CALIFORNIA COASTAL COMMISSION
South Coast District Office
301 E Ocean Blvd., Suite 300
Long Beach, CA 90802-4302
(562) 590-5071

W9b

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STAFF REPORT: CONSENT CALENDAR

Application No.:	**5-24-0845**
Applicant:	**City of Long Beach**
Agent:	Anchor QEA, LLC, Attn: Blair Jenet
Location:	Alamitos Bay Entrance Channel and Peninsula Beach, City of Long Beach, Los Angeles County
Project Description:	Dredging up to 415,000 cubic yards of sediment in the Alamitos Bay Entrance Channel and placement of beach quality sediment on Peninsula Beach for beach replenishment to mitigate erosion.
Staff Recommendation:	**Approval with Conditions**

SUMMARY OF STAFF RECOMMENDATION

The City of Long Beach is proposing maintenance dredging of 415,000 cu. yds. of sediment from the Alamitos Bay Entrance Channel and placement of approximately 415,000 cu. yds. of sediment on Peninsula Beach for beach nourishment to mitigate erosion located in Long Beach, Los Angeles County. Dredging is necessary to maintain adequate navigational depths within the Entrance Channel to Alamitos Bay. Dredged material has been determined to be suitable by the South Coast Dredged Material Management Team (SC-DMMT) and will be dredged from and pumped directly to the adjacent Peninsula Beach on the west side of the Entrance Channel's jetty, which is frequently subject to marine erosion. A Sampling and Analysis Report dated May 2024 prepared by Anchor QEA, LLC includes analyses of the physical and chemical characteristics of the material proposed to be dredged as part of the project. The

analyses show that the sediments from the Alamitos Bay Entrance Channel dredge site are generally similar in grain size distribution as the sediments at the proposed disposal site. Chemical concentrations in all sediment composite samples were tested and showed that the sediment was not acutely toxic to benthic organisms. Dredging and beach replenishment activities are proposed to occur as a one-time event between October 2025 and January 2026, prior to expiration of the SC-DMMT suitability determination in May 2027.

Dredging depths are predetermined by the U.S. Army Corps of Engineers (USACE) as the depth allowed for safe boat navigation in that harbor. Maintenance dredging is planned at the Entrance Channel to a design depth of -20 feet mean lower low water (MLLW) with a 2-foot allowable overdredge. The proposed dredge footprint area within the Alamitos Bay Entrance Channel is approximately 34.5 acres, and the total volume is up to 415,000 cu. yds. The approximate area of beach replenishment on Peninsula Beach is 26.05 acres and up to 415,000 cu. yds.

Commission staff is recommending approval of a Coastal Development Permit for the proposed project, with **12 special conditions** to ensure consistency with the marine resource, water quality, and public access policies of the Coastal Act, including: **1)** eelgrass surveys; **2)** pre-construction Caulerpa survey; **3)** beach profile monitoring report; **4)** avian monitoring and avoidance plan; **5)** construction timing; **6)** construction staging plan; **7)** limit impacts of heavy equipment on beach; **8)** beach and recreational facility closures; **9)** turbidity control; **10)** construction responsibilities; **11)** conformance with the requirements of the resource agencies; and **12)** assumption of risk, waiver of liability, and indemnity.

The proposed project is located within coastal waters and on the sandy beach and is within the Commission’s original permit jurisdiction. The standard of review for proposed development within the Commission’s original permit jurisdiction is Chapter 3 of the Coastal Act. The City’s certified Local Coastal Plan (LCP) is advisory in nature and may provide guidance. As conditioned, the proposed project will conform with Chapter 3 of the Coastal Act.

The motion to approve the CDP application is on **Page 4**. The special conditions begin on **Page 4**.

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EXHIBITS

Exhibit 1 – Vicinity Map and Project Site

Exhibit 2 – Project Plans

I. MOTION AND RESOLUTION

Motion:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

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. Eelgrass Survey(s).

A. Pre-Construction Eelgrass Survey. A valid pre-construction eelgrass (Zostera marina) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the “California Eelgrass Mitigation Policy” dated October 2014 (except as modified by this special condition) adopted by the NMFS and shall be prepared in

consultation with the CDFW. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

B. Post-Construction Eelgrass Survey If any eelgrass is identified in the project area or the 10 meter buffer area by the pre-construction survey required by Subsection A of this condition, within 30 days of completion of construction, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, the applicant shall survey the project site and the 10 meter buffer area to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the CEMP adopted by the NMFS (except as modified by this special condition), and in consultation with the CDFW. If side-scan sonar methods are to be used, evidence of a valid permit from CSLC must also be provided prior to the commencement of each survey period. The applicant shall submit the postconstruction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any additional eelgrass has been adversely impacted beyond the area of impacted identified in the pre-construction eelgrass survey, the applicant shall replace the impacted eelgrass at a minimum final 1.38:1 ratio on-site (mitigation: impact), or at another location, in accordance with the CEMP. Any exceptions to the required 1.38:1 minimum final mitigation ratio found within the CEMP shall not apply. Based on past performance of eelgrass mitigation efforts, in order to achieve this minimum, the appropriate regional initial planting ratio provided in the CEMP should be used. Implementation of mitigation to ensure success in achieving the minimum final mitigation ratio (1.38:1) shall require an amendment to this permit or a new coastal development permit unless the Executive Director provides a written determination that no amendment or new permit is required.

2. Pre-Construction Caulerpa Sp. Survey. Not earlier than 90 days nor later than 30 days prior to commencement or re commencement of any development authorized under this Coastal Development Permit (the “project”), the applicant shall undertake a survey of the project areas, the dredging areas and deposition areas and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate. If any portion of the project commences in a previously undisturbed area after the last valid Caulerpa taxifolia survey expires, a new survey is required prior to commencement of work in that area.

The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service. Within five (5) business days of completion of the survey, the applicant shall submit the survey:

1) for the review and approval by the Executive Director; and

2) to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT).

If Caulerpa taxifolia is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director that all *Caulerpa taxifolia* discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *Caulerpa taxifolia*. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Beach Profile Monitoring Report. The permittee shall submit for the review and approval by the Executive Director a Beach Profile Monitoring Report in conformance with the Beach Profile Monitoring Plan submitted on March 26, 2025, and shall include at a minimum the following:

A. Pre-nourishment survey conducted between 180 and 30 days prior to nourishment; and

B. Post-nourishment survey conducted within 30 days of completion of nourishment; and

C. Post-nourishment survey conducted between 1 year and 1.5 years after completion of nourishment.

No revisions to the plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Avian Monitoring & Avoidance Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval an Avian Monitoring and Avoidance Plan that provides for the following:

A. Sand placement activities that occur during western snowy plover breeding season (March 1 to August 31) and California least tern breeding season (April 1 to September 15) will take the following steps to mitigate impacts to these species. A designated avian biological monitor with stop-work authority will conduct pre- and during construction surveys as needed within the project area and within 500 feet of the work area to determine the location of any active special status avian roosting and nesting areas. If western snowy plovers or California least terns are observed during any survey, the following measures will be implemented:

i. If western snowy plovers or California least terns are observed exhibiting nesting behaviors (scraping, territorial displays or calls, false brooding, etc.) during the breeding season, no project-related activities will occur within 500 feet of these areas until subsequent monitoring indicates that western snowy plovers or California least terns are no longer present.

ii. If an active western snowy plover or California least tern nest (nest containing eggs or an empty or partial nest with western snowy plovers or California least terns actively exhibiting breeding behaviors) occurs within 500 feet of the proposed construction area, the following measures will be implemented:

a. The biological monitor with stop-work authority will report the nest to the U.S. Fish and Wildlife Service. After initial identification of the nest, the biological monitor will not approach within 50 feet of an active western snowy plover or California least tern nest. Nest monitoring will occur with binoculars. The biological monitor will use the distance to the project limits and local topography to determine if construction activities are likely to damage a nest or significantly disturb nesting activities. Signage will be installed to deter people from entering any area with an active nest.

b. Where damage or disturbance of any western snowy plover or California least tern nest(s) is likely, the designated biological monitor will implement further measures to avoid the likelihood of nest destruction or disturbance, including: temporarily halting construction activities until the nest fails or until at least 10 days after the young fledge from the nest, with construction activities directed to other areas further than 350 feet from the active nest(s) or where activities will not disturb the active net(s), as directed by the biological monitor.

c. The biological monitor will monitor nest progress, construction activity, and protective fencing to minimize potential construction-related disturbance and will submit a weekly nest status report to the U.S. Fish and Wildlife Service. A post-construction report will be submitted to the U.S. Fish and Wildlife Service summarizing the weekly nest status report and outcomes within 6 months of project completion.

B. No activities are allowed within 100 feet of active roost areas for the western snowy plover or California least tern unless measures are implemented to minimize the noise and disturbance to those adjacent birds until subsequent monitoring indicates that western snowy plover and California least tern are no longer present. If these conditions cannot be met, the following measures will be implemented:

i. The biological monitor with stop-work authority will report the roost site to the U.S. Fish and Wildlife Service. After initial identification of the roost, the

biological monitor will not approach within 50 feet of roosting western snowy plover or California least terns. Roost monitoring will occur with binoculars. The biological monitor will use the distance to the project limits and local topography to determine if construction activities are likely to damage a nest or significantly disturb nesting activities. Signage will be installed to deter people from entering any area with an active nest.

ii. Where damage or disturbance of any western snowy plover or California least tern roosting is likely, the biological monitor will implement further measures to avoid the likelihood of roost disturbance, including temporarily halting construction activities until the birds depart for the season, with construction activities directed to other areas that will not disturb the roost, as directed by the designated biological monitor.

iii. A biological monitor will monitor the roost and construction activity to minimize potential construction-related disturbance and will submit a weekly nest status report to the U.S. Fish and Wildlife Service. A post-construction report will be submitted to the U.S. Fish and Wildlife Service summarizing the weekly nest status report and outcomes within 6 months of project completion.

C. All participants and contractors for the project will receive educational training concerning special status species within the project area. The program will be conducted during all project phases and will cover the potential presence of listed species; the requirements and boundaries of the project; the importance of complying with avoidance, minimization, and compensation measures; and problem reporting and resolution methods. The designated project biologist and/or other qualified project proponent shall conduct the training and provide a sign-in sheet for each training activity to ensure all participants and contractors are educated on the environmental conditions and associated constraints.

5. Construction Timing. To avoid adverse impacts on grunion (*Leuresthes tenuis*), California brown pelican (*Pelicanus occidentalis*) and the California least tern (*Sterna antillarum brownie*), no deposition of beach material shall take place on Peninsula Beach between February 15th to September 15th without a written statement from the Executive Director authorizing said development between those specified dates. To obtain such a written statement, the permittee must submit a declaration from the California Department of Fish and Wildlife (CDF&W) to the Executive Director stating that implementing the development described in this condition on the specific dates proposed will not cause adverse impacts to any protected species or California grunion or their eggs. The declaration must contain an assessment of the spawning of the California grunion found in the area and a statement that the development activity on the specific dates proposed and in the specified locations will not interfere with the spawning of the California grunion.

6. Construction Staging Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the Executive Director's

review and approval, two full size sets of construction staging plans which indicate that the construction staging area(s) and construction corridor(s) will avoid impacts to beach areas or to sensitive habitat areas.

A. The plan shall demonstrate that:

i. Construction equipment maintenance activities shall not occur outside the staging area;
ii. Public parking areas are allowed to be used for staging or storage of equipment, but shall be the minimal sized area and shall minimize temporary impacts to public access;
iii. Sandy beach or habitat (vegetated) areas shall not be used as staging areas; and
iv. The staging area for construction of the project shall not obstruct vertical or lateral access to the beach, marina or other recreational facilities

B. The plan shall include, at a minimum, a site plan that depicts the following components:

i. limits of the staging area(s);
ii. construction corridor(s);
iii. construction site;
iv. location of construction fencing and temporary job trailers with respect to existing beaches.

The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Limit Impacts of Heavy Equipment on Beach. The Applicant shall follow the following best practices to the maximum extent feasible:

A. Avoid driving and turning vehicles on the high tide/wrack line. If crossing the wrack line is necessary, try to return using the same route so as to minimize impacts.

B. Avoid flushing roosting seabirds, gulls, and shorebirds with vehicles. Don't drive through roosting or foraging flocks and proceed very slowly in the vicinity of flocks of birds on the beach.

C. Avoid driving on dunes, hummocks, vegetation, and zones where seedlings are sprouting. Establish and use one path/road through vegetated zones of beaches and dunes as much as possible to reduce extent of impacts.

8. Beach and Recreational Facility Closures. Beach area closures shall be minimized and limited to areas immediately adjacent to the project area (within 200

feet deposition area). All beach areas and recreation facilities outside of the 200-foot radius shall remain open and available for public use during the normal operating hours. The beach bicycle path shall remain open and available for public use during normal operating hours.

9. **Turbidity Control.** As required by the Regional Water Quality Control Board (RWQCB), the applicant shall ensure that the project does not result in:

   A. Increases of water turbidity by more than twenty percent (20%) of the natural turbidity during non-storm conditions; nor

   B. Dissolved oxygen in the receiving waters being depressed below 5.0 mg/l.

10. **Construction Responsibilities.** Activities authorized under this CDP shall comply with the following construction-related requirements:

    A. No construction materials, debris, waste, oil or liquid chemicals shall be placed or stored where it may be subject to wave erosion and dispersion, stormwater, or where it may contribute to or come into contact with nuisance flow;

    B. Silt curtains shall be utilized to minimize and control turbidity to the maximum extent practicable;

    C. The discharge of any hazardous materials into the harbor or any receiving waters is prohibited;

    D. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day; and

    E. Non-buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss.

11. **Conformance with the Requirements of the Resource Agencies.** The permittee shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Wildlife (CDF&W), Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACOE), and the U.S. Fish and Wildlife Service (USFWS) with respect to preservation and protection of water quality and marine environment. 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 shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved development shall occur without a Commission amendment to this coastal development permit or a new coastal development permit, unless the Executive Director determines that no amendment or new permit is legally required.

12. **Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the permittee acknowledges and agrees (i) that the sites may be subject to hazards from wave uprush, storm conditions, and sea level rise; (ii) to assume the risks to the permittee and the properties that are 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.

IV. FINDINGS AND DECLARATIONS

A. Project Location and Description

The proposed maintenance dredging project would be conducted throughout the Alamitos Bay Entrance Channel, located adjacent to Alamitos Bay in the City of Long Beach and is required for the maintenance of the existing navigational channel (**Exhibit 1**). The sediment proposed to be dredged has been tested and determined to be suitable for beach replenishment according to the South Coast Dredged Material Management Team (SC-DMMT)[1] and will be placed along the dry sand of Peninsula beach between 55th Place and 72nd Place, located adjacent to the Entrance Channel to Alamitos Bay. A Sampling and Analysis Report dated May 2024 prepared by Anchor QEA, LLC includes analyses of the physical and chemical characteristics of the material proposed to be dredged as part of the project. The analyses show that the sediments from the Alamitos Bay Entrance Channel dredge site primarily consist of sand and that based on the grain size test results, the sediments within the planned dredging depths were generally similar in grain size distribution as the sediments at the proposed disposal site. Chemical concentrations in all sediment composite samples were below the effects range median (ERM), except total chlordane in dredge unit EC-DU1, which was measured at 8.0 µg/kg, slightly above the ERM of 6.0 µg/kg. To ensure the sediment would not pose an adverse risk to aquatic organisms, biological tests were performed. Bioassay and bioaccumulation test results showed that the sediment was not acutely toxic to benthic organisms. To further address potential concerns regarding

[1] SC-DMMT is an interagency team managed by USACE for the coordinated review of dredging projects and dredging policy issues within the Southern California area, specifically the counties of San Diego, Orange, Los Angeles, Ventura, Santa Barbara, and parts of San Luis Obispo County. Coordinated review of dredging projects and policy issues reduces redundancy and unnecessary delays in permit processing (and ultimately in the management of coastal sediments), promotes consistency in dredging project reviews, and facilitates development of consensus recommendations among regulatory staff. The Coastal Commission is a member of the SC-DMMT.

elevated chlordane in EC-DU1, the City committed to depositing sediment from dredge unit EC-DU1 first so that it would be buried by sediment dredged from the other dredge units (EC-DU2, 3, 4, and 5). Open ocean disposal of dredge sediments is not proposed as a part of the project as all sediment was determined to be beach compatible. Dredging and beach replenishment activities are proposed to occur as a one-time event between October 2025 and January 2026, prior to expiration of the SC-DMMT suitability determination in May 2027.

The Commission has previously approved programmatic city-wide beach nourishment projects in Long Beach that have included the region where dredging is proposed as a part of this application. In 1994, the Commission approved Coastal Development Permit (CDP) No. 5-94-103 (City of Long Beach) to permit the use of suitable dredged material for beach nourishment during the 1994-1999 maintenance dredging operation permitted by the extension of U.S. Army Corps of Engineers Permit (USACE) No. 88-110-KK. In 1999, the Commission approved CDP No. 5-99-228 (City of Long Beach) for a 5-year term that coincided with the maintenance dredging authorized pursuant to USACE Permit No. 1999-15256-KW. In 2006, the Commission approved CDP No. 5-05-438 (City of Long Beach) for the City's beach nourishment program, but that permit expired in 2008 before being exercised. In 2009, the Commission approved CDP No. 5-08-356 (City of Long Beach) for the City's beach nourishment program, in conjunction with USACE Regional General Permit 30 (RGP 30). Federal Consistency Certification (CC) No. CC-004-09 was also approved along with CDP No. 5-08-356. Those approvals expired on April 17, 2014. The Commission then approved CDP No. 5-14-0269 (City of Long Beach) to renew the City's beach nourishment program in conjunction with USACE RGP 30 along with CC No. CC-0004-14 on December 11, 2014, which expired on December 11, 2019. The City has an active application with the Commission to renew this approval, which is currently being reviewed by Commission staff (CDP Application No. 5-23-0198). Since the Alamitos Bay Entrance Channel has not been dredged for approximately 15 years according to the City's records, the subject dredging project application was submitted to the Commission as a separate project, given the proposal involves 415,000 cu. yds. of dredging (**Exhibit 2**), which exceeds the annual limit of dredging activities (150,000 cu. yds.) that would be authorized under that permit.

Maintenance dredging is proposed at the Entrance Channel to a design depth of -20 feet MLLW, plus 2 feet of overdredge allowance. The total volume of material proposed for dredging is estimated to be approximately 415,000 cu. yds., consisting of 300,000 cu. yds. above design depth and 115,000 cu. yds. of allowable overdredge. The dredge footprint area within the Alamitos Bay Entrance Channel is approximately 34.5 acres.

Dredging and placement of sediment on Peninsula Beach is proposed to be performed using hydraulic cutter-suction dredge equipment, which is commonly employed by the USACE for routine maintenance dredging activities in federal channels throughout the coast of California and by other entities for maintenance dredging and beach replenishment. These types of dredges are normally non-self-propelled and employ a mechanical cutter head to break up the material being dredged, which is then removed hydraulically and transported to the placement site through a pipeline. Dredged

sediment would be transported via hydraulic pipeline to the Peninsula Beach placement site as a sediment-water slurry. Transport of dredged sediments to the beach will require the temporary placement of a floating pipeline around the end of the western Alamitos Bay Entrance Channel jetty. The sandy sediment slurry will be pumped through this pipeline directly to the adjacent Peninsula Beach on the west side of the Entrance Channel's jetty. Placement of the dredged sediments on Peninsula Beach will require portions of the hydraulic pipeline to be temporarily located on the upland portions of Peninsula Beach. The hydraulic pipeline would discharge sediment directly onto the upper part of Peninsula Beach. Sediment would be discharged on the dry beach so that the water from the sediment water slurry may percolate into the beach. That is, the water in the dredged matter percolates downward through the sand column and the saturated sandy material is then aerated and mixed with dry sand. As the dredging is being conducted, material placed on the beach is spread and distributed as part of the beach nourishment program. The discharged sand would then be moved on the beach with land-based equipment such as front-end loaders to build the beach out to the west and seaward. As the wider beach is built, the discharge pipeline would be moved further down the beach to the west by adding segments of pipe. The wider, nourished beach would be graded to the desired elevation and would occur somewhat concurrently because the dredged material would be pumped to the beach rather than transported in discrete loads by barge as in other dredging projects.

Peninsula Beach has experienced chronic erosion since Alamitos Bay was developed in the early 1920s. Due to the construction of the Alamitos Bay/San Gabriel River jetties, Peninsula Beach was cut off from natural net longshore transport for the area that moves sediment alongshore from east to west along the coast. Natural longshore transport processes at the site were further impeded by the Long Beach breakwaters, which shelter the coast from swells coming from the north and the west Jetties. As previously stated, all dredged material associated with the proposed project was determined to be suitable for beach nourishment by the Southern California Dredged Material Management Team (SC-DMMT) on May 28, 2024.

Biological Resources and Water Quality

In order to evaluate the potential biological resources in the project area, the applicant submitted a Habitat Assessment conducted by Anchor QEA, LLC dated May 2, 2024. The biological setting of the Alamitos Bay Entrance Channel region in the water is composed mostly of soft-bottom habitat. While riprap lines the edges of the entrance channel, dredging activities will occur in the middle of the channel within the soft-bottom habitat area. The terrestrial Peninsula Beach area is composed of sandy beach habitat lined with houses and the Alamitos Bay Entrance Channel lies east of Peninsula Beach (**Exhibit 1**). A vegetated dune area exists in close proximity to the Peninsula Beach nourishment area but is located north of the project footprint. No beach vegetation is present within 50 feet of the shoreline.

Although a variety of shorebirds were seen during the survey on the shore of Peninsula Beach and in the water outside of the beach nourishment boundaries, the majority of these species do not nest on sandy beaches. However, protected bird species including

the threatened western snowy plover (*Charadrius alexandrines*) and the endangered California least tern (*Sterna antillarum brownie*) have the potential to lay eggs on these beaches during breeding season. Therefore, the Commission imposes **Special Condition 4**, requiring the applicant to submit an avian monitoring and avoidance plan. The plan must include pre- and during construction surveys within the project area and within 500 feet of the work area to determine the location of any active special status avian roosting and nesting areas as well as mitigation measures should any roosting and nesting areas be identified.

The applicant submitted an eelgrass survey for the project site conducted on March 25-27 and April 9-11, 2024. The survey determined that 184 sq. ft. of eelgrass was located adjacent to the project site and that the proposed project would not result in any direct eelgrass impacts; however, eelgrass surveys completed during the active growth phase of eelgrass (March through October) are valid for only 60 days. Surveys completed between August and October are only valid until the resumption of active growth (i.e., March 1). The existing eelgrass survey is no longer valid, and thus a new survey is required for project approval, pursuant to **Special Condition 1**. The applicant proposes to avoid impacts to eelgrass to the maximum extent practicable and mitigate for any impacted eelgrass per the policies of the California Eelgrass Mitigation Policy (CEMP). As proposed, the project avoids impacts to 184 sq. ft. of eelgrass in the project vicinity by maintaining a 70 to 100 ft. buffer from the majority of adjacent eelgrass beds.

The applicant has submitted a Caulerpa survey conducted in conjunction with the eelgrass surveys on March 25-27 and April 9-11, 2024. The survey did not find evidence of Caulerpa onsite—however, Caulerpa surveys only remain valid for 90 days. Given the potential for the Caulerpa species to take over eelgrass and other marine habitat in the project vicinity, the Commission requires up-to-date Caulerpa surveys consistent with the NMFS and CDFW protocols to be conducted prior to commencement of the project, as addressed by **Special Condition 2**. Also, if any Caulerpa is found on the project site, **Special Condition 2** identifies the procedures necessary to be completed prior to beginning any construction consistent with Sections 30230 and 30231 of the Coastal Act which protect biological resources.

The proposed deposition site is a beach where grunion (*Leuresthes tenuis*) are known to spawn. The waters in the project area are also used as a feeding area by the endangered California brown pelican (*Pelicanus occidentalis*) and the endangered California least tern (*Sterna antillarum brownie*). Therefore, in order to minimize any adverse impact that the proposed activity may have on these species, the Commission imposes **Special Condition 5**, which prohibits beach nourishment activities between February 15th to September 15th, which is the grunion-spawning season, as well as the California least tern nesting season, unless they obtain clearance from CDFW and the Executive Director of the Commission to proceed based upon an assessment of the spawning of the California grunion found in the area and a statement that the development activity on the specific dates proposed and in the specified locations will not interfere with the spawning of the California grunion.

The applicant has identified a potential staging area for the proposed project located at the 72nd Place public parking lot and adjacent Peninsula Beach (**Exhibit 2**) as well as a narrative description of the equipment required for construction activities to analyze potential impacts from project construction. In order to ensure that no adverse impacts upon sensitive habitats and species occur due to construction staging, the Commission imposes **Special Condition 6**, which requires the applicant to submit a complete construction staging area plan prior to the issuance of the permit. Additionally, due to dune habitat adjacent to the project site, the Commission imposes **Special Condition 7** to minimize the use of heavy equipment on the sandy beach and avoid any impacts to the adjacent dune habitat.

Dredging, Beach Replenishment and Consistency with Coastal Act Section 30233

The proposed dredging and beach replenishment project includes the dredging of sediment from channel waters and placement of dredged material on the beach above the mean high tide line (MHTL), which would be considered "fill" as defined by Section 30108.2 of the Coastal Act.

In this case, the proposed dredging would occur in order to maintain existing and/or restore previously dredged depths in existing navigational channels, turning basins, and vessel berthing and mooring areas consistent with the uses outlined in Section 30233(a)(2). While the proposed development includes the dredging and beach replenishment of up to 415,000 cu. yds. of sediment, the dredged material is proposed to be placed above the MHTL, so it is not considered "fill" under the Coastal Act. Further, the material placement would result in the restoration of beaches where erosion has narrowed the prior width of the beach. Thus, this proposed dredging and sediment deposition is allowable pursuant to Section 30233 of the Coastal Act.

Water Quality

Dredging sediment disrupts the particles on the sea floor, causing them to disperse into the water column, which increases turbidity in the water. The increase in suspended sediments caused by dredging could also decrease light penetration, deter small fish from using the protective habitat, and interfere with bird foraging. The increase in turbidity resulting from the project can interfere with this form of sight-based feeding. The Regional Water Quality Control Board (RWQCB), as one state agency that regulates discharges into coastal waters, sets turbidity standards. The RWQCB standards for acceptable levels of turbidity include a maximum increase of 20% of naturally occurring turbidity and dissolved oxygen levels of not less than five milligrams per liter. Therefore, the Commission imposes **Special Condition 9** to ensure that these turbidity standards are not exceeded and to assure that acceptable levels of turbidity are maintained. In addition, in order to ensure that construction activities do not impose adverse impacts on water quality, the Commission imposes **Special Condition 10**, requiring the applicant to follow proper procedures for the handling and storage of materials, debris, waste, oil or liquid chemicals in order to prevent them from entering the marine environment.

The resource agencies may require further mitigation measures to minimize or avoid impacts to marine resources. Therefore, the Commission imposes **Special Condition 11**, which requires the permittee to comply with all permit requirements and mitigation measures of CDFW, RWQCB, USACE, and the U.S. Fish and Wildlife Service (USFWS) with respect to preservation and protection of water quality and marine environment. Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director to determine if the proposed changes require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

Public Access

The proposed project includes the placement of sediment at Peninsula Beach that will partially mitigate beach erosion and provide for the continuing and increased recreational use of the City beaches by the public. The proposed nourishment will increase the size of the beach and will provide a larger sandy area for recreational use. The project will temporarily impact the use of some portions of the beach during the deposition of the dredged material. However, because the permit is conditioned to prohibit replenishment during the California least tern nesting season and grunion spawning season (February 15th to September 15th), public access and recreation will not be impacted during the peak summer season. However, when work does occur on the beach, there is potential to impact public access. In order to minimize impacts to public access during the nourishment activities, the Commission imposes **Special Condition 8**, which requires the permittee to minimize beach area closures by limiting closed beach areas to an area not to exceed 200 feet from the pipeline and deposition area. The Peninsula Beach deposition areas are not popular surfing areas. Even though the beach profiles may potentially be modified, the effect on surfing activities will be insignificant. In order to confirm the extent of the beach following deposition, the applicant has agreed to **Special Condition 3**, requiring the applicant to submit a Beach Profile Monitoring Report which will include one pre- and two post-nourishment surveys.

The proposed project will allow for continued long-term use of coastal waters for recreational boating. Temporary impacts to the use of portions of the Alamitos Bay Entrance Channel and Peninsula Beach for recreational opportunities during dredging (between October 2025 and January 2026) are expected. Upon completion of dredging activities, temporary impediments to recreational activities will cease, and as previously mentioned, the proposed beach nourishment would provide for increased recreational use of Peninsula Beach.

Hazards

Applicants are regularly required to acknowledge inherent hazards and agree to waive any claims of liability on the part of the Commission for allowing potentially hazardous development to proceed. This allows for such potentially hazardous development or events to occur while avoiding placing the economic burden for damages onto the people of the State of California. Accordingly, this approval is conditioned for the applicant to assume all risks for developing at this location (**Special Condition 12**).

Therefore, as conditioned, the Commission finds that the proposed project is consistent with Sections 30210, 30213, 30220, 30221, 30224, 30230, 30231, 30233, 30234, and 30234.5 of the Coastal Act.

B. Biological Resources

Coastal Act Sections 30230, 30231, and 30232 require that marine resources and coastal waters are protected. Section 30233 of the Coastal Act allows dredging and fill for only certain uses and where there is not feasible less environmentally damaging alternative and feasible mitigation measures have been provided to minimize adverse impacts. Section 30255 of the Coastal Act prioritizes coastal-dependent uses.

The proposed dredging project is allowable under Section 30233 of the Coastal Act. There are no feasible less environmentally damaging alternatives available. In this case, the proposed dredging would occur in order to maintain existing and/or restore navigational areas. As conditioned, the project will not significantly adversely impact eelgrass beds and will not contribute to the dispersal of the invasive aquatic algae, *Caulerpa sp*. As proposed and conditioned, the project conforms to Sections 30230, 30231, 30232 and 30233 of the Coastal Act.

C. Public Access and Recreation

The proposed development will have minimal temporary impacts on public access to the coast or to nearby recreational facilities during the construction process and will improve public access and recreation through beach nourishment. Therefore, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and Sections 30234, 30234.5, and 30252 of the Coastal Act.

D. Water Quality

The proposed work will be occurring on, within, or adjacent to coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. As conditioned, the Commission finds that the development conforms with Sections 30230 and 32031 of the Coastal Act.

E. Local Coastal Program (LCP)

A coastal development permit is required from the Commission for the proposed development because it is located within the Commission's area of original jurisdiction. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Long Beach local coastal program, certified by the Commission on July 22, 1980, is advisory in nature and may provide guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act.

F. California Environmental Quality Act

As the lead agency under CEQA, the City of Long Beach determined the project to be categorically exempt under CEQA on October 1, 2024. Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment.

Under Section 15251(c) of Title 14 of the California Code of Regulations, the Commission's CDP regulatory process has been certified as the functional equivalent to the CEQA process. As a certified regulatory program, Section 21080.5(d)(2)(A) of CEQA still applies to the Commission's CDP regulatory process and prohibits proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

The subject project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. The findings above are incorporated herein by reference. As conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the development may have on the environment. Therefore, the Commission finds that the subject project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.