

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
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**AMENDMENT TO COASTAL DEVELOPMENT PERMIT**

June 8, 2015

Coastal Development Permit Amendment No. **5-09-071-A2**Permit Number **5-09-071** issued to City Of Long Beach for:

Colorado Lagoon Restoration Project (Phase One), which includes: 1) dredging and removal of 32,500 cubic yards of sediment, 2) re-contouring the lagoon banks, 3) diversion of low-flows from storm drains into the sanitary sewer, 4) installation of trash collection devices in three major storm drains, 5) creation of two vegetated bioswales between the water and the adjacent golf course, 6) clearing of the tidal culvert connecting the lagoon to Alamitos Bay, 7) demolition of the northern paved parking lot, access road and restroom, 8) re-vegetating the former parking area and lagoon banks with native plants, 9) construction of public access trails, and 10) construction of a 135-foot long observation pier with thirty piles (to replace the existing pier).

At: 5119 COLORADO, ST, LONG BEACH, (LOS ANGELES COUNTY) has been amended to include the following change(s):

Amend permit for Colorado Lagoon wetlands restoration to extend floating pedestrian foot bridge over re-contoured lagoon by approximately 150 feet with sixteen new 20-inch concrete piles, transplant eelgrass from donor sites to shallow subtidal potential eelgrass habitat area within Colorado Lagoon, remove existing chain link fencing and replace with new fencing in similar alignment, remove non-native trees and plant native trees, relocate electric line and associated infrastructure further away from restored and enhanced habitat area. The amendment request also changes the approved project to eliminate a 135-foot long observation pier with thirty 12-inch steel piles which was never constructed.

This amendment will become effective upon return of a signed copy of this form to the Commission office. Please note that the original permit conditions unaffected by this amendment are still in effect.

Charles Lester
Executive Director
Zach Rehm
Zach Rehm
Coastal Program Analyst

ACKNOWLEDGMENT

I have read and understand the above permit and agree to be bound by the conditions as amended of Coastal Development Permit 5-09-071.

Date: 6/25/15

Signature

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

SPECIAL CONDITIONS:

Permit Amendment 5-09-071-A2 is subject to the following special conditions imposed by the Commission's approval of Coastal Development Permit 5-09-071, as amended:

1. **Protection of Marine Resources.** The permittee shall implement the following project staging and construction best management practices in order to minimize adverse environmental impacts and the unpermitted deposition, spill or discharge of any liquid or solid into Colorado Lagoon or Alamitos Bay:
 - A. During dredging, clams and other native mollusks shall be relocated to another part of the lagoon when possible.
 - B. Netting, sandbags, tarps and/or other forms of barriers shall be installed between the water and work areas and equipment storage areas to prevent any unpermitted material from entering Colorado Lagoon or Alamitos Bay.
 - C. Floating booms shall be maintained around the coffer dams and pier construction in order to capture floating debris during all demolition and construction phases.
 - D. Machinery or construction materials not essential for project improvements are prohibited at all times in the subtidal or intertidal zones.

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- E. If turbid conditions are generated during dredging and construction, silt curtains shall be utilized to control turbidity.
- F. The storage or stockpiling of soil, silt, other organic or earthen materials, or any materials and chemicals related to the construction shall not occur where such materials/chemicals could pass into the waters of Colorado Lagoon or Alamitos Bay. Stockpiled fill shall be stabilized with geofabric covers or other appropriate cover.
- G. Spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible. Disposal within the coastal zone shall require a coastal development permit.
- H. Construction vehicles operating at the project site shall be inspected daily to ensure there are no leaking fluids. If there are leaking fluids, the construction vehicles shall be serviced immediately. Equipment and machinery shall be serviced, maintained and washed only in confined areas specifically designed to control runoff and prevent discharges into Colorado Lagoon or Alamitos Bay. Thinners, oils or solvents shall not be discharged into sanitary or storm sewer systems.
- I. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than fifty feet away from all storm drains, open ditches and surface waters.
- J. All floatable debris and trash generated by construction activities within the project area shall be disposed of as soon as possible or at the end of each day.
- K. All grading and excavation areas shall be properly covered and sandbags and/or ditches shall be used to prevent runoff from leaving the site, and measures to control erosion must be implemented at the end of each day's work.
- L. In the event that lead-contaminated soils or other toxins or contaminated material are discovered on the site, such matter shall be stockpiled and transported off-site only in accordance with Department of Toxic Substances Control (DTSC) rules and/or Regional Water Quality Control Board (RWQCB) regulations.
- M. The permittee shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

The permittee shall include the requirements of this condition on all plans and contracts issued for the project. The permittee shall implement and carry out the project staging and construction plan during all construction, staging and cleaning activities.

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2. Eelgrass Survey and Mitigation Plan.

- A. Pre Construction Eelgrass Survey. Prior to commencement of any disturbance of the lagoon intertidal or subtidal areas authorized under this coastal development permit, 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 dredging and pier construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The permittee 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 disturbance of the lagoon intertidal or subtidal areas.
- B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in Section A of this condition above, within one month after the conclusion of construction, the permittee shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the "Southern California Eelgrass Mitigation Policy" Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The permittee shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been impacted, the permittee shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location in Alamitos Bay, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require an amendment to this permit or a new coastal development permit unless the Executive Director determines that no amendment or new permit is required.

3. Caulerpa Taxifolia (Toxic Algae) Pre-Construction Survey.

- A. Not earlier than 90 days nor later than 30 days prior to commencement or re-commencement of any disturbance of the lagoon intertidal or subtidal areas authorized under this coastal development permit, the permittee shall undertake a survey of the project area and a buffer area at least ten 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.
- B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine

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Fisheries Service.

- C. Within five (5) business days of completion of the survey, the permittee shall submit the survey for the review and approval of the Executive Director; and to the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).
 - D. If *Caulerpa taxifolia* is found within the project or buffer areas, the permittee shall not proceed with the project until 1) the permittee provides evidence to the Executive Director that all *C. taxifolia* discovered within the project and/or buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the permittee has revised the project to avoid any contact with *C. 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.
- 4. **Timber Treatment.** Wood treated with Creosote, CCA (Chromated Copper Arsenate), ACA (Ammoniacal Copper Arsenate) or ACZA (Ammoniacal Copper Zinc Arsenate) is prohibited. Treated timber shall be free of chromium and arsenic and completely sealed in epoxy resin. No exposed wood shall be used where it could come into contact with the water.
 - 5. **Dredge Spoils.** Dredge spoils suitable for beach replenishment shall be transported for such purposes to appropriate beaches. The permittee shall test the dredge spoils to determine if they are suitable for beach nourishment, and shall provide the test results for the review and approval of the Executive Director within five days after testing. The placement of suitable sand on City beaches is authorized pursuant to the terms of Coastal Development Permit 5-08-356 (City of Long Beach).
 - 6. **Landscaping Plan.** The permittee shall conduct all landscaping consistent with the terms of this condition:
 - A. Prior to the removal of non-native vegetation, a qualified biologist shall survey the project site and identify with flags all areas of existing native vegetation. The permittee shall ensure that the areas of existing native vegetation, except for those areas where re-contouring or public access improvements are permitted, are protected from disturbance during the implementation of the approved project, and that adequate water is provided to keep the plants healthy. Native vegetation that is removed from the areas where disturbance is permitted shall be transplanted elsewhere within the project area.
 - B. Prior to weed abatement and removal of any plant material, a qualified biologist or ornithologist shall survey the project site to detect bird nests and submit a survey report

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to the permittee and the Executive Director of the Coastal Commission. The survey report shall include identification of all known nests. The permittee shall maintain a database of survey reports that includes a record of nests that is available as public information and to be used for future vegetation removal decisions. No bird nests shall be disturbed. Weed abatement and removal of any plant material may not proceed within 300 feet (500 feet for raptors) of a nest where evidence of courtship or nesting behavior is observed. In the event that any birds continue to occupy nests during the non-nesting season, work shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet (500 feet for raptors) of any nest.

- C. Erosion Control. Prior to removing the non-native plants and preparation of the soil, the permittee shall install silt curtains along the entire length of the water's edge to prevent siltation of the lagoon. Jute matting (with no plastic netting) shall be placed on all slopes immediately following the removal of the existing plant cover. In addition, the permittee shall implement the following temporary erosion control measures during the restoration project: temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, and additional silt fencing as needed
- D. All vegetation planted on the site will consist of native plants typically found on the banks of Alamitos Bay and the Los Cerritos Wetlands. As much as possible, the seeds and cuttings employed shall be from local sources adjacent to Alamitos Bay and the Los Cerritos Wetlands.
- E. No plant species listed as problematic and/or invasive by the California Native Plant Society (<http://www.CNPS.org/>), the California Invasive Plant Council (formerly the California Exotic Pest Plant Council) (<http://www.cal-ipc.org/>), or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.
- F. Re-vegetation shall commence as soon as possible following removal of the existing vegetation and preparation of the soil. The existing native vegetation and all required plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan. Re-vegetation activities may continue during the least tern nesting season.
- G. Planting shall maintain views of the water from the public areas.
- H. Monitoring. The permittee shall actively monitor the site, remove non-natives and reinstall plants that have failed for at least five years following the initial planting. The permittee will monitor and inspect the site no less than once each thirty days during the first year that follows the initial planting. Thereafter, the permittee will monitor the site

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at least once every ninety days or on the City's regular landscape maintenance schedule, whichever is more frequent.

The permittee shall undertake the approved development in accordance with this condition and the final plans approved by the Executive Director. To ensure compliance, the permittee shall include the requirements of this condition on all plans and contracts issued for the project. Any proposed changes to the approved final plans 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 required.

7. **Tree Trimming and Maintenance of Colorado Lagoon Park.** Tree trimming, non-native tree removal, and ongoing maintenance of Colorado Lagoon Park shall be conducted consistent with the terms of this condition in order to ensure the protection of wildlife habitat and the long-term protection of breeding, roosting, and nesting habitat of state and federally listed bird species, California bird species of special concern, and bird species that play an especially valuable role in the ecosystem.
 - A. Tree trimming and non-native tree removal shall take place only outside of bird breeding and nesting season, which is January 1 through September 30.
 - B. The trimming or removal of any tree that has been used for breeding and nesting within the past five years is prohibited. Prior to tree trimming or removal of any tree, a qualified biologist or ornithologist shall survey the trees to be trimmed or removed to detect nests and submit a survey report to the permittee, a representative of the Audubon Society, and the Executive Director of the Coastal Commission. The survey report shall include identification of all trees with nests. The permittee shall maintain a database of survey reports that includes a record of nesting trees that is available as public information and to be used for future tree trimming and removal decisions.
 - C. No bird nests shall be disturbed. Trimming may not proceed if a nest is found and evidence of courtship or nesting behavior is observed at the site. In the event that any birds continue to occupy trees during the non-nesting season, trimming shall not take place until a qualified biologist or ornithologist has assessed the site, determined that courtship behavior has ceased, and given approval to proceed within 300 feet of any occupied tree.
 - D. No California native trees shall be removed. All existing native vegetation shall be protected.
8. **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, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project that

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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 required.