicants also noted that the City and Port District explored land-based disposal on City lands in the early 1990s that involved dewatering and that the study determined that there were significant concerns related to impacts to ground water due to the fact that the dredge material is removed from a saltwater environment and leaching occurs over time. Additionally, they noted that due to the MDPs' regular, but infrequent, dredging (every 3 to 5 years) and low volumes (typically 15,000 – 45,000 cubic yards), the viable uses as beneficial re-use for wetland restoration projects is temporally and spatially constrained to estuaries in the immediate vicinity, but that as part of the existing CDP, the applicants have conducted outreach to surrounding cities, Ventura County, and BEACON with little interest due to the material's fine grain nature and the cost of transportation.

USACE's annual maintenance dredging of the Ventura Harbor federal entrance area (outer harbor area) and dredge material beach placement activities typically precede the Port District and City's dredge actions, and all three entities typically utilize the same dredging contractor and equipment to execute both outer and inner harbor dredging and beach placement to take advantage of significant cost savings, reduce environmental impacts, and increase public use benefits. Benefits to integrating dredging and placement activities include the minimization of redundant mobilization and deployment of the dredge equipment, decrease temporal impacts to public use, limit channel navigation restrictions, reduce disturbance of harbor and beach habitats, and decrease

overall air emissions. The placement of the dredge discharge pipeline and construction of the beach berm would typically be initiated during the USACE's outer harbor dredging activities (although the Port District is also allowed to conduct these activities), which would require the use of heavy equipment and the movement of sand from the middle and upper beach to stabilize the pipeline.

Once the pipeline is in place, the end of the pipe would be fitted with a diffuser intended to deflect the dredge material slurry, minimize erosion, increase material settlement and improve material retention on the beach. During this time sand from the beach would be pushed into mounds behind and on the seaward side of the pipeline to form containment berms to further increase retention. The beach berm would incorporate approximately 600 to 1,000 cubic yards of placed dredge material and/or native beach sand and its dimensions would be approximately 5 feet in height and the basin formed inside the beach berm would be approximately 75 to 100 feet wide and 200 to 300 feet long (Exhibit 5). The dredge material would be placed as a slurry within the beach berm/containment basin or dike and dredge material placement would occur 24 hours per day. Heavy equipment would be onsite and may be operational at all times, although generally limited to during daylight hours for optimal public safety. This equipment would manage the berm and dredge material placed within the berm basin to manage flushing, avoid blow outs, and avoid the creation of hardpan areas. The District and City's inner harbor dredge material placement actions would typically occur immediately following the USACE placement of coarser grained dredged material on the beach and placement would proceed in a north to south direction. The District's and City's use of the contractor is planned to follow the USACE's dredge placement action and typically takes one to three days, depending on volume. The entire USACE dredging operations can last up to several weeks before this transition.

The dredge material would be placed on the beach within the beach berm itself or within the containment basin as a slurry, which would be approximately 90% water. The slurry is expected to quickly separate as heavier fractions (coarse grain sand) settle out and much of the fine grain material and water would runoff into the surf zone around the southern extend of the beach berm structure. As material is retained within the basin, the heavy equipment would be used to build up and extend the beach berm. This would allow the berm and pipeline to be extended south while the beach is built up to the desired elevation.

When the dredge contractor finishes the USACE dredging and dredge material beach placement activities, the Port District and City's actions would commence within hours, once the dredge is repositioned to perform inner harbor dredging. The inner harbor dredge material placement would initially occur at the same location that the USACE outer harbor dredge material was placed and the dredge material from both placement activities would be mixed together and the beach sculpted to a consistent and natural slope throughout the action area. Material used to create the beach berm or containment basin would be continually managed to leave a uniform beach profile. Tidal action would work to continuously redistribute beach material over one or two tidal cycles with the expectation that heavy equipment use and the extent of the beach berm are not visibly evident once the beach is shaped. The sequencing of berm construction

would also potentially progress with sand being placed at the toe of the dune erosion cut (if present), to minimize further dune erosion and protect the pipeline from wave action...

Public access to the beach would be available on either end of the dredge material pipeline and two to three locations along the pipeline where sand is piled on top of the pipeline to allow for access. Public access to the discharge area and to the dunes would be restricted during construction operations for safety reasons. The dredge material placement activities conducted by the District and the City would last only one to three days and would typically occur near Surfers Knoll. Parking and beach access near Surfer's Knoll or along Spinnaker Drive are not proposed to be impacted by sand placement activities, and construction fencing and signs notifying the public of the ongoing activities will be placed at access points.

One possible outcome of using the proposed beach berm method for disposal of finer grain dredged material is the formation of hard pan layers on the beach. For example, after the sediment disposal/beach nourishment activities at Goleta Beach in Santa Barbara County in Winter/Spring 2011 permitted through emergency CDPs, some members of the public raised concerns about beach nourishment operations at Goleta Beach, including the dark brown/black muddy color of the deposited material, the extent of beach area occupied during nourishment activities, and the creation and persistence of hard pan areas on the beach. In response, Commission staff confirmed that a hard pan layer had formed on the west end of Goleta Beach, which apparently resulted due to the unintended retention of sediment on the sandy beach. As a result of that incident, more recent permitting of the desilting program and disposal operations for Goleta Slough has required the project footprint area on the beach following project operations to be decompacted/ripped and replaced to the approximate previously existing natural beach topography and compaction ratio in order to restore the dynamic shoreline habitat and to facilitate recreational use.

Since the beach berm placement disposal method for disposal of finer grain dredged material that is proposed to be allowed has the potential to result in similar issues if the method does not function, as designed, to flush the finer grain sediment into the surf zone around the berm, best management practices, monitoring, and review approvals by the Executive Director, are required by **Special Condition Nineteen (19) of CDP No. 4-16-0333** and **Special Condition Eighteen (18) of CDP No. 4-18-0390**. The broad portion of the berm is intended to slow water flow and allow for coarse grain material (sand) to settle and the fines and organic material to flow slowly to the surf zone. Best management practices required in Parts C of those conditions include ensuring that: (1) the operations using the berm method (including the material within the berm basin and the berms themselves) shall be continually managed to maintain appropriate flushing of a mixture of finer grain sediment suspended in a mixture with water out of the berm basin and indirectly into the surf zone adjacent to the berm, to avoid blow-outs of the containment berms, and to avoid the creation of hardpan areas; (2) dredged material discharged into the berm is flushed out of the beach berm, toward the surf zone, while still suspended in a mixture with water, such that the amount of fine grain material that is left on the natural beach is minimized; and (3) the project footprint

on the beach is decompacted/ripped and reshaped to the approximate previously existing natural beach topography and compaction ratio at the completion of operations in order to restore the dynamic shoreline habitat and to facilitate recreational use (and if operations impact established coastal strand habitat on the upper beach, this area must be restored and revegetated to an approximation of its pre-disturbance condition at the completion of the disposal operations and beach restoration grading).

Monitoring and review required in Parts E of those conditions include specific requirements for submitting a berm method monitoring plan with required parameters for review and approval of the Executive Director and submission of post-dredging monitoring results to the Executive Director following completion of each use of the beach berm method for evaluation of the appropriateness of the beach berm method and its effectiveness in disposal of finer grained dredged material indirectly into the surf zone. Should adverse impacts to the beach area be documented, the Executive Director may require additional restoration of the beach using methods to restore the beach to alleviate any adverse conditions identified, including, but not limited to decompacting/ripping of any compacted hard pan layers and replacing those areas to the approximate previously existing natural beach topography and compaction ratio prior to the dredging disposal operations.

In addition to the requirements discussed above, if the monitoring program demonstrates that adverse impacts occurred to the beach area as a result from implementation of the beach berm method, including to shoreline habitat and public access, the Executive Director may disallow this method for future disposal of finer grain dredged material placement. Other approved disposal methods and locations under each of the CDPs would still be permitted. Other requirements proposed in **Special Condition Nineteen (19) of CDP No. 4-16-0333 and Special Condition Eighteen (18) of CDP No. 4-18-0390** related to other resource policies are discussed in more detail in the following sections of this staff report, below.

Therefore, due to the new regulatory constraints imposed on the disposal locations allowed for finer grain sediment from the Ventura Harbor and Ventura Keys by other resource agencies, the berm placement disposal method is proposed. As such, with the conditions above, **Special Condition Four (4) of both CDP Nos. 4-16-0333 and 4-18-0390** have been modified to allow dredged material placement within a temporary sand beach berm/containment dike, constructed near the mean high water line and located south of the South Groin, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach). However, the use of this placement method for finer grained materials that would not typically be approved for placement on the upper beach is contingent upon consistency with the requirements of new conditions proposed in this amendment, **Special Condition Nineteen (19) of CDP No. 4-16-0333 and Special Condition Eighteen (18) of CDP No. 4-18-0390**. These conditions also specify that the beach berm method for disposal of finer grain dredged material placement would only be allowed during a given dredging season if the other alternatives available for disposal are investigated by the applicant and determined to be infeasible that season. While the Commission agrees with the alternatives analysis

described above in this section, this requirement is included because there may be years in which the dredging volumes necessary are small enough that the inner harbor depressions are feasible disposal locations (if a smaller dredge than the USACE-contacted one is available and feasible to use), and there could be future cases in which the EPA's regulatory constraints imposed are modified or the EPA approves other nearby offshore disposal locations that would be more feasible.

2. Dredge spoil compatibility

The applicants submitted analyses of the physical and chemical characteristics of the material to be dredged as part of the subject applications, as well as for past approvals, and the data indicates that there is significant variability in predominant grain size over time. The Port District's most recent Sampling and Analysis Report (SAR), titled "Sediment Characterization for Ventura Harbor, Ventura, California", prepared by Rincon Consultants Inc., dated January 10, 2022, used sediment core samples collected in the inner harbor on November 8-10, 2021. The City's most recent SAR, titled "Sediment Characterization for Ventura Keys Connecting Channel, Ventura, California", prepared by Rincon Consultants Inc., dated December 29, 2021, used sediment core samples collected in the Connecting Channel and Channel 2 on November 10-11, 2021.

These SARs were developed to provide information to the Southern California Dredge Material Management Team (SC-DMMT) and participating agencies including the USACE, RWQCB, California Coastal Commission, and the EPA. Specifically, they were developed using the Dredged Material Management Program Guidelines, with reference to the EPA Sampling and Analysis Plan Guidance and Template Version 4, General Projects R9QA/009.1 May 2014, as well as the revised Sampling and Analysis Plan/Results (SAP/R) Guidelines (SAPRG) issued July 1, 2021, by the Los Angeles District of the USACE and Region 9 of the EPA. Their analysis concluded that the grain size of the material analyzed was approximately 77.41%, 90.71%, 14.96%, 70.20% and 14.45%, silt and clay, in Dredge Material Management Units (DMMUs) A, B, C, D, and E, respectively (see Exhibit 3 for DMMU locations), and approximately 83.17% and 75.38%, in the Connecting Channel and Channel 2, respectively (see Exhibit 4 for channel location). Past studies referenced by the findings of the Ventura Harbor and Ventura Keys MDP CDPs and these SARs state that the material deposited from the Santa Clara River is approximately 79% silts and clays, based upon the composition of the river discharge. The results of these analyses indicate that the majority of the sediment in the inner harbor and the Keys channels is finer grain silts and clays.

Chemical analysis of the Ventura and Ventura Keys sediments are conducted every three years by the applicants. The tests provided as part of the applications for CDP Nos. 4-16-0333 and 4-18-0390, indicate that the chemical concentrations measured in the sediments were not environmentally significant and that chemical concentrations in the sediments proposed for deposition were suitable for the approved disposal locations. However, these conditions may be altered by a number of episodic factors, including heavy rainfall events or potential chemical spills within the harbor. To ensure that future dredged material is physically and chemically compatible with the proposed deposition sites, the Commission found it necessary, in approving the current permits, to require

Special Condition Three (3) of both CDP Nos. 4-16-0333 and 4-18-0390, which requires the applicants to continue to test the physical and chemical characteristics of representative samples of the dredging area(s) and to submit the results for the review and approval of the Executive Director and to analyze the chemical and physical qualities of inner harbor sediment, consistent with EPA and Regional Water Quality Control Board requirements. Pursuant to Special Condition Three (3) of both CDP Nos. 4-16-0333 and 4-18-0390, inner harbor and Ventura Keys sediment quality analyses shall be conducted a minimum of every three years, unless the EPA or RWQCB determine that the sediment exceeds any contaminant threshold levels. If sediment samples exhibit elevated levels of any contaminant, sampling will be conducted prior to any dredging event for all subsequent years of the subject permit.

Minor edits for clarification, as well as to ensure that the testing shall be conducted consistent with EPA/USACE Southern California Dredge Material Management Team (SC-DMMT) Sampling and Analysis Plan/Results (SAP/R) testing guidelines, and for consistency between permits, modifications to both conditions are included in the subject amendments. Additionally, the minimum threshold for beach replenishment in CDP No. 4-16-0333 for the Ventura Harbor MDP, would be revised in **Special Condition Four (4) of CDP No. 4-16-0333** to adjust the percentage of material from an average of 90-91% or more coarse grained material (less than 10% finer grain/silts and clays), to an average of 65% or more coarse grained material (less than 35% finer grain/silts and clays), to ensure consistency with the threshold in **Special Condition Four (4) of CDP No. 4-18-0390** for the Ventura Keys MDP.

Also, given that the location of dredged material placement using the proposed berm method may limit the authority of the EPA and RWQCB over placement actions (due to the fact that it may be sited outside of their jurisdictional areas), and to ensure that the chemical characteristics of dredged material proposed for placement on the beach using that method avoid impacts to the marine environment, Parts B (Sediment Suitability) of **Special Condition Nineteen (19) of CDP No. 4-16-0333** and **Special Condition Eighteen (18) of CDP No. 4-18-0390**, require that the beach berm method for disposal shall only be allowed for dredged materials meeting acceptable chemical standards for beach placement as determined by the Executive Director in consultation with the EPA and RWQCB.

3. Other Ventura Harbor MDP disposal location modifications

The Ventura Port District, in their application for amendments to CDP No. 4-16-033, included a request that the nearshore area south of San Buenaventura pier be removed from the dredged material deposition locations, as they determined that location will not be used in the future. Therefore, the removal of that location is included in **Special Condition Four (4) of CDP No. 4-16-0333**. The applicant also suggested adding upland or offshore disposal locations as another disposal option for finer grained dredged material of the Ventura Harbor MDP, so **Special Condition Four (4) of CDP No. 4-16-0333** is proposed to be amended to include an option for upland or offshore disposal locations approved by the Executive Director consistent with the SC-DMMT,

and that, should the disposal site be located in the Coastal Zone, a coastal development permit shall be required.

4. Advanced Maintenance Dredging Area (AMDA)

The Ventura Keys MDP is proposed to be modified to allow the creation, use, and maintenance, of an Advanced Maintenance Dredging Area (AMDA) in the Ventura Keys Connecting Channel, dredged to a depth of -25 feet MLLW plus a two-foot overdredge, with a capacity of up to approximately 65,000 cubic yards (Exhibit 6). A larger dredge (14-inch to 28-inch cutterhead hydraulic pipeline dredge) would be used to create the proposed AMDA as a depression where material dredged from the Keys can be deposited temporarily. A smaller dredge (6-inch to 16-inch cutterhead hydraulic pipeline dredge) would be used to dredge the Ventura Keys channels and deposit that sediment into the AMDA. The ADMA would eventually be re-dredged by the larger dredge to remove that deposited material.

While the City proposes to add the AMDA to the project as an alternative disposal location of material dredged from the Keys channels, there is no specific timeline for its creation, as it would be dependent on City funding and need. The City would like to initiate this component of the project within the next 3 to 6 years in coordination with other inner harbor dredging conducted by the City and Ventura Port District. The AMDA would be created/dredged during regular inner harbor dredging and in conjunction with dredging of Ventura Keys, Port District, and Federal Navigation Channel dredge management areas. The City proposed to have the material within the AMDA be characterized (sampled and tested) during either of the City's planned 2024 or 2027 sediment characterizations. The Sampling Analysis Plan (SAP) and Sampling Analysis Results (SAR) will be reviewed and approved by the SC-DMMT prior to AMDA dredging. The AMDA underlying material (-15 feet to -27 feet MLLW) is primarily composed of native fine grain sands, based on previous Ventura Keys channel deepening conducted in the 1990's and core logs. The dredge material stored in the AMDA could eventually be placed on South Beach under the requirements of these permits. **Special Conditions Three (3) and Four (4) of CDP No. 4-18-0390**, already require sediment analysis and a determination of dredge spoil compatibility. Both of these conditions would apply to any sediment within the AMDA prior to use of the area.

The AMDA has been designed by the City with a significant setback from the shoreline rip rap based on a geotechnical assessment by a certified engineer (Exhibit 6). The slope of the AMDA is proposed to be managed by the dredge contractor consistent with design specifications and best management practices to reduce turbidity will be implemented. Best management practices designed to avoid potential impacts to sensitive resources are already in place for all inner harbor dredging. Since the AMDA is located within an existing dredge management area no new resources are anticipated to be impacted.

The pre-dredging of the AMDA and fill during future dredging in Ventura Keys would allow for the maintenance dredging of the Ventura Keys Channels without the use of a float or submerged pipeline to place the material on South Beach. It could also reduce

the number of times large scale dredging is needed, therefore reducing potential impacts to public use and resources associated with additional beach placements, air quality impacts, and beach disturbance. Therefore, the addition of the AMDA option for disposal of material dredged from the Ventura Keys channels is included in **Special Condition Four (4) of CDP No. 4-18-0390**.

5. Conclusion

Minor modifications to **Special Condition One (1) of both CDP Nos. 4-16-0333 and 4-18-0390** (Timing and Implementation of Project Operations), **Special Condition Two (2) of CDP No. 4-18-0390** (submission of a Dredging and Disposal Operation Plan for Ventura Kays MDP), **Special Condition Three (3) of both CDP Nos. 4-16-0333 and 4-18-0390** (Sediment Analysis), **Special Condition Four (4) of both CDP Nos. 4-16-0333 and 4-18-0390** (Dredge Spoil Compatibility), **Special Condition Five (5) of CDP No. 4-16-0333** (Nearshore Disposal Project Monitoring), and **Special Condition Eleven (11) of both CDP Nos. 4-16-0333 and 4-18-0390** (Agency Coordination), are also proposed to make minor clarifications and to ensure consistency between permits. Also, the project term of CDP No. 4-16-0333 (currently through April 18, 2026) is proposed to be amended to expire upon October 10, 2028, as stated in the proposed amendment to **Special Condition Seventeen (17) of CDP No. 4-16-0333**, to create consistency with the project term of the Ventura Keys MDP, CDP No. 4-18-0390.

The currently approved dredging programs serve to achieve and maintain identified ideal dredging depths and replenish local beaches which will accommodate the coastal-dependent uses that the project area provides. The approved MDPs to maintain design depths provide parameters under which dredging and deposition will occur, while the actual amount of material moved will vary annually depending on storm occurrence, natural sediment accumulation, funding, permitting, and permit restrictions on timing and location of the proposed operations. The conditions described above, and as proposed to be amended, are required to ensure that the approved MDPs for the Ventura Harbor and Ventura Keys and their dredged material disposal components will be carried out to avoid disruption of marine and wildlife habitats and to include mitigation measures to minimize adverse environmental effects of diking, filling, and dredging of coastal waters. The applicants have demonstrated that the amended project, as conditioned by the special conditions of the original permits, the conditions modified herein, and the new conditions added will ensure consistency with the standard of review. The Commission therefore finds that the proposed permit amendments, as conditioned, are consistent with Section 30233 of the Coastal Act.

C. Coastal Access and Recreation

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public

safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30220 of the Coastal Act states, in part:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30224 of the Coastal Act states, in part:

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 land 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.

The underlying CDPs involve ten-year annual dredging projects which include dredging of the Ventura Harbor and Ventura Keys, and disposal of the dredge material on nearby beaches to the north and south, and into nearby surf zones and nearshore waters. These projects are intended to maintain the harbor, the waterways of the Keys, and beach areas, for their associated boating and recreational uses, which therefore continue to accommodate coastal-dependent and public recreational opportunities supported by the provisions of the Coastal Act.

1. Water Oriented Recreation

Sections 30220 and 30224 of the Coastal Act mandate that coastal areas suited for water-oriented recreational activities shall be protected and recreational boating uses of coastal waters shall be encouraged. The Ventura Harbor, channels in the Ventura Keys, and local area beaches, provide a variety of coastal-dependent commercial and recreational resources including boating, fishing, sunbathing, kayaking, swimming, and surfing. Maintenance dredging is an on-going activity required to maintain the entrance and navigational channels, provide safe navigation for maritime traffic, and minimize risks of hazardous shoaling conditions within the navigation channels. Dredged materials are used for beach replenishment to maintain nearby beaches for recreational use, shoreline protection for existing development, and reintroduction of sediment, which would otherwise remain trapped in the protected harbor, into the littoral current for replenishment of down coast beaches.

The approved MDPs involve dredging and disposal to maintain channel configurations and depths. As mentioned above, dredging of the harbor area is necessary to maintain safe navigation for commercial and recreational boating and therefore, the project, as proposed to be amended, will serve to protect boating uses of coastal waters. The approved MDPs also protect and maintain adjacent beaches for recreational use through beach nourishment. The Commission finds that the approved MDPs, with the proposed amendments, will serve to maintain recreational boating use of the Ventura Harbor and Ventura Keys, and maintain adjacent beaches for recreational access.

For the above reasons, the Commission finds that the projects, as proposed to be amended, will support water-oriented recreational opportunities and recreational boating uses of coastal waters, and is therefore consistent with Sections 30220 and 30224 of the Coastal Act.

2. Public Access and Recreation

Coastal Act Sections 30210 and 30211 mandate that maximum public access and recreational opportunities be provided to allow use of dry sand and rocky coastal beaches and that development not interfere with the public's right to access the sea, consistent with the need to protect public safety, private property and natural resources. All projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act.

The approved CDPs for the Ventura Harbor and Ventura Keys both include special conditions for Timing and Implementation of Project Operations (**Special Condition One (1) of both CDP Nos. 4-16-0333 and 4-18-0390**), submission of a Dredging and Disposal Operation Plan (**Special Condition Two (2) of both CDP Nos. 4-16-0333 and 4-18-0390**), Operational Responsibilities (**Special Condition Nine (9) of both CDP Nos. 4-16-0333 and 4-18-0390**), Operations Staging (**Special Condition Ten (10) of both CDP Nos. 4-16-0333 and 4-18-0390**), and Agency Coordination (**Special Condition Eleven (11) of both CDP Nos. 4-16-0333 and 4-18-0390**). Minor amendments to some of those conditions are proposed, and some are discussed in more detail in Sections III.B, above, and III.D, below, related to diking, filling, dredging, policies and to water quality, marine resources, and environmentally sensitive habitat areas, policies.

These CDPs also both include **Special Condition Six (6) of CDP No. 4-16-0333** and **Special Condition Five (5) of CDP No. 4-18-0390**, that require the implementation of long-term Shoreline Monitoring Programs to analyze changes to sand width and volume, in relation to the volume and location of deposition activities since impacts to access may occur as a result of unanticipated impacts to shoreline and beach deposition activities. The results of those surveys are required to be provided to the Executive Director for subsequent determination of the impact associated with this method of deposition to coastal resources. Amendments to **Special Condition Six (6) of CDP No. 4-16-0333** and **Special Condition Five (5) of CDP No. 4-18-0390** are proposed to add clarification to the survey areas and methods of this ongoing program.

These CDPs also both include special conditions for Public Access Programs (**Special Condition Twelve (12) of both CDP Nos. 4-16-0333 and 4-18-0390**), which require the applicants to implement a program of monitoring and safety measures, including installation of signs, fencing, and posting of security guards, by which safe public access to or around beach deposition sites will be maintained to ensure the safety of recreational users of the project site, particularly recreational users of adjacent beaches where disposal operations will be occurring, and to reduce potential conflicts between the sediment management operations and recreational use of the areas. These were required to be submitted by both applicants prior to the issuance of their respective permits. While the implementation of those programs would still be required, the amended project proposals include the berm placement disposal method described in more detail above. To ensure that those programs account for the new methods proposed, Parts D (Public Access Program Update) of **Special Condition Nineteen (19) of CDP No. 4-16-0333** and **Special Condition Eighteen (18) of CDP No. 4-18-0390**, require the applicants to submit, for review and approval of the Executive Director, an updated public access program report revised for the addition of the beach berm method, prior to issuance of these proposed CDP amendments.

3. Conclusion

The conditions described above, as proposed to be amended, are required to ensure that potential impacts to public access are avoided, and to ensure that the beach is graded and groomed to natural beach contours to facilitate recreational use at the completion of each year's dredging and deposition, thereby providing maximum access to these public beach areas. The applicants have demonstrated that the amended project, as conditioned by the special conditions of the original permits, the conditions modified herein, and the new conditions added will ensure consistency with the standard of review. The Commission finds that the amended projects, as conditioned, will not significantly impact recreational opportunities and public access at the project site, and therefore are consistent with the coastal access and recreation policies of the Coastal Act.

D. Water Quality, Marine Resources, and Environmentally Sensitive Habitat Areas

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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

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

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

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) must be protected against disruption of habitat values and that only resource dependent uses may be allowed within ESHA. Additionally, development adjacent to ESHA must be sited and designed to prevent impacts to ESHA.

The proposed project involves dredging of open coastal waters and deposition of dredged sediment at nearby beaches. Wetland (salt and brackish marsh), deepwater marine and estuarine ecosystems, and coastal strand habitat of sand beaches and dunes are located near the proposed deposition sites. The Commission notes that disposal in and near areas identified as providing habitat for sensitive wildlife species has the potential to adversely impact those species. Several sensitive species may be present in the project area, including the California brown pelican, western snowy plover, California least tern, steelhead trout, tidewater goby, and California grunion. Little or no vegetation is found on the beach disposal sites since these are sandy beach locations subject to wave action. There is sand dune habitat located at South Beach and McGrath State Beach; however, the pipeline route is configured to avoid the dunes.

The staff report findings for CDP Nos. 4-16-0333 and 4-18-0390 provide extensive findings for the current approved Ventura Harbor and Ventura Keys MDPs, regarding water quality, marine resources, and environmentally sensitive habitat areas, including for:

- i) Avoiding impacts to marine organisms from increases in turbidity and suspended solids at the dredging and deposition sites, including the requirement of a special condition for Water Quality Monitoring (**Special Condition Fifteen (15) of both CDP Nos. 4-16-0333 and 4-18-0390**);
- ii) Avoiding impacts to the sensitive species and habitats, including for the species mentioned above, and the requirement of special conditions for Timing and Implementation of Project Operations (**Special Condition One (1) of both CDP Nos. 4-16-0333 and 4-18-0390**), submission of a Dredging and Disposal Operation Plan (**Special Condition Two (2) of both CDP Nos. 4-16-0333 and 4-18-0390**), Sediment Analysis (**Special Condition Three (3) of both CDP Nos. 4-16-0333 and 4-18-0390**), Dredge Spoil Compatibility (**Special Condition Four (4) of both CDP Nos. 4-16-0333 and 4-18-0390**), Species Surveys and Monitoring (**Special Condition Eight (8) of both CDP Nos. 4-16-0333 and 4-18-0390**), Operational Responsibilities including retention and replacement of wrack on the beach (**Special Condition Nine (9) of both CDP Nos. 4-16-0333 and 4-18-0390**), Operations Staging (**Special Condition Ten (10) of both CDP Nos. 4-16-0333 and 4-18-0390**), and Snowy Plover and Least Tern Monitoring (**Special Condition Fourteen (14) of both CDP Nos. 4-16-0333 and 4-18-0390**); and
- iii) Mitigation for any impacts to eelgrass habitat identified, which has the potential to establish in the project areas, although it has not recently been identified as existing there, through the eelgrass survey requirements of **Special Condition Eighteen (18) of CDP No. 4-16-0333** and **Special Condition Six (6) of CDP No. 4-18-0390**.

The applicants also provided an updated biological resources assessment with their amendment applications, prepared by Rincon Consultants Inc, dated December 2022, which included a description of existing conditions and characterized sensitive biological resources for the project areas, resource protection measures, and existing permit requirements under the existing CDPs and other agency approvals. This assessment report also included an updated project description which included the beach berm placement disposal method. Minor amendments to some of the conditions described above are proposed, most of which are for cleanups for consistency between permits and current conditions or to incorporate the new components of the project descriptions as proposed to be amended, but the more substantial of which are discussed in more detail below or in Sections III.B, above, related to diking, filling, dredging, policies.

1. Santa Clara River flow condition

The existing requirements for disposal of finer grain dredged material in the surf zone of the Santa Clara River for the Ventura Harbor MDP (as conditioned in Part C(2) of Special Condition Four (4) of CDP No. 4-16-0333) and in the surf zone or nearshore waters of the Santa Clara River for the Ventura Keys MDP (as conditioned in Part C of Special Condition Four (4) of CDP No. 4-18-0390), are that discharge of material would only occur near the mouth of the Santa Clara River when the River estuary is open, and

when the River flow, as measured at Ventura County's stream flow gage, located on the Victoria Street Bridge, is 100 cubic feet per second or greater (in addition to being placed at least 300 feet from the River). The findings of the existing CDPs state that the California Department of Fish and Wildlife and the U.S. Army Corps of Engineers previously determined, as part of CDP No. 4-06-086, that 100 cubic feet per second is an adequate flow rate to ensure that the turbidity associated with the dredging operation will be masked by the background turbidity of the Santa Clara River. In other words, the goal of that requirement was to ensure that a "masking" background effect existed before adding the additional turbidity of the dredging operation, thereby ensuring that no independent, significant effects occur that would not otherwise have been naturally present. This requirement is also discussed in relation to protection of steelhead trout and tidewater goby. The findings for the existing CDP's also reference these requirements as being in older RWQCB approvals.

The USACE has recently revised the river flow condition in their permit for the Ventura Harbor MDP (No. SPL-2011-01154-GLH) to provide that: "a maximum of 48,000 cubic yards of dredge material from the inner harbor may be deposited in the deposition area between the South Groin and river mouth regardless of the rate of flow in the Santa Clara River and/or the condition of the river mouth provided that this activity is accomplished either concurrently with or within 10 days of the commencement or 10 days of the completion of the Corps' annual maintenance dredging of the Ventura Harbor federal entrance channel and a temporary beach berm is constructed[.]" The RWQCB also modified their condition for disposal of inner harbor material to allow beach placement using a berm system the river flow conditions are not met.

In the application materials for the subject permit amendments, the applicants assert that drought and upper watershed water use greatly impact how often the Santa Clara River meets the river flow conditions required. Additionally, proposed reductions in the volume of water discharged from City of Ventura's wastewater facility into the Santa Clara River estuary in the coming years are expected to influence the flow regimes and frequency of the mouth being opened to the ocean, as is the VentureWaterPure project, which is proposed to modify that discharge system by incorporating direct groundwater recharge and new ocean outfall components.

There have been several years recently when the Santa Clara River mouth has been closed during the dredging season for the Ventura Harbor. These conditions resulted in the Commission issuing an Emergency Permit G-4-21-0013 in 2021, which authorized one-time dredging from the Ventura Harbor and Ventura Keys at a shoaling area near the outlet of the Arundel Barranca drainage channel, when the finer grain disposal requirements of both permits were not satisfied. Due to the overall unpredictability by season of storm events and the timing of when (or if) the Santa Clara River breaches the lagoon berm and flows to the ocean in comparison to when the timing constraints of when dredging equipment is available for use and the timing requirements of Special Condition One (1) of both CDP Nos 4-16-0333 and 4-18-0390, an additional option for disposal is proposed.

In both USACE outer harbor and inner harbor/Keys dredging, the placement of all dredge material in the surf zone (near the high water mark) has been conducted through a series of floating, submerged, and beach pipes through which a hydraulic cutter head dredge removes material from the various dredge management areas and transports that material as a slurry (greater than 80% water) through the pipes and places that material along the beach, starting south of the Ventura Harbor entrance and extending south as far as McGrath State Beach, based on the volume being transported and beach nourishment needs. The USACE outer harbor dredging process typically takes several weeks (3-6 weeks) of activity, often running 24-hours per day. The Port District and City inner harbor/Keys dredging, and material placement has historically always taken place in coordination with the USACE action either during (such as when bad weather delays outer harbor dredging) or immediately following the outer harbor dredging. Inner harbor dredging and placement typically takes 1 to 3 days depending on volume. The placement beach (South of Ventura Harbor to McGrath State Beach) is a high-energy, west-facing beach that goes through dynamic erosional and depositional phases annually with major changes in beach elevation and mixing occurring on a scale of a million cubic yards or more of nearshore/surf zone material movement.

Since 2000, the inner harbor of Ventura Harbor has been dredged on cycles ranging from every two to five years, with an average of approximately 31,000 cubic yards per dredging year, with the highest volumes by year being approximately 83,500 and 51,000 cubic yards in 2001 and 2008, respectively, and a minimum of approximately 1,000 cubic yards in 2016. Over that same period the Ventura Keys have been dredged on cycles ranging from every three to ten years with an average of approximately 10,000 cubic yards per dredging year, and never more than 31,000 cubic yards.

In contrast, the USACE conducts annual maintenance dredging of the Ventura Harbor federal entrance area (outer harbor) of volumes averaging approximately 540,000 cubic yards, a range of approximately 140,000 to 925,000 cubic yards, but a typical range of approximately 420,000 to 680,000 cubic yards. This means that the USACE's outer harbor dredging volume is, on average, on the order of approximately 10 times larger than the average volumes for the inner harbor and Keys, and sometimes much larger. While the outer harbor material dredged by the USACE annually is mostly coarse-grained, the placement of the material, and near immediate reworking of the sand and smaller portion of fines by waves, does create significant turbidity in the surf zone nearshore. This effectively results in large enough background turbidity levels before placement of finer grain material from the inner harbor and Keys, even when the Santa Clara River is not open and flowing.

Given the high volumes of dredged material placement associated with the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area (of which the total volume of finer grain material is expected to be larger than the volume of finer grain material placed from the applicants combined dredging of the inner harbor and Keys), the shorter duration of the Inner Harbor and Keys dredging operations, and the background mixing associated with the seasonal wave dynamics in the surf zone and nearshore areas at the placement beaches, the applicants request amendments to both permits to allow dredged material to be placed between the South Groin and no closer

than 300 feet from the Santa Clara River mouth regardless of the rate of flow in the Santa Clara River and/or the condition of the river mouth, provided that these activities are accomplished either concurrently with or within 10 days of the commencement or 10 days of the completion of the USACE annual maintenance dredging of the Ventura Harbor federal entrance area. The Ventura Port District proposes to only place a maximum of 48,000 cubic yards of dredged material from the inner harbor if the river flow conditions are not met, and the City proposes the AMDA as another disposal location option. The applicants also conducted a sediment, water quality, and environmental assessments, to support their proposal and they assert that the biological communities dominating the intertidal and subtidal soft bottom habitat in the placement areas and adjacent shoreline out to an approximately 100-foot depth (relative to MLLW), are well documented and consist of primarily crustaceans (crabs and amphipods) and annelids (worms) with sand dollars composing a significant component of some areas in the subtidal and along many sand beaches, and that these dominant sand beach species are well adapted to changes in sediment and water quality making them resilient to effects from dredge material placement.

Therefore, amendments are proposed to **Special Condition Four (4) of both CDP Nos. 4-16-0333 and 4-18-0390** to add an option that if the Santa Clara River estuary mouth be open with the river flowing at a rate of 100 cubic feet per second or more (as measured at the County of Ventura Flow Gage at the Victoria Avenue Bridge) condition is not met, disposal of finer grain material using disposal methods allowed along South Beach (south of the Ventura Beach South Groin and north of 300 feet from the northern boundary of McGrath State Beach) would still be allowed if disposal occurs within 10 days of the commencement or completion of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area. The analysis of alternative placement methods and locations discussed above for the proposed berm placement disposal method is also applicable to the alternatives available to these proposed amendments.

2. Operational responsibilities

In addition to the sensitive species that are present in the project areas mentioned above, there are two sensitive habitats in the project area, the Santa Clara River estuary and sand dune habitats along South Beach and McGrath State Beach. The installation, placement, and removal of the discharge pipeline, and the post-dredging grading and grooming of the beach deposition sites to natural beach contours, both have the potential to adversely impact sensitive species or sensitive habitat. The discharge pipeline route extending potentially as far south as the McGrath State Beach deposition area, but most likely only as far south as 300 feet north of the mouth of the Santa Clara River, would cross beach areas identified as federally designated critical habitat of the western snowy plover, cross the beach near California least tern nesting sites, and traverse near sand dune habitat. The pipeline route avoids the dune systems at South Beach and McGrath State Beach, and no equipment or deposition activities are proposed in this sensitive habitat.

The placement of the pipeline is accomplished by means of heavy equipment dragging each pipeline segment to its connection. The installation and removal of the pipeline therefore requires an adjacent access corridor sufficient to handle this type of traffic. The pipeline is placed on top of the natural contour of the beach but is covered with sand at various locations to facilitate continued access over the conduit. This process creates considerable disturbance along the pipeline corridor during the approximately four to five days required for pipeline installation and one to two days needed for removal. The re-contouring of the beach takes a matter of hours to complete at the deposition area. These activities occur over the course of the project, which may span up to three or four months, however the average time is estimated to be two months per year. As such, project staging activities, including the location of the pipeline and access corridor, may impact environmentally sensitive resources.

Therefore, in order to ensure that adverse impacts to sensitive coastal resources are avoided, **Special Condition Nine (9) of both CDP Nos. 4-16-0333 and 4-18-0390** (i) prohibits placement of the pipeline, access route, and equipment corridor across dunes and requires that disturbance of the wrack zone is minimized, (ii) requires the applicants to implement the specific measures, including limiting operation to within 50 feet of the pipeline route, requiring a monitor to walk ahead of any vehicles on the beach, and restoration of natural beach contours following pipeline removal, to avoid or minimize project impacts on the snowy plover, (iii) requires the applicants to rough grade the deposition area to natural beach contours, immediately upon completion of the dredging operation, and prior to the timing restrictions, (iv) requires the applicants to ensure that during the placement and removal of pipeline, and all other times, that at no time shall disposal or associated activities interfere with the breaching or retention of flow within the Santa Clara River estuary in such a way as to cause or threaten flooding on adjacent lands, and (v) requires the applicants to retain wrack on the beach to the maximum extent feasible during project activities, including stockpiling of wrack during discharge operations and replacement of the wrack in the same location/configuration at the completion of project operations where possible. To further ensure that project staging is minimized and impacts to sensitive resource issues are avoided, the Commission requires the applicants to submit and an operation staging plan, pursuant to **Special Condition Ten (10) of both CDP Nos. 4-16-0333 and 4-18-0390**, to the Executive Director for review and approval.

Given the proposed addition of the berm method for dredged material placement, amendments are proposed to **Special Condition Nine (9) of both CDP Nos. 4-16-0333 and 4-18-0390** to include beach grading operations (including the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration) in the operational responsibilities to not cross or disturb sand dunes and minimize crossings or disturbance of the wrack zone. Additionally, given recent cases where South Beach has been significantly eroded, up to the dunes in some cases, the proposed amendments to **Special Condition Nine (9) of both CDP Nos. 4-16-0333 and 4-18-0390** would require project operations to avoid the dune slope along the upper beach with a minimum 25-foot buffer from dune vegetation, which may only be reduced with approval from the Executive Director in cases when beach nourishment activities are being conducted to reinforce the dune slope or when the beach in an eroded

condition that requires reduction of the buffer for safe operations. Additionally, given the potential for inclusion of trash, plastic, and other unnatural debris, within dredged material, the proposed amendments to **Special Condition Nine (9) of both CDP Nos. 4-16-0333 and 4-18-0390** would require daily inspections and removal of unnatural debris deposited in the dredge spoils, such as plastic, to be conducted during all dredging and subsequent beach grading operations and disposed of outside the coastal zone. Additionally, the new conditions proposed for the berm placement disposal method, **Special Condition Nineteen (19) of CDP No. 4-16-0333** and **Special Condition Eighteen (18) of CDP No. 4-18-0390**, require those operations to be managed consistent with the operational responsibilities of **Special Condition Nine (9)** of their respective permits.

3. Invasive algae (*Caulerpa*)

Caulerpa taxifolia is a tropical green marine alga that is popular in the aquarium trade because of its attractive appearance and hardy nature. In 1999 *C. taxifolia* was designated a prohibited species in the United States under the Federal Noxious Weed Act because of its highly invasive nature, and the grave risk it poses to native habitats. In addition, in September 2001, the Governor signed into law AB 1334 which made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various *Caulerpa* species. In June 2000, *C. taxifolia* was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations are likely. Although a tropical species, *C. taxifolia* has been shown to tolerate water temperatures down to at least 50° F. Although warmer southern California habitats are most vulnerable, until better information is available, it must be assumed that the whole California coast is at risk. All shallow marine habitats could be impacted.

In response to the threat that *Caulerpa 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 *Caulerpa taxifolia* infestations in Southern California. The group consists of representatives from several state, federal, local and private entities. The goal of SCCAT is to completely eradicate all *C. taxifolia* infestations. If *Caulerpa taxifolia* is present, any project that disturbs the bottom could cause its spread by dispersing viable tissue fragments. In order to assure that the proposed project does not cause the dispersal of *Caulerpa taxifolia*, the Commission found it necessary to require **Special Condition Seven (7) of both CDP Nos. 4-16-0333 and 4-18-0390**, in their original approvals, which requires the applicants, prior to commencement of development, to survey the project area and dredging equipment for the presence of *C. taxifolia*. In the current conditions, if *C. taxifolia* is present in the project area, no work may commence and the applicants shall seek an amendment or a new permit to address impacts related to the presence of the *C. taxifolia*, unless the Executive Director determines that no amendment or new permit is required.

Since then, in September 2023, another invasive algae species was discovered in San Diego Bay, California in a small area off the Coronado Cays. The algae, which is native

to Florida and other subtropical and tropical locales, is scientifically known as *Caulerpa prolifera*. It can grow quickly, choking out native seaweeds and potentially harming marine life through lost habitat. Any project that disturbs the bottom of the marine environment could cause the spread of *Caulerpa* species, as disturbance of the bottom may disperse viable tissue fragments. In order to assure that the proposed development does not cause the dispersal of any *Caulerpa* species, amendments to **Special Condition Seven (7) of both CDP Nos. 4-16-0333 and 4-18-0390**, are proposed which would require the applicants to survey the project area for the presence of any *Caulerpa* species, just prior to construction of the proposed project. These amendments are proposed to update these invasive algae survey, monitoring, and reporting, of these permits to be more consistent with other recent invasive algae survey and monitoring requirements imposed by other CDPs in the Ventura Harbor and other harbors in southern California. If *Caulerpa* species are present in the project area or buffers, no work may commence until (1) the permittee provides evidence to the Executive Director that all *Caulerpa* discovered within the project and 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 permittee has revised the project to avoid any contact with *Caulerpa*. 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. Conclusion

The conditions described above, as proposed to be amended, are required to ensure that the approved MDP's for the Ventura Harbor and Ventura Keys and their dredged material disposal components will avoid or minimize impacts to environmentally sensitive habitat and species within the project areas. The applicants have demonstrated that the amended projects, as conditioned by the special conditions of the original permits, the conditions modified herein, and the new conditions added will ensure consistency with the standard of review. The Commission therefore finds that the proposed amendments, as conditioned, are consistent with the water quality, marine resources, and environmentally sensitive habitat areas, policies of the Coastal Act.

E. Hazards and Shoreline Processes

Section 30253 of the Coastal Act states, in part:

New development shall do all of the following:

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

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

...

The proposed development is located in an area subject to tidal and wave action. The coastal environment is dynamic and there are risks associated with development in such areas. For instance, erosion has occurred at the subject beaches where deposition is proposed, and erosion is one form of potential geologic hazard. However, the applicants will not increase erosion hazards by discharging sediment in the surf zone or nearshore waters. Furthermore, as described above, testing and monitoring of the discharged material will ensure risks to life and health are minimized. Additionally, the new conditions proposed for the berm placement disposal method, **Special Condition Nineteen (19) of CDP No. 4-16-0333** and **Special Condition Eighteen (18) of CDP No. 4-18-0390**, include contingencies, as described in more detail above, to minimize hazards associated with that dredged material placement method. Therefore, the proposed project minimizes hazards consistent with Section 30253. Also, the AMDA was designed with a significant setback from the shoreline rip rap based on a geotechnical assessment by a certified engineer.

In addition to sediment deposition, the project involves hydraulic and clamshell dredging of the Ventura Keys, Ventura Harbor, and adjacent offshore areas. These areas have been dredged since their construction in the mid-1960s. Nearby creeks transport sediment to these areas, filling in portions of the harbor and Keys channel. Maintenance dredging proposed by this project removes this accumulated sediment to design contours. It is unlikely that dredging activities would significantly contribute to erosion, geologic instability, or substantially alter natural landforms along bluffs or cliffs.

However, because there remains an inherent risk to development along the shoreline, **Special Condition Sixteen (16) of both CDP Nos. 4-16-0333 and 4-18-0390**, requires the applicants, by acceptance of these permits, to assume the risk of development and to indemnify and hold harmless the California Coastal Commission, its officers, agents and employees against any and all claims, demands, damages, costs, expenses of liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project. In this way, the applicants are notified that the Commission is not liable for damage as a result of approving the permit for development. These conditions of each permit remain in effect, and the applicants have demonstrated that the project, as proposed to be amended, will remain consistent with these conditions.

For the reasons set forth above, the Commission finds that the proposed amendments are consistent with Section 30253 of the Coastal Act.

F. California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would

substantially lessen any significant impacts that the activity may have on the environment.

The Commission incorporates its findings on conformity with Coastal Act policies 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 above, the proposed amendments, as conditioned, are consistent with the policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. The proposed amendments to the special conditions of CDP Nos. 4-16-0333 and 4-18-039, as well as **Special Condition Nineteen (19) of CDP No. 4-16-0333** and **Special Condition Eighteen (18) of CDP No. 4-18-0390**, are required to assure the project's consistency with Section 13096 of the California Code of Regulations.

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts which the activity may have on the environment, and the project will not have any significant impacts within the meaning of CEQA. Therefore, the Commission finds that the proposed amended development, as conditioned to mitigate the identified impacts, is consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

Coastal Development Permit Application Nos. 4-16-0333-A1 and 4-18-0390-A1 and associated file documents.

File for CDP No. 4-16-0333.

File for CDP No. 4-18-0390.

APPENDIX B – STANDARD AND SPECIAL CONDITIONS OF CDP NOS. 4-16-0333 AND 4-18-0390, AND SUBSEQUENT AMENDMENTS

Standard Conditions of CDP No. 4-16-0333

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

Special Conditions of CDP No. 4-16-0333 incorporating changes proposed in the subject amendment

1. Timing and Implementation of Project Operations.

All dredging operations, including operation of equipment, spoil disposal, placement or removal of disposal pipelines, temporary construction of beach berm, or other construction, maintenance, material removal, or activities involving mechanized equipment shall be prohibited in all of the following locations:

- (a) Within 100 yards of, and on the entire beach seaward of, the Least Tern nesting areas, identified annually by the Department of Fish and Wildlife, or the State Park Resource Protection Area from March 15 through August 31 to avoid disturbance during the breeding season of the Least Tern.

- (b) On any part of the beach and shorefront in the project area from the Friday prior to Memorial Day in May through Labor Day in September to avoid impact on public recreational use of the beach.
- (c) On any part of the beach in those portions of the project area where California grunion (of any life stage, including eggs) are present during any run periods and corresponding egg incubation periods, as documented by the surveys conducted pursuant to **Special Condition Five (5)**. In the event that sediment needs to be placed below the high tide line from March 14 to August 31, the applicant shall submit evidence, for the review and approval of the Executive Director, that surveys for grunion have been conducted pursuant to **Special Condition Eight (8)** at the project site and that no grunion were found. No work shall occur below the high tide line between March 14 and August 31 without the authorization of the Executive Director.
- (d) Within federally designated critical habitat of the Western Snowy Plover from March 1 through September 30 to avoid adverse effects to nesting Western Snowy Plovers, or in any other area where snowy plovers may be, if they are exhibiting nesting or reproductive activity, as documented by the surveys conducted pursuant to **Special Condition Eight (8) and Special Condition Fourteen (14)**.

2. Dredging and Disposal Operation Plan.

The applicant shall submit a dredging and disposal operation plan within thirty (30) days, but no later than two (2) weeks, prior to each dredging operation for the review and approval by the Executive Director. The plan shall include at a minimum:

- (a) Site map showing the area of the Ventura Harbor to be dredged and receiver site(s). Nearshore disposal areas shall be plotted in latitude and longitude coordinates. All maps shall be drawn to scale.
- (b) Detailed description of the dredging operation, including the method of dredging and disposal, volume of dredged spoils to be removed, and volume to be deposited at the receiver site(s).
- (c) Description (e.g., size, type, capacity) of equipment to be used, including bin capacity when hopper and/or clamshell dredging is utilized.
- (d) Schedule of the dredging operation's proposed beginning and ending dates.
- (e) Results of a grain size and chemical analysis, pursuant to Special Condition Three (3).
- (f) Evidence that local agencies were apprised of the availability of sand resources and the target destination for the current year's dredging operation.
- (g) Explanation of receiver site(s) priority.

- (h) All relevant monitoring reports required pursuant to this permit.
- (i) Debris management plan to prevent disposal of solid debris at receiver site(s). The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

3. Sediment Analysis.

Physical (grain size) analysis shall be conducted of a representative sample of the sediments to be dredged from the Outer Harbor areas, consistent with the Environmental Protection Agency (EPA) and California Regional Water Quality Control Board (RWQCB) criteria for beach replenishment and consistent with EPA/USACE Southern California Dredge Material Management Team (SC-DMMT) Sampling and Analysis Plan/Results (SAP/R) testing guidelines. Testing of Outer Harbor sediment shall be conducted and approved prior to the initiation of the dredging operation. If sampling reveals that any Outer Harbor sediment does not meet beach replenishment standards, the applicant shall cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

Chemical and physical (grain size) analysis shall be conducted of representative samples of the sediments to be dredged from the Inner Harbor, consistent with the EPA/USACE SC-DMMT SAP/R testing guidelines and most recent RWQCB waste discharge requirements. Re-testing of Inner Harbor sediment shall be conducted a minimum of three years from the date of the previous sediment sampling survey, where samples continue to meet EPA and RWQCB guidelines. If the EPA or RWQCB determine that the sediment exceeds any contaminant threshold levels, sampling shall commence at least six (6) weeks prior to any dredging event for all subsequent years. The results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

In the event of a major spill, release, or similar event that has the potential to result in contamination of sediments in the project area, the applicant shall submit a written report of the event to the Executive Director within 30 days of its occurrence, and shall commence sampling at least six (6) weeks prior to any subsequent dredging event. Sampling results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

4. Dredge Spoil Compatibility.

- A. The dredged material shall meet all applicable federal and state beach nourishment or dredge spoil discharge requirements and comply with the grain size requirements for the locations as cited below.
- B. Dredged material meeting EPA and Regional Water Quality Control Board criteria for beach replenishment, and for which an average of 65% or more of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200),

may be deposited in the following locations, in accordance with the approved project plans:

- (1) Cells 1 and 2 of the Pierpont Groin Field;
- (2) South Beach or surf zone of the Santa Clara River, specifically South of the South Jetty of the Ventura Harbor entrance, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach);
- (3) Surf zone at McGrath State Beach; and/or
- (4) Nearshore area at McGrath State Beach;

C. Finer sands and silts meeting applicable federal and state dredge spoil discharge requirements, and for which an average of less than 65% of the material is coarse grained (retained on a Standard U.S. Sieve Size No. 200), may be deposited in the following locations, in accordance with the approved project plans:

- (1) Inner Harbor Depressions;
- (2) Surf zone of the Santa Clara River, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach) provided that either (i) the Santa Clara River estuary mouth is open, and the river is flowing at a rate of 100 cubic feet per second or more as measured at the County of Ventura Flow Gage at the Victoria Avenue Bridge, or (ii) disposal occurs within 10 days of the commencement or completion of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area;
- (3) Nearshore area at McGrath State Beach;
- (4) Within a temporary sand beach berm/containment dike, only as consistent with **Special Condition Nineteen (19)**, constructed near or just above the mean high water line and located south of the Ventura Beach South Groin, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach) provided that either (i) the Santa Clara River estuary mouth is open, and the river is flowing at a rate of 100 cubic feet per second or more as measured at the County of Ventura Flow Gage at the Victoria Avenue Bridge, or (ii) disposal occurs within 10 days of the commencement or completion of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area; and/or

- (5) Upland or offshore disposal locations approved by the Executive Director consistent with the SC-DMMT (should the disposal site be located in the Coastal Zone, a coastal development permit shall be required).
- D. Fine-grained material dredged by a shore-based clam shell from the mouth of the Arundell Barranca and/or the Olivas Park storm drain must be deposited outside of the coastal zone.
- E. Dredged material that does not meet the physical or chemical standards for beach replenishment or spoil discharge shall not be discharged at any of the deposition sites. At such time, the applicant shall identify an alternate location suitable to accept contaminated sediment. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

5. Nearshore Disposal Project Monitoring.

Maintenance dredging may be conducted using a clamshell or hopper dredge with nearshore disposal off of McGrath State Beach. To evaluate the appropriateness of nearshore disposal and its effectiveness in beach nourishment, the nearshore alternative shall be subject to the review and approval of the Executive Director based on the following monitoring report:

- (a) The applicant shall measure and document the response of adjacent shorelines to the placed nearshore berm in shallow water and the prevailing environmental conditions, and document the dispersion and migration of the nearshore berm in shallow water itself. The monitoring program parameters shall correspond to the Maintenance Dredging Monitoring Plan for Nearshore Disposal, including pre- and post- dredge surveys of the beach profiles and bathymetry. A baseline survey of the nearshore project area shall take place no earlier than four (4) weeks prior to any dredging operation. As described in the Monitoring Program, data shall be collected for a period of one year, a minimum of quarterly, after any disposal operation at a nearshore site. Monitoring results shall be provided to the Executive Director following completion of the first year of the program. Subsequent utilization of the nearshore method shall require Executive Director review and approval, and shall be contingent upon the monitoring program demonstrating that no adverse impacts to downcoast shoreline sand supply result from this method. The Executive Director's consideration will include impacts to recreational uses including surfing and swimming. Modifications to the monitoring program are subject to review and approval of the Executive Director.
- (b) The Executive Director may waive the full year post-dredging monitoring requirement, if the applicant submits evidence, subject to the Executive Director's review and approval, which shows that the nearshore berm has completely dispersed.

6. Shoreline Monitoring Program.

- A. The applicant shall conduct an annual shoreline monitoring program to document shoreline changes in the project vicinity. Documentation shall include but not be limited to:
 - (1) An indication of beach width and sand volume changes to the beaches adjacent to all approved deposition sites south of the South Jetty of the Ventura Harbor entrance, to 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State Beach). The applicant shall utilize geospatial mapping and imagery, to the extent feasible, to prepare the summary of beach width and sand volume changes.
 - (2) Data detailing the annual quantity, location, and date of dredged material placement.
 - (3) An annual summary of conditions at the Santa Clara River estuary mouth.
- B. The monitoring information shall be submitted to the Executive Director by July 1 of each year as well as to other public and federal, state, and local entities who wish to obtain such information. At a minimum, the annual reports shall be furnished to the Executive Director of the Commission, and electronically to the Cities of Ventura and Oxnard, the Army Corps of Engineers (Los Angeles District) and BEACON.

7. Caulerpa Surveys and Monitoring.

- 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 applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of the invasive alga of the genus *Caulerpa*. The survey shall include a visual examination of the substrate and inspection of dredging equipment.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
- C. Within two (2) weeks of completion of the survey, the applicant shall submit the results of the survey:
 - (1) for the review and approval of the Executive Director; and
 - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee includes other resource agencies: the California Department of Fish & Wildlife, U.S. Fish and Wildlife Service, Army Corps of Engineers, and NOAA Fisheries.

- D. If *Caulerpa* species are found within the project or buffer areas, the permittee shall not proceed with the project until (1) the permittee provides evidence to the Executive Director that all *Caulerpa* discovered within the project and 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 permittee has revised the project to avoid any contact with *Caulerpa*. 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.

8. Sensitive Species Surveys and Monitoring.

- A. The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, prior to commencement of dredging or discharge activities. The environmental resource specialist shall conduct a survey of the project site, to determine presence and behavior of sensitive species, one day prior to commencement of installation or removal of the discharge pipeline, or any grading activities on the beach. In the event that any sensitive wildlife species (including but not limited to California least tern, western snowy plover, California grunion) exhibit reproductive or nesting behavior, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.
- B. The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, prior to any dredging or discharge activities from March through August. The environmental resource specialist shall conduct a survey of the project site, to determine presence of California grunion during the seasonally predicted run period and egg incubation period, as identified by the California Department of Fish and Wildlife. If any grunion spawning activity and/or if grunion are present in or adjacent to (within 100 yards of) the project site in any life stage, no construction, maintenance, or any grading and grooming activities on the beach or other project activities shall occur until the next predicted run in which no grunion are observed. Surveys shall be conducted for all seasonally predicted run periods in which material is proposed to be placed at any of the above sites. If material is in the process of being placed, the material shall be rough graded and returned to contours that will enhance the habitat for grunion prior to the run period. Furthermore, placement activities shall cease in order to determine whether grunion are using the beach during the following run period. The resource specialist shall provide inspection reports after each grunion run observed and shall provide copies of such reports to the Executive Director and to the California Department of Fish and Wildlife.
- C. The applicant shall immediately submit documentation, prepared by the biologist or environmental specialist, which indicates the results of each pre-construction

survey, including if any sensitive species were observed and associated behaviors or activities. Location of any nests observed shall be mapped.

- D. The environmental specialist shall be present during the installation and removal of the discharge pipeline, and during grading of the beach, including during the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The biological monitor(s) shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 4-16-0333 occur or if habitat is removed or impacted beyond the scope of the work indicated in Coastal Development Permit 4-16-0333. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

9. Operational Responsibilities.

It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:

- (a) At the completion of each year's dredging and deposition, but prior to the timing restrictions specified in Special Condition One (1) above, the sand deposited on the beach shall be rough graded to natural beach contours to restore the dynamic shoreline habitat and to facilitate recreational use.
- (b) All pipeline operations and vehicle traffic shall be limited to the 50-foot wide corridor along the proposed pipeline route.
- (c) All vehicle traffic associated with placement of the pipeline, including the movement of sections of the pipeline, must be preceded by a designated individual walking ahead of the equipment being moved to ensure that no snowy plovers or other sensitive species are at risk from vehicle or equipment movement.
- (d) No pipes or any other equipment shall be stored on the beach consistent with timing constraints identified pursuant to Special Condition One (1).
- (e) The disposal pipeline, beach grading operations (including the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration), access routes, and equipment corridor, shall not cross or disturb sand dunes and shall minimize crossings or disturbance of the wrack zone. These operations shall avoid the dune slope along the upper beach while maintaining the maximum buffer possible with a minimum 25-foot buffer from dune vegetation. The buffer may only be reduced with approval from

the Executive Director in limited cases, including when beach nourishment activities are being conducted to reinforce the dune slope or when the beach is in an eroded condition that requires reduction of the buffer for safe operations. Wrack shall be separated and retained, to the maximum extent feasible, in areas where discharge operations will result in the loss or disturbance of wrack. Wrack shall be moved to the side during discharge operations, pipeline placement, beach grading operations (including the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration), and other project activities, and replaced in its original location/configuration, to the maximum extent feasible, at the completion of project operations where possible.

- (f) At no time shall disposal or associated activities interfere with the breaching or retention of flow within the Santa Clara River estuary in such a way as to cause or threaten flooding on adjacent lands.
- (g) Daily inspections and removal of unnatural debris deposited in the dredge spoils, including but not limited to plastic debris, shall be conducted during all dredging and subsequent beach grading operations. Any of this debris collected shall be disposed of outside the coastal zone.

10. Operation Staging.

- A. At least two (2) weeks prior to commencement of any dredging operation, the applicant shall submit to the Executive Director for review and approval, final staging plans that include the following:
 - (1) A map of the location of the project construction headquarter(s).
 - (2) Site plans for all construction staging areas and access routes, including stockpile areas for pipe and the access corridor necessary for placement of the pipeline.
 - (3) Special staging and parking needs for heavy equipment.
- B. The plan shall be consistent with the following criteria:
 - (1) Staging areas shall be used only during active construction operations and will not be used to store materials or equipment between operations.
 - (2) The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.
 - (3) Construction equipment shall not be cleaned on the beach or in the beach parking lots.

- (4) Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
- (5) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from construction activities shall be removed from the project site within 24 hours. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
- (6) The applicant shall be responsible for removing all unsuitable material or debris within the area of placement should the material be found to be unsuitable for any reason, at any time, when unsuitable material/debris can reasonably be associated with the placement material. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
- (7) Stockpiled materials shall be located as far from beach areas on the designated site(s) as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the high tide line.
- (8) Temporary erosion control measures, such as sand bag barriers, silt fencing; and/or swales, shall be implemented for all stockpiled material. These temporary erosion control measures shall be required at the site(s) prior to or concurrent with the initial grading operations and shall be monitored and maintained until all stockpiled fill has been removed from the project site. Successful implementation of erosion control measures will ensure that the material is completely stabilized and held on site.

C. The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans 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.

11. Agency Coordination.

No less than sixty (60) days prior to commencement of each dredging operation, the applicant shall provide notice to local agencies and any other known interested parties of the volume and quality of shoal material. Those parties that shall receive notice include, but are not limited to, the cities of San Buenaventura and Oxnard, California Parks and Recreation, Army Corps of Engineers, Regional Water Quality Board, BEACON, and the Executive Director of the Coastal Commission. If any party requests to use the dredged material which meets beach replenishment requirements, and if the Executive Director determines that the proposed beach

nourishment will not have adverse impacts on coastal resources and that these materials are not more appropriate at alternative disposal sites, the applicant shall make the dredged material available to that party, for transport and use for beach nourishment, at that party's expense. If that party proposes to place the dredged material in the Coastal Zone in a location other than those authorized in this permit, the placement of that material shall require an amendment to this permit or a new coastal development permit.

12. Public Access Program.

Prior to issuance of this coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the beach deposition sites and/or staging areas shall be maintained during dredging and discharge operations.

13. Required Approvals.

Prior to commencement of any sediment management activities authorized by this coastal development permit, the applicant shall provide evidence to the Executive Director of receipt of all necessary State and Federal permits including the U.S. Army Corps of Engineers, the California State Lands Commission, and the California Regional Water Quality Control Board.

14. Snowy Plover and Least Tern Monitoring.

A biologist(s) or environmental specialist(s) with appropriate qualifications acceptable to the Executive Director shall conduct a survey(s) of western snowy plover and California least tern in all shorefront portions of the project area, from the south side of the Ventura Harbor entrance, including Harbor Cove Beach (or, if dredge material placement is proposed at a Pierpont Groin Field location for the season's activities, from the northernmost point at the Pierpont Groinfield deposition site), to the southern terminus of McGrath State Beach property. Survey(s) shall commence at least two (2) weeks prior to any dredging activities and extend at least two (2) weeks after the final dredging activity is completed. Prior to the commencement of the survey(s), the biologist(s) or environmental specialist(s) shall submit a survey methodology report for the review and approval of the Executive Director. The report shall include, at a minimum, an illustration of monitoring sites/transects, survey dates and time, names of surveyors, and survey protocol. The survey(s) shall be conducted a minimum of twice weekly and shall be designed to assess the abundance, distribution, behavior, and any disturbances to snowy plovers and least terns foraging, roosting, or nesting in the survey area. If any snowy plover or least tern exhibits reproductive or nesting behavior within the survey areas, then the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

The applicant shall submit a western snowy plover and California least tern monitoring report to the Executive Director for review and approval by July 1 of each year during which dredging was conducted within the past year. The monitoring report shall be prepared by a qualified biologist and shall at a minimum include, but not be limited to, the following components: 1) population and trend analysis; 2) analysis and illustration of population density and spatial distribution before, during, and after each dredging operation; 3) documentation of all known incidents of snowy plover and least tern disturbance (including incidents resulting in mortality, citing the probable cause of mortality) including dates, times, location, degree of plover disturbance (e.g., plover behavior such as moving, running, or flying from a disturbance or other actions such as elevating wings), source of disturbance (e.g., pedestrians, vehicles, dogs on or off leash, equestrians, predation, spills, dredging operations and support activities including pipeline installation and removal and any beach grading or grooming activities, or vandalism of unknown origin), length of time of disturbance, level of disturbance (i.e., how many plovers made to fly or move and how far plovers were displaced), and the approximate distance between the source and plovers which resulted in the disturbance; 4) analysis of any other activities with the potential to impact the species' population in the project area, such as use patterns (e.g., public recreation), weather patterns, and habitat changes; and 5) conclusions regarding the impact of the dredging operations on the snowy plover and least tern populations and habitat.

If the Executive Director determines that adverse impacts have occurred to the species' population or habitat as a result of the dredging operations, the Executive Director shall provide written notice to the applicant of such determination. The applicant shall cease work (if work is underway) and shall notify local resource agencies in a timely manner. The applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit. Project activities shall resume only upon written approval of the Executive Director.

15. Water Quality Monitoring.

The applicant shall conduct a water quality monitoring program that will analyze potential adverse impacts on the near-shore and offshore marine environment resulting from disposal of dredged materials. The monitoring program will be conducted each time dredged materials are deposited into or graded near the intertidal zone and will contain the following components:

- (a) The applicant shall retain the services of a qualified biologist(s) or environmental resources specialist(s) with appropriate qualifications acceptable to the Executive Director. The environmental resource specialist shall monitor and document the turbidity of coastal waters during all project construction activities consistent with California Regional Water Quality Control Board (RWQCB) Monitoring and Reporting Program for this project. The applicant shall submit, for the review of the Executive Director, all weekly monitoring reports that indicate non-

compliance with the waste discharge requirements outlined in the Monitoring and Reporting Program. The weekly reports shall be submitted within 10 days of completion of each weekly sampling period for which non-compliance is found. In addition, the applicant shall submit, for the review of the Executive Director, a final report, summarizing the weekly monitoring, within 30 days of the completion of each dredging operation.

- (b) Should the water quality monitoring program yield results that indicate sediment disposal into the intertidal zone causes a significant adverse impact on water quality or the marine environment the applicant is required to submit, for review and approval by the Executive Director, a mitigation plan exploring feasible alternatives, mitigation measures, and/or alternative disposal locations for sediment disposal in the intertidal zone prior to any future deposition activities in the intertidal zone. Should the mitigation plan identify mitigation measures and/or project alternatives to minimize water quality impacts which results in a substantial change in the proposed development approved by the Commission, an amendment to the permit or a new coastal permit shall be required.

16. Assumption of Risk.

By acceptance of Coastal Development Permit 4-16-0333, the applicant acknowledges and agrees (i) that the project site may be subject to hazards from erosion and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

17. Project Term.

All development approved pursuant to this coastal development permit shall be completed by October 10, 2028.

18. Eelgrass Survey.

(a) Pre-Construction Eelgrass Survey:

- 1) A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed prior to commencement or re-commencement of any development authorized under this coastal development permit. The applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of eelgrass.

- 2) The survey shall be prepared in full compliance with the “California Eelgrass Mitigation Policy” dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) and shall be prepared in consultation with the California Department of Fish and Wildlife.
- 3) The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development.
- 4) If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit in order to address and allow eelgrass mitigation measures, as described in subsection B, below. However, no amendment or new permit is needed if the Executive Director determines that no amendment or new permit is required.

(b) Post-Construction Eelgrass Survey:

- 1) If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted.
- 2) The survey shall be prepared in full compliance with the “California Eelgrass Mitigation Policy” dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) and shall be prepared in consultation with the California Department of Fish and Wildlife.
- 3) The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey.
- 4) If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy (CEMP). All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation:impact).
- 5) The exceptions to the required 1.38:1 mitigation ratio found within CEMP 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.

19. Beach Berm Method.

The beach berm method of dredged material placement authorized by this permit, including the construction of any beach berm, active management of it, and subsequent beach restoration, shall be managed consistent with the operational responsibilities listed in **Special Condition Nine (9)** of this permit, as well as the following requirements:

- A. Qualification. The beach berm method for disposal of finer grain (more than 35% fines) dredged material placement allowed in **Special Condition 4.C(4)** of this permit shall not be allowed during a given dredging season if:
 - 1) The alternatives available for disposal identified in **Special Condition 4.C(1)** (inner harbor depressions), **Special Condition 4.C(2)** (surf zone of Santa Clara River), **Special Condition 4.C(3)** (surf zone at McGrath State Beach), or **Special Condition 4.C(5)** (upland or offshore disposal) are determined to be feasible that season; or
 - 2) If the Executive Director has not approved the subsequent utilization of the beach berm method for disposal of dredged material placement following any review of its previous usage under Part E(4) of either this condition or **Special Condition Eighteen (18) of CDP 4-18-0390**.
- B. Sediment Suitability. The beach berm method for disposal shall only be allowed for dredged materials meeting acceptable chemical standards for beach placement as determined by the Executive Director in consultation with the EPA and RWQCB.
- C. Best Management Practices.
 - 1) The applicant shall ensure that the dredged material placement (including the material within the berm basin and the berms themselves) shall be continually managed during operation to maintain appropriate flushing of a mixture of finer grain sediment suspended in a mixture with water out of the berm basin and indirectly into the surf zone adjacent to the berm, to avoid blow-outs of the containment berms, and to avoid the creation of hardpan areas.
 - 2) The dredged material discharged into the berm shall be flushed out of the beach berm with assistance from machinery as necessary, toward the surf zone, while still suspended in a mixture with water, such that the amount of fine grain material that is left on the natural beach is minimized.
 - 3) At the completion of the berm disposal operations, the project footprint area on the beach shall be decompacted/ripped and reshaped to the approximate previously existing natural beach topography and compaction ratio in order to restore the dynamic shoreline habitat and to facilitate recreational use, consistent with the timing constraints listed in **Special Condition One (1)**. In

addition, if disposal operations using the beach berm method impact established coastal strand habitat on the upper beach, this area must be restored and revegetated to an approximation of its pre-disturbance condition at the completion of the disposal operations and beach restoration grading.

- D. Public Access Program Update. **Prior to issuance of this coastal development permit amendment**, the applicant shall submit, for review and approval of the Executive Director, an updated public access program report, consistent with the requirements of **Special Condition Twelve (12)** of this permit, revised to address the beach berm method.
- E. Monitoring and Review for Subsequent Use of Beach Berm Method. To evaluate the effectiveness of the beach berm method for deposition of finer grained dredged material indirectly into the littoral system while avoiding impacts to the beach, the applicant shall measure and document the effects (if any) of the placement of finer grain sediments on the beach area from south of the Ventura Beach South Groin to 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State Beach).

Prior to issuance of this coastal development permit amendment, the applicant shall submit a berm method monitoring plan that contains the following requirements:

- 1) The berm method monitoring plan shall contain specific monitoring parameters that may include the geospatial mapping and imagery methods used for the Shoreline Monitoring Program in **Special Condition 6**, as well as visual observations and photo documentation of the beach. Methods to analyze the presence of any compacted hard pan layers within the monitoring area and to analyze grain size distribution on the beach and presence of finer grain sediment must also be included.
- 2) The berm method monitoring plan shall include methods for monitoring of the berm method during active operations, and a schedule for pre- and post-dredging monitoring during low-tides, including at least one pre-dredge observational survey and at least two more comprehensive post-dredge surveys (one immediately after the completion of deconstruction of the berm and beach restoration, and one approximately one month later, following a full spring/neap tidal cycle).
- 3) The applicant shall provide a post-dredging monitoring report, in accordance with the approved berm method monitoring plan, to the Executive Director following completion of each use of the beach berm method, as soon as they are available, and no later than July 1 following the dredging season.

- 4) Subsequent utilization of the beach berm method for disposal of finer grain dredged material placement in **Special Condition 4.C(4)** shall require Executive Director review and approval, and shall be contingent upon the information contained within the post-dredging monitoring report(s) submitted, including that no adverse impacts to the beach area (including shoreline habitat, recreation and public access), result from use of this method.
- 5) Should adverse impacts to the beach area be observed, the Executive Director may require additional restoration of the beach using the methods described in **Part C.3** of this condition to restore the beach to alleviate any adverse conditions identified, including, but not limited to decompacting/ripping of any compacted hard pan layers and replacing those areas to the approximate previously existing natural beach topography and compaction ratio prior to the dredging disposal operations.

Standard Conditions of CDP No. 4-18-0333

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. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
3. **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.
4. **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 of CDP No. 4-18-0333 incorporating changes proposed in the subject amendment

1. Timing and Implementation of Project Operations

All dredging operations, including operation of equipment, spoil disposal, placement or removal of disposal pipelines, temporary construction of beach berm, or other construction, maintenance, material removal, or activities involving mechanized equipment shall be prohibited:

- A. Within 100 yards of, and on the entire beach seaward of, the Least Tern nesting areas, identified annually by the Department of Fish and Wildlife, or the State Park Resource Protection Area from March 15 through August 31 to avoid disturbance during the breeding season of the Least Tern.
- B. On any part of the beach and shorefront in the project area from the Friday prior to Memorial Day in May through Labor Day in September to avoid impact on public recreational use of the beach.
- C. On any part of the beach in those portions of the project area where California grunion (of any life stage, including eggs) are present during any run periods and corresponding egg incubation periods. In the event that sediment needs to be placed below the high tide line, from March 14 to August 31, the applicant shall submit evidence, for the review and approval of the Executive Director, that surveys for grunion have been conducted pursuant to Special Condition Eight (8) at the project site and that no grunion were found. No work shall occur below the high tide line between the date of the first predicted grunion run, as listed by the California Department of Fish and Wildlife, and August 31 without the authorization of the Executive Director.
- D. Within federally designated critical habitat of the Western Snowy Plover from March 1 through September 30 to avoid adverse effects to nesting Western Snowy Plovers, or in any other area where snowy plovers may be, if they are exhibiting nesting or reproductive activity, as documented by the surveys conducted pursuant to Special Condition Seven (7) and Special Condition Thirteen (13).

2. Dredging and Disposal Operation Plan

The applicant shall submit a dredging and disposal operation plan within thirty (30) days, but no later than two (2) weeks, prior to each dredging operation for the review and approval by the Executive Director. The plan shall include at a minimum:

- A. Site map showing the area of the Ventura Keys to be dredged and receiver site(s). Nearshore disposal areas shall be plotted in latitude and longitude coordinates. All maps shall be drawn to scale.
- B. Detailed description of the dredging operation, including the method of dredging and disposal, volume of dredged spoils to be removed, and volume to be deposited at the receiver site(s).
- C. Description (e.g., size, type, capacity) of equipment to be used, including bin capacity when hopper and/or clamshell dredging is utilized.
- D. Schedule of the dredging operation's proposed beginning and ending dates.
- E. Results of a grain size and chemical analysis, pursuant to Special Condition Three (3).

- F. Evidence that local agencies were apprised of the availability of sand resources that meet beach replenishment standards, pursuant to Special Condition Four (4), and the target destination for the current year's dredging operation.
- G. Explanation of receiver site(s) priority.
- H. All relevant monitoring reports required pursuant to this permit.
- I. Debris management plan to prevent disposal of solid debris at receiver site(s). The debris management plan shall include: sources and expected types of debris, debris separation and retrieval methods, and debris disposal methods.

3. Sediment Analysis

Chemical and physical (grain size) analysis shall be conducted of representative samples of the sediments to be dredged from Ventura Keys channels, consistent with the EPA/USACE Southern California Dredge Material Management Team (SC-DMMT) Sampling and Analysis Plan/Results (SAP/R) testing guidelines and most recent RWQCB waste discharge requirements. Re-testing of the Ventura Keys sediment shall be conducted a minimum of three years from the date of the previous sediment sampling survey, where samples continue to meet EPA and RWQCB guidelines. If the EPA or RWQCB determine that the sediment does not meet contaminant or grain size threshold levels, sampling shall commence at least six (6) weeks prior to any dredging event for all subsequent years. If sampling reveals that any sediment does not meet beach placement ~~replenishment~~ standards, the applicant shall notify the Executive Director and local resource agencies. The results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

In the event of a major spill, release, or similar event that has the potential to result in contamination of or significant change in the physical composition of sediments in the project area, the applicant shall submit a written report of the event to the Executive Director within 30 days of its occurrence, and shall commence sampling at least six (6) weeks prior to any subsequent dredging event. Sampling results and analysis must be submitted for the review and approval of the Executive Director, at least two (2) weeks prior to any dredging operation.

4. Dredge Spoil Compatibility

- A. The dredged material shall meet all applicable federal and state beach nourishment or dredge spoil discharge requirements and comply with the grain size requirements for the locations as cited below.
- B. Dredged material for beach replenishment may be disposed of at Cell 1 of the Pierpont Bay Groin Field provided that the material is composed of sediment that contains 65% or more coarse-grained material (retained on a Standard U.S. Sieve Size No. 200) and the dredged material does not contain elevated concentrations of trace metals or trace organics.

- C. Dredged material may be disposed of (1) in the surf zone or nearshore waters, or (2) within a temporary sand beach berm/containment dike, only as consistent with **Special Condition Eighteen (18)**, constructed near or just above the mean high water line, and, in either case, located south of the Ventura Beach South Groin, no closer than 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, no closer than 300 feet from the northern boundary of McGrath State Beach) provided that either:
- (i) the Santa Clara River estuary mouth is open, and the river is flowing at a rate of 100 cubic feet per second or more as measured at the County of Ventura Flow Gage at the Victoria Avenue Bridge; or
 - (ii) Disposal occurs within 10 days of the commencement or completion of the USACE's annual maintenance dredging of the Ventura Harbor federal entrance area.
- D. Dredged material may be disposed of in the Advanced Maintenance Dredging Area (AMDA) depression within the Connecting Channel.
- E. Dredge material that does not meet the physical or chemical standards for beach replenishment or spoil discharge shall not be discharged at any of the deposition sites, except as specified above. At such time, the applicant shall identify an alternate location suitable to accept contaminated sediment. Should the dumpsite be located in the Coastal Zone, a coastal development permit shall be required.

5. Shoreline Monitoring Program

- A. The applicant shall conduct an annual shoreline monitoring program to document shoreline changes in the project vicinity. Documentation shall include but not be limited to:
- 1) An indication of beach width and sand volume changes to the beaches adjacent to all approved deposition sites south of the South Jetty of the Ventura Harbor entrance, to 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State Beach). This shoreline analysis shall also include the deposition sites along Pierpont Beach if dredged material is disposed of in the Pierpont Groin Field location in that year. The applicant shall utilize geospatial mapping and imagery, to the extent feasible, to prepare the summary of beach width and sand volume changes.
 - 2) Data detailing the annual quantity, location, and date of dredged material placement.
 - 3) An annual summary of conditions at the Santa Clara River estuary mouth.

- B. The monitoring information shall be submitted to the Executive Director by July 1 of each year as well as to other public and federal, state, and local entities who wish to obtain such information. At a minimum, the annual reports shall be furnished to the Executive Director of the Commission, and electronically to the Cities of Ventura and Oxnard, the Army Corps of Engineers (Los Angeles District) and BEACON.

6. Eelgrass Survey

A. Pre-Construction Eelgrass Survey:

- 1) A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed prior to commencement or re-commencement of any development authorized under this coastal development permit. The applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of eelgrass.
- 2) The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass_info/california_eelgrass.html) and shall be prepared in consultation with the California Department of Fish and Wildlife.
- 3) The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development.
- 4) If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit in order to address and allow eelgrass mitigation measures, as described in subsection B, below. However, no amendment or new permit is needed if the Executive Director determines that no amendment or new permit is required.

B. Post-Construction Eelgrass Survey:

- 1) If any eelgrass is identified in the project area by the survey required in subsection A of this condition above, within one month after the conclusion of construction, the applicant shall survey the project site to determine if any eelgrass was adversely impacted.
- 2) The survey shall be prepared in full compliance with the "California Eelgrass Mitigation Policy" dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service (see http://www.westcoast.fisheries.noaa.gov/habitat/habitat_types/seagrass

_info/california_eelgrass.html) and shall be prepared in consultation with the California Department of Fish and Wildlife.

- 3) The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey.
- 4) If any eelgrass has been impacted, the applicant shall replace the impacted eelgrass at a minimum 1.38:1 ratio on-site, or at another location, in accordance with the California Eelgrass Mitigation Policy (CEMP). All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.38:1 (mitigation:impact).
- 5) The exceptions to the required 1.38:1 mitigation ratio found within CEMP 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.

7. Caulerpa Surveys and Monitoring

- 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 applicant shall undertake a survey of the project area and a buffer area at least 35 feet beyond the project area to determine the presence of the invasive alga of the genus *Caulerpa*. The survey shall include a visual examination of the substrate and inspection of dredging equipment.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
- C. Within two (2) weeks of completion of the survey, the applicant shall submit the results of the survey:
 - (1) for the review and approval of the Executive Director; and
 - (2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee includes other resource agencies: the California Department of Fish & Wildlife, U.S. Fish and Wildlife Service, Army Corps of Engineers, and NOAA Fisheries.
- D. If *Caulerpa* species are found within the project or buffer areas, the permittee shall not proceed with the project until (1) the permittee provides evidence to the Executive Director that all *Caulerpa* discovered within the project and 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 permittee has revised the project to avoid any contact with *Caulerpa*. 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.

8. Sensitive Species Surveys and Monitoring

- A. The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, prior to commencement of dredging or discharge activities. The environmental resource specialist shall conduct a survey of the project site, to determine presence and behavior of sensitive species, one day prior to commencement of installation or removal of the discharge pipeline, or any grading activities on the beach. In the event that any sensitive wildlife species (including but not limited to California least tern, western snowy plover, California grunion) exhibit reproductive or nesting behavior, the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.
- B. The applicant shall retain the services of a qualified biologist or environmental resources specialist with appropriate qualifications acceptable to the Executive Director, prior to any dredging or discharge activities from March through August. The environmental resource specialist shall conduct a survey of the project site, to determine presence of California grunion during the seasonally predicted run period and egg incubation period, as identified by the California Department of Fish and Wildlife. If any grunion spawning activity and/or if grunion are present in or adjacent to (within 100 yards of) the project site in any life stage, no construction, maintenance, or any grading and grooming activities on the beach or other project activities shall occur until the next predicted run in which no grunion are observed. Surveys shall be conducted for all seasonally predicted run periods in which material is proposed to be placed at any of the above sites. If material is in the process of being placed, the material shall be rough graded and returned to contours that will enhance the habitat for grunion prior to the run period. Furthermore, placement activities shall cease in order to determine whether grunion are using the beach during the following run period. The resource specialist shall provide inspection reports after each grunion run observed and shall immediately provide copies of such reports to the Executive Director and to the California Department of Fish and Wildlife.
- C. The applicant shall immediately submit documentation, prepared by the biologist or environmental specialist, which indicates the results of each pre-construction survey, including if any sensitive species were observed and associated behaviors or activities. Location of any nests observed shall be mapped.
- D. The environmental specialist shall be present during the installation and removal of the discharge pipeline, and during grading of the beach, including during the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration. The environmental

resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. The biological monitor(s) shall immediately notify the Executive Director if activities outside of the scope of Coastal Development Permit 4-18-0390 occur or if habitat is removed or impacted beyond the scope of the work indicated in Coastal Development Permit 4-18-0390. If significant impacts or damage occur to sensitive wildlife species, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit.

9. Operational Responsibilities

It shall be the applicant's responsibility to assure that the following occurs concurrent with, and after completion of, all project operations:

- A. At the completion of each year's dredging and deposition, but prior to the timing restrictions specified in Special Condition One (1) above, the sand deposited on the beach shall be rough graded to natural beach contours to restore the dynamic shoreline habitat and to facilitate recreational use.
- B. All pipeline operations and vehicle traffic shall be limited to the 50-foot wide corridor along the proposed pipeline route.
- C. All vehicle traffic associated with placement of the pipeline, including the movement of sections of the pipeline, must be preceded by a designated individual walking ahead of the equipment being moved to ensure that no snowy plovers or other sensitive species are at risk from vehicle or equipment movement.
- D. No pipes or any other equipment shall be stored on the beach consistent with timing constraints identified pursuant to Special Condition One (1).
- E. The disposal pipeline, beach grading operations (including the construction of any beach berm used for placement of dredged material, active management of it, and subsequent beach restoration), access routes, and equipment corridor, shall not cross or disturb sand dunes and shall minimize crossings or disturbance of the wrack zone. These operations shall avoid the dune slope along the upper beach while maintaining the maximum buffer possible with a minimum 25-foot buffer from dune vegetation. The buffer may only be reduced with approval from the Executive Director in limited cases, including when beach nourishment activities are being conducted to reinforce the dune slope or when the beach is in an eroded condition that requires reduction of the buffer for safe operations. Wrack shall be separated and retained, to the maximum extent feasible, in areas where discharge operations will result in the loss or disturbance of wrack. Wrack shall be moved to the side during discharge operations, pipeline placement, beach grading operations (including the construction of any beach berm used for

placement of dredged material, active management of it, and subsequent beach restoration), and other project activities, and replaced in its original location/configuration, to the maximum extent feasible, at the completion of project operations where possible.

- F. At no time shall disposal or associated activities interfere with the breaching or retention of flow within the Santa Clara River estuary in such a way as to cause or threaten flooding on adjacent lands.
- G. Daily inspections and removal of unnatural debris deposited in the dredge spoils, including but not limited to plastic debris, shall be conducted during all dredging and subsequent beach grading operations. Any of this debris collected shall be disposed of outside the coastal zone.

10. Operation Staging

- A. At least two (2) weeks prior to commencement of any dredging operation, the applicant shall submit to the Executive Director for review and approval, final staging plans that include the following:
 - 1) A map of the location of the project construction headquarter(s).
 - 2) Site plans for all construction staging areas and access routes, including stockpile areas for pipe and the access corridor necessary for placement of the pipeline.
 - 3) Special staging and parking needs for heavy equipment.
- B. The plan shall be consistent with the following criteria:
 - 1) Staging areas shall be used only during active construction operations and will not be used to store materials or equipment between operations.
 - 2) The applicant shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project.
 - 3) Construction equipment shall not be cleaned on the beach or in the beach parking lots.
 - 4) Construction debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking.
 - 5) Construction debris and sediment shall be removed from construction areas as necessary to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Any and all debris resulting from

construction activities shall be removed from the project site within 24 hours. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.

- 6) The applicant shall be responsible for removing all unsuitable material or debris within the area of placement should the material be found to be unsuitable for any reason, at any time, when unsuitable material/debris can reasonably be associated with the placement material. Debris shall be disposed at a debris disposal site outside of the coastal zone or at a location within the coastal zone authorized to receive such material.
- 7) Stockpiled materials shall be located as far from beach areas on the designated site(s) as feasible and in no event shall materials be stockpiled less than 30 ft. in distance from the high tide line.
- 8) Temporary erosion control measures, such as sand bag barriers, silt fencing; and/or swales, shall be implemented for all stockpiled material. These temporary erosion control measures shall be required at the site(s) prior to or concurrent with the initial grading operations and shall be monitored and maintained until all stockpiled fill has been removed from the project site. Successful implementation of erosion control measures will ensure that the material is completely stabilized and held on site.

C. The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans 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.

11. Agency Coordination

No less than sixty (60) days prior to commencement of each dredging operation, the applicant shall provide notice to local agencies and any other known interested parties of the volume and quality of shoal material. Those parties that shall receive notice include, but are not limited to, the cities of Ventura and Oxnard, California Parks and Recreation, Army Corps of Engineers, Regional Water Quality Board, BEACON, and the Executive Director of the Coastal Commission. If any party requests to use the dredged material which meets beach replenishment requirements, and if the Executive Director determines that the proposed beach nourishment will not have adverse impacts on coastal resources and that these materials are not more appropriate at alternative disposal sites, the applicant shall make the dredged material available to that party, for transport and use for beach nourishment, at that party's expense. If that party proposes to place the dredged material in the Coastal Zone in a location other than those authorized in this permit, the placement of that material shall require an amendment to this permit or a new coastal development permit.

12. Public Access Program

Prior to issuance of this coastal development permit, the applicant shall submit, for review and approval of the Executive Director, a report which describes the methods (including signs, fencing, posting of security guards, etc.) by which safe public access to or around the beach deposition sites and/or staging areas shall be maintained during dredging and discharge operations.

13. Required Approvals

Prior to commencement of any sediment management activities authorized by this coastal development permit, the applicant shall provide evidence to the Executive Director of receipt of all necessary State and Federal permits including the U.S. Army Corps of Engineers, the California State Lands Commission, and the California Regional Water Quality Control Board.

14. Snowy Plover and Least Tern Monitoring

A biologist(s) or environmental specialist(s) with appropriate qualifications acceptable to the Executive Director shall conduct a survey(s) of western snowy plover and California least tern in all shorefront portions of the project area, from the south side of the Ventura Harbor entrance, including Harbor Cove Beach (or, if dredge material placement is proposed at a Pierpont Groin Field location for the season's activities, from the northernmost point at the Pierpont Groinfield deposition site), to the southern terminus of McGrath State Beach property. Survey(s) shall commence at least two (2) weeks prior to any dredging activities and extend at least two (2) weeks after the final dredging activity is completed. Prior to the commencement of the survey(s), the biologist(s) or environmental specialist(s) shall submit a survey methodology report for the review and approval of the Executive Director. The report shall include, at a minimum, an illustration of monitoring sites/transects, survey dates and time, names of surveyors, and survey protocol. The survey(s) shall be conducted a minimum of twice weekly and shall be designed to assess the abundance, distribution, behavior, and any disturbances to snowy plovers and least terns foraging, roosting, or nesting in the survey area. If any snowy plover or least tern exhibits reproductive or nesting behavior within the survey areas, then the environmental specialist shall require the applicant to cease work, and shall immediately notify the Executive Director and local resource agencies. Project activities shall resume only upon written approval of the Executive Director.

The applicant shall submit a western snowy plover and California least tern monitoring report to the Executive Director for review and approval by July 1 of each year during which dredging was conducted within the past year. The monitoring report shall be prepared by a qualified biologist and shall at a minimum include, but not be limited to, the following components: 1) population and trend analysis; 2) analysis and illustration of population density and spatial distribution before, during, and after each dredging operation; 3) documentation of all known

incidents of snowy plover and least tern disturbance (including incidents resulting in mortality, citing the probable cause of mortality) including dates, times, location, degree of plover disturbance (e.g., plover behavior such as moving, running, or flying from a disturbance or other actions such as elevating wings), source of disturbance (e.g., pedestrians, vehicles, dogs on or off leash, equestrians, predation, spills, dredging operations and support activities including pipeline installation and removal and any beach grading or grooming activities, or vandalism of unknown origin), length of time of disturbance, level of disturbance (i.e., how many plovers made to fly or move and how far plovers were displaced), and the approximate distance between the source and plovers which resulted in the disturbance; 4) analysis of any other activities with the potential to impact the species' population in the project area, such as use patterns (e.g., public recreation), weather patterns, and habitat changes; and 5) conclusions regarding the impact of the dredging operations on the snowy plover and least tern populations and habitat.

If the Executive Director determines that adverse impacts have occurred to the species' population or habitat as a result of the dredging operations, the Executive Director shall provide written notice to the applicant of such determination. The applicant shall cease work (if work is underway) and shall notify local resource agencies in a timely manner. The applicant shall be required to submit a revised or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit. Project activities shall resume only upon written approval of the Executive Director.

15. Water Quality Monitoring

The applicant shall conduct a water quality monitoring program that will analyze potential adverse impacts on the near-shore and offshore marine environment resulting from disposal of dredged materials. The monitoring program will be conducted each time dredged materials are deposited into or graded near the intertidal zone and will contain the following components:

- A. The applicant shall retain the services of a qualified biologist(s) or environmental resources specialist(s) with appropriate qualifications acceptable to the Executive Director. The environmental resource specialist shall monitor and document the turbidity of coastal waters during all project construction activities consistent with the California Regional Water Quality Control Board (RWQCB) Monitoring and Reporting Program for this project. The applicant shall submit, for the review of the Executive Director, all weekly monitoring reports that indicate non-compliance with the waste discharge requirements outlined in the Monitoring and Reporting Program. The weekly reports shall be submitted within 10 days of completion of each weekly sampling period for which non-compliance is found. In addition, the applicant shall submit, for the review of the Executive Director, a final report, summarizing the weekly monitoring, within 30 days of the completion of each dredging operation.

- B. Should the water quality monitoring program yield results that indicate sediment disposal into the intertidal zone causes a significant adverse impact on water quality or the marine environment the applicant is required to submit, for review and approval by the Executive Director, a mitigation plan exploring feasible alternatives, mitigation measures, and/or alternative disposal locations for sediment disposal in the intertidal zone prior to any future deposition activities in the intertidal zone. Should the mitigation plan identify mitigation measures and/or project alternatives to minimize water quality impacts which results in a substantial change in the proposed development approved by the Commission, an amendment to the permit or a new coastal permit shall be required.

16. Assumption of Risk

By acceptance of Coastal Development Permit 4-18-0390, the applicant acknowledges and agrees (i) that the project site may be subject to hazards from erosion and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

17. Project Term

Development may commence at any time during the ten-year term of this permit. All development approved pursuant to this coastal development permit shall be completed by October 10, 2028

18. Beach Berm Method.

The beach berm method of dredged material placement authorized by this permit, including the construction of any beach berm, active management of it, and subsequent beach restoration, shall be managed consistent with the operational responsibilities listed in **Special Condition Nine (9)** of this permit, as well as the following requirements:

- A. Qualification. The beach berm method for disposal of finer grain (more than 35% fines) dredged material placement allowed in **Special Condition 4.C** of this permit shall not be allowed during a given dredging season if:
 - 1) The alternatives available for disposal identified in **Special Condition 4.D** (AMDA) are determined to be feasible that season; or
 - 2) If the Executive Director has not approved the subsequent utilization of the beach berm method for disposal of dredged material placement following any

review of its previous usage under Part E(4) of either this condition or **Special Condition Nineteen (19) of CDP 4-16-0333**.

- B. Sediment Suitability. The beach berm method for disposal shall only be allowed for dredged materials meeting acceptable chemical standards for beach placement as determined by the Executive Director in consultation with the EPA and RWQCB.
- C. Best Management Practices.
- 1) The applicant shall ensure that the dredged material placement (including the material within the berm basin and the berms themselves) shall be continually managed during operation to maintain appropriate flushing of a mixture of finer grain sediment suspended in a mixture with water out of the berm basin and indirectly into the surf zone adjacent to the berm, to avoid blow-outs of the containment berms, and to avoid the creation of hardpan areas.
 - 2) The dredged material discharged into the berm shall be flushed out of the beach berm with assistance from machinery as necessary, toward the surf zone, while still suspended in a mixture with water, such that the amount of fine grain material that is left on the natural beach is minimized.
 - 3) At the completion of the berm disposal operations, the project footprint area on the beach shall be decompacted/ripped and reshaped to the approximate previously existing natural beach topography and compaction ratio in order to restore the dynamic shoreline habitat and to facilitate recreational use, consistent with the timing constraints listed in **Special Condition One (1)**. In addition, if disposal operations using the beach berm method impact established coastal strand habitat on the upper beach, this area must be restored and revegetated to an approximation of its pre-disturbance condition at the completion of the disposal operations and beach restoration grading.
- D. Public Access Program Update. **Prior to issuance of this coastal development permit amendment**, the applicant shall submit, for review and approval of the Executive Director, an updated public access program report, consistent with the requirements of **Special Condition Twelve (12)** of this permit, revised to address the beach berm method.
- E. Monitoring and Review for Subsequent Use of Beach Berm Method. To evaluate the effectiveness of the beach berm method for deposition of finer grained dredged material indirectly into the littoral system while avoiding impacts to the beach, the applicant shall measure and document the effects (if any) of the placement of finer grain sediments on the beach area from south of the Ventura Beach South Groin to 300 feet from the mouth of the Santa Clara River (or, if the mouth of the Santa Clara River is not open, to 300 feet from the northern boundary of McGrath State Beach).

Prior to issuance of this coastal development permit amendment, the applicant shall submit a berm method monitoring plan that contains the following requirements:

- 1) The berm method monitoring plan shall contain specific monitoring parameters that may include the geospatial mapping and imagery methods used for the Shoreline Monitoring Program in **Special Condition 5**, as well as visual observations and photo documentation of the beach. Methods to analyze the presence of any compacted hard pan layers within the monitoring area and to analyze grain size distribution on the beach and presence of finer grain sediment must also be included.
- 2) The berm method monitoring plan shall include methods for monitoring of the berm method during active operations, and a schedule for pre- and post-dredging monitoring during low-tides, including at least one pre-dredge observational survey and at least two more comprehensive post-dredge surveys (one immediately after the completion of deconstruction of the berm and beach restoration, and one approximately one month later, following a full spring/neap tidal cycle).
- 3) The applicant shall provide a post-dredging monitoring report, in accordance with the approved berm method monitoring plan, to the Executive Director following completion of each use of the beach berm method, as soon as they are available, and no later than July 1 following the dredging season.
- 4) Subsequent utilization of the beach berm method for disposal of finer grain dredged material placement in **Special Condition 4.C** shall require Executive Director review and approval, and shall be contingent upon the information contained within the post-dredging monitoring report(s) submitted, including that no adverse impacts to the beach area (including shoreline habitat, recreation and public access), result from use of this method.
- 5) Should adverse impacts to the beach area be observed, the Executive Director may require additional restoration of the beach using the methods described in **Part C.3** of this condition to restore the beach to alleviate any adverse conditions identified, including, but not limited to decompacting/ripping of any compacted hard pan layers and replacing those areas to the approximate previously existing natural beach topography and compaction ratio prior to the dredging disposal operations.