

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST DISTRICT OFFICE  
89 SOUTH CALIFORNIA STREET, SUITE 200  
VENTURA, CA 93001-2801  
(805) 585-1800



# T11a

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## STAFF REPORT: REGULAR CALENDAR

**Application No.:** 4-24-0159

**Applicant:** County of Ventura Harbor Department

**Project Location:** Silver Strand Beach, Ventura County

**Project Description:** For a term of five years, implementation of a beach management plan involving beach maintenance activities, beach grooming, sand clearance and redistribution, installation and maintenance of lifeguard towers, and maintenance of parking facilities and public restrooms at Silver Strand Beach, unincorporated County of Ventura.

**Staff Recommendation:** Approval with conditions.

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### Summary of Staff Recommendation

Staff recommends **approval** of the proposed development with seven (7) Special Conditions: (1) Term of Permit and Annual Reporting, (2) Required Approvals, (3) Final Silver Strand Beach Management Plan, (4) Best Management Practices, (5) Limitations on Beach Grooming and Sand Clearance, (6) Assumption of Risk, Waiver of Liability and Indemnity Agreement, and (7) Off-Road Vehicle Use Prohibited Signage Plan. The proposed project includes components that are located within the County of Ventura's Local Coastal Program (LCP) jurisdiction as well as components within the retained jurisdiction of the Coastal Commission. The applicant and the County of Ventura have requested, and Commission staff have agreed to process the subject application as a consolidated CDP as provided in Section 30601.3 of the Coastal Act. As such, the standard of review for this project is the Chapter Three policies of the Coastal Act, with

the applicable policies of the certified County of Ventura LCP serving as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act and the guidance policies of the certified County of Ventura LCP.

Silver Strand Beach, located adjacent to the unincorporated community of Silver Strand in Ventura County, is a popular recreational destination that attracts both residents and visitors alike (**Exhibit 1**). This public sandy beach stretches approximately one mile along the coastline and is owned by Ventura County, while maintenance operations are overseen by the Ventura County Harbor Department. Positioned between two key maritime landmarks, the beach lies just downcoast of the entrance to Channel Islands Harbor and upcoast of the entrance to the Port of Hueneme (**Exhibit 2**). The Ventura Harbor Department has been maintaining Silver Strand Beach facilities, as well as overseeing the broader management of the beach since the early 1990s. However, the Harbor Department's current beach maintenance operations are not authorized through a Commission approved Coastal Development Permit, which is required for such activities. Additionally, a recent County of Ventura LCP Amendment requires that the Harbor Department apply for a "master-permit" to address all development, including beach maintenance activities conducted at Silver Strand Beach. As such, the County of Ventura Harbor Department is proposing the subject Silver Strand Beach Management Plan in order to formalize and regulate all maintenance activities conducted at Silver Strand in compliance with both the Coastal Act and the directives outlined in the County of Ventura's certified LCP.

The proposed five-year Beach Management Plan addresses all maintenance activities conducted both on a regular and seasonal basis at Silver Strand Beach in the County of Ventura. The plan outlines the ongoing operations that the Harbor proposes to carry out to remove trash and debris, enhance aesthetic appeal, and ensure public safety and accessibility. It covers 41 acres of County-owned, day-use public beach and proposes routine maintenance operations such as regular beach grooming, debris and trash removal, and the clearing of sand from 21 public vertical access easements. Additionally, the plan proposes maintenance operations for various beach facilities, including two parking lots, a permanent lifeguard headquarters, five portable lifeguard towers, and two public restrooms, along with emergency response procedures for storm events and marine mammal removal.

Given the Silver Strand's status as a popular recreational area and vital access point for various coastal dependent recreational activities, it is critical to evaluate potential impacts of the proposed management activities on public access and recreational opportunities. While the proposed management activities aim to enhance safe public access, staff acknowledges that certain maintenance activities utilizing heavy equipment may temporarily disrupt access or pose public safety risks in the areas where they are conducted. To mitigate any potential impacts to visitors and facilitate safe public access to or around areas where maintenance activities will occur, staff recommends **Special Condition Four (4)**, which mandates the implementation of public safety protocols throughout all proposed project activities. Such protocols may include providing designated safety spotters when operating equipment, establishing

access points, and marking off work areas. This condition ensures that beach management activities will not interfere with the public's right of access to the sea and guarantees maximum access throughout the duration of all maintenance activities, consistent with public safety needs.

In addition to potential impacts on public access, the proposed Beach Management Plan must also address the protection of biological resources. The applicant provided a Biological Resource Assessment conducted by Rincon Consultants Inc. in April 2023 which found that Silver Strand Beach, while not possessing substantial habitat value due to its isolation and urban surroundings, does contain areas where sensitive species could be affected by maintenance activities. To mitigate potential impacts on these resources, **Special Condition Three (3)** requires that grooming, sand clearance, or redistribution activities be restricted to dry sand areas, with no work occurring within ten feet landward of the wrack line or the highest daily high tide line, whichever is furthest landward. Furthermore, wrack must not be removed during beach management activities, though debris posing a clear threat to public safety may be removed as needed. To protect coastal waters and wildlife, **Special Condition Four (4)** mandates the use of Best Management Practices to prevent the discharge of hazardous materials during maintenance activities.

Although Silver Strand Beach lacks dunes or sensitive habitat, likely due to its history of extensive maintenance activities and high use, the proposed management measures will ensure that future operations are carefully managed to avoid harm to biological resources and preserve the beach's ecological integrity in the long term. Given these long-term management considerations, **Special Condition One (1)** provides that this CDP authorizes the beach management operations for five years and requires that the applicant submit a CDP application to the California Coastal Commission prior to the expiration of the current authorization. This will ensure that biological impacts are continuously assessed and addressed as part of the broader, long-term management of Silver Strand Beach, incorporating any new ecological considerations that may arise over time. More specifically, **Special Condition One (1)** requires two important studies: a Dune Restoration Pilot Project Feasibility Study, which will evaluate the feasibility and long-term effects of transforming a portion of the beach into a resilient living shoreline, and a comprehensive Sea Level Rise Vulnerability Assessment, which will identify risks from rising sea levels and propose adaptation strategies to protect the beach and its resources. These studies will help guide the ongoing management of Silver Strand Beach, ensuring that biological resources and public infrastructure are protected against the challenges posed by climate change and sea level rise.

As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act. Therefore, staff recommends that the Commission approve Coastal Development Permit No. 4-24-0159. The motion and resolution to adopt the staff recommendation for approval of the permit with conditions can be found on **page 5**.

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### **EXHIBITS**

Exhibit 1 – Regional Map

Exhibit 2 – Vicinity Map

Exhibit 3 – Project Boundary

Exhibit 4 – Beach Access Points

Exhibit 5 – Sand Clearance and Redistribution

Exhibit 6 – Beach Grooming and Public Access Easements

Exhibit 7 – Draft Beach Management Plan 2024

## I. MOTION AND RESOLUTION

### Motion:

I move that the Commission approve Coastal Development Permit 4-24-0159 pursuant to the staff recommendation.

### Staff Recommendation of Approval:

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

### Resolution to Approve the Permit:

The Commission hereby approves the Coastal Development Permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant 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 applicant to bind

all future owners and possessors of the subject property to the terms and conditions.

### **III. SPECIAL CONDITIONS**

#### **1. Term of Permit and Annual Reporting**

##### **A. Permit Term.**

1. This coastal development permit authorizes implementation of the approved Final Silver Strand Beach Management Plan (per Special Condition No. 3) only for a period of five (5) years from the date that Coastal Development Permit 4-24-0159 is approved by the Commission, after which time all beach maintenance activities will cease, unless a new coastal development permit authorizing the continuation of the Beach Management Plan is approved and issued by the California Coastal Commission.
2. Prior to the date that authorization for the development expires, the applicant shall submit a complete coastal development permit application to the California Coastal Commission to continue the Silver Strand Beach Management Plan. This application submittal shall include:
  - a. Dune Restoration Pilot Project Feasibility Study. Detailed analysis and study to evaluate the feasibility of a "nature-based" pilot dune restoration project that involves the transformation of a portion of the current beach into southern foredune habitat with native plant species and associated wildlife. The dune restoration pilot project would allow for evaluation of the effectiveness of "soft" natural shore protection against impacts from sea level rise and storms while providing public benefits and enhancements of natural resources on Silver Strand Beach. This study should focus on the feasibility, methods, and long-term effects of a dune restoration project. The study should evaluate the potential impacts of dune restoration/creation on beach habitat, shoreline development, and possible long-term strategies for maintaining dune integrity.
  - b. Consideration of Sea Level Rise. Comprehensive sea level rise vulnerability assessment of Silver Strand Beach, identifying key risks such as erosion, flooding, and habitat loss due to rising sea levels. The submission should include potential natural and engineered adaptation strategies, such as beach replenishment and dune restoration, to mitigate these risks. The plan shall analyze all feasible measures to protect vulnerable coastal habitats, public infrastructure, and public access points, while considering long-term sustainability in the face of climate change projections. This assessment should include evaluating potential flooding scenarios, the shifting of coastal features, and how to maintain beach and infrastructure integrity over time.

## **B. Annual Report Summary**

The applicant shall submit on an annual basis, for the review and approval of the Executive Director, a summary of all activities undertaken pursuant to this permit each year, including: a summary of beach grooming activities (including frequency of grooming activities, condition of wrack habitat on site, and a summary of compliance with all provisions of the Special Condition No. 5, "Limitations on Beach Grooming and Sand Clearance", a summary of sand clearing occurrences and operations, all debris removal operations, and lifeguard tower installation activities.

## **2. Required Approvals**

The permittee acknowledges and agrees to obtain all other State or Federal permits that may be necessary for all aspects of the proposed project (including, but not limited to, permits or other forms of review, from the California State Lands Commission, California Department of Fish and Wildlife, State Water Quality Board, California Regional Water Quality Control Board, U.S. Fish and Wildlife Service, and the United States Army Corps of Engineers). Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change requires an amendment to this coastal development permit or a new coastal development permit.

## **3. Final Silver Strand Beach Management Plan**

**Prior to issuance of the coastal development permit**, the applicant shall submit, for the review and written approval of the Executive Director, the final Silver Strand Beach Management Plan in substantial conformance with the Draft Silver Strand Beach Management Plan, dated 2024. The final plan shall incorporate the best management practice and operational responsibilities per Special Condition No. 4 and limitations on beach grooming and sand clearance per Special Condition No. 5. The permittee shall undertake beach maintenance activities in conformance with the approved final beach management plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final beach management plan shall occur without a Coastal Commission approved amendment to the Coastal Development Permit, unless the Executive Director determines that no amendment is legally required.

## **4. Best Management Practices**

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

- A. No maintenance materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or be subject to wave, wind, rain, or tidal erosion and dispersion. Any debris inadvertently discharged into coastal waters shall be recovered immediately and disposed of consistent with the requirements of this coastal development permit.

- B. Hazardous materials management equipment including oil containment booms and absorbent pads shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up.
- C. Maintenance equipment shall not be cleaned on the beach or in the beach parking lots. Any fueling and maintenance of equipment shall occur within upland areas outside of environmentally sensitive habitat areas. Mechanized heavy equipment and other vehicles used during maintenance activities shall not be refueled or washed within 100 feet of coastal waters.
- D. Maintenance vehicles shall be restricted to designated routes outlined in the proposed beach management plan. Maintenance equipment and materials shall not be stored in the project area between maintenance operations, and equipment shall not be in contact with coastal waters or environmentally sensitive habitat areas at any time.
- E. Beach management activities shall be implemented in a manner that avoids the removal or disturbance of wrack to the maximum extent feasible. Debris that is entangled in the wrack and which poses a clear threat to public safety may be removed by hand as needed, unless mechanized equipment is necessary.
- F. Public safety protocols during beach maintenance activities (e.g. designated safety spotters when operating equipment, marking off work areas, established access points, etc.) shall be implemented during all project operations. Safe public access to or around areas where maintenance activities will occur shall be maintained during all project operations.
- G. Vehicles and equipment used for sand clearance and sand redistribution shall not come into contact with the intertidal zone or ocean waters.
- H. All BMPs shall be implemented in a functional condition throughout the duration of project activities.

## **5. Limitations on Beach Grooming and Sand Clearance**

- A. Limitations on Beach Grooming. Regular beach grooming, including raking, cleaning, and recontouring of sand shall be limited to Silver Strand Beach and shall not occur outside of the designated area outlined in the approved Silver Strand Beach Management Plan (Special Condition No. 3). All mechanized beach grooming shall be restricted to dry sand area only and shall not occur any closer than ten feet landward of the wrack line or the highest daily high tide line, whichever is further landward. Wrack shall not be removed from this area during grooming activities with the exception of debris that is entangled in the wrack, and which poses a clear threat to public safety, may be removed as needed.

B. Sand Clearance/Redistribution. Sand clearance operations shall be limited to a 50-foot area that extends from the property line of the existing private development, within the existing two public parking lots or the existing 21 public access easements, as outlined in the approved Silver Strand Beach Management Plan. All sand redistribution shall be limited to an area that extends 150-foot area seaward of the 50-foot sand removal area. Sand clearance and redistribution shall be restricted to dry sand areas only and shall not occur any closer than ten feet landward of the wrack line or the highest daily high tide line, whichever is further landward. No sand removal or redistribution shall occur outside of these designated areas without a Commission approved CDP amendment.

## **6. Assumption of Risk, Waiver of Liability and Indemnity Agreement**

By acceptance of this coastal development permit, the permittee acknowledges and agrees (i) that the project site may be subject to hazards from storm waves, surges, erosion, and flooding; (ii) to assume the risks to the permittee 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.

## **7. Off-Road Vehicle Use Prohibited Signage Plan**

**Prior to the issuance of the coastal development permit**, the applicant shall submit, for the review and approval of the Executive Director, an "off-road vehicle use prohibited" signage plan to install signage at Silver Strand Beach Parking Lot and La Jenelle Parking Lot. Such signage plan shall specify the type, size, design, text, and location of off-road vehicle use prohibited signage and shall include a minimum of one sign at each above-stated parking lot in a visible location, informing the public that off-road vehicle use is prohibited at Silver Strand Beach. The applicant shall also demonstrate that the signs are acceptable to the County of Ventura in type, size, design, text, and location. The applicant is required to implement sign placement in accordance with the approved Signage Plan. The applicant shall maintain all approved signage in perpetuity. Any proposed modifications to the approved signage plan must be reported to the Executive Director. No changes shall be made to the approved plan without a Commission-approved amendment to this coastal development permit, unless the Executive Director determines that such an amendment is not legally required.

## IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

### A. Project Description

The Ventura County Harbor Department (“Harbor”) is proposing a comprehensive five-year long Silver Strand Beach Management Plan, which outlines the existing permanent facilities, uses, and maintenance activities that occur both on a regular and seasonal basis at Silver Strand Beach in the County of Ventura (**Exhibit 7**). This proposed plan outlines the ongoing operations that the Harbor carries out on this beach aimed at improving beach cleanliness, enhancing aesthetic appeal, and ensuring public safety and accessibility. It covers 41 acres of County-owned, day-use public beach located adjacent to the unincorporated Silver Strand community and includes provisions for routine maintenance operations such as beach grooming, debris and trash removal, and the clearing of sand from 21 public vertical access easements. Additionally, it addresses the maintenance of various beach facilities, including two parking lots, a permanent lifeguard headquarters, five portable lifeguard towers, and two public restrooms, along with emergency response procedures for storm events and marine mammal removal. The proposed beach maintenance activities are organized into three main components, which are outlined below: Beach Maintenance Operations, Facilities Maintenance Operations, and Storm Events and Emergencies

#### Beach Maintenance Operations

**Beach Grooming.** Under the proposed plan, beach grooming at Silver Strand will be performed weekly or as needed by the Harbor Department for both public safety and aesthetic purposes. This process will involve specialized machinery and manual labor tasks, including leveling, contouring, smoothing, and sifting sand. The methods employed for grooming may vary based on seasonal conditions, debris removal needs, and the presence of special-status species. The Harbor Department will utilize a dedicated beach tractor equipped with a surf rake specifically designed for the cleaning and grooming of the sandy areas. Operators will access the beach through the two designated beach entry points: the southwest corner of the Silver Strand parking lot and the emergency access gate at the seaward edge of the La Jennelle parking lot (**Exhibit 4**). Operators will adhere to a specified route, proceeding in a north-to-south or south-to-north direction and will stay within the proposed grooming area (**Exhibit 6**). The applicant proposes to maintain a ten-foot buffer zone from beachfront properties and from the wrack line, with mechanized equipment restricted to dry sand areas only. Any debris collected by the tractor will be disposed of in a covered dumpster located in the Silver Strand parking lot or in a designated dumpster at the Harbor Maintenance Yard. To ensure that no harmful or foreign materials are discharged onto the beach or into the ocean, tractors will be thoroughly cleaned and maintained offsite at the Harbor Maintenance Yard.

**Sand Clearance.** The proposed Beach Management Plan proposes the removal of sand adjacent to beachfront properties to prevent wind-blown accumulation that may obstruct property access, pathways, and views. The Beach Management Plan proposes to clear sand starting from the property lines of beachfront development and extending 50 feet onto the sandy beach. After this, cleared sand will be evenly redistributed within a 150-foot zone seaward from the initial 50-foot sand removal area (**Exhibit 5**). The Ventura County Harbor Department has issued a Commercial Activity Permit (CAP) to Gold Coast Land Clearing to facilitate on-call sand clearance services. The permit authorizes sand clearance operations for areas adjacent to beachfront properties and along the 21 public vertical access easements. Gold Coast Land Clearing is authorized to provide services to both the Harbor Department and beachfront property owners, who may contact the contractor directly to arrange and pay for sand clearance within the 50-foot boundary adjacent to their property. All sand clearance activities carried out under this permit will comply with the maintenance and safety protocols outlined in the proposed Beach Management Plan. Specifically, sand clearance and redistribution operations will adhere to the following conditions: clearance will not extend into the intertidal zone or contact ocean waters; redistribution will be confined to the area extending 150 feet seaward from the 50-foot sand removal zone; and sand clearing will only occur outside of any Environmentally Sensitive Habitat Areas (ESHA) and associated buffer zones, should these areas be designated or identified in the future.

**Public Access Easements.** The Ventura Harbor Department oversees 21 vertical public access easements within the plan area, which provide pathways from the street to the beach between private properties for public beach access. These easements are evenly distributed along the beach, each measuring approximately 10 feet wide and 75 to 100 feet in length (**Exhibit 6**). The Beach Management Plan aims to address the accumulation of wind-blown sand that can obstruct these access points by regularly clearing the easements. This proposed maintenance will occur weekly or as necessary to ensure consistent accessibility for beachgoers. Gold Coast Land Clearing, an authorized contractor, will employ both mechanical and manual methods, utilizing a designated beach tractor to remove sand from the easements. Tractor operators will access the beach through one of the two designated entry points (**Exhibit 4**). The tractor will be used to clear sand from the easements and evenly redistribute it across adjacent beach areas, within 150 feet seaward of the designated 50-foot sand removal zone (**Exhibit 5**). All sand clearance and redistribution activities will occur above the highest monthly high tide line and remain clear of the wrack line. Additionally, easements will be cleared one at a time, ensuring uninterrupted beach access for visitors through other nearby easements. Any debris collected during the process will be manually removed and disposed of in a covered dumpster that is designated for beach maintenance waste and located at the Silver Strand parking lot. If necessary, debris will be transported to the Harbor Maintenance Yard, where an additional designated dumpster is available for disposal.

**Trash Barrel Maintenance.** Trash barrels are strategically distributed along the sandy beach, public access easements, and roads leading to Silver Strand Beach. These 55-gallon capacity barrels feature plastic dome lids with self-closing swing doors to conceal trash and odor. The Harbor Maintenance team will conduct daily visits during the

summer and as needed in the winter to empty these trash barrels. The Harbor maintenance team will utilize 4WD trucks and enter the beach through one of the two designated access points (**Exhibit 4**). The trucks will follow a designated route above the high tide line, traveling in a straight line between barrels at a maximum speed of 10 mph. Once collected, trash bags will be disposed of in the designated dumpster located in the Silver Strand parking lot. If additional capacity is needed, excess debris will be transported offsite to the designated dumpster at the Harbor Maintenance Yard.

## **Facilities Maintenance Operations**

**Parking Lots.** Two paved parking lots are available for Silver Strand Beach visitors: the Silver Strand lot and the La Jenelle lot (**Exhibit 4**). The Silver Strand parking lot is situated at the northern (upcoast) end of the beach and provides 63 public parking spaces. Located at the south end of the beach is La Jenelle Beach Park which consists of a jetty made up of an old shipwreck (the *La Jenelle*) that was encased in concrete by State Lands, a beach area, a parking lot and a driveway providing access to Ocean Drive. The La Jenelle parking lot provides 22 public parking spaces. Both parking lots experience high public use during the spring and summer months, and low-to-moderate use in off-season months depending upon the weather. Access to La Jenelle is temporarily closed during biannual dredging and sand replenishment operations to ensure public safety. To maintain controlled access and prevent unauthorized vehicle entry onto the beach, bollards have been installed around the perimeter of the La Jenelle access road and parking lot. Furthermore, both parking lots are equipped with a double arm gate at the entrance/exit point. The responsibility of unlocking and opening the gate in the morning lies with the Harbor Maintenance team, while the Harbor Patrol is responsible for closing and locking the gate in the evening.

The Silver Strand parking lot is generally unaffected by windblown sand, and debris and sand removal are typically only necessary after significant storm surge events that result in debris accumulation. In contrast, the applicant states that the La Jenelle parking lot and access road are more frequently impacted by sand buildup and inclement weather during the winter months, which can occasionally limit regular access. Thus, sand clearing operations for these parking lots are proposed to be conducted on an as-needed basis. The Harbor maintenance team will use a tractor to clear sand from the lots, with redistribution confined to the previously established area extending 150 feet seaward from the 50-foot sand removal zone (**Exhibit 5**). Any large debris will be removed by hand and disposed of in sealed trash bins onsite or the Maintenance Yard dumpster. To clear the sand accumulated between the bollards at the La Jenelle parking lot and access road, a small excavator will be utilized as necessary. In addition to sand clearance operations, the Beach Management Plan proposes to restripe both parking lots annually to ensure clear markings and designated spaces.

**Public Restrooms.** Silver Strand Beach offers two public restroom facilities that are accessible to the public from morning until evening each day. The first public restroom is located within the main Lifeguard Headquarters facility at the north end of Silver Strand Beach and the second restroom is situated on the sand near the south end of

the beach. The Beach Management Plan outlines that the Harbor Maintenance team is responsible for cleaning and restocking the restrooms daily and ensuring that both facilities are cleaned, sanitized, and kept in proper working order. In order for the maintenance team to access the restroom located on the sandy beach, specialized 4WD trucks will be employed. These vehicles will access the facility through one of the two designated beach entry points (**Exhibit 4**), following a predetermined route and adhering to a maximum speed of 10 mph to ensure safety and minimize disruption to beachgoers.

**Lifeguard Towers.** A permanent Lifeguard Headquarters facility as well as five portable lifeguard towers are located on Silver Strand Beach year-round. The Ventura County Harbor Department undertakes the maintenance and the seasonal installation of these facilities. The Lifeguard Headquarters, commonly referred to as Zero Tower, offers lifeguards a comprehensive view of Silver Strand, the adjacent Channel Islands Harbor entrance, and Hollywood Beach. This facility operates seasonally from Memorial Day weekend through Labor Day weekend and includes a first aid station, providing medical care and assistance for water-related incidents and other emergencies. In addition to the Lifeguard Headquarters facility, five portable lifeguard towers will be strategically positioned along the beach during the summer season. These five portable lifeguard towers are proposed to be installed along Silver Strand during the summer season using a designated beach tractor. While the towers will remain on the beach year-round, they will be relocated away from the water when not in use.

### **Storm Events and Emergencies**

**Storm Events.** The Ventura County Harbor Department states that storm events and runoff from upstream watersheds can lead to seasonal debris accumulation at Silver Strand Beach. This debris may include a variety of materials such as small branches, logs, trees, pilings, construction materials, tires, and other trash. To address this issue, the Harbor Department proposes to conduct regular beach debris removal operations following major storms and as needed throughout the year. Prior to any large debris removal efforts within the Plan area, a qualified biologist will survey for sensitive species that may occur at that location during that time of year. Sensitive species to be surveyed will include the Western Snowy Plover from October 1<sup>st</sup> – September 15<sup>th</sup>, the California Least Tern from July 1<sup>st</sup> – August 30<sup>th</sup>, and the California Grunion from March 14<sup>th</sup> – August 31<sup>st</sup>. Equipment utilized for debris removal may include tractors, excavators, front-end loaders, and dump trucks. Any mechanized equipment will access the beach via the two designated beach entry points (**Exhibit 4**). Debris will be gathered and consolidated into centralized piles at various locations along the beach. An excavator will then pick up the debris, shake off excess sand, and transfer the loads to dump trucks. All collected debris will be transported to appropriate trash or recycling facilities for proper disposal.

**Emergency Response.** In the event of an aquatic emergency, a combination of rescue vehicles, patrol boats, and other equipment may be utilized for response efforts. The Harbor Patrol Headquarters, situated just offsite of this beach, operates year-round on a

24/7 basis, serving as the central hub for storing department equipment, vehicles, boats, and supplies essential for beach operations. Additionally, the main Lifeguard Headquarters Tower provides essential amenities such as treatment areas, communication systems, training rooms, medical supply storage and an observation platform during the summer season. The Harbor Patrol and seasonal lifeguards work to maintain beach safety for the public by closely monitoring areas where visitors may require rescue and medical aid. The Harbor Department utilizes various tools to manage risks and respond effectively to incidents, including 4-wheel drive emergency vehicles, lifeguard towers, safety signage, public address systems, emergency vehicle access, and communication systems. In the event of a severe and imminent threat to public health and safety, such as a tsunami warning or widespread contamination, the Harbor Department may deem it necessary to close or limit access to the beach, parking lots, and restroom facilities. These closures will remain in effect until the threat has been resolved. The Harbor Department has emphasized that such closures will be enacted solely to safeguard public health and safety and will not be implemented for any other purpose.

**Marine Mammal Removal.** Dead or injured marine mammals are occasionally encountered at the Silver Strand Beach. When injured or diseased animals are discovered, they are referred to the Channel Islands Marine Wildlife Institute (CIMWI) for specialized care and treatment. In the event that a deceased marine animal is found, the responsibility for its disposal falls to the Harbor Maintenance team. Upon receiving authorization from CIMWI, maintenance personnel will initiate the disposal process. Following tagging by CIMWI, the marine mammal will be buried at the location of discovery, ensuring a minimum distance of ten feet from the wrack line and a burial depth of six feet. The applicant states that this protocol ensures compliance with environmental and safety regulations during the disposal process.

## **B. Background**

Silver Strand County Beach is located in the unincorporated community of Silver Strand within Ventura County, California (**Exhibit 1**). This public sandy beach stretches approximately one mile along the coastline and is owned by Ventura County, while maintenance operations are overseen by the Ventura County Harbor Department. Positioned between two key maritime landmarks, the beach lies just downcoast of the entrance to Channel Islands Harbor and upcoast of the entrance to the Port Hueneme Harbor (**Exhibit 2**). The back of the beach is bordered by a strip of beachfront homes, with 21 public vertical access easements providing pathways between private properties for beachgoers. The width of the beach varies seasonally, and the applicant states that certain areas measure as little as 100 feet wide during the winter months. Silver Strand Beach does not currently support any wetlands, dunes, or other sensitive species habitats. A biological assessment provided by the applicant and conducted by Rincon Consultants in April of 2023, revealed no sandy areas on the beach that support more than limited vegetation growth and no unique, rare, threatened, or endangered plants or animals were observed.

Silver Strand Beach is primarily owned by the County of Ventura, with the exception of La Jenelle Beach Park, located at its southern end. La Jenelle Beach Park is unique due to its jetty, which incorporates the old shipwreck "La Jenelle," encased in concrete. This park, which includes a beach area, parking lot, and access to Ocean Drive, is owned by the State of California and managed by the California State Lands Commission. Under an agreement executed on January 2, 1974, the park is maintained in perpetuity by the County of Ventura. Access to La Jenelle Beach Park is restricted temporarily during bi-annual dredging and beach replenishment operations, which have been routinely conducted by the United States Army Corps of Engineers (USACE) since the 1960s at Channel Islands Harbor. These operations are part of a long-term dredging program for Channel Islands Harbor and Port Hueneme Harbor, which includes sand replenishment efforts at Silver Strand Beach, Hueneme Beach, and nearshore placement site offshore of Hueneme Beach. In 2024, the California Coastal Commission determined that the proposed dredging program aligns with the California Coastal Management Program, subject to the condition that the USACE prepare an updated Western Showy Plover Habitat Expansion and Enhancement Plan. During the approved dredging operations, a pipeline is installed across Silver Strand Beach to facilitate the removal of sand from the Channel Islands and Port of Hueneme Harbors and its placement on Hueneme Beach. Additionally, a portion of the dredged sand is utilized to replenish the mid-point of Silver Strand beach. To ensure public safety and operational efficiency, access to La Jenelle Beach Park is temporarily closed during these activities.

Silver Strand Beach is a popular destination for both locals and tourists, offering a range of recreational activities, such as swimming, surfing, and sunbathing. To support these activities, the beach is equipped with various public amenities to ensure both accessibility and safety. These facilities include two public parking lots, a lifeguard headquarters, five portable lifeguard towers, two public restrooms, and 21 designated public vertical access easements. In addition to regular maintenance of the public facilities, the Harbor Department also manages tasks such as beach grooming, sand removal from public access easements, and the clearing of sand in areas adjacent to beachfront properties. Beach maintenance is an ongoing, year-round process, with increased activities during the summer months, typically taking place in the mornings before noon. The Ventura Harbor Department has been maintaining Silver Strand Beach facilities, as well as overseeing the broader management of the beach since the early 1990s. However, the Harbor Department's current beach maintenance operations are not authorized through a Commission approved Coastal Development Permit, which is required for such activities.

#### Consolidated Coastal Development Permit

To resolve this issue, the proposed Silver Strand Beach Management Plan aims to formalize and regulate all beach maintenance activities carried out by the Harbor Department, both on a routine and seasonal basis. The proposed plan encompasses areas that are located both within the County of Ventura's Local Coastal Program (LCP) jurisdiction as well as within the retained jurisdiction of the Coastal Commission. Thus, the applicant and the County of Ventura have requested, and Commission staff have

agreed, to process the subject application as a consolidated CDP as provided in Section 30601.3 of the Coastal Act.

The certified Ventura County LCP contains policies and provisions relating to public access, recreation, and biological resources (including environmentally sensitive habitat areas or “ESHA”). In 2021, the County approved a comprehensive ESHA amendment to the LCP. Amendment No. LCP-4-VNT-21-0069-2, which was certified by the Commission in 2022 included the addition of policies addressing dunes and other beach habitats. This amendment includes ESHA Program Six (6), which outlines the planning and permitting requirements for both Hollywood and Silver Strand beaches. ESHA Program Six (6) specifies that: a) Based on the availability of funding and grants, the County in coordination with the California Coastal Commission will develop a comprehensive beach management plan for Hollywood and Silver Strand Beaches to address multiple uses and activities, such as, but not limited to dune restoration, public access, off-road vehicle use, sea level rise adaptation, and beach maintenance activities and B) The County Harbor Department will apply for a multi-year “master permit” to comprehensively address development, including beach maintenance activities conducted by the County at Hollywood and Silver Strand Beaches. The Ventura Harbor Department has indicated that the proposal for the subject Beach Management Plan specifically addresses and complies with the requirements of Part B outlined above and is intended to serve as a “master permit” for all beach maintenance activities conducted at Silver Strand.

### **C. Standard of Review**

The proposed project is located partly within the County of Ventura’s Local Coastal Program (LCP) jurisdiction as well as partly within the retained jurisdiction of the Coastal Commission. Pursuant to Section 30601.3(a)(2) of the Coastal Act, the applicant, appropriate local government, and the Commission may agree to consolidate a permit action for a project that spans local and state jurisdictions. In this case, the County of Ventura is both the applicant and the appropriate local government. The County of Ventura has requested that the Commission assume jurisdiction over all activities associated with the proposed project. The Executive Director agreed to the consolidation on behalf of the Commission. As provided by Section 30601.3(a)(2), the standard of review for this consolidated coastal development permit application is the Chapter Three policies of the Coastal Act, with the applicable policies of the County of Ventura’s certified LCP serving as guidance.

### **D. Public Access and Recreation**

Coastal Act Section 30210 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.

Coastal Act Section 30211 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.

Coastal Act Section 30214 states, in relevant part:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case [...]

Coastal Act Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 4.3.2 of the Ventura County LUP states:

Restrictions on public parking that would impede public coastal access shall be prohibited except where such restrictions are demonstrated to be necessary for the provision of public safety, and there is no other feasible alternative.

Coastal Act Sections 30210 and 30211 mandate that 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. Section 30214 specifically mandates that the public access policies of this article shall take into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case. Section 30221 of the Coastal Act mandates that oceanfront land suited for water-oriented recreational activities shall be protected. Ventura County LUP Section 4.3.2 prohibits any restrictions on public parking that would impede coastal access except where such restrictions are necessary for public safety, and there is no other feasible alternative.

Silver Strand Beach, located in the unincorporated community of Silver Strand in Ventura County, is a popular recreational destination that attracts both residents and visitors alike. Ventura County, with a population of approximately 832,605 people, sees significant visitor traffic to this sandy beach, particularly during the summer months. Silver Strand Beach is situated between the Channel Islands Harbor entrance to the north and the Port Hueneme Harbor entrance to the south and is bordered by closely packed residential homes (**Exhibit 2**). Access to the beach is facilitated by a single

roadway, which can lead to traffic congestion during peak visitation periods. The beach features an expansive sandy shoreline, ideal for a variety of recreational activities such as sunbathing, swimming, and surfing. Furthermore, the nearby Channel Islands and Port Hueneme Harbors offer additional water-oriented recreational opportunities such as boating, fishing, jet skiing, and kayaking.

The proposed project involves the implementation of a comprehensive management plan for the 41-acre county-owned day-use public beach. This plan includes a variety of routine maintenance tasks, such as beach grooming, debris and trash removal, and clearing of sand from 21 public access easements. It also covers the upkeep of various beach facilities, including two parking lots, a permanent lifeguard headquarters, five portable lifeguard towers, and two public restrooms. These management activities have been conducted by the Ventura Harbor Department since the early 1990s and are proposed to continue under the proposed Plan. Given the beach's status as a popular recreational area and vital access point for various coastal dependent recreational activities, it is critical that the Commission evaluate potential impacts of the proposed management activities on public access and recreational opportunities.

The proposed management operations, including beach grooming, debris removal, and sand clearance/redistribution, will be conducted in high-traffic areas such as the public sandy beach, vertical accessways, and parking lots. Beach grooming, which involves leveling, contouring, smoothing, and sifting sand, is proposed to take place weekly or as needed. To address seasonal debris accumulation along the beach, the Harbor proposes to conduct debris removal operations following major storms and as needed throughout the year. Staff anticipates that the grooming and debris removal efforts will help maintain convenient public access by ensuring sand is level and free of debris that may pose safety risks. In addition, sand clearance operations will be conducted along beachfront developments, two beach parking lots, and 21 public vertical access easements to keep pathways free of windblown sand and debris, maintain clear parking lots, and preserve the visibility of stall markings. These efforts are intended to facilitate safe, convenient access to the beach and its amenities, while maintaining the integrity of the public access infrastructure.

Within the Plan area, the Harbor Department oversees the maintenance and seasonal operation of the Lifeguard Headquarters facility (Tower Zero) as well as five portable lifeguard towers. The Beach Maintenance Plan outlines the proposed seasonal lifeguard operations conducted at Silver Strand Beach. The five portable lifeguard towers are proposed to be installed along Silver Strand during the summer season using a designated beach tractor. While the towers will remain on the beach year-round, they will only be operational during the summer season and will be relocated away from the water when not in use. This approach ensures that lifeguard and emergency responses can be coordinated swiftly during high use times. The Lifeguard Headquarters, located at the north end of the beach, also operates seasonally from Memorial Day weekend through Labor Day weekend and maintains a first aid station, providing medical care and assistance for water-related incidents and other emergencies. This facility provides a comprehensive view of Silver Strand, the adjacent Channel Islands Harbor entrance, and Hollywood Beach. As such, the Lifeguard Headquarters plays a key role in

supporting recreational boating and other water-oriented activities by ensuring public safety. The Commission finds that the proposed lifeguard operations align with the Coastal Act's policies on public access and recreation, as they ensure that recreational opportunities are provided consistent with public safety needs.

While the proposed Beach Management Plan aims to enhance safe public access, staff acknowledges that certain maintenance activities utilizing heavy equipment may pose public safety risks in the areas where they are conducted. To mitigate such risks and facilitate safe public access to or around areas where maintenance activities will occur **Special Condition Four (4)** mandates the implementation of public safety protocols throughout all proposed project activities. These measures may include providing designated safety spotters when operating equipment, establishing equipment access points, and marking off work areas. This condition ensures that beach management activities will not interfere with the public's right of access to the sea and guarantees maximum access throughout the duration of all maintenance activities, consistent with public safety needs.

While some maintenance activities conducted on the sandy beach or along designated walkways may temporarily disrupt public access, these impacts are expected to be minimal and short-term. For example, beach grooming and sand clearance operations will occur in stages, focusing on one section of the beach at a time to minimize any potential disruptions to recreational activities. This phased approach ensures only small portions of the beach are impacted at any given time, maintaining uninterrupted public access. The proposed Beach Management Plan largely follows the safety and operational parameters historically used by the Ventura County Harbor Department, ensuring that ongoing maintenance activities do not heavily impact public access or recreation. To the greatest extent feasible, activities will be scheduled to minimize disruption to public access, taking into account peak usage times, high-use seasons, special events, and holidays. The proposed Beach Management Plan cites that the ultimate goal is to find a balance between effectively managing the beach while providing an enjoyable experience for the public.

The Harbor Department plays a critical role in managing public access to Silver Strand Beach, employing a combination of planning and operational controls to regulate access during specific circumstances such as emergencies, storms, or maintenance activities such as dredging or sand replenishment. During these times, public access may be temporarily restricted to ensure safety, particularly during major weather events or other hazardous situations. Additionally, the County maintains controlled access to the beach parking lots on a daily basis using double-arm gates, which are opened each morning by the Harbor maintenance team and closed each evening by Harbor Patrol. This system allows for daytime access to the parking areas while minimizing public safety concerns related to nighttime use. While the Harbor Department regulates access to the parking lots at night, the public may still utilize the various public access easements and walkways to access the beach. While the Coastal Act (Section 30210) emphasizes the importance of "maximum access" to public beaches, it also recognizes the need to balance access with the protection of public safety and natural resources. Section 30214 specifies that the public access policies of this article shall be implemented in a

manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case. In alignment with these provisions, the Harbor Department temporarily restricts access to the beach in response to safety concerns, such as during major storm events, emergencies, or while conducting dredging operations. Access may also be closed or limited to protect public health and safety during widespread threats, such as a tsunami warning or wide-spread contamination. The Harbor Department affirms that these closures will be implemented solely for the purpose of safeguarding public health and safety in the event of a hazard and where there are no feasible alternatives.

To further support public safety and comply with local regulations, **Special Condition Seven (7)** requires that the applicant submit a detailed signage plan to prevent off-road vehicle use at Silver Strand Beach. This plan will outline the type, size, design, text, and placement of signage at both the Silver Strand Beach Parking Lot and the La Jenelle Parking Lot. The plan mandates that at least one clearly visible sign be installed at each lot, specifically informing the public that off-road vehicle use is prohibited on the beach. This action ensures that the public is aware of the restrictions and complies with the certified County of Ventura LCP policies which prohibit the operation of vehicles, including bicycles, motorcycles, and automobiles, outside of designated roads or trails. By installing clear and visible signage, the condition helps to enforce rules intended to preserve the safety and integrity of the beach area while preventing potential conflicts between illegal vehicle use and pedestrian or recreational activities.

The applicant has stated the proposed beach maintenance activities such as beach grooming, installation of lifeguard towers, and sand clearance and redistribution all aim to meet public safety needs, maintain designated parking lots and pathways to the beach, and ultimately enhance public access and recreation. Commission staff concur that the project will support recreational boating use of the adjacent harbor, as well as public access and recreational opportunities at Silver Strand Beach. While some temporary disruptions to beach access may occur during maintenance activities conducted on the sandy beach, such disruptions will be minimized in duration and area. Additionally, access to the beach will be maintained to all areas outside the work area at any given time. As such, the Commission finds that the proposed project, as conditioned, will support water-oriented recreational opportunities and boating uses of coastal waters, will maintain recreational opportunities and public access at the project site, and is therefore consistent with Sections 30210, 30211, 30214, and 30221 of the Coastal Act and the applicable guidance policies of the certified County of Ventura LCP.

## **E. Biological Resources and Water Quality**

Coastal Act Section 30230 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.

Coastal Act Section 30232 states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Coastal Act Section 30240 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.

County of Ventura Land Use Plan ESHA Policy 6.3 states:

Sand removal/movement may be allowed on County beaches that *abut* existing *development* at Hollywood-by-the-Sea and Silver Strand Beaches if conducted for the sole purpose of preventing physical damage to existing, legally permitted beachfront residential/commercial *development* from wind-blown sand inundation. Such activities shall only be allowed pursuant to a valid *Coastal Development Permit*, be the minimum necessary to prevent physical damage, and shall be conducted in a manner that avoids adverse impacts to *ESHA*, including *dune habitats* and *special status species* shorebirds.

County of Ventura Land Use Plan ESHA Policy 6.4 states:

To reduce impacts on nearshore shallow water environments that are used by fish, shellfish, birds, and other aquatic organisms, *best management practices* and other mitigation measures shall be used within *development* to protect the water quality of terrestrial *wet environments* connected to the Pacific Ocean. Adverse impacts to *coastal resources* shall be prevented by timing the construction of the project to avoid disruption of breeding and/or nesting of birds or fishes. *Development* shall be sited to avoid coastal hazards, taking into account projected sea level rise, and to allow for the migration of *habitat* areas to the maximum extent feasible.

County of Ventura Land Use Plan ESHA Program 6 states:

a. Based on the availability of funding and grants, the County in coordination with the California Coastal Commission will develop a comprehensive beach management plan for Hollywood and Silver Strand Beaches to address multiple

uses and activities, such as, but not limited to dune restoration, public access, off-road vehicle use, sea level rise adaptation, and beach maintenance activities. The management plan will consider the protection and restoration of ESHA, community and infrastructure adaptations from sea level rise, and ensure public access is maintained and balanced with the preservation of coastal resources. Public education, outreach and coordination will be included with landowners, federal, state and local agencies that have jurisdiction on these beaches.

b. The County Harbor Department will apply for a multi-year “master permit” within three years of September 9, 2022 to comprehensively address development, including beach maintenance activities conducted by the County at Hollywood and Silver Strand Beaches. If the geographic area covered by the permit includes land under the permit jurisdiction of the County and the California Coastal Commission, then a consolidated permit may be processed through the Coastal Commission, pursuant to Coastal Act Section 30601.3. Beach maintenance activities implemented prior to issuance of the master permit shall be required to obtain a separate coastal development permit.

Section 8178-2.7.1.3 of the Ventura County LIP states:

*Beach grooming*, which includes the removal of driftwood, debris and seaweed (*beach wrack*) from beaches and may include leveling sand, may be allowed on Hollywood Beach and Silver Strand Beach when conducted pursuant to a valid *Coastal Development Permit*. *Beach grooming* is subject to the following standards:

- a. *Beach grooming* is permitted year-round when limited to the hand removal of trash/debris or driftwood that presents a clear public safety hazard, and the activity does not disturb spawning grunions or nesting shorebirds.
- b. Except as allowed by subsection (c) below, mechanical *beach grooming* is prohibited year-round below the monthly highest tide line. Above the monthly highest-tide line, mechanical *beach grooming* is permitted when such activities occur outside an *ESHA* or *buffer zone* (e.g., *lagoon/estuary/wetland*, coastal *dune habitat*, nesting shorebirds, designated *Important Bird Area*).
- c. The removal or disturbance of *beach wrack* is prohibited below the monthly highest-tide line unless trash/debris/driftwood entangled in the wrack poses a clear threat to public safety...

Section 8178-2.7.1.4 of the Ventura County LIP states:

Within the existing communities of Hollywood-by-the-Sea and Silver Strand Beach, sand removal and redistribution may be conducted to remove sand from public accessways to the beach and to prevent physical damage from wind-blown sand inundation of public facilities or existing, legally permitted development that abuts Hollywood or Silver Strand beaches. The removal and redistribution of sand shall only be permitted when conducted in accordance with an approved Coastal Development Permit and the following standards:

1. Sand removal shall be limited to a 50-foot area that extends from the property line of the existing private *development* or that is within the existing public accessway. Sand removal may occur within the *buffer zone* of a *dune habitat*, but sand removal is prohibited in *ESHA* or the *buffer zone* of a nesting bird(s) or *shorebird colony*.

2. Sand redistribution shall be limited to an area that extends 150 feet seaward from the edge of the 50-foot sand removal area. Sand redistribution, which may include the leveling of sand, shall only occur outside *ESHA* and *buffer zones* and above the highest monthly high tide line.

...

Section 8178-2.7.1.2 of the Ventura County LIP states:

...

B. Except for emergency access, no vehicle shall be allowed below the monthly highest tide line from March 1 to August 31, which is when grunion eggs are present, or within 500 feet of a *shorebird colony* during the March 1 to September 30 nesting season, unless otherwise authorized by a *Coastal Development Permit*. To the maximum extent feasible, to avoid disturbing a nesting bird or a nesting *shorebird colony*, trash cans shall be placed outside the *buffer zone* for nesting shorebirds (i.e., 300 feet for a nesting bird, 500 feet for a nesting bird colony). If placement outside the *buffer zone* is infeasible, trash cans shall be placed at locations where public walkways or roads provide points of public access to the beach.

Section 30230 of the Coastal Act mandates that marine resources shall be maintained and where feasible, restored; protection shall be given to areas and species of special significance; and uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Section 30232 of the Coastal Act mandates that any authorized development shall protect against the spillage of any hazardous substances and that effective containment and cleanup procedures in the occurrence of an accidental spill. Lastly, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected from significant disruption of habitat values and that development within or adjacent to such areas must be limited to uses dependent on those resources and shall be designed to prevent impacts which could degrade those resources. The relevant Ventura County LCP policies permit beach grooming outside of *ESHA* and *buffer zones* and prohibit the disturbance of wrack, permit sand clearance/redistribution in designated areas, and restrict vehicle access below the monthly high tide line. Land Use Plan *ESHA* Program 6 specifically mandates that the Harbor Department prepare a "master-permit" to address all beach maintenance activities at Silver Strand as well as a comprehensive plan to address multiple uses.

A biological resource assessment conducted by Rincon Consultants Inc. dated March 2023, provides observations about existing site conditions, sensitive biological resources, an impact analysis, and mitigation measures for the proposed Beach Management Plan at Silver Strand. The report states that Silver Strand Beach is isolated and fragmented from surrounding habitat by urbanization and the Channel Islands Harbor and Port Hueneme Harbor channels and does not have substantial habitat value. The assessment identifies that unvegetated beach is the dominant landcover type and that no sensitive communities or critical habitat are present within the proposed project area. A biological survey was conducted on March 16, 2023, to evaluate existing conditions at the study area and to evaluate the suitability of habitats for special status species. No special status plant species were observed or detected during the field survey. The biological assessment notes that this is likely since the project area lacks the specialized habitat requirements, including plant community types, soils, and other components. The report concludes that due to the absence of habitat and presence of developed/disturbed landcover, no special status plants are expected to occur within the study area. As such, the assessment suggests that the study area does not provide habitat for bird nesting or roosting, and/or the critical life stages or habitat of special status species (e.g., western snowy plover and California least tern) due to the high public disturbance and ongoing beach maintenance activities in the Project area. The assessment notes that the presence of sensitive plant and wildlife species within the Plan area is unlikely and notes that species such as Western snowy plover, osprey, California brown pelican, and California least tern have low foraging potential within the Plan area. The report explains that other birds may nest within the ornamental landscaping on private properties within adjacent developed areas, project activities are consistent with ambient noise in the area (i.e., street sweeping and vehicle use), and birds that nest in these developed areas are likely tolerant of high disturbance.

Dr. Jonna Engel, the Commission's Ecology Group lead, reviewed the proposed beach management activities and provided recommendations to avoid adverse impacts to biological resources. She confirmed that the proposed beach grooming and sand management activities align with Ventura County's Local Coastal Program (LCP) and Coastal Act policies due to the absence of sensitive species habitat, nesting areas, dunes, or Environmentally Sensitive Habitat Areas (ESHA) on-site. Considering the beach habitat conditions at Silver Strand Beach, which lack environmentally sensitive habitat areas (ESHA), sensitive species habitat, and dunes, and have been historically manipulated, many of the LCP provisions that typically protect such areas are not applicable in this case. The absence of ESHA and special status species habitats, such as nesting and foraging areas for shorebirds, means that several of the LCP's more restrictive policies designed to safeguard these resources, including those related to habitat protection and buffer zones, do not apply. For example, provisions in Section 30240 of the Coastal Act regarding the protection of ESHA and adjacent areas from disruption are not relevant here, as the grooming activities are planned in areas where no sensitive habitat exists. Additionally, the proposed sand clearance areas (50-foot and 150-foot zones) are carefully designed to protect existing development without encroaching on sensitive coastal habitats, aligning with Section 8178-2.7.1.4, which permits sand removal in these limited areas to prevent property damage.

As discussed above, Silver Strand is a high use beach area with no existing habitat such as dunes that meet the definition of ESHA. Such land use and habitat conditions were considered in the preparation of the proposed Silver Strand Beach Management Plan. While the County Harbor Department has been conducting these beach maintenance operations at the beach for decades, such activities have not been authorized under a valid Coastal Development permit. The proposed Beach Management Plan has been prepared in order to address and comply with Part B of Ventura County Land Use Plan ESHA Program 6 which requires that the County Harbor Department apply for a multi-year “master permit” to comprehensively address development, including beach maintenance activities conducted by the County at Silver Strand Beach.

ESHA Program 6 also requires that the Harbor Department prepare a “master-permit” to address maintenance activities conducted at Hollywood Beach, situated just upcoast of the Channel Islands Harbor entrance (**Exhibit 2**). Hollywood Beach is another County-owned beach and is approximately 50 acres in size. In contrast to Silver Strand, Hollywood Beach does contain coastal dunes and habitat, meeting the definition of ESHA, along the southern end of the beach. Bi-annual dredging and beach replenishment operations are conducted by the Army Corps of Engineers at Hollywood Beach in accordance with Consistency Determination No. CD-0001-24 approved by the Commission subject to conditions requiring that the Army Corps of Engineers prepare an updated Hollywood Beach Western Showy Plover Habitat Expansion and Enhancement Plan. In order to mitigate impacts to ESHA and impacts to nesting habitat from dredging operations, the required Habitat Expansion Plan must include dune expansion/creation and enhancement methods, invasive species removal, and a long-term monitoring program.

In consideration of these factors, a Beach Management Plan prepared for Hollywood Beach would likely include more restrictive policies to address and minimize impacts to ESHA, sensitive species and dune habitat. However, the site conditions at Silver Strand are different. The biological survey assessment conducted by Rincon Consultants, Inc. found no sensitive communities or critical habitat present within the proposed Plan area at Silver Strand and notes that the Plan area is isolated and fragmented from surrounding beach habitat by urbanization. In addition, the beach has been historically manipulated through sand replenishment, redistribution, and grooming activities for decades. While beach ecologists generally agree that regular beach grooming activities can have negative impacts on birds and other wildlife species that reproduce and forage on the coast (including by distributing food sources such as insects and their habitat), there is little direct evidence associated with Silver Strand Beach to suggest that the proposed beach grooming has or will lead to adverse biological resource impacts at this location. Ultimately, while it is likely that beach grooming and sand disturbing activities may have some effect upon the general beach ecology, the lack of sensitive habitat and fact that Silver Strand is a high use beach area closely bordered by development, and has been historically manipulated suggests that there would be a limited effect to the current site conditions which would present little potential for significant habitat concerns.

While no sensitive communities or critical habitat were observed in the site survey conducted in March 2023, the biological assessment notes that various special status wildlife species have the potential to be present in or near the plan area. One such species is the California Grunion (*Leuresthes tenuis*), which typically spawn on the sandy beach immediately following the highest high tides from mid-March through August. Grunion eggs are incubated under the sand until the following series of high tide conditions, when the eggs hatch and are washed into the ocean. In order to avoid potential adverse impacts to grunion spawning activities and sensitive habitat, the Harbor Department is proposing that beach grooming and sand redistribution activities would be limited only to areas located at least ten feet landward from the wrack line or the highest monthly high tide line, whichever is furthest landward. This proposal aligns with Ventura County LCP policies, which also prohibit beach grooming below the highest monthly tide line year-round to avoid disturbing grunion spawning activities. Given the importance of wrack in beach habitats, the Commission finds it necessary to ensure adequate implementation of the Harbor Departments proposal so that impacts to wrack and grunion spawning activities are avoided. As such, **Special Condition Five (5)** specifically requires that any grooming, sand clearance, or redistribution within the Plan area shall be restricted to dry sand only and shall not occur any closer than ten feet landward of the wrack line or the highest daily high tide line, whichever is further landward. **Special Condition Five (5)** further requires that wrack shall not be removed during beach management activities, however, debris that is entangled in the wrack, and which poses a clear threat to public safety, may be removed as needed.

While no kelp or eelgrass beds were identified within the adjacent open coastal waters, the biological assessment notes that an array of aquatic marine wildlife including marine mammals as well as a variety of fish and invertebrate species, are present within the adjacent harbor and open coastal waters. Two of these special status species that are likely to be present in the coastal waters and potentially utilize the beach include the California sea lion (*Zalophus californianus*) and harbor seal (*Phoca vitulina*). The report notes these mammals utilize the open coastal waters for feeding and the adjacent jetties and Harbor structures to haul out. In order to protect marine resources and the wide range of wildlife species that inhabit the adjacent open coastal waters and harbor channels and to avoid water quality impacts, staff recommends **Special Condition Four (4)** which requires that the applicant implement Best Management Practices during all beach management activities aimed at preventing the discharge of waste or hazardous materials into surrounding open waters and coastal habitat. **Special Condition Four (4)** includes provisions regarding the proper management of maintenance materials, to prevent hazardous materials and debris from entering sensitive habitats or coastal waters, and ensures any spills are promptly addressed. It also specifies that equipment cleaning, fueling, and maintenance must occur away from coastal waters. Although encounters with special status species are not likely or anticipated, **Special Condition Four (4)** also includes recommendations included in the biological assessment which prohibit feeding wildlife and mandate that any worker who inadvertently injures or kills a special status species or finds one dead, injured, or entrapped should immediately report the incident. These provisions ensure that the proposed management plan is fully aligned with the County of Ventura Land Use Plan ESHA Policy 6.4, which mandate best management practices be implemented to

minimize impacts on nearshore environments utilized by fish, shellfish, birds, and other aquatic organisms. Additionally, they ensure compliance with Coastal Act Sections 30230 and 30234, which require that beach maintenance activities be conducted in a manner that prevents the spillage of crude oil, gas, petroleum products, or hazardous substances, while also safeguarding the biological productivity of coastal waters and marine organisms.

The Ventura County Land Use Plan ESHA Program 6 requires that: A) the Harbor Department prepare a comprehensive beach management plan to address multiple uses and activities, such as, but not limited to dune restoration, public access, off-road vehicle use, sea level rise adaptation, and beach maintenance activities; and B) the Harbor Department obtain a “master permit” to address beach maintenance activities at Silver Strand. The Harbor Department has indicated that the subject Beach Management Plan is to address only Part B of this policy. However, the more comprehensive look at the site's biological resources, as required in Part A, is warranted for the long-term management of Silver Strand Beach. As such, **Special Condition One (1)** provides that this CDP authorizes the beach management operations for five years and requires that prior to the date that authorization for the development expires, the applicant submit a CDP application to the California Coastal Commission to continue the Silver Strand Beach Management Plan. This plan must include a Dune Restoration Pilot Project Feasibility Study, which will involve a detailed analysis to evaluate the feasibility of restoring dunes and dune habitat at Silver Strand Beach and other nature-based solutions to transform part of the beach into a living shoreline with a coastal plant and wildlife community resilient to sea level rise. This pilot study will explore the effectiveness of such nature-based solutions as well as evaluate long-term strategies to maintain dune integrity while enhancing natural resources. The plan must also include a Consideration of Sea Level Rise, which will assess key risks like erosion, flooding, and habitat loss due to rising sea levels. The study will propose natural and engineered adaptation strategies, such as beach replenishment and dune restoration, and provide measures to protect vulnerable habitats, infrastructure, and public access points, all while considering long-term sustainability in the face of climate change projections. These updated studies will help inform the long-term management of Silver Strand Beach, offering insight into current biological resource impacts and mitigation strategies.

Therefore, for the reasons set forth above, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30232, and 30240 of the Coastal Act and the applicable guidance policies of the certified County of Ventura LCP.

## **F. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA).

Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed in detail above, the proposed project, as conditioned, is consistent with the policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

**APPENDIX A – Substantive File Documents**

Biological Resources Assessment dated April 2023

LCP Amendment No. LCP-4-VNT-21-0069-2