CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE 301 E. OCEAN BLVD., SUITE 300 LONG BEACH, CA 90802-4830 (562) 590-5071

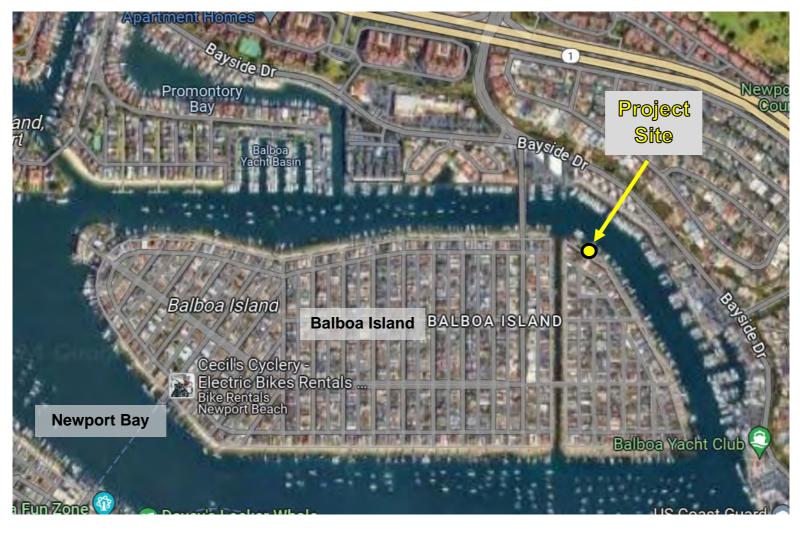


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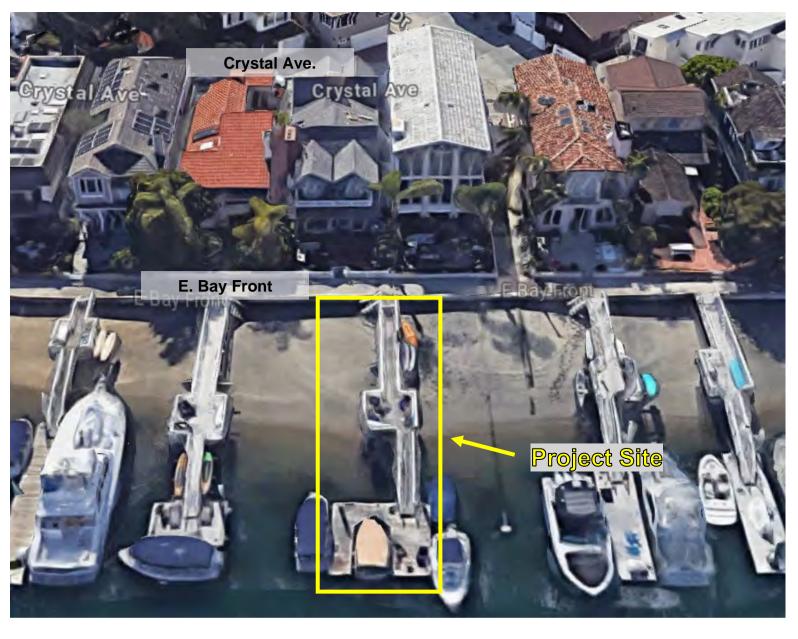
5-23-0178 (Bartusick & Staub) June 14, 2024

EXHIBITS

- Exhibit 1 Vicinity Map and Project Site
- Exhibit 2 Project Plans
- Exhibit 3 Eelgrass Mitigation and Monitoring Plan



California Coastal Commission 5-23-0178 Exhibit 1 Page 1 of 2



California Coastal Commission 5-23-0178 Exhibit 1 Page 2 of 2

STRUCTURAL GENERAL NOTES

GENERAL REQUIREMENTS

CONSTRUCTION SHALL BE IN CONFORMATY MON. HE 2022 ENTITY OF THE CALIFORNIA BUILDING CODE (CRC) AND ALL APPLICABLE LOCAL AND STATE CODES

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Exhibit 2

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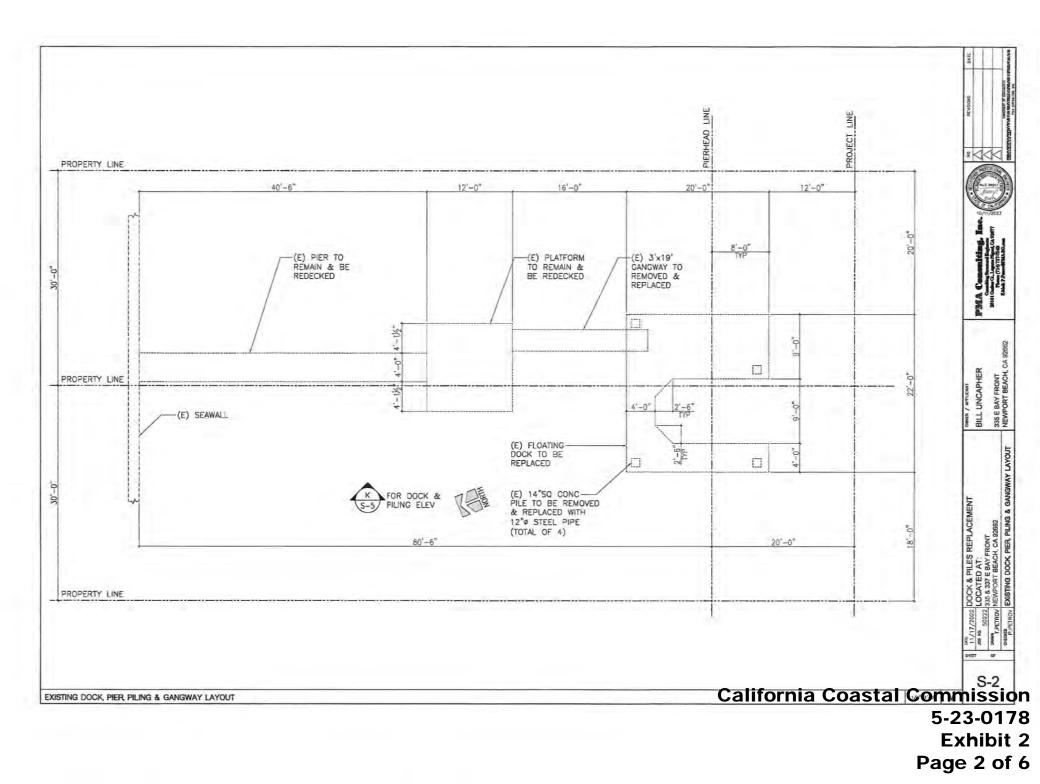
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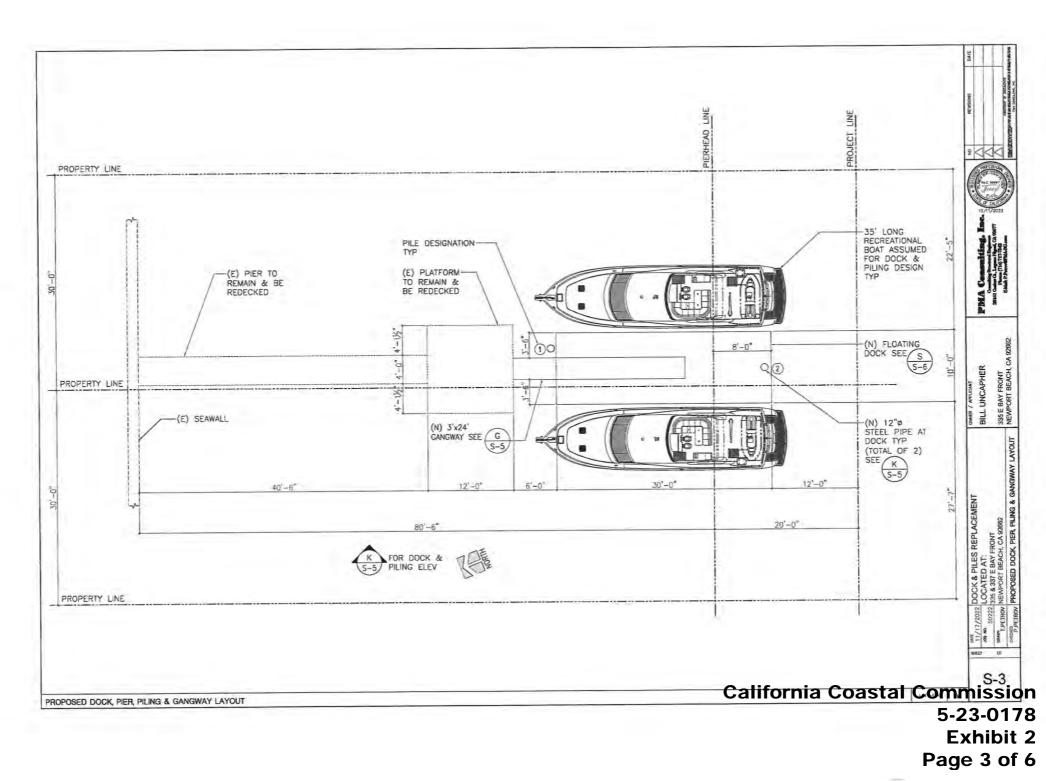
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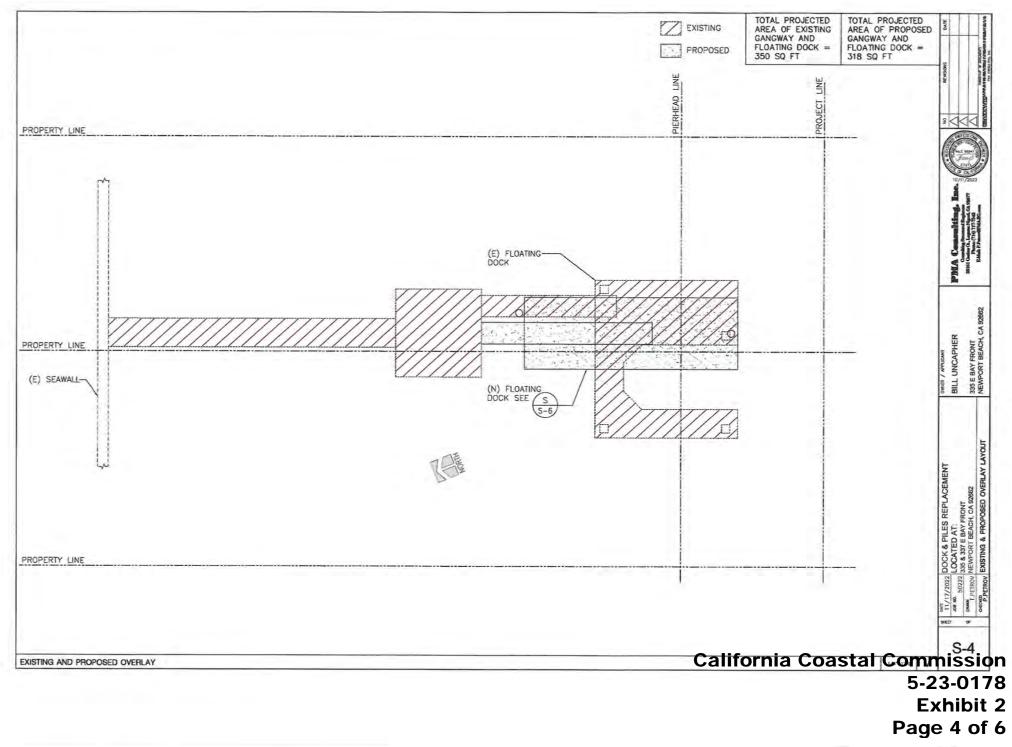
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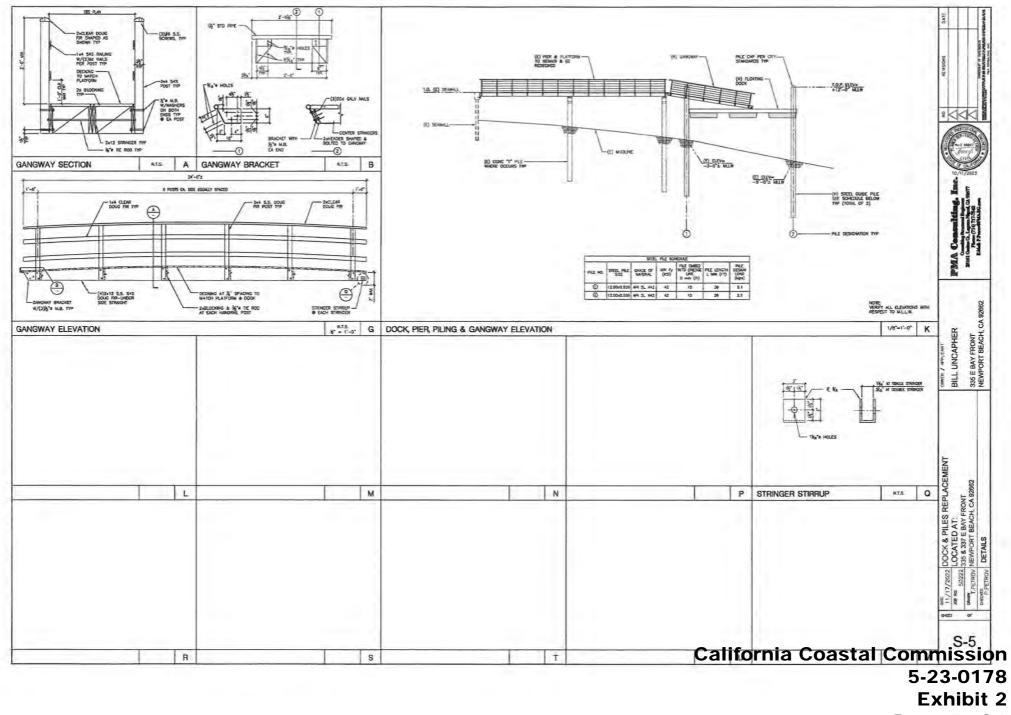
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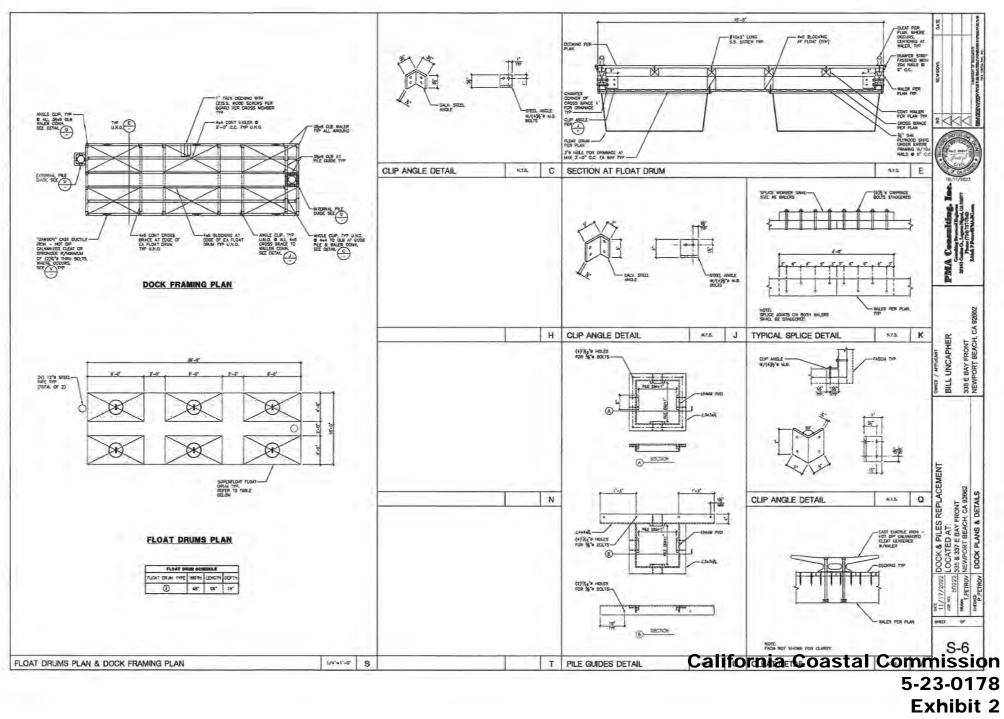








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CPS CONSULTING Coastal Permit Specialist 4010 Channel Place Newport Beach, California, 92663 949-274-2545

Subject: Subject: Eelgrass Mitigation and Monitoring Plan 335 & 337 E. Bay Front, Newport Beach, CA

Eelgrass (zostera marina) was observed at this location.

The proposed project for this location requires the removal and replacement of the the existing U-shaped floating dock and 4 guide piles and to replace them with an I-shaped dock and 2 guide piles. Since construction of this project would result in placement of structures or consist of work in or affecting a navigable water of the U.S., a Department of the Army permit is required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403). Because of this, an Eelgrass Monitoring Plan is required as per the California Eelgrass Mitigation Policy (CEMP, NOAA 2014). This policy has been set in place to protect marine habitats and sea grass beds that play a role in the life cycle chain for marine life to reproduce. This survey assists development projects by contractors like you to conduct activities in conjunction with best management practices (BMPs) concerning impact and management for promoting eelgrass and controlling the spread of Caulerpa. Responsible development by contractors like you helps protect these sensitive marine ecosystems, which in turn, protect our ocean resources.



Prepared for:

SWIFT SLIP DOCK AND PIER BUILDERS, INC. Westminster, CA

Prepared by:

SOLUTIONS PROVIDED INC. Carson City, NV

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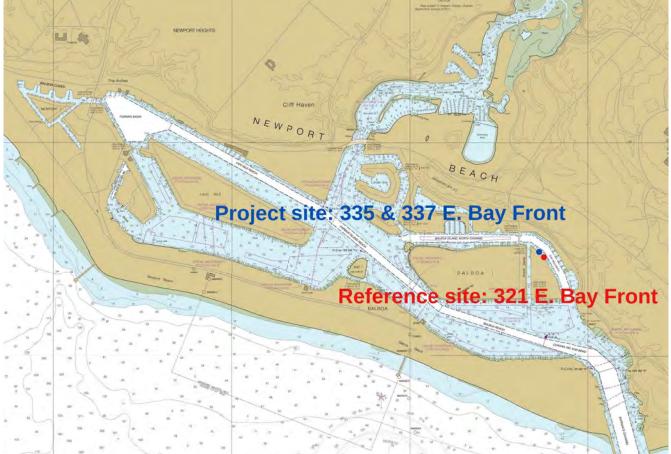
1. PROJECT DESCRIPTION

1.1 Location:

335 & 337 E. Bay Front, Newport Beach (Orange County), See Figure 1.

Action: Remove the existing U-shaped floating dock and 4 guide piles and to replace them with an I-shaped dock and 2 guide piles. See Figure 3.

Figure 1. 335 & 337 E. Bay Front, Newport Beach CA



1.2 Project:

The homeowners at 335 & 337 E. Bay Front propose to remove and replace the two existing dock systems (piers, gangways, floating docks, and piles) with a new singular dock system This will impact the existing eelgrass located at the project site. See Figures 2 & 3.

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Figure 2. Eelgrass Survey Results of Project Site 08/27/22



Figure 3. Eelgrass at Project Site with Proposed Overlay





Figure 4. Eelgrass Survey Results of Reference Site 08/27/22

1.3 Historical Review:

On August 27, 2022, two divers (equipped with SCUBA and video gear) conducted an underwater eelgrass mapping survey of 335 & 337 E. Bay Front, Newport Beach (Figure 2). The divers use underwater video equipment to assist with data collection. Divers analyze the recorded footage to help determine eelgrass location and density. Density is determined by using a 1-foot-square, white, 1/2-inch pvc plumbers' pipe and line laid on top of a vegetated area and counting the turions located within the 1-foot square. The turions are counted within the 1-foot square and is considered a quadrat. Quadrats are sampled randomly along transects within the vegetated cover. The number given is then divided by .09290304 to convert the data from square feet to square meters, thus giving us the ability to determine mean (sum of the given turnion density values/the number of the given quadrats) turion density along with the standard deviation (square root of the average of the squared differences for each of the given turion densities from the mean).

The survey area includes approximately 585 square meters (Figure 2). The survey focused on the area of the project site and included any eelgrass patches within the project site that extended past the project area. Five-foot-wide transects (10) were swam perpendicular to the seawall. The divers swam these transects back and forth from the seawall to approximately 15 feet past the pier head line including where impacts could occur.

The conditions at the start of the survey included overcast skies, wind speeds of 4-5 knots from the southeast, a water temperature of 72° F, and an outdoor temperature of 75° F.

Field data collected and analyzed includes the spatial distribution (5m of continuous unvegetated area contiguous with the vegetated eelgrass cover), percent of vegetated eelgrass cover (the vegetated eelgrass cover divided by the total areal extent), the total areal extent (total area of the spatial distribution with the vegetated eelgrass cover), number of random quadrats used to measure turion density, and the mean density of eelgrass in the survey area along with the according standard deviation. "To encompass fluctuating eelgrass

distribution and functional influence around eelgrass cover, for the purposes of this policy and guidelines,

eelgrass habitat is defined as areas of vegetated eelgrass cover (any eelgrass within 1 m^2 quadrat and within 1 m of another shoot) bounded by a 5 m wide perimeter of un-vegetated area (NOAA 2014)."

Reference for mapping eelgrass in the project site will be done using a smartphone + COMPASS APP to obtain a series of Latitude and Longitude points. This makes possible to create a KMZ file with Google Earth. These coordinates are also used in Google Earth and Google Maps to locate points that would outline eelgrass patch. Plotting eelgrass points via KMZ files, will allow the percentage of change in eelgrass vegetated cover to be calculated by comparing each yearly report to that of the previous year. The information on distribution of eelgrass will be digitally plotted, to scale, using LibreCAD® software.

The total areal extent for Figure 2 is 736.8 sqm. The areal extent of vegetated eelgrass cover is 197.7 sqm giving the total aeral extent 26.8% of vegetated eelgrass cover. The mean turion density for this cover is 64 with a standard deviation of 43.

The total aerial extent (vegetated habitat and 5m of unvegetated habitat) for Figure 4 is 852.6 sqm. The aerial extent of vegetated cover is 225.6 sqm giving the total aerial extent 26.5% of vegetated cover. The mean turion density for this cover is 64 with a standard deviation of 43.

According to these findings, the proposed project will impact approximately <mark>54</mark> square feet of eelgrass located within the project site.

Figure 5. Eelgrass Mitigation Ratio Table

Impact area	Mitigation Ratio	Mitigation Area	Mitigation Ratio	Mitigation Area
	Start	Start	Final	Final
54 sqft	1.59:1	86 sqft	1.38:1	74.5 sqft



Figure 6. Proposed Eelgrass Harvest and Transplant Sites

1.4 In-Kind Mitigation:

"If NMFS (National Marine Fisheries Service concurs and In-kind mitigation is approved for this project site it is noted that CEMP, Implementing guidelines for California, (F). In-Kind Mitigation for Impacts to Eelgrass items 1 through 8 can be met and briefly described below". ¹

Donor material (as noted in CEMP), or eelgrass from the existing vegetated eelgrass cover, would be used for harvesting. Harvest sites include those areas within the project site that are currently considered vegetated eelgrass cover and which will be impacted by the proposed action. Donor material may also harvested from the surrounding vegetated cover not being impacted by the proposed action. These areas are identified in Section 2.2.

Transplant sites include those areas considered potential eelgrass habitat and which are part of total aerial extent of the project site. These proposed transplant sites have potential for a high rate of success since with the existing eelgrass patches/beds. Using these proposed transplant sites could connect the eelgrass patches/beds together and/or extend the reach of the current vegetated cover.

Harvesting and transplanting would occur over a 1 day period. It is recommended to start mitigation within 30 days of project completion and before the beginning of the low growth season. The technique for harvesting and transplanting eelgrass is depicted in Figures 8 & 9 and detailed in 2.6 Mitigation Technique.

Milestones to success are outlined in Eelgrass Transplant Monitoring Report shown with Section 2.7. These milestones are measured over 5 years and within 30 days of the previous year.

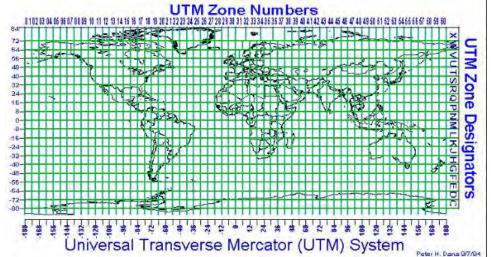
EFH (Essential Fish Habitat) consultation and recommendations may also apply if milestones are not met. NMFS or other agencies may request and participate in solutions if milestones are not met. See Appendix A.

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2. MITIGATION

2.1 Measurement Points using UTM Zone Coordinates:

Figure 7. UTM Zone Grid Reference Map



2.2 Eelgrass Harvest Site Areas:

Harvest Site 1

Decimal Degrees	Degrees, Minutes, Seconds	Standard UTM, NAD 83, Zone 11
Latitude Longitude		Easting Northing
33.608365 -117.888003	33º 36' 30.1140" N -117º 53' 16.8108" W	417619 3719087

Proposed Alternative Donor Bed 1

Decimal Degrees	Degrees, Minutes, Seconds	Standard UTM, NAD 83, Zone 11
Latitude	Latitude	Easting
Longitude	Longitude	Northing
33.608403	33º 36' 30.2508" N	417616
-117.888041	-117º 53' 16.9476" W	3719091

Proposed Alternative Donor Bed 2

Decimal Degrees	Degrees, Minutes, Seconds	Standard UTM, NAD 83, Zone 11
Latitude	Latitude	Easting
Longitude	Longitude	Northing
33.608351	33º 36' 30.0636" N	417629
-117.887901	-117º 53' 16.4436" W	3719085

2.3 Potential Eelgrass Transplant Site Areas:

Proposed Transplant Site 1

Decimal Degrees	Degrees, Minutes, Seconds	Standard UTM, NAD 83, Zone 11
Latitude	Latitude	Easting
Longitude	Longitude	Northing
33.608469	33º 36' 30.4884" N	417620
-117.887992	-117º 53' 16.7712" W	3719099

Proposed Transplant Site 2

Decimal Degrees	Degrees, Minutes, Seconds	Standard UTM, NAD 83, Zone 11	
Latitude	Latitude	Easting	
Longitude	Longitude	Northing	
33.608381	33º 36' 30.1716" N	417626	
-117.887931	-117º 53' 16.5516" W	3719089	

2.4 Mitigation Site:

The location of the eelgrass mitigation and transplant areas are located underneath and around where the proposed action would take place. Depths are similar to proposed impact area, within 1'-7' feet. The distances between the harvest sites and the two proposed transplant sites varies from 13' – 38'. Soil of both the mitigation and transplant sites is composed of sand, silt, and shell fragments The water quality is good with lots of tidal movement and exposure to the main channel of Newport Harbor near the jetty inlet from the sea (see Figure 1). The distance to the open ocean is approximately one kilometer. The current is swift and ranges from slack tide to more than 2 knot during an ebb or flow. The mitigation transplant site area was picked due to its immediate proximity to the proposed construction area and contains the same quality of tides, currents, water quality, soil, depth, and distance from the ocean.

2.5 Mitigation Size:

It was determined by NOAA that a final mitigation ratio of harvested and replanted eelgrass be 1.38:1. To achieve this end result, a starting ratio of 1.59:1 shall be used. With the impacted area equal to 54 sqft, the harvested eelgrass will be transplanted to an area equal to 86 sqft in hopes of ending up with a minimum of 74.5 sqft of new vegetated cover following five years of monitoring.

2.6 Mitigation Technique:

Eelgrass harvested for transplanting will be removed from the affected area and proposed alternative donor beds 1 & 2, Figure 6. Harvested plants would be bundled and planted immediately at ten shoots per bundle, shown in Figures 8 & 9. Preparation would be to isolate bunches of plants (10 shoots per bundle). Each bundle would include terminal shoots, as these shoots are capable of producing runners. The replanting site is close to harvest site so wave, current, tidal changes, water temperature and sunlight penetration is similar.

Bundles are tied together with either an "L" shaped anchor made from wire approximately 20 cm in length or a bamboo stake of similar length. A burlap collar overlayed with a paper twist tie is used to hold bundles together, and the "L" anchor/bamboo stake is attached to bundle underneath collar see Figure 8. Prepared bundles are planted in a grid fashion by divers using a grid design to ensure transplant area had complete coverage and space for root runners to spread out, Figure 9.

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Labor requirements would be 1 diver to harvest and replant, and another 1 topside worker to assist with bundle preparation taking approximately 14 work hours total time to harvest, surface and inspect, bundle, and transplant.

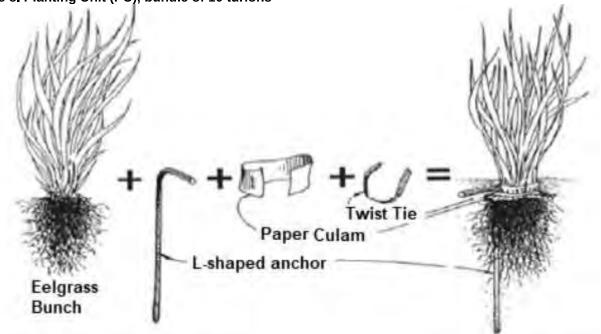


Figure 8. Planting Unit (PU), bundle of 10 turions

Figure 9. Eelgrass Bundles and Quadrats



Harvest Site 1' x 1' Patch to be transplanted



Location of Transplant Site



1 Planting Unit (P.U.) bundled and ready to plant



P.U. transplanted. Two total were transplanted to conform with 1.2:1 mitigation ratio

2.7 Mitigation Monitoring:

Success of the mitigation is to be monitored for a period of two years. Intervals for eelgrass monitoring surveys are dictated by CEMP [California Eelgrass Mitigation Policy].

Below survey periods are based from the date replanting was conducted.

Survey #	1 st Survey	2 nd Survey	3 rd Survey	4 th Survey	5 th Survey	6 th Survey	7 th Survey
Monitoring Interval	Month 0	Month 6	Month 12	Month 24	Month 36	Month 48	Month 60

The monitoring methods used to record and report the changes in the eelgrass density and aerial extent will included seven eelgrass monitoring surveys conducted at the project site (Figure 2) and the reference site (shown in Figure 4). As per CEMP, monitoring should be completed at "an appropriate reference site(s) (Section II.B.4. Reference site selection). Monitoring at a reference site may account for any natural changes or fluctuations in habitat area or density (NOAA 2014)." 321 E. Bay Front will be used as the reference site. This site was chosen due to its similarities in environmental conditions with the project site. A pre-construction eelgrass survey shall be conducted within 60-15 days before the start of construction. A post-construction survey shall be conducted within 30 days following construction if construction ends during the current eelgrass growing season, or—if construction ends outside of the current eelgrass growing season—within the first 30 days of the subsequent eelgrass growing season. The second post-construction survey is 6 months after the first. Any changes in eelgrass habitat revealed by the postconstruction surveys shall be compared to the preconstruction surveys in order to determine the extent of these changes. "Where eelgrass at the impact site declines coincident with and similarly to decline at the reference site(s), the percentage of decline at the reference site

should be deducted from the decline at the impact site. However, if eelgrass expands within the reference site(s), the impact site should only be evaluated against the pre-construction condition of the reference site and not the expanded condition. (NOAA, 2014)." First, the percentage decrease must be calculated for each site: [(Starting percent of vegetated cover-the final percent of vegetated cover)/starting percent of vegetated cover] x 100. The percentage decrease at the reference site is then deducted from the percentage decrease at the project site. Eelgrass monitoring surveys shall be conducted during the normal eelgrass growing season, March through October (NOAA, 2014). The results of the pre-construction survey must be submitted to the CORPS and NMFS at least 15 calendar days prior to the scheduled for work in waters of the United States. The results of the pre-construction and annual monitoring surveys shall be submitted by the Permittee to the CORPS and NMFS within 30 calander days of each survey completion date.

2.8 Restrictions to Mitigation Surveys:

Monitoring is conducted during the active vegetative growth period and shall avoid winter months of November through February. For the 6 months surveys flexibility to shorten or extend that time is allowed to avoid the winter months. Mitigation surveys conducted beyond 60 months may be required in those instances where stability of the transplant site is questionable or where other factors may influence long term success of transplanting. Reports for monitoring surveys are due 30 days after mitigation survey was conducted.

2.9 Mitigation Success:

Criteria for success of the transplant area are based on area coverage and density of shoots.

First year: 70% area and 30% density as compared to adjusted project impact area.

Second year: 85% area and 70% density as compared to adjusted project impact area.

Third, Fourth, Fifth year: 100% area and 85% density as compared to adjusted project impact area.

If the required eelgrass transplant area fails to meet any of the established criteria above, then a supplementary transplant area (STA) shall be determined and planted. The size and density will be based on a formula:

$$STA = MTA \times (|At + Dt| - |Ac + Dc|)$$

MTA = mitigation transplant area.

At = transplant deficiency or excess in area of coverage criterion (%).

Dt = transplant deficiency in density criterion (%).

Ac = natural decline in area of control (%).

Dc = natural decline in density of control (%).

"Where development of the eelgrass habitat at the mitigation site falls short of achieving performance milestones during any interim survey, the monitoring period should be extended and supplemental mitigation may be recommended to ensure that adequate mitigation is achieved (NOAA 2014)."

2.10 Mitigation Bank:

After two years if the mitigation site exceeds requirement shall be used as a credit of any "mitigation bank". Monitoring of any approved mitigation bank shall be conducted on an annual basis until all credits are exhausted by the agency maintaining a "mitigation bank".

3. DISCUSSION

Eelgrass habitat has been identified as a sensitive marine resource by the California Department of Fish and Game, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service. Eelgrass beds serve as refuges, foraging areas, and nursery habitats for various coastal and bay invertebrates and fishes.

Factors affecting the establishment and success of eelgrass beds include depth range, substrate type and slope, available light, salinity, and temperature. Eelgrass requires soft silty sediments that comprise a generally flat substrate or with a gentle slope. The substrate type and slope throughout the survey area appears to be suitable. Salinity and temperature appear to be adequate. The amount of available light effects growth, and distribution of eelgrass. Available light is affected by various factors. The orientation of a seawall also affects the amount and duration of available light. The sun orientation allows for sunlight under existing and future proposed gangways. Light penetration into the water column is affected by water clarity and depth. The light reaching the bottom decreases with increasing depths. Turbidity from factors such as suspended sediments limit light penetration.

Eelgrass exists at the project site (Figure 2). Since construction of this project would result in placement of structures or consist of work in or affecting a navigable water of the U.S., a monitoring plan should be put in place to record the fluctuation of eelgrass growth in order to determine whether or no the existing eelgrass has been adversely affected by the proposed construction.

Best Management Practices such as the use of silt curtains while removing/installing piles is recommended. Piles should be water jetted into place surrounded by silt curtains, not hammered or drilled, thus, maximizing reducing impact to environment

REFERENCE:

NOAA Fisheries West Coast Region, California Eelgrass Mitigation Policy and Implementing Guidelines, October 2014, II. Implementing Guidelines for California

Rivers and Harbors Appropriation Act of 1899, 1899, ch. 425, 30 Stat. 1121.