

MINUTE ITEM

This Calendar Item No. C02
was approved as Minute Item
No. 2 by the State Lands
Commission by a vote of 3
to 0 at its 7/10/89
meeting.

CALENDAR ITEM

C 02

A 10, 26, 58, 1

S 5, 6, 37, 4

W 24232 PRC 7303
PRC 3857
PRC 4064
PRC 5239
PRC 5244
PRC 5570
PRC 5645

07/10/89
PRC 5654
PRC 5665
PRC 5696
PRC 5698
PRC 5702
PRC 6746
W 23466.1 PRC 7304
J. Ludlow

RECREATIONAL PIER PERMITS

APPLICANT: As listed on Exhibit "A" attached

TERMS: Initial period: Ten years.

Renewal options: None.

Filing fee: \$25 (each).

Processing Fee: \$45 (each).

CONSIDERATION: No monetary consideration pursuant to
Section 6503, P.R.C.

PREREQUISITE TERMS:

Applicants are littoral landowners as defined
in Section 6503, P.R.C.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2.

B. Cal. Code Regs.: Title 2, Div. 3.

AB 884: Item A - 09/25/89
Items B thru M - N/A.
Item N - 12/12/89

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202
The Commission's staff has determined that Items A through M are exempt from the requirements of the CEQA as categorical exempt projects. These projects are exempt under Class 1, (Existing Facilities), Item Nos. B through M; and Class 3 (New Construction), Item No. A, 2 Cal. Code Regs. 2905.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that Items A through M are exempt from the requirements of the CEQA as categorical exempt projects. These projects are exempt under Class 1, (Existing Facilities), Item Nos. B through M; and Class 3 (New Construction), Item No. A, 2 Cal. Code Regs. 2905.

Authority: P.R. C. 21084, 14 Cal. Code Regs. 2905.

2. As to Item N, A Negative Declaration was prepared and adopted for this project by the City of Huntington Beach. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.
3. These activities involve lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the projects as proposed are consistent with the lands' use classification.

APPROVALS OBTAINED:

Item A - City of Sacramento and United States Army Corps of Engineers;
Item B thru M - All permits previously obtained;
Item N - Orange County Encroachment permit, Orange County Sheriff-Coroner Authorization of Approval, Department of Fish and Game.

FURTHER APPROVALS REQUIRED:

Item N - California Coastal Commission and United States Army Corps of Engineers.

NOV 11 1989
CALIFORNIA
COMMISSION

- EXHIBITS:
- A. Applicants; area; location; land use and status; and classification.
 - B. Location Map.
 - C. Site Map (Item A).
 - D. City of Sacramento letter of approval (Item A).
 - E. Orange County Encroachment Permit (Item N).
 - F. Negative Declaration (Item N).
 - G. Statement of Action of the Huntington Beach City Council (5/15/89) (Item N).

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITIES FOR ITEMS A THROUGH M ARE EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS CATEGORICAL EXEMPT PROJECTS, CLASS 1 (EXISTING FACILITIES, ITEM NOS. B THROUGH M); AND CLASS 3 (NEW CONSTRUCTION, ITEM NOS. A AND N), 2 CAL. CODE REGS. 2905.
2. AS TO ITEM N, FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF HUNTINGTON BEACH AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT, (ITEM N), AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. AUTHORIZE THE ISSUANCE OF TEN-YEAR RECREATIONAL PIER PERMITS TO THE APPLICANTS LISTED ON EXHIBIT "A" AS ITEMS A THROUGH N ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

RECREATIONAL PIER PERMITS FOR CALENDAR OF JUNE 28, 1989

Page 1 of 4

ITEM	W.O. NO.	APPLICANT	LOCATION	LAND USE & STATUS	UPLAND PROPERTY DESCRIPTION	CLASSIFICATION	
						ART 10	ART 11
A	W 24232	James W. Pregler and Ruby F. Pregler 943 Piedmont Drive Sacramento, CA 95822	Sacramento River, Sacramento County	New floating dock	Lot 9 plat of Riverside Village	3	B
B	PRC 3857	Jim H. Martin and Marilyn A. Martin 3532 Gilbert Drive Huntington Beach, CA 92649	Huntington Harbour, Orange County	One existing boat dock	Lot 27, Tract 4677	1	N/A
C	PRC 4064	Iris Ferrar 413 West Willow Tree Lane Isleton, CA 95641	Georgianna Slough, Sacramento County	One existing floating dock and walkway	413 West Brannen Island Road Isleton, CA 95641 T3N, R4E, MDM	1	N/A
D	PRC 4064	Douglas Arden Daniels and La Rae Daniels 3602 Venture Drive Huntington Beach, CA 92649	Huntington Harbour, Orange County	One existing dock	Lot 70, Tract 9168	1	N/A

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RECREATIONAL PIER PERMITS FOR CALENDAR OF JUNE 28, 1989

ITEM	W.O. NO.	APPLICANT	LOCATION	LAND USE & STATUS	UPLAND PROPERTY DESCRIPTION	CLASSIFICATION	
						ART 10	ART 11
E	PRC 5244	Alexander C. Liang and Betty Y. Liang 3532 Venture Drive Huntington Beach, CA 92649	Huntington Harbor, Orange County	One existing dock	Lot 42, Tract 9335	1	N/A
F	PRC 5570	Edward Y. Young and Marilyn J. Young 10 West Atherton Place Stockton, CA 95204	Lindley cut-off portion of the deep water channel, San Joaquin County	One existing floating dock and berth	Lot 10, Atherton Island	1	N/A DIV
G	PRC 5645	Theodore Bruns and Elsie J. Bruns 3017 Garden Highway Sacramento, CA 95833	Sacramento River, Sacramento County	One existing floating boat dock	South 1/2 of Lot 12, Azevedo River subdivision	1	B
H	PRC 5654	John Nomellini and Katherine S. Nomellini #2 W. Atherton Place Stockton, CA 95204	San Joaquin River, San Joaquin County	One existing floating dock	Lot 2 of Atherton Island, Tract 238	1	B

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APPROVED TO PERMIT
CONSTRUCTION

EXHIBIT "A"

RECREATIONAL PIER PERMITS FOR CALENDAR OF JUNE 28, 1989

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ITEM	W.O. NO.	APPLICANT	LOCATION	LAND USE & STATUS	UPLAND PROPERTY DESCRIPTION	CLASSIFICATION	
						ART 10	ART 11
I	PRC 5665	Michael J. Popovics 4209 Story Lane Anderson, CA 96007	Sacramento River, Shasta County	One existing portable boat dock	Portion of Lot 6 Belle Vue Tract	1	B
J	PRC 5696	James S. Johnson, Huston S. Johnson, and Helen M. Johnson 6223 Avenida Ganso Goleta, CA 93117	Steamboat Slough, Sacramento County	One existing floating dock and walkway	Lot 12, Plat of Simpson Tract	1	B
K	PRC 5698	Vincent B. Ruh 16762 Coral Cay Lane Huntington Beach, CA 92649	Huntington Harbor, Orange County	One existing boat dock.	Lot 44, Tract 8040	1	N/A
L	PRC 5702	William Rosenberg and Ruth Rosenberg 3875 Vista Linda Drive Encino, CA 91316	Huntington Harbor, Orange County	One existing boat dock.	Lot 48, Tract 8040	1	N/A N/A

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AV
OFFICE OF THE
SPECIALIST

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EXHIBIT "A"

RECREATIONAL PIER PERMITS FOR CALENDAR OF JUNE 28, 1989

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ITEM	W.O. NO.	APPLICANT	LOCATION	LAND USE & STATUS	UPLAND PROPERTY DESCRIPTION	CLASSIFICATION	
						ART 10	ART 11
H	PRC 6746	William C. Foster and Mary Ann Foster 3551 Courtside Circle Huntington Beach, CA 92649	Huntington Harbor, Orange County	One existing boat dock.	Lot 66, Tract 8040	1	N/A
N	W 23466.1	Porofino Cove Yacht Association 16291 Countess Dr. #102 Huntington Beach, CA 92649	Huntington Harbor main and Bolsa Chica Channel, Orange County	47 Boat Slips	Lot H, Tract No. 11716	N/A	N/A

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1656

MCCBECB

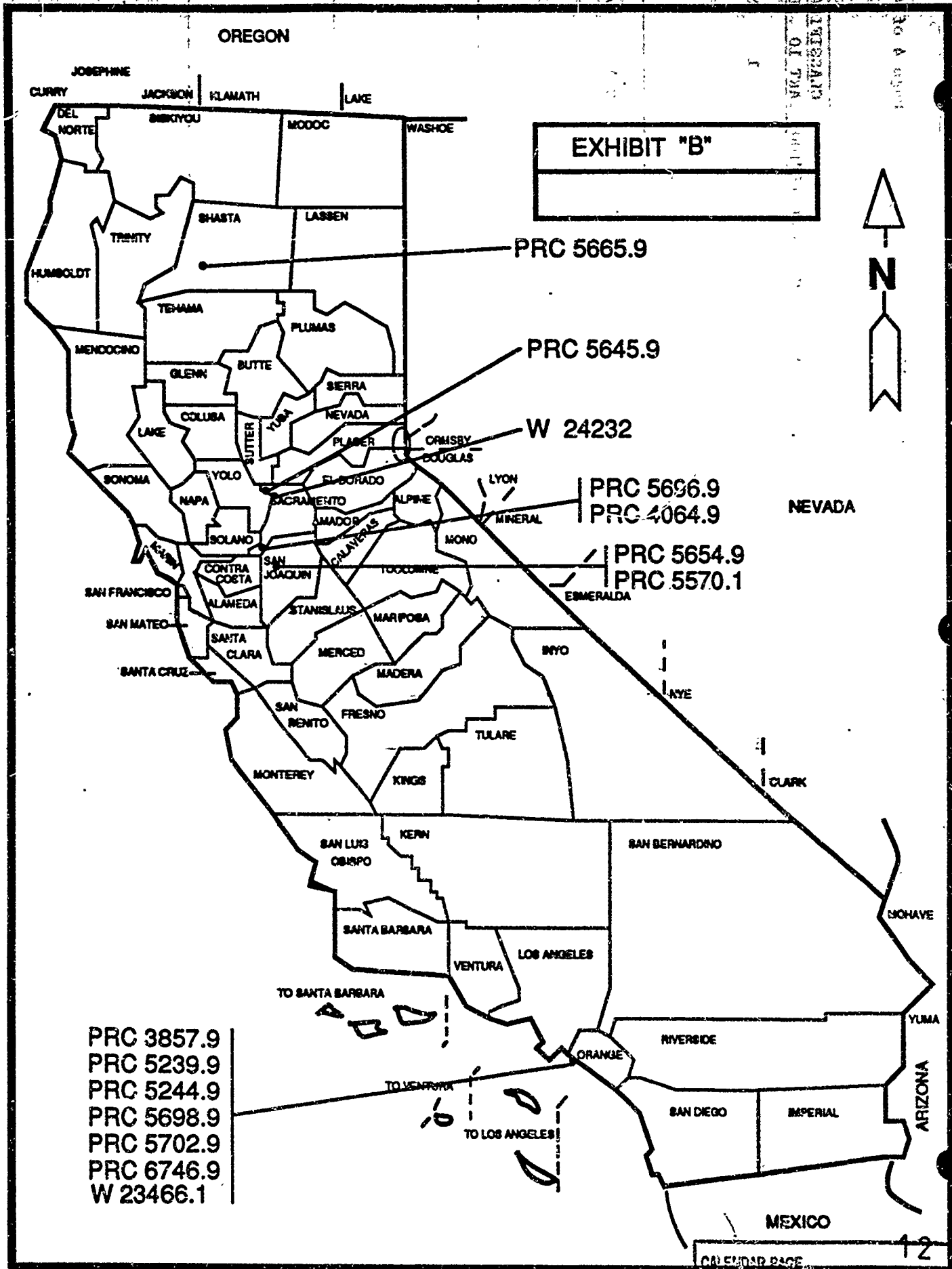


EXHIBIT "B"

PRC 5665.9

PRC 5645.9

W 24232

PRC 5696.9
PRC 4064.9

PRC 5654.9
PRC 5570.1

PRC 3857.9
PRC 5239.9
PRC 5244.9
PRC 5698.9
PRC 5702.9
PRC 6746.9
W 23466.1

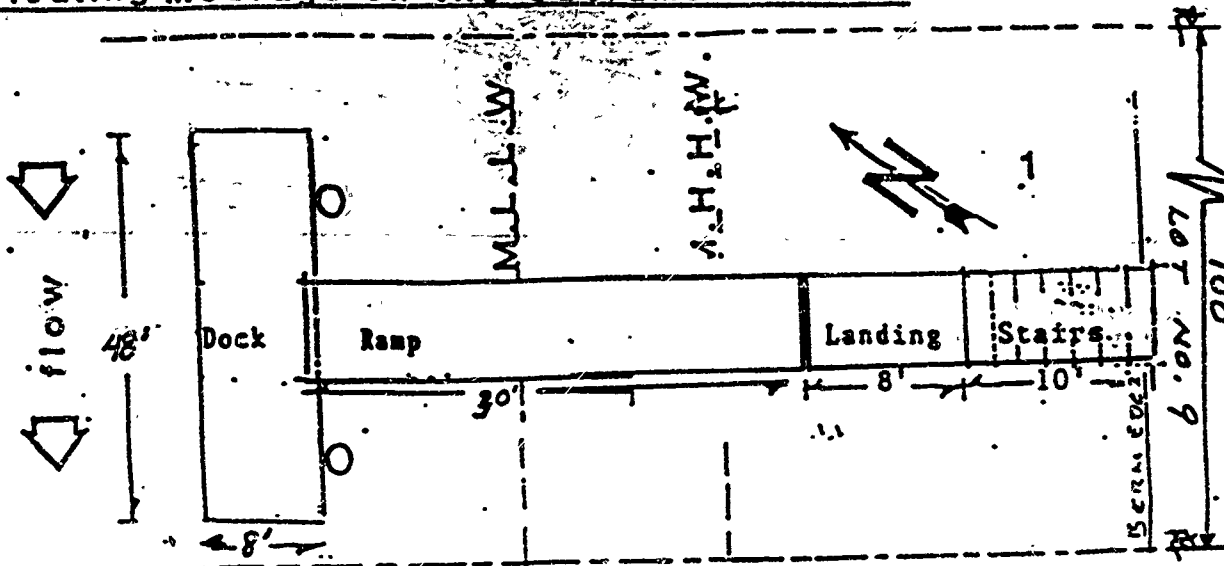
"G" TISHIHX

W 24232

Floating Moorage on the Sacramento River

LOT 10 - PERON

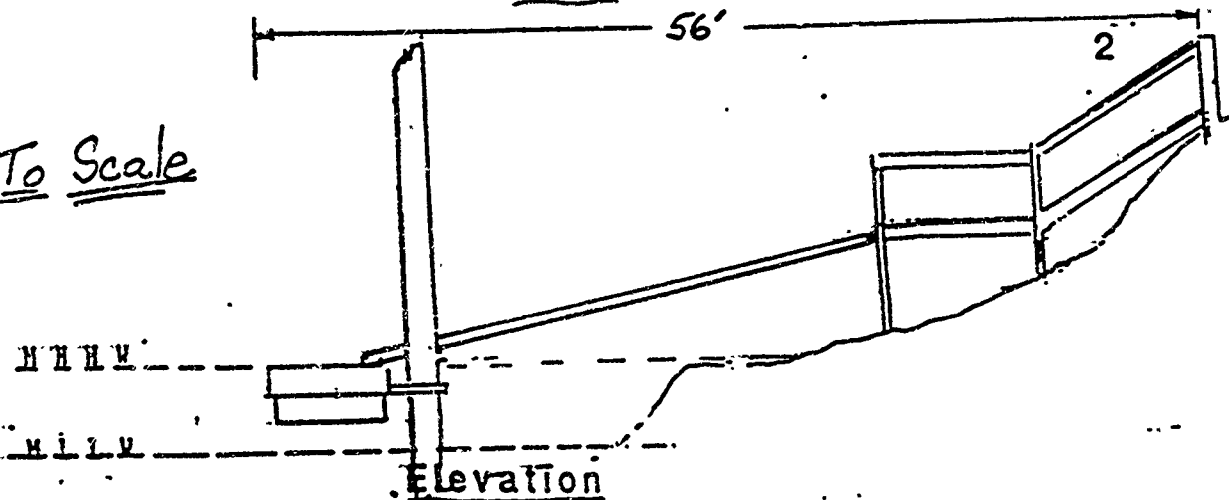
Sacramento River



PLAN

LOT 8 - SCHABER

Not To Scale

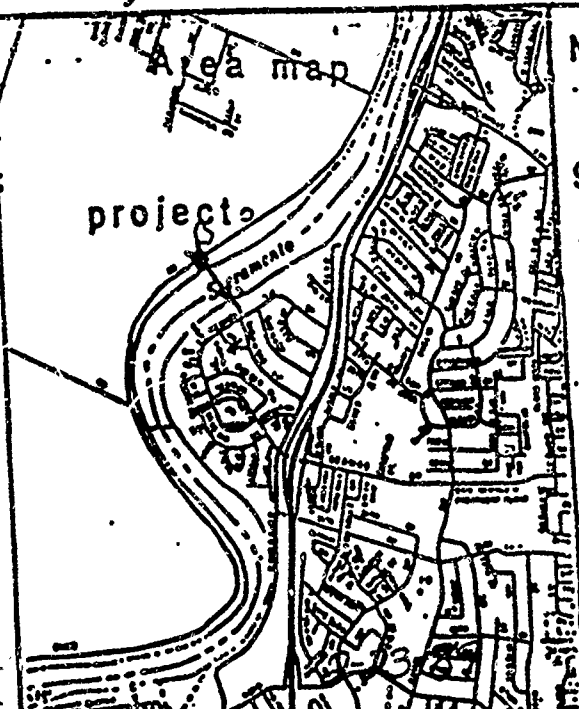


Elevation

List of materials

- Dock
- Frame 2"x12" D.F.
- String: 2"x6" D.F.
- Dock 2"x6" D.F.
- Posts 8"x24"x8'
- Stairs
- Posts 4"x6" D.F.
- String. 4"x12" D.F.
- Land. Fr. 4"x6" D.F.
- Treads 2"x6" D.F.
- Rails 2"x4" D.F.

Area map



Name & address

J.W.Pregler
943 Piedmont Dr.
Sacto. Ca. 95822

Date SEPT. 14, 1988

S/S PERMIT NO.
9852 NUW

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Item 20

P89-057

EXHIBIT "D"

EXHIBIT "D"



RECEIVED
86 MAR 30 PM 2:05

DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

BUILDING INSPECTIONS
916-449-5716

PLANNING
916-449-5604

March 28, 1989

Ms. Judy Ludlow
Land Agent
State Lands Commission
1807 13th Street
Sacramento, CA 95814

Subject: James and Ruby Pregler Boat Dock
943 Piedmont Drive
Sacramento, CA 95822
APN: 016-0191-002

Dear Ms. Ludlow:

On March 23, 1989, the City of Sacramento's Planning Commission approved a special permit for a private boat dock on the Sacramento River at 943 Piedmont Drive subject to the following conditions:

1. The maximum size of the boat dock shall be 48' x 8' as shown on the submitted plans (Exhibits A and B).
2. The Special Permit shall expire in 10 years (March 23, 1999) or at such earlier time as the land adjacent to the boat dock is acquired by the City of Sacramento, whichever occurs first. The applicant shall, at his expense, remove the boat dock and ramp when the Special Permit expires. This time limit condition is being imposed because the dock, while compatible with existing development, may be incompatible with the use of a portion of the immediately adjacent property as a public parkway. The applicant shall enter into an agreement with the City, which may be recorded, reflecting his consent to this condition.

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PUBLIC PROPERTY ENCROACHMENT PERMIT

EXHIBIT "B"

INSPECTION PHONE:
For Resident
807-8231
The office will be notified
of any work days
to be removed during
the course of the
work.

- 3. The applicant shall obtain a building permit from the City Building Division and any necessary permits from the State Lands Commission and the Army Corps of Engineers.

If you have any questions regarding this permit, I can be reached at 449-5604.

Sincerely,

Joy Patterson

Joy Patterson
Associate Planner

JP/kjr

cc: James and Ruby Pregler

Files: W24232 (State)
P89-057 (City)

PUBLIC PROPERTY ENCROACHMENT PERMIT

EXHIBIT "E"

INSPECTION PHONE:
Tom Rossmiller
567-6221
Inspection office shall be notified
at least **TWO (2) WORK DAYS**
PRIOR TO commencing permitted
use. **FAILURE TO OBTAIN INSPEC-**
TION SHALL VOID THIS PERMIT.

COUNTY OF ORANGE
ENVIRONMENTAL MANAGEMENT AGENCY
REGULATION/PUBLIC PROPERTY PERMITS

Main Office: 12 CMC CENTER PLAZA, 11th Fl-12
SANTA ANA, CALIFORNIA 92701
Off-P.O. BOX 4048, SANTA ANA, CA 92707-4048
PHONE: 949-8829 or 834-0026

PERMIT NO. 88-01788-11E
EFFECTIVE DATE: SEE VALIDATION DATE BELOW
EXPIRATION DATE: SEE SPECIAL PROVISIONS "K"

C/R 88-01787-117

PERMITTEE

Portofino Cove Condominium
Homeowners Association
16291 Countess Drive, #102
Huntington Beach, CA 92649

TYPE	FACILITY NAME	NUMBER
	SUNSET/HUNTINGTON HARBOR TIDELANDS	HA004

Contact person Bob Maculsky Telephone No. 714-632-8965

PERMITTED USE: Use of County property is hereby authorized as follows, subject to provisions on reverse hereof and attached hereto

To install, operate and maintain boat dock, ramp and 48 boat slips within County's Sunset/Huntington Harbor tidelands per plans and provisions attached, and to the satisfaction of EMA inspection personnel.

PWO# H68150 CEQA: Class 4; Cat. Exempt Computer Coding 8200/84

LOCATION OF WORK: Sunset/Huntington Harbor Tidelands at Portofino Cove
16291 Countess Drive

Dissemination Type: _____ Nos. Bros. 20, B4 Huntington Beach # 11A

CONSIDERATION:

Item Fees: \$2357.00 (H0H275) Survey \$4700.00 (TRR004) TOTAL \$7057.00

Check No. _____ Cash _____ Invoice _____ Date _____ Item No. _____ Invoice _____
Check No. 117 Cash 7057.00 Receipt 254980 Date 6-7-89 Trust Fund _____ Invoice _____

Fees paid by _____

Contract # _____

Project # _____

INSPECTION Coastal Facilities (567-6221) OR H.B.P. Program Office

PERMITTEE'S ACCEPTANCE:

COUNTY APPROVAL

Robert A. Maculsky
Permittee

Al Vasquez
6-9-89

PERMIT AND APPROVED PLANS SHALL BE MAINTAINED ON JOB SITE. RBS:ls
PERMITTEE SHALL COMPLY WITH REGULATIONS PRINTED ON REVERSE SIDE OF PERMIT AND ATTACHMENTS.
ALL UNDERGROUND WORK REQUIRES PRIOR 'UNDERGROUND SERVICE ALERT' COMPLIANCE.
THIS PERMIT SHALL BE NON-TRANSFERABLE.

2 06/09/89 225206 0.00 EOF275 TRR004 \$\$\$\$\$\$0.00 TOTAL

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0-02810-85
03/10/84

STANDARD PROVISIONS

1. Permits issued by this Agency are pursuant to the authority vested by the Board of Supervisors for the County of Orange Orange County Flood Control District and Orange County Harbors, Beaches and Parks District, any one or all of which are hereinafter referred to as County.

2. Permittee agrees to save County, its agencies, districts, etc. including its officers, agents or employees, harmless from any and all penalties, liabilities or loss resulting from claims or court actions, arising directly out of any damage or injury to persons or property by reason of the acts or omissions of Permittee, its agents, employees or independent contractor in exercising any of the privileges herein granted or in consequence thereof.

3. Should any damage to County works occur during full-time and/or as a result of this permittee's activity through the activities of its agents or employees, of Permittee or its any independent contractor or through the activities of the County's agents, Permittee shall immediately, upon the written demand of County, make good any damage to the equipment or works on the date of the occurrence of said damage or injury of Permittee's agent or employee. The question as to whether or not any such damage or injury has been caused to the works shall be determined by the Director of the Environmental Management Agency and his determination shall be final. In the event that repair is necessary, Permittee shall pay County the cost of such repairs.

4. County reserves the right unto itself to perform any work upon any portion or all of the area covered by this permit or to do any other work necessary at any time. Such work may be performed without incurring any liability of any nature whatsoever to the Permittee. It is further understood and agreed that County reserves unto itself the right of ingress over all or any portion of the subject area.

5. Neither this permit nor any of the rights herein granted shall be assigned without the prior written approval of the County.

6. By acceptance of this permit, Permittee acknowledges and assumes full responsibility for compliance with all laws, rules, then regulatory governing agencies including but not limited to zoning regulations, applicable ordinances and laws of the County of Orange, the State of California, or others having regulatory control over the use granted herein.

All underground work requires "Utility Identification Markers" from Underground Service Alert Regional Identification Center. (Ref. Government Code, Section 4216 and 4217)

7. A copy of this permit and approved plans, if applicable shall be maintained at the site of work and be shown to any authorized representative of the County or other regulatory governing agency upon request.

8. No access or work shall be performed within County rights of way without the full knowledge of County's Inspector who shall be given not less than two work days advance notice of the initiation of permitted use. Failure of Permittee to obtain inspection shall void this permit and necessitate reapplication by Permittee.

Permittee further agrees that all operations within County rights of way shall be subject to the operations of County and other authorized persons and under the control and to the satisfaction of County's Inspector.

9. This permit may be immediately revoked for reasons in the best interest of the County including violation of permit provisions or other applicable rules and regulations or for the creation of a nuisance upon notice given by the Director of the Environmental Management Agency or authorized representative. In the event of such revocation, Permittee shall immediately cease all operations and restore County right of way as directed by County's Inspector.

10. Any construction performed within County properties shall be in accordance with Orange County Environmental Management Agency Standard Plans and established criteria. Any deviation must be specifically detailed and highlighted on plans in a manner meeting the approval of Public Property Permits Division.

No uses other than that as stated on this permit shall be exercised. Public right of way shall not be used for administrative operations or storage of equipment, materials, supplies, etc.

P.C.

COUNTY OF ORANGE
ENVIRONMENTAL MANAGEMENT AGENCY
REGULATION / PUBLIC PROPERTY PERMITS DIVISION

88-01788-HF

Permit No.

SPECIAL PROVISIONS

Page 1 of 2

- A. The Portofino Cove Condominium Homeowners Association (PCCHA), its successors and assigns, agree to indemnify, defend and hold harmless the County of Orange and the Orange County Flood Control District, their officers, agents, employees and independent contractors free and harmless from any and all liability, expense, including defense costs and legal fees, and claims for damages of any nature whatsoever, including, but not limited to, bodily injury, death, personal injury or property damage arising from or connected with the PCCHA operations or actions including any workers' compensation suits, liability or expense arising from or connected with services performed by any person on behalf of the PCCHA.
- B. The issuance of the permit by the County shall in no way guarantee that the County will maintain the access channel to levels desired by the PCCHA in the future. As with all navigable waterways within the jurisdiction of the County, navigability will be maintained within the constraints of the budgetary process.
- C. The PCCHA shall dredge the area under the proposed slips and between the PCCHA pierhead line and the Sunset Aquatic Park pierhead line to a depth of -9 MLLW prior to the construction of boat slips.
- D. The PCCHA shall maintain the depth of -9 MLLW within the slip area and within a distance 20 feet towards the channel during the duration that the boat slips are in place and this permit is in effect. Annual inspections will be made by EMA - Harbors, Beaches and Parks staff to determine that this condition is complied with.
- E. During the dredging operation or any construction operations, environmentally sensitive habitats, including that of eelgrass (Zostera Marina), shall not be disturbed without notification of the County, the California Department of Fish and Game and the U.S. Fish and Wildlife Services. All mitigation measures required by Fish and Game and Fish and Wildlife shall be complied with.
- F. This permit shall not be considered valid until State Lands Commission permit is obtained.
- G. Permittee agrees that upon notification from the Director of the Environmental Management Agency, or his designated representative, to relocate, reconstruct, modify or remove subject floating dock, ramp, and slips at no expense to County, if such installation interferes with future development, operation or maintenance of County Tidelands area.

Continued

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SPECIAL PROVISIONS

- H. Permittee shall keep and maintain the permitted facilities in good and substantial repair and conditions. All improvements shall remain the property of permittee during the terms of this permit. County shall have no obligation to permittee for the condition of the improvements. Permittee shall make all necessary repairs or improvements, including, but not limited to the maintenance of piers, moorings, buoys, walkways, plumbing and electrical installations (including lighting). Permittee further agrees to keep the area free and clear of rubbish, debris and litter at all times.
- I. Permittee shall provide the County with verification of combined single limit insurance in the amount of Five Hundred Thousand Dollars (\$500,000) for public liability and property damage, from an insurance company satisfactory to County, in which the County of Orange and the State of California shall be named as additional insured with permittee.
- J. This permit is not subject to transfer, assignment, alienation, pledging or hypothecation any change in ownership requires a new permit.
- K. This permit shall become void in the event the use permitted is abandoned for a period exceeding 6 months or upon notification to permittee by Director, EMA or his designee. Upon notification to permittee, subject dock, ramp and slips must be removed promptly to the satisfaction of EMA Inspection Personnel.



CITY OF HUNTINGTON BEACH
INTER-DEPARTMENT COMMUNICATION

EXHIBIT "F"

W 23466.1

To Laura Phillips
Associate Planner

From ENVIRONMENTAL RESOURCES
SECTION

Subject ENVIRONMENTAL INFORMATION
FORM NO. 88-30

Date February 28, 1989

Applicant: Bob Maculsay/John Delavo

Request: To construct 49 boat slips for Portofino Cove Condominiums

Location: Huntington Harbour Main Channel and Bolsa Chica Channel adjacent to
Portofino Cove Condominiums
16291 Countess Drive
Huntington Beach, CA 92648

Background

Staff has reviewed the environmental information form noted above and has determined that a negative declaration may be filed for the project. In view of this, a draft negative declaration was prepared and was published in the Daily Pilot and posted in the Office of the City Clerk for a thirty (30) day public review period commencing February 18, 1989 and ending March 20, 1989. If any comments regarding the draft negative declaration are received, you will be notified immediately.

Recommendation

The Environmental Resources Section recommends that the Planning Commission approve Negative Declaration No. 88-30 finding that the proposed project will not have a significant adverse effect on the environment.

Mitigation Measures

X The attached mitigating measures will reduce potential environmental effects resulting from the project and are recommended as conditions of approval.

Respectfully submitted,


Kelly Main
Assistant Planner

KM:gbm

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(2075d-1)

ATTACHMENT 3a-1



City of Huntington Beach

205 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Building Division 536-5241

Planning Division 536-5271

February 17, 1989

Office of the Governor
Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814

SUBJECT: NEGATIVE DECLARATION NO. 88-30 - PORTOFINO COVE BOAT SLIPS

To All Interested Parties:

The City of Huntington Beach has prepared a mitigated Negative Declaration in analyzing the potential impacts of the following project:

Project Proponent: Bob Maculsay/John Delava
Portofino Cove Condominium Association
16291 Countess Drive #102
Huntington Beach, CA

Project Location: The Huntington Harbour Main Channel and Bolsa Chica Channel adjacent to Portofino Cove condominiums, 16291 Countess Drive, Huntington Beach, California. The condominiums are located at the southern terminus of Countess Drive near the western terminus of Edinger Avenue.

Project Description: Draft Negative Declaration No. 88-30 (in conjunction with Conditional Use Permit No. 88-53) is a request to construct 49 boat slips in the Main Harbour Channel and the Bolsa Chica Channel (an Orange County Flood Control Channel) for use by Portofino Cove Condominium owners. Seventeen boat slips will be located on the north side of Harbour Channel, adjacent to the Portofino Cove Condominiums property, and 32 slips will be located on the eastern side of the Bolsa Chica Channel, adjacent to the Portofino Cove Condominiums property.

During the environmental evaluation of this project, the City and the applicant have been in contact with a great number of the parties involved in its final approval. Because of a familiarity with the project and because we have mailed the Draft Negative Declaration directly to the following parties, we are requesting that the State reduce the 30-day review period to 25 days.

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(2059d-3)

3a-2

ND #88-30
February 17, 1989
Page 2 of 2

CITY OF HUNTINGTON

The following agencies have been mailed Draft Negative Declaration No. 88-30:

Karen Cagle
Department of Boating & Waterways
1629 S. Street
Sacramento, CA 95814
(916) 445-6281

Ted Fukushima
State Lands Commission
1807 Thirteenth Street
Sacramento, CA 95814
(916) 445-7416

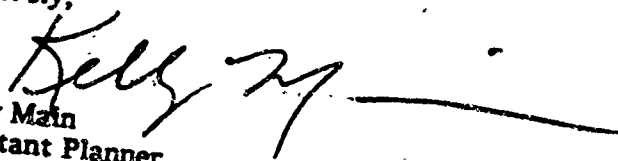
Bob Joseph
California Coastal Commission
South Coast District Office
245 W. Broadway, Suite 380
Long Beach, CA
(213) 590-5071

Dick Nitsos, Environmental Coordinator
Marine Resources Reg.
330 Golden Shore, Suite
Long Beach, Ca 90807
(213) 590-5174

California Water Quality Control Board
Santa Ana Region
6809 Indiana Avenue, Suite 200
Riverside, CA 92506
(714) 782-4130

The State Clearinghouse will be in contact with you regarding the length of the review period.

Sincerely,


Kelly Main
Assistant Planner

KM:gbm

Attachments:

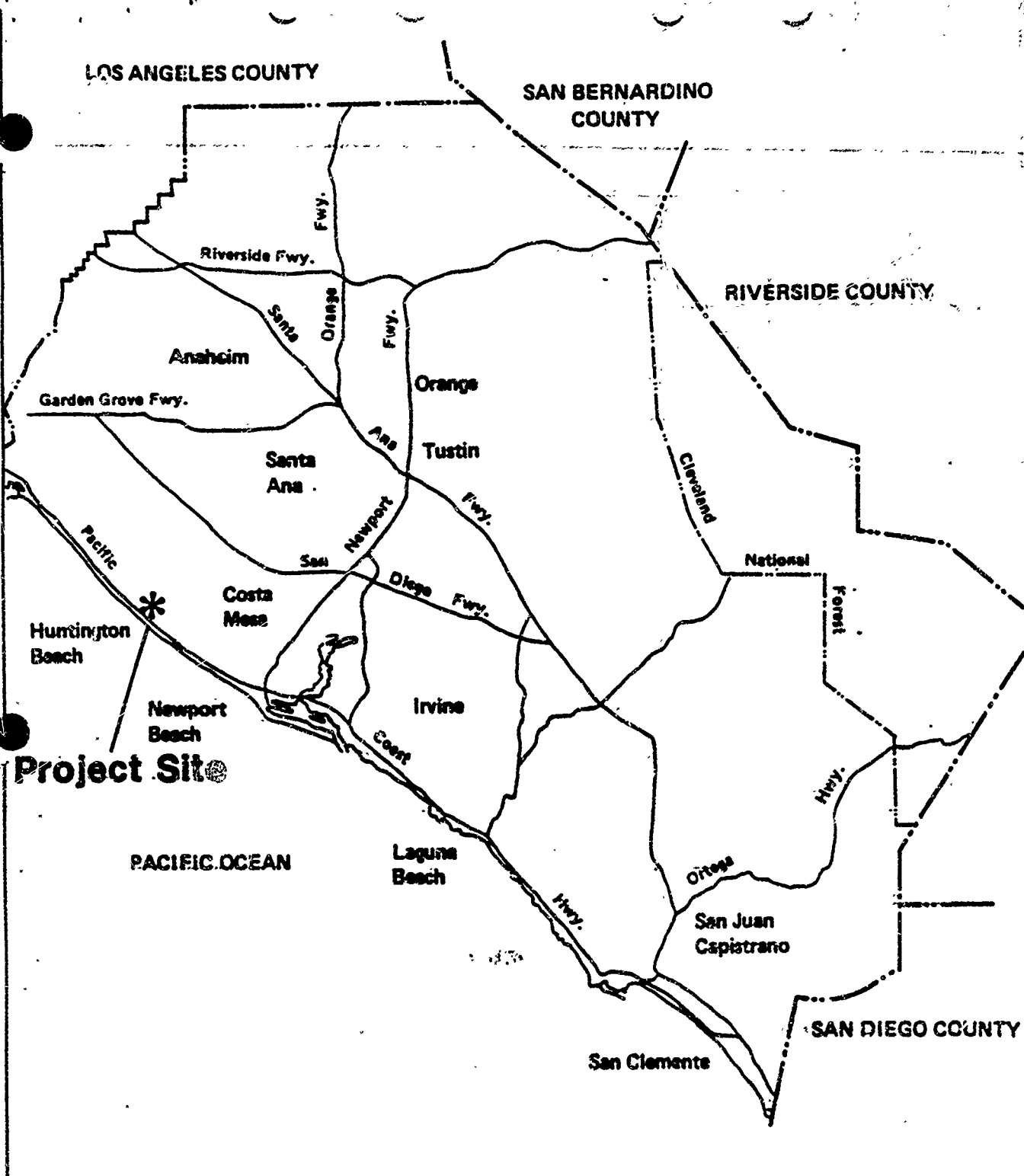
1. Draft Negative Declaration
 - a. Environmental Checklist
 - b. Area Maps
 - c. Discussion and Mitigation Measures
2. Correspondence
3. Portofino Cove Condominiums Eelgrass Survey
4. Orange County Environmental Management Agency
Negative Declaration IP-86-113

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(2059d-4)

39-3

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Source: STA inc.

REGIONAL LOCATION

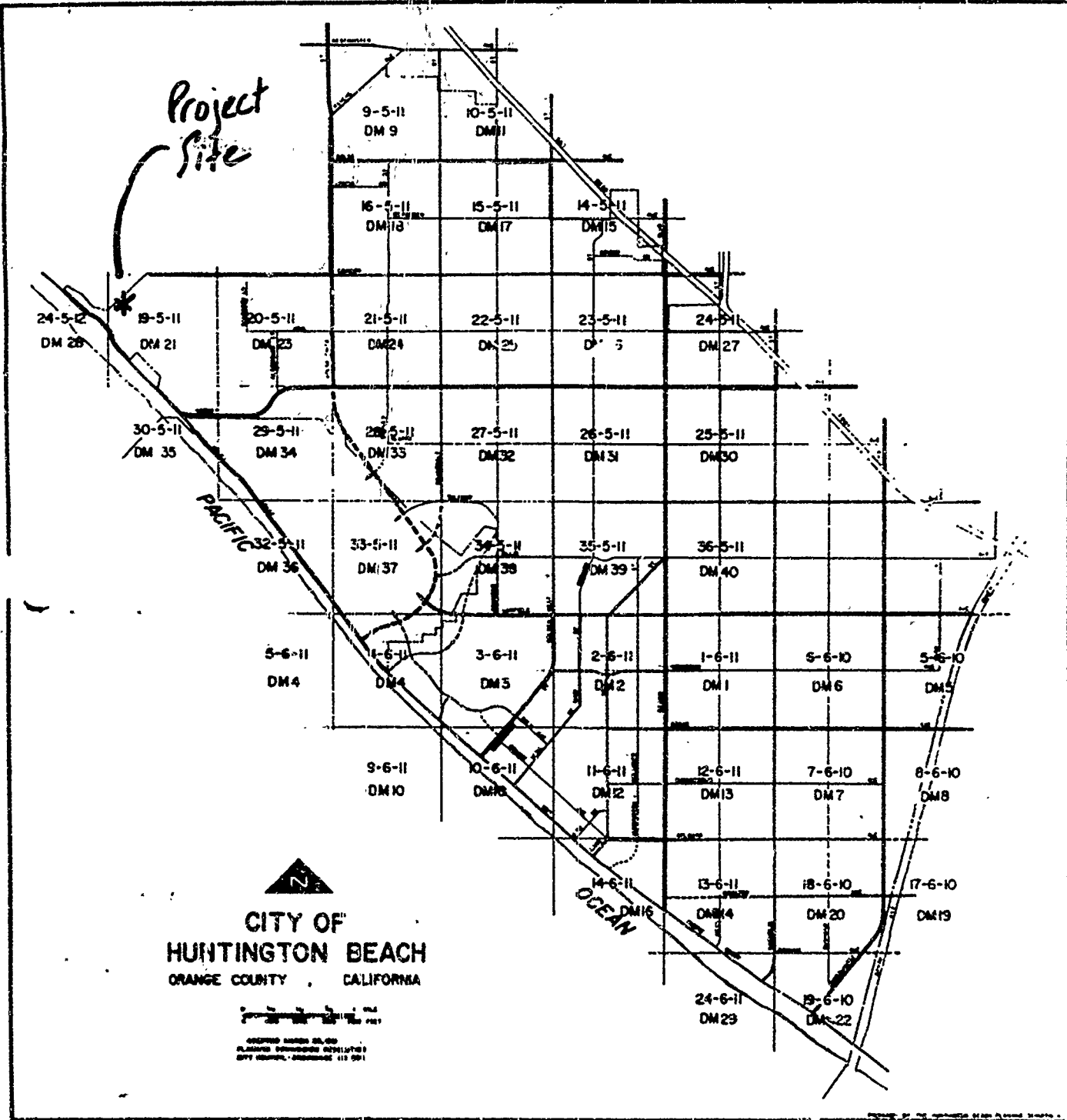
STA inc.

no scale



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3a-5

SECTIONAL DISTRICT MAP

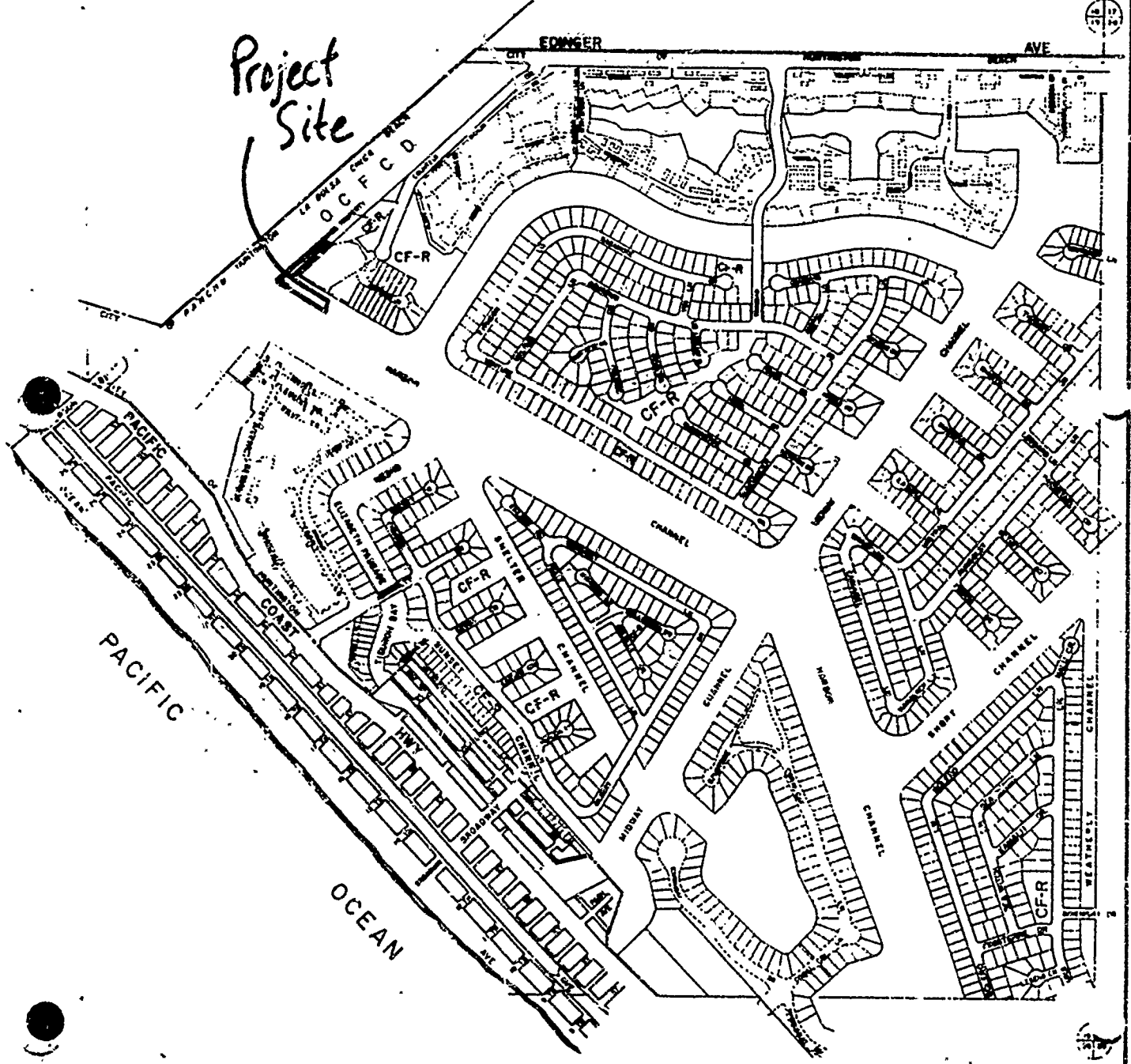
CITY OF HUNTINGTON BEACH

ORANGE COUNTY, CALIFORNIA



USE OF PROPERTY MAP

22)



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**DRAFT NEGATIVE DECLARATION
NO. 88-30**

**City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
(714) 536-5271**

Project Description

Draft Negative Declaration No. 88-30 (in conjunction with Conditional Use Permit No. 88-53) is a request to construct 49 boat slips in the Main Harbour Channel and the Bolsa Chica Channel (an Orange County Flood Control Channel) for use by Portofino Cove Condominium owners. Seventeen boat slips will be located on the north side of Harbour Channel, adjacent to the Portofino Cove Condominiums property, and 32 slips will be located on the eastern side of the Bolsa Chica Channel, adjacent to the Portofino Cove Condominiums property.

Project Background

The City of Huntington Beach received an application for the proposed boat slips in July of 1988. After reviewing background files on Portofino Cove Condominiums and the adjacent Mola development, the City determined it was likely that a significant stand of eelgrass would be negatively impacted by the project. The City requested that the applicant employ a qualified marine biologist to survey eelgrass within the area and propose mitigation to reduce impacts resulting from the proposed boat slips.

After receiving this study in September of 1988, City staff worked with the applicant and the California Department of Fish and Game to develop an acceptable plan for the boat slips. A plan was finally agreed to by all parties in late January of 1989.

During this period, the applicant worked with Orange County Department of Harbors, Beaches and Parks to complete dredging for the proposed boat slips. This dredging was permitted through a previously approved Orange County dredging permit from the Army Corp of Engineers No. 87-204-GS. The environmental impacts of the dredging are covered under the Orange County Environmental Management Agency's Negative Declaration IP-86-113.

With the revisions of the proposed boat slip configuration as suggested by MBC Applied Environmental Sciences, the marine biology firm which supplied the eelgrass study, along with other mitigation agreed upon by the applicant, the City of Huntington Beach does not anticipate any significant adverse impacts will result from the proposed Portofino Cove boat slips.

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ENVIRONMENTAL CHECKLIST FORM

(To Be Completed By Lead Agency)

I. Background

1. Name of Proponent Bob Maculsay/John Delava
2. Address and Phone Number of Proponent 16291 Countess Drive #102
Huntington Beach, CA
(714) 653-8903
3. Date of Checklist Submitted February 14, 1989
4. Agency Requiring Checklist City of Huntington Beach
5. Name of Proposal, if applicable Environmental Assessment No. 88-30
Conditional Use Permit No. 88-53

II. Environmental Impacts

Portofino Cove Condominium Boat Slips

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	_____	_____	<u>X</u>
b. Disruptions, displacements, compaction or overcovering of the soil?	_____	_____	<u>X</u>
c. Change in topography or ground surface relief features?	_____	_____	<u>X</u>
d. The destruction, covering or modification of any unique geologic or physical features?	_____	_____	<u>X</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	_____	_____	<u>X</u>
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	_____	<u>X *</u>	_____

* Please see explanation in discussion section

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	Yes	Maybe	No
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	_____	_____	<u>X</u>
2. Air. Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	_____	_____	<u>X</u>
b. The creation of objectionable odors?	_____	_____	<u>X</u>
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	_____	_____	<u>X</u>
3. Water. Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	_____	_____	<u>X</u>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	_____	_____	<u>X</u>
c. Alterations to the course or flow of flood waters?	_____	_____	<u>X</u>
d. Change in the amount of surface water in any water body?	_____	_____	<u>X</u>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	_____	<u>X *</u>	_____
f. Alteration of the direction or rate of flow of ground waters?	_____	_____	<u>X</u>
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	_____	_____	<u>X</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	_____	_____	<u>X</u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	_____	_____	<u>X</u>

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
4. Plant Life. Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	_____	<u>X *</u>	_____
b. Reduction of the numbers of any unique, rare or endangered species of plants?	_____	<u>X *</u>	_____
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	_____	<u>X *</u>	_____
d. Reduction in acreage of an agricultural crop?	_____	_____	<u>X</u>
5. Animal Life. Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	_____	<u>X *</u>	_____
b. Reduction of the numbers of any unique, rare or endangered species of animals?	_____	<u>X *</u>	_____
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	_____	<u>X *</u>	_____
d. Deterioration to existing fish or wildlife habitat?	_____	<u>X *</u>	_____
6. Noise. Will the proposal result in:			
a. Increases in existing noise levels?	_____	<u>X *</u>	_____
b. Exposure of people to severe noise levels?	_____	_____	<u>X</u>
7. Light and Glare. Will the proposal produce new light or glare?			
	_____	<u>X *</u>	_____
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area?			
	_____	_____	<u>X</u>
9. Natural Resources. Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	_____	_____	<u>X</u>

	Yes	Maybe	No
b. Substantial depletion of any nonrenewable natural resource?			X
10. Risk of Upset. Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?			X
b. Possible interference with an emergency response plan or an emergency evacuation plan?			X
11. Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?			X
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?			X
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?			X
b. Effects on existing parking facilities, or demand for new parking?		X *	
c. Substantial impact upon existing transportation systems?			X
d. Alterations to present patterns of circulation or movement of people and/or goods?			X
e. Alterations to waterborne, rail or air traffic?		X *	
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?		X *	
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?			X
b. Police protection?			X

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
c. Schools?	_____	_____	<u>X</u>
d. Parks or other recreational facilities?	_____	_____	<u>X</u>
e. Maintenance of public facilities, including roads?	_____	_____	<u>X</u>
f. Other governmental services?	_____	_____	<u>X</u>
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	_____	_____	<u>X</u>
b. Substantial increase in demand upon existing source of energy, or require the development of sources of energy?	_____	_____	<u>X</u>
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Power or natural gas?	_____	_____	<u>X</u>
b. Communication systems?	_____	_____	<u>X</u>
c. Water?	_____	_____	<u>X</u>
d. Sewer or septic tanks?	_____	_____	<u>X</u>
e. Storm water drainage?	_____	_____	<u>X</u>
f. Solid waste and disposal?	_____	_____	<u>X</u>
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	_____	_____	<u>X</u>
b. Exposure of people to potential health hazards?	_____	_____	<u>X</u>
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	_____	_____	<u>X</u>
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	_____	<u>X</u> *	_____

9-5th

7

Yes Maybe No

20. Cultural Resources.

- a. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site? _____ X _____
- b. Will the proposal result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object? _____ X _____
- c. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? _____ X _____
- d. Will the proposal restrict existing religious or sacred uses within the potential impact area? _____ X _____

21. Mandatory Findings of Significance.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? _____ X* _____
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.) _____ X _____
- c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.) _____ X _____
- d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? _____ X _____

III. Discussion of Environmental Evaluation

IV. Determination
(To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. **A NEGATIVE DECLARATION WILL BE PREPARED.**

I find the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

February 15, 1989
Date

Kelly M. [Signature]
Signature
For Community Development

**DISCUSSION OF ENVIRONMENTAL EVALUATION
ENVIRONMENTAL ASSESSMENT NO. 88-30**

Earth

- 1f. The proposed boat slips will not result in any significant change in the deposition or erosion of sand; 15,000 square feet of Huntington Harbour tidelands has been dredged to make the Bolsa Chica Channel navigable as well as make an area for the proposed boat slips. It is assumed that dredging will be required in the future to maintain the navigability of the Harbor Channels. The impacts of this dredging are covered by the Orange County Environmental Management Agency's Negative Declaration IP 86-113 and are, hereby, incorporated into this negative declaration by reference. The following discussion of impacts applies to future dredging as well:

The material to be dredged has been deposited over the years since the harbor was dredged to -10 MLLW in the 1960's as part of the Huntington Harbour Development Project. This shoaling which has occurred results in navigational problems, boat groundings and an inability of the Harbour Patrol to reach all parts of the Harbour at all times. The proposed channel modification will resolve existing navigational/access problems and no mitigation is required.

No significant impacts are anticipated.

Water

- 3e. Increased turbidity of surface waters is expected to result from construction of the boat slips. This area is within a potential least-tern foraging area, the reduction in water clarity may reduce the least terns' ability to locate and obtain the fish on which they rely for food. The number of boat slips being constructed is small and increased turbidity is expected to be temporary and minimal. With mitigation, no significant impacts are anticipated.

Eelgrass has been identified in the area, as well; increased turbidity can decrease the productivity of this plant and, if substantial, the coating of this plant with sediment can result in its decreased viability for the duration of the construction. Mitigation measures are discussed below.

Mitigation

Because the spring and summer months are the most critical months at this location for the least tern, construction shall be avoided to the maximum extent feasible from April to mid-September. In the event that construction must be conducted in this area during spring or summer months, impacts to the least tern or eelgrass due to increased turbidity will be short-term, with a return to preconstruction conditions expected shortly after the completion of the boat slips. A plan for eelgrass mitigation is discussed under Plant Life, 4a,b,c.

Plant Life

4a,b,c. Approximately 4,779 square feet of eelgrass has been identified directly adjacent to the Portofino Cove Condominium development in the Main Channel of Huntington Harbour (see Portofino Cove Condominiums, Eelgrass Bed Survey, 7 September 1988, Executive Summary) precisely where boat slips were originally proposed. The bed extends 288 feet along the bulkhead from the northwest end of the existing dock to within 50 feet of Bolsa Chica Channel. No eelgrass was identified in the Bolsa Chica Channel.

Eelgrass is a seagrass that colonizes the sand and mud bottoms of shallow coastal bays. It is an important resource because it provides protective cover, and functions as a feeding area and nursery for many species of fishes and invertebrates. Eelgrass also attracts waterfowl which feed on the blades (i.e. black brandt) and seabirds (i.e. terns) which feed on fishes which congregate within the bed.

The 4779 square foot eelgrass bed located in the proposed boat dock construction area represents the largest remaining natural stand of eelgrass in Huntington Harbour, and therefore it is an important local marine resource. The relatively dense stand of eelgrass supports a diverse assemblage of both invertebrates and fishes, including one species of commercial importance, California halibut.

Dock construction, as originally proposed, would limit the amount of light that eelgrass needs for growth and would probably cause a significant reduction in eelgrass area. Some vegetation located between the bulkhead and the beginning of the docks might survive, based on data collected by MBC in 1987 and 1988 along the Mola Property (directly adjacent to the Portofino Cove bulkhead). However, total bed area and shoot density would decrease, given the originally proposed dock configuration.

Mitigation

1. Redesign docks in the Main Fairway to allow 40 feet of clearance between the bulkhead and the docks.

This design option has been approved by the California Department of Fish and Game (please see attached correspondence). This option would allow for a maximum number of slips in the Main Channel, and minimizes the impacts to the eelgrass bed as it now exists. Some eelgrass loss and reduction in shoot density is projected, based on eelgrass bed reduction and shoot density decreases along the Mola bulkhead. Such a loss along the Portofino Cove bulkhead would require an eelgrass transplant to natural sediments or an artificially created habitat preferably located in Huntington Harbour/Sunset Bay. The amount to be transplanted, and timing for the transplant would be determined by wildlife agencies.

2. The identified 4,779 square feet of eelgrass shall be monitored after construction of the proposed boat slips for a two-year period at four-month intervals. Any of the eelgrass lost shall require the implementation of a transplant program. This program shall have the following requirements:

- a. An amount of eelgrass equal to that lost must be successfully transplanted.
- b. Transplants within Huntington Harbour/Sunset Bay should receive highest priority.
- c. If a natural area cannot be located, then an artificially created area will have to be constructed using suitable dredge spoils that would support eelgrass at proper depths.

An artificially created habitat is being prepared in Sunset Bay for the County of Orange Maintenance Dredging Program Eelgrass Mitigation Project. The Association might consider seeking approval to dove tail any transplant for their project with the County's project in Sunset Bay, provided that the habitat is conducive to eelgrass growth and adequate habitat is available.

- d. If suitable habitat cannot be found within Huntington Harbour, then another area in another bay or harbor can be proposed.
- e. This transplantation, if necessary, must meet with the approval of the National Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDF&G), the Army Corps of Engineers, and the City of Huntington Beach.

With the above-listed mitigation, no significant adverse impacts are anticipated.

Animal Life

- 5 a,b,c,d. Please see discussion of the least tern in Water, 3e and discussion of eelgrass in Plant Life, 4abc. With the mitigation offered in the aforementioned sections, no significant adverse impacts are anticipated.

*9 (4th line)
of State Policy
Permit*

Noise

- 6a. Some temporary noise will occur during the construction of the boat slips. Construction related to boat slips shall be limited to the hours of normal construction within the City of Huntington Beach.

As construction is temporary and required to meet normal construction-hour constraints, no significant adverse impact is anticipated.

Mitigation

Construction shall be limited to Monday - Saturday 7:00 a.m. to 8:00 p.m. Construction shall be prohibited Sundays and Federal holidays.

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Light and Glare

101123257

- 7. Lighting will be required at the northeast end of the proposed dock for safety. (Please see discussion in Transportation, 13f.) No significant impacts are anticipated.

Mitigation

Lighting shall be minimal and in-keeping with lighting found on docks in the Harbour area.

Transportation

- 13b. The proposed boat slips are exclusively for the use of Portofino Cove Condominium owners who already have parking facilities provided on-site. No significant impacts are anticipated.
- 13d,e. The placement of 49 boat slips in the Bolsa Chica Channel and Main Harbour Channel will increase boat traffic within the channel area. However, this increase is insignificant compared to existing traffic and no significant adverse impacts are anticipated.

Dredging done for maintenance of the channels and for the construction of the boat slips will improve the navigability of the channels.

During construction, construction equipment may effect boat traffic. Construction should be restricted to months during which travel in the channels is least heavy. Summer should be the busiest time for Harbour channels and construction should be avoided during this period, especially during weekends.

Mitigation

Boat slip installation shall be avoided during summer months, if feasible, and particularly on summer weekends.

- 13f. Waterborne traffic safety should increase due to the dredging of the channels for both Harbour maintenance and for the proposed boat slips.

The 40 feet of clearance required between the bulkhead and the proposed docks along the Main Channel will result in docks which extend out into the channel 20 feet beyond existing docks. Lighting along the northeast end of the proposed docks, where they jut out from existing docks, should be required. With this mitigation measure, no impacts to safety are anticipated.

The Harbor Master has reviewed the most current proposal for the boat slips, plans dated December 1, 1988, and anticipates no safety-navigational problems. Please see attached correspondence.

Mitigation

Lighting shall be required along the northeast end of the proposed docks.

Recreation

21610 has 12611

19. The proposal will result in an increase in the number of private recreational opportunities in the Harbour. No significant adverse impacts are anticipated.

Mandatory Findings of Significance

- 21a. The proposed project has the potential to degrade the quality of the environment; however, with the incorporation of the proposed mitigation measures into the project, no significant adverse impacts are anticipated.



SHERIFF-CORONER DEPARTMENT
COUNTY OF ORANGE
CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF HIGHWAYS

BRAD GATES
SHERIFF-CORONER

February 14, 1989

RECEIVED

FEB 16 1989

DEPARTMENT OF
HIGHWAYS

Ms. Kelly Main
Planning Division
City of Huntington Beach
P.O. Box 190
Huntington Beach, CA 92648

Dear Ms. Main:

We have received a copy of the proposed dock design for Portofino Coves from Atlantic Marina Systems. After review by members of our staff we can see no safety or navigation problems resulting from the design shown on plans dated February 7, 1989.

Respectfully,

BRAD GATES, SHERIFF-CORONER


Capt. Harry Gage
Harbor Master

HG/ml

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DEPARTMENT OF FISH AND GAME

Marine Resources Division
330 Golden Shore, Suite 50
Long Beach, CA 90802
(213) 590-5117

February 6, 1989

Ms. Kelly Main
Assistant Planner
Department of Community Development
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Dear Ms. Main:

We have reviewed the revised set of plans for the proposed boat slips at Portofino Cove submitted with your January 30, 1989 request for review. The revised plan which has 36 docks located in the Bolsa Chica Channel and 13 docks located 40 feet from the bulkhead along the State Channel is acceptable.

The implementation of this plan should have no significant impacts to existing eelgrass beds provided no boats are allowed to dock in other than designated slips.

Should you have any questions please contact Richard Nitsos, Environmental Coordinator for Marine Resources. The phone number is (213) 590-5174.

Sincerely,

Rolf E. Mall

Rolf E. Mall
Program Manager
Southern California Operations

RECEIVED

FEB 10 1989

DEPARTMENT OF

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DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2711
LOS ANGELES, CALIFORNIA 90033-2325

REPLY TO
ATTENTION OF

November 18, 1988

Office of the Chief
Regulatory Branch

Orange County Harbors, Beaches, and Parks
ATTN: C.R. Nelson, Director of Public Works
County of Orange
P.O. Box 400
Santa Ana, California 97202-4048

Gentlemen:

Reference is made to your request of August 9, 1988 to amend Permit No. 87-204-GS which authorized you to dredge 157,000 cubic yards of bottom sediment, including the areas with approximately 3,000 square feet of eelgrass (Zostera Marina), with the disposal of the material at LA-2, an Environmental Protection Agency (EPA) offshore disposal site, in Sunset Channel, Christinana Bay, Sunset Aquatic Access Channel, Huntington Harbor, Sunset Harbor, Pacific Ocean at the cities of Huntington Beach and Seal Beach, Orange County, California.

Under the provisions of 33 Code of Federal Regulations 325.7(b) your permit is modified as follows:

You are hereby authorized to dredge 15,000 square feet of Huntington Harbor tidelands in the Bolsa Chica Channel, with the disposal of the material at LA-2, an EPA offshore disposal site, at Portofino Cove, 16291 Countess Drive, Huntington Beach, California

The conditions of Permit No. 87-204-GS, except as changed herein, remain in full force and effect.

Please note that a copy of this letter is being forwarded to those agencies on the enclosed list.

Sincerely,

Charles M. Holt, P.E.
Chief, Regulatory Branch

Enclosure

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DEPARTMENT OF THE ARMY
FOR ANGRY COURTESY OF ENGINEERS
P.O. BOX 1114
FORT MONROE, VIRGINIA 23060-1114



U.S. Environmental Protection Agency (W-7-2)
ATTENTION: Steven John
Federal Activities Branch
215 Fremont Street
San Francisco, California 94105

U.S. Fish and Wildlife Service
Ecological Services
24000 Avila Road
Laguna Niguel, California 92677

California Department of Fish and Game
ATTENTION: Dick Nitsos
330 Golden Shore, Suite 50
Long Beach, California 90802

Portofino Cove Condominium
Homeowners Association
ATTN: R.A. Maculsay
16291 Countess #102
Huntington Beach, California 92649

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SPECIAL CONDITIONS FOR PERMIT 87-204-GS

1. The mitigation work for the dredging of 15,000 square feet of Huntington Harbor tidelands shall be performed in the Upper Newport Bay Ecological Reserve under the direction of the California Department of Fish and Game.

2. That the permittee shall: Notify the Commander (oan) Eleventh Coast Guard District, Union Bank Building, 400 Ocean Gate, Long Beach, California 90822, (213) 499-5410 at least 2 weeks prior to start of the activity and 30 days if buoys are to be placed. The notification should include the following information: 1. The location of the work site; 2. The size and type of equipment that will be performing the work; 3. Name and radio call signs for working vessels, if applicable; 4. Telephone number for on-site contact with project engineers; 5. The schedule for completing the project. The Aids to Navigation Branch should be advised of any hazard to navigation. The applicant should also contact the Aids to Navigation Branch concerning requirements for marking the dock.

PORTOFINO COVE CONDOMINIUMS
EELGRASS BED SURVEY
7 SEPTEMBER 1988

EXECUTIVE SUMMARY

MBC Applied Environmental Sciences (MBC) conducted a field survey on 7 September 1988 to determine the amount of eelgrass, *Zostera marina* that is growing along the Portofino Cove Bulkhead in Huntington Harbour, Orange County, California. The purpose was to determine the distribution and density of eelgrass in an area where docks and boat slips are proposed.

- A total of 4779 sq ft of eelgrass was mapped in the main channel of Huntington Harbour where boat slips are proposed. This represents 67.5% of all eelgrass along the bulkhead. Shoot density averaged 14.3 shoots/sq ft. Eelgrass occurred at depths between 2.4 and 7.6 ft below mean lower low water.
- No eelgrass was located in the Bolsa Chica Channel.
- Seven species of fish were seen during the survey, including California halibut. No California least terns were seen.
- The proposed dock plan for Portofino Cove Condominiums would eliminate most of the existing 4779 sq feet of eelgrass habitat in the Main Fairway of Huntington Harbour. As a result, it is unlikely that wildlife agencies would approve the proposed plan as presented to MBC.
- Alternative dock designs that preclude biological impact to the eelgrass beds should receive the highest priority. These include modifying the number or dimensions of the dock and slips in the Main Fairway and possibly relocating slips into Bolsa Chica Channel that otherwise would impact eelgrass.
- Because eelgrass is presently growing at or near its maximum distribution in Huntington Harbour and Sunset Bay, an eelgrass transplant may not be the most acceptable option. Wildlife agency approval for the project is more likely if the plans minimize impacts to the eelgrass and maximize alternative dock designs.
- If eelgrass transplants are an unavoidable option, then a suitable area will have to be located in Huntington Harbour or Sunset Bay. An offsite mitigation plan outside this area would lessen the chances for agency approval.

INTRODUCTION

MBC Applied Environmental Sciences (MBC) biologists conducted a diving survey of the eelgrass (*Zostera marina*) beds along the Huntington Harbour Main Fairway in front of the Portofino Cove Condominiums and Mola single family residences on 7 September 1988. The purpose of the survey was to determine the areal extent and density of eelgrass in the vicinity of proposed boat slips and if eelgrass exists in Bolsa Chica Channel where additional boat slips are proposed.

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Project Background. Recently, the Portofino Cove Boat Owners' Association contacted MBC regarding a proposed plan to build boat docks over an existing eelgrass bed in Huntington Harbour, Orange County, California. The Association requested that MBC perform an eelgrass survey and provide them with a letter report concerning the project impacts and potential mitigation of eelgrass loss due to boat dock construction.

Eelgrass is a seagrass that colonizes the sand and mud bottoms of shallow coastal bays. It is an important resource because it provides protective cover, and functions as a feeding and nursery for many species of fishes and invertebrates. Eelgrass also attracts waterfowl which feed on the blades (i.e. black brandt) and seabirds (i.e. terns) which feed on fishes which congregate within the bed.

This report summarizes the results of our field survey and presents a brief analysis of impacts and potential ways to minimize disturbance to the eelgrass.

METHODS

Diving surveys were conducted by three biologists using SCUBA equipment between 0900-1600 hours on 7 September 1988. The presence or absence of eelgrass was determined at pre-determined intervals along the bulkhead between Trinidad and Bolsa Chica Channels. At points where eelgrass was present, biologists measured the bed width, distance from the bulkhead, and the number of eelgrass shoots in 1/8 meter square quadrats. For clarity's sake all data are presented in English Units.

Biologists also recorded the presence of marine life within the eelgrass beds, including both invertebrates and fishes.

RESULTS

Proposed Portofino Cove Dock Area

A total of 4779 sq. ft of eelgrass was located along the bulkhead where boat docks are proposed (reference dock construction plans, Exhibit 1). This part of the eelgrass bed represents 67.5% of all eelgrass along the bulkhead. The bed extends 288 ft along the bulkhead from the northwest end of the existing docks to within 50 ft of Bolsa Chica Channel.

Although biologists made a complete survey of the Bolsa Chica Channel project area, they did not locate any eelgrass.

Eelgrass extends an average of 18 ft in the Main Channel (range 10 - 23.3 ft) (Exhibit 1). Eelgrass abuts the bulkhead at a near-shallow depth of 3.0 ft (at the base of the bulkhead) out to an average-deep limit of 6.3 ft (MLLW) (Table 1a).

Eelgrass shoot density averaged 14.3 shoots/sq ft but varied according to depth (Table 1b). Densities at the shallow and mid depths were substantially greater than along the deep margin. Shoot length was estimated at several locations along the transect, and ranged from 3-4 ft long (1-1.3 m) at shallow and mid depths to 1-2 ft in length along the deeper margin of the bed.

Table 1. Eelgrass bed depths and shoot densities - Portofino Eelgrass Bed Survey, 7 September 1988.

a) Eelgrass bed depths			
	Shallow	Mid	Deep
Mean Depth (ft below mllw)	3.0	4.1	6.3
Standard Deviation	0.5	0.5	0.8
n	21.0	21.0	21.0

b) Eelgrass Bed Shoot Densities				
	Shallow	Mid	Deep	Area Mean
Depth (ft)	3.0	4.1	6.3	4.5
Mean Density (n/sq ft)	16.3	17.4	9.3	14.3
Standard Deviation	8.6	9.3	3.7	8.3
n	24.0	23.0	23.0	70.0

A varied assemblage of marine invertebrates and fishes were observed in the eelgrass bed. Dense aggregations of unidentified larval fish were observed within the eelgrass beds. Species seen included: topsmelt, barred sand bass, queenfish, black croaker, striped kelpfish, juvenile halibut, and diamond turbot. Nine species of invertebrates were observed in the eelgrass bed habitat. These were seen in the sediments, attached to, or crawling on the eelgrass blades.

No least terns (*Sterna albifrons browni*) were observed in the project area, in the Main Fairway, or in Bolsa Chica Channel. This, however, may reflect the lateness of the season. Most least terns begin to leave the area and fly south by early/late September.

Survey Results: Moia Boat Dock Area

Eelgrass was absent from underneath the boat docks; however, patches of various sizes were located between the bulkhead and the docks as well as in spaces between two docks (Exhibit 1). The total eelgrass bed within this area encompassed 1852.2 sq ft, or 32.5% of the eelgrass along the bulkhead. This eelgrass was natural regrowth following removal of donor eelgrass from the area in October 1986 for the Moia Transplant Program.

Shoot densities averaged 10.4 shoots/sq ft (Table 2). Compared to the non-impacted portion of the bed in front of the Portofino Cove Condominiums, total eelgrass bed area and shoot density was lower than in the eelgrass bed in front of the Portofino Cove Condominiums.

Table 2. Comparison of eelgrass bed survey results - Portofino and Moia Bulkhead, Harbour, California.

Year	Portofino Property		Moia Property	
	1986	1988	1987	1988
Total Bed Surface Area (sq ft)	not determined	4779	2012.5	1852.2
% of Total Bed Area	-	67.3	-	32.5
Mean Shoot Density (n/sq ft)	14.7	14.3	13.4	10.4

Source: MBC 1987a,b and this study.

Fewer fish and invertebrates were seen within this region than the area in front of the Portofino Cove Condominiums, although the comparison is a qualitative assessment and not supported with numerical data.

DISCUSSION

The 4779 sq ft eelgrass bed located in the proposed boat dock construction area represents the largest remaining natural stand of eelgrass in Huntington Harbour, and therefore it is an important local marine resource. The relatively dense stand of eelgrass supports a diverse assemblage of both invertebrates and fishes, including one species of commercial importance, California halibut.

Dock construction, as proposed, would limit the amount of light that eelgrass needs for growth and will probably cause a significant reduction in eelgrass area. Some vegetation located between the bulkhead and the beginning of the docks might survive, based on data collected by MBC in 1987 and 1988 along the Mola Property (Table 2). However, total bed area and shoot density will decrease, given the present dock configuration.

Mitigation Measures for the Potential Loss of Eelgrass Habitat

Project alternatives should be investigated that will reduce the potential for short term and long term degradation of the eelgrass beds. Such types of alternatives might include:

A. Redesign docks to accommodate existing bed.

1. Eliminate all proposed slips (18) from the Main Fairway where eelgrass presently grows; redesign docks in Bolsa Chica Channel to accommodate more slips. Or, eliminate 14 of the 18 docks which would sit directly above the existing beds.

This option insures that eelgrass will not be impacted but it will have an impact on the total number of boat slips. However, the lack of eelgrass in Bolsa Chica Channel allows for full development of docks in this area, provided there are no other environmental issues.

2. Redesign docks in the Main Fairway to allow 23 ft of clearance between the bulkhead and the docks.

This option would allow for a maximum number of slips in the Main Channel, and minimizes the impacts to the eelgrass bed as it now exists. Some eelgrass loss and reduction in shoot density is projected, based on eelgrass bed reduction and shoot density decreases along the Mola bulkhead. Such a loss along the Portofino Cove bulkhead would require an eelgrass transplant to natural sediments or an artificially created habitat preferably located in Huntington Harbour/Sunset Bay. The amount to be transplanted, and timing for the transplant would be determined by the wildlife agencies.

Although less environmentally favorable than Option 1, this might be an equitable solution provided that a dock design is feasible and regulatory approval for a transplant is obtained.

Eelgrass Transplant Programs

Any plans that include a dock design that might reduce eelgrass habitat would require mitigation for the loss of that habitat. Such a program would require that an

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amount of eelgrass equal to that lost as a result of the project (i.e. Option 2) be successfully transplanted. Transplants within Huntington Harbour/Sunset Bay should receive highest priority. However, available habitat for eelgrass is extremely limited in this area; it is presently growing at or near its distributional limits within Huntington Harbour which limits the potential for a transplant option. The only area that may be suitable is located along the marshbank along Pacific Coast Highway, between the PCH Bridge and the boat fuel dock across from Sunset Aquatic Park.

If a natural area cannot be located, then an artificially created area would have to be constructed using suitable dredge spoils that would support eelgrass at proper depths.

An artificially created habitat is being prepared in Sunset Bay for the County of Orange Maintenance Dredging Program Eelgrass Mitigation Project. The Association might consider seeking approval to dove tail any transplant for their project with the County's project in Sunset Bay, provided that the habitat is conducive to eelgrass growth and adequate habitat is available.

If suitable habitat cannot be found within Huntington Harbour, then another area in another bay or harbor can be proposed. However, wildlife agencies are less receptive of proposals to transplant "offsite" than proposals to transplant "onsite", in this case Huntington Harbour.

REFERENCES

MBC Applied Environmental Sciences. 1987a. Mola Development Corporation eelgrass transplant mitigation project. One year post-transplant monitoring survey results and evaluation of transplant success, March 1987. Prepared for Mola Development Corporation, Huntington Beach, California. 13 pp.

MBC Applied Environmental Sciences. 1987b. Mola Development Corporation eelgrass transplants. Letter report to National Marine Fisheries Service, Terminal Island, California, November 1987.

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DATE POSTED MAY 11 1987
DATE PAID JUN 10 1987



ENVIRONMENTAL MANAGEMENT AGENCY
12 CIVIC CENTER PLAZA
P.O. BOX 4048
SANTA ANA, CALIFORNIA 92702 - 4048

NEGATIVE DECLARATION

In accordance with Orange County Board of Supervisor's policies regarding implementation of the California Environmental Quality Act, the County of Orange has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment and on the basis of that study hereby finds:

- The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report.
- Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the Mitigation Measures described on the reverse side of this sheet have been added to the project. An Environmental Impact Report is therefore not required.

The environmental documents which constitute the Initial Study and provide the basis and reasons for this determination are attached and hereby made a part of this document.

PROJECT:

Title: Sunset/Huntington Harbour Maintenance Dredging File No: IP 86-113
 Location: Main fairway channel of Sunset Harbor and Huntington Harbour between Pacific Coast Highway Bridge and Warner Avenue; Sunset Channel; Sunset Aquatic Park Access Channel.
 Description: Maintenance dredging to remove material that has shoaled into existing channels.
 Project Proponent: Environmental Management Agency, County of Orange
 Division/Department _____
 Responsible for Proposed Project: Flood Control Design Room No. _____
 Address: 12 Civic Center Plaza, Santa Ana, CA 92702 - 4048
 Contact Person: Negative Declaration: Lisa Burke Telephone: (714) 834-5562
Proposed Project: Neil Jordan (714) 834-6388

NOTICE:

This document and supporting attachments are provided for review by the general public. This is an information document about environmental effects only. Supplemental information is on file and may be reviewed in the office listed above. The decision-making body will review this document and potentially many other sources of information before considering the proposed project.

This Negative Declaration may become final unless written comments or an appeal is received by the office listed above by 4:30 p.m. on JUN 10 1987. If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references.

Dated: May 8, 1987

Lisa J. Burke

PM210-275.3 R 1/85

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3a-3b



ENVIRONMENTAL MANAGEMENT AGENCY
P.O. BOX 4048
SANTA ANA, CALIFORNIA 92702-4048

LS. IP 86-113

PROJ. REF. Huntington Harbor

ENVIRONMENTAL ANALYSIS CHECKLIST

IN ACCORDANCE WITH THE POLICIES OF THE ORANGE COUNTY BOARD OF SUPERVISORS REGARDING IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, THIS DOCUMENT COMBINED WITH THE ATTACHED "ENVIRONMENTAL INFORMATION" FORM AND SUPPORTING DATA, CONSTITUTES THE INITIAL STUDY ON THE SUBJECT PROJECT. THIS INITIAL STUDY PROVIDES THE BASIS FOR THE DETERMINATION WHETHER THE PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. IF IT IS DETERMINED THAT THE PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AN ENVIRONMENTAL IMPACT REPORT WILL BE PREPARED WHICH FOCUSES ON THE AREAS OF CONCERN IDENTIFIED BY THIS INITIAL STUDY.

1. WATER - WILL THE PROPOSAL RESULT IN OR BE AFFECTED BY:

A. SAFETY

1) UNSTABLE WATER CONDITIONS OR IN CHANGES IN GEOLOGIC SUBSTRUCTURES?

IMP. NONE. NR.
 --- --- X

2) EXPOSURE OF PEOPLE OR PROPERTY TO GEOLOGIC HAZARDS SUCH AS BARTHOLMEWS, LANDSLIDES, SLOPESIDES, GROUND FAILURE, OR SIMILAR HAZARDS?

--- --- X

B. LANDFORM DEFORMATION

1) CHANGE IN TOPOGRAPHY OR GROUND SURFACE RELIEF FEATURES?

--- --- X

2) THE DESTRUCTION, COVERING, OR MODIFICATION OR ANY UNIQUE GEOLOGIC OR PHYSICAL FEATURES?

--- --- X

C. CHANGES IN DEPOSITION OR EROSION OF BEACH SANDS, OR CHANGES IN SILTATION, DEPOSITION OR EROSION WHICH MAY MODIFY THE CHANNEL OF A RIVER OR STREAM OR THE BED OF THE OCEAN OR ANY BAY, TIDAL OR LAKE?

X --- ---

2. AIR - WILL THE PROPOSAL RESULT IN:

A. INCREASED AIR EMISSIONS OR DETERIORATION OR ADVERSE AIR QUALITY BEYOND PROTECTION BY THE SOUTH COAST AIR QUALITY MANAGEMENT PLAN.

--- X ---

B. EXPOSURE OF PERSONS TO LOCALLY ELEVATED LEVELS OF AIR POLLUTION?

--- X ---

C. THE CREATION OF OBJECTIONABLE ODORS?

--- --- X

D. ALTERATION OF AIR MOVEMENT, MOISTURE OR TEMPERATURE, OR ANY CHANGE IN CLIMATE, EITHER LOCALLY (ADJACENT TO PROJECT) OR REGIONALLY (IN COUNTY)?

--- --- X

3. WIND - WILL THE PROPOSAL RESULT IN:

A. CHANGES IN CURRENTS, OR THE COURSE OR DIRECTION OF WATER MOVEMENTS, IN EITHER MARINE OR FRESH WATERS?

--- --- X

B. CHANGES IN ABSORPTION RATES, DRAINAGE PATTERNS, EROSION OR THE RATE AND AMOUNT OF SURFACE WATER RUNOFF?

--- --- X

C. ANY INCREASE IN WIND OR WATER EROSION OF SOILS, EITHER ON OR OFF-SITE?

--- --- X

D. CHANGE IN THE AMOUNT OF SURFACE WATER IN ANY WATER BODY?

--- --- X

E. DISCHARGE INTO SURFACE WATERS, OR IN ANY ALTERATION OF SURFACE-WATER QUALITY, INCLUDING BUT NOT LIMITED TO TEMPERATURE, DISSOLVED OXYGEN, OR TOXICITY?

IMP. NONE. NR.
 --- X ---

F. ALTERATION OF THE DIRECTION OR RATE OF FLOW OF GROUND WATERS?

--- --- X

G. CHANGE IN THE QUANTITY OR QUALITY OF GROUND WATERS, EITHER THROUGH DIRECT MOTIONS OR STRIKESLIPS, OR THROUGH INTERCEPTION OF AN AQUIFER BY CUTS OR EXCAVATIONS?

--- --- X

H. EXPOSURE OF PEOPLE OR PROPERTY TO WATER-RELATED HAZARDS SUCH AS FLOODING OR TIDAL WAVES?

--- X ---

4. BIOLOGICAL RESOURCES - WILL THE PROPOSAL RESULT IN:

A. CHANGE IN THE DIVERSITY OF SPECIES, CHANGE OR SUBTERMINATION OF FLORA AND FAUNA HABITAT, CHANGE IN THE NUMBER OF ANY SPECIES OF PLANTS OR ANIMALS, INTRODUCTION OF NEW SPECIES OF PLANTS OR ANIMALS INTO AN AREA, OR INTRODUCTION OF A SPECIES TO THE LOCAL ESTABLISHMENT OR EXTINCTION OF EXISTING SPECIES?

X --- ---

B. REDUCTION OF THE NUMBERS OF ANY SPECIES, ESPECIALLY SIGNIFICANT, RARE OR ENDANGERED SPECIES OF PLANTS OR ANIMALS?

--- X ---

5. **CULTURAL/SCIENTIFIC RESOURCES - WILL THE PROPOSAL RESULT IN AN ALTERATION OF A SIGNIFICANT ARCHAEOLOGICAL OR HISTORICAL SITE, STRUCTURE, OBJECT, OR BUILDING, PALEONTOLOGICAL SITE, OR OTHER IMPORTANT CULTURAL/SCIENTIFIC RESOURCE?**

--- --- X

6. **RECREATION - WILL THE PROPOSAL RESULT IN THE OBSTRUCTION OF ANY SCENIC VIEWS OR VIEW CORSE TO THE PUBLIC, OR WILL THE PROPOSAL RESULT IN THE CREATION OF AN ADVERSELY OFFENSIVE SITE OPEN TO PUBLIC VIEW?**

--- --- X

7. ENERGY - WILL THE PROPOSAL RESULT IN:

A. USE OF ABNORMALLY HIGH AMOUNTS OF FUEL OR ENERGY?

--- --- X

B. INCREASE DEMAND UPON EXISTING SOURCES OF ENERGY, OR REQUIRING THE DEVELOPMENT OF NEW SOURCES OF ENERGY?

--- --- X

8. LAND USE - WILL THE PROPOSAL RESULT IN:

A. CONFLICT WITH MARINE OR GENERAL PLAN DESIGNATION/VALUES FOR THE PROPERTY?

--- --- X

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IMPACT	TYPE	MAJOR	MINOR
8. CONFLICT WITH ADJACENT, PLANNED, OR PLANNED LAND USES?	---	X	---
9. PROGRESS OF URBAN GROWTH, INCLUDING POPULATION AND HOUSING NEEDS (PROPOSED GROWTH LEVELS)?	---	---	X
10. WILL PROPOSAL RESULT IN CONVERSION OF WILDABLE AGRICULTURAL LAND TO DEVELOPMENT?	---	---	X
11. WILL PROPOSAL PRECLUDE NATURAL RESOURCE EXTRACTION?	---	---	X
12. TRANSPORTATION/CONGESTION - WILL THE PROPOSAL RESULT IN:			
A. GENERATION OF ADDITIONAL VEHICULAR MOVEMENT FITTED REGIONAL ANALYSIS.	---	---	X
B. EFFECTS ON EXISTING PARKING FACILITIES, OR DEMAND FOR NEW PARKING?	---	---	X
C. IMPACT UPON EXISTING OR PLANNED TRANSPORTATION SYSTEMS?	---	---	X
D. ALTER PRESENT PATTERNS OF CIRCULATION OR MOVEMENT OF PEOPLE AND/OR GOODS?	---	X	---
E. ALTER WATERWAYS, RAIL, OR AIR TRAFFIC?	---	X	---
F. TRAFFIC HAZARDS TO EQUESTRIANS, MOTOR VEHICLES, BICYCLISTS, OR FOOTSTRAINS?	---	---	X
G. CREATION OF INTERNAL CIRCULATION PROBLEMS?	---	X	---
13. RECREATION - WILL THE PROPOSAL RESULT IN AN IMPACT UPON THE QUALITY OR QUANTITY OF EXISTING RECREATIONAL OPPORTUNITIES?	---	X	---
14. PUBLIC HEALTH AND SAFETY - WILL THE PROPOSAL:			
A. INCREASE THE RISK OF EXPLOSION OR THE RELEASE OF HAZARDOUS SUBSTANCES, INCLUDING OIL, FERTILIZERS, CHEMICALS, OR RADIATION IN THE EVENT OF AN ACCIDENT OR USURY CONDITIONS?	---	---	X
B. EXPOSE PERSONS OR PROPERTY TO WILDLAND FIRE HAZARD?	---	---	X
C. WOULD EXISTING USE OF THE PROPERTY EXPOSE PERSONS WHO MAY OCCUPY THE SITE TO HAZARDOUS SUBSTANCES, INCLUDING BUT NOT LIMITED TO OIL, PESTICIDES, CHEMICALS OR RADIATION?	---	---	X

1. DOES THE PROJECT PLACE PERSONS OR PROPERTY AT RISK OF INJURY OR DEATH AS A RESULT OF ACTIVE GAS, EXPLOSIONS OR INDUSTRIAL FIRES?	---	---	---
2. COULD THE PROPOSAL INTERFERE WITH AN EMERGENCY RESPONSE PLAN OR EMERGENCY PLAN?	---	---	X
3. WOULD THE PROJECT USE OR DISPOSE OF POTENTIALLY HAZARDOUS MATERIALS SUCH AS TOXIC SUBSTANCES, FLAMMABLE OR EXPLOSIVES?	---	---	X
12. NOISE - WILL THE PROPOSAL RESULT IN:			
A. INCREASE OF EXISTING NOISE LEVELS?	---	---	X
B. EXPOSURE OF PEOPLE TO NOISE LEVELS IN EXCESS OF COUNTY STANDARDS?	---	X	---
13. LIGHT AND GLARE - WILL THE PROPOSAL PRODUCE NEW LIGHT OR GLARE?	---	---	X
14. PUBLIC SERVICES AND UTILITIES - WILL THE PROPOSAL CREATE THE NEED FOR NEW FACILITIES OR THE EXTENSION OF EXISTING FACILITIES WHICH WOULD HAVE ADVERSE PHYSICAL IMPACT?			
A. FIRE PROTECTION	---	---	X
B. POLICE PROTECTION	---	---	X
C. SCHOOLS	---	---	X
D. PARKS AND OTHER RECREATION FACILITIES	---	---	X
E. POWER OR NATURAL GAS	---	---	X
F. COMMUNICATIONS SYSTEMS	---	---	X
G. WATER	---	---	X
H. SEWER OR SEPTIC TANKS	---	---	X
I. STORM WATER DRAINAGE	---	---	X
J. SOLID WASTE AND DISPOSAL	---	---	X
K. OTHER SERVICES	---	---	X
15. OTHER CONCERNS:			

OTHER CONCERNS AND REMARKS COMMENT:

EMA/Flood Control Design

FINDINGS:

A. DOES THE PROJECT HAVE THE POTENTIAL TO DEGRADE THE QUALITY OF THE ENVIRONMENT, SUBSTANTIALLY REDUCE THE HABITAT OF A FISH OR CRUSTACEAN POPULATION TO BELOW SELF-SUSTAINING LEVELS, THREATEN TO ELIMINATE A PLANT OR ANIMAL COMMUNITY, FRUSTRATE THE NUMBER OR RESTRICT THE RANGE OF A RARE ENDANGERED PLANT OR ANIMAL OR ELIMINATE IMPORTANT EXAMPLES OF THE MAJOR PERIODS OF CALIFORNIA HISTORY OR CULTURE?	---	---	X
B. DOES THE PROJECT HAVE THE POTENTIAL TO ACHIEVE SHORT-TERM, TO THE DEDIMINISHMENT OF LONG-TERM, ENVIRONMENTAL GOALS? (A SHORT-TERM IMPACT ON THE ENVIRONMENT IS ONE WHICH OCCURS IN A RELATIVELY BRIEF, DEFINITIVE FORM OR OF THE WHILE LONG-TERM IMPACTS WILL BECOME WELL INTO THE FUTURE.)	---	X	---
C. DOES THE PROJECT HAVE IMPACTS WHICH ARE INDIVIDUALLY LIMITED, BUT COLLECTIVELY CONSIDERABLE? (A PROJECT MAY IMPACT ON TWO OR MORE SEPARATE RESOURCES WHERE THE IMPACT ON EACH RESOURCE IS RELATIVELY SMALL, BUT WHERE THE EFFECT OF THE TOTAL OF THESE IMPACTS ON THE ENVIRONMENT IS SIGNIFICANT.)	---	---	X
D. DOES THE PROJECT HAVE ENVIRONMENTAL EFFECTS WHICH WILL CAUSE SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS, EITHER DIRECTLY OR INDIRECTLY?	---	---	X

DETERMINATION:

ON THE BASIS OF THIS INITIAL EVALUATION:

I FIND THE PROPOSED PROJECT COULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND A NEGATIVE DECLARATION WILL BE PREPARED.

I FIND THAT ALTHOUGH THE PROPOSED PROJECT COULD HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, THERE WILL NOT BE A SIGNIFICANT EFFECT IN THIS CASE SINCE THE MITIGATION MEASURES SPECIFIED ON AN ATTACHED SHEET HAVE BEEN ADOPTED TO THE PROJECT. A NEGATIVE DECLARATION WILL BE PREPARED.

I FIND THE PROPOSED PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT, AND AN ENVIRONMENTAL IMPACT REPORT IS REQUIRED.

Environmental Management Agency By: USA Burke Date: 5/17/84



ENVIRONMENTAL ANALYSIS

EXPLANATIONS/MITIGATION DISCUSSION

SUPPLEMENT TO CHECKLIST FORM NO. F0250-338

I. PROJECT DESCRIPTION

The project consists of maintenance dredging to remove material that has shoaled into the existing channel and return to the channel to nearly original width and depth design dimensions. This dredging will include a total of approximately 156,000 cubic yards of material from Huntington Harbour, Sunset Harbor, Christiana Bay, Sunset Aquatic Park Access Channel, and Sunset Channel. The work will be performed in the main fairway channel of Sunset Harbor and Huntington Harbour between the Pacific Coast Highway Bridge and Warner Avenue, in the Sunset Aquatic Park Access Channel and in Sunset Channel. The City of Huntington Beach has requested that maintenance dredging in Christiana Bay also be included in the project, to be funded by the city. See Exhibits 1 and 2 for vicinity and project site maps. The dredged material will be disposed of at the approved Environmental Protection Agency ocean disposal site LA-2.

II. PROJECT BACKGROUND

The Huntington Harbour area is located seven miles southeast of Long Beach, and is accessed through the jetties at Anaheim Bay. The harbor, made up of Sunset Harbor and Huntington Harbour, consists of several man-made channels located in the cities of Huntington Beach and Seal Beach, and in the County of Orange.

The County is responsible for maintenance dredging within the Sunset Harbor and Huntington Harbour main channel. While the City of Huntington Beach is responsible for maintenance dredging of all other waterways within Huntington Harbour, the County has agreed to act as the agent for the City in performing dredging outside of the County's area of responsibility.

Project dimensions consist of a channel depth to -10 to -12 feet MLLW and a variable channel width, depending on the location. For the majority of the project the channel width is defined as the distance between the established pierhead lines. In Sunset Harbor where there are no pierhead lines the channel width is defined by the original dredging adjusted to enhance eelgrass mitigation efforts. The Sunset Aquatic Park Access Channel width is 100 feet.

The harbor was dredged to -10 feet MLLW in the 1960's as part of the Huntington Harbour Development Project. Much of the channel has remained stable since the initial dredging. The only maintenance dredging that has been performed since construction is at the outlet of the Bolsa Chica Flood Control Channel. In 1979 about 100,000 cubic yards of material were removed and placed upland at Sunset Aquatic Park. In 1983, 50,000 cubic yards of material were removed in the area of the marina and also placed upland.

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Exhibit 3 shows the areas within the main fairway, Sunset Aquatic Park Access Channel, Sunset Channel and Christiana Bay that are shallower than the proposed project depths. Maintenance dredging is needed to remove this shoaling which has resulted in numerous boat groundings and an inability of the Harbor Patrol to reach all parts of the harbor at all times. Navigation problems occur at both high and low tides at the Pacific Coast Highway Bridge, near Warner Avenue and in Sunset Channel.

Two specific features are being incorporated in the project to accomplish the maintenance dredging with the least impact to eelgrass habitat and to insure design depths in high shoaling areas. These are: (1) realign the channel in Sunset Harbor near the PCH Bridge to minimize the effect on eelgrass; and (2) perform two foot advance maintenance dredging for a 1,600 foot length in Sunset Harbor and a 500 foot length near Warner Avenue.

Various studies were prepared in conjunction with the proposed plan including an eelgrass survey, a geotechnical investigation, a bioassay study and an environmental impact analysis. Copies of the complete Project Report and associated studies are available for review at the County of Orange Environmental Management Agency, Flood Control Design Division or Environmental and Special Projects Division.

This project will also require regulatory approvals from the following agencies:

U.S. Army, Corps of Engineers
California Coastal Commission
California Division of State Lands
California Water Quality Control Board

III. ENVIRONMENTAL ANALYSIS (Keyed to attached Checklist)

1. EARTH C

Explanation

As described above, the project includes dredging in Sunset Harbor, Huntington Harbour, Sunset Aquatic Park Access Channel, Christiana Bay and Sunset Channel, totaling approximately 156,000 cubic yards of material. The material to be dredged has been deposited over the years since the harbor was dredged to -10 MLLW in the 1960's as part of the Huntington Harbour Development Project. This shoaling which has occurred results in navigational problems, boat groundings and an inability of the Harbor Patrol to reach all parts of the Harbor at all times. The proposed channel modification will resolve existing navigational/access problems and no mitigation is required.

2. AIR B,C

Explanation

The operation of dredging equipment used for this project will result in localized increases in pollutant emissions. Dredging equipment will be either a hydraulic dredge, or a clamshell dredge, or both. Operations will include disposal of dredging material by towing a dump scow to and from the ocean disposal site approximately twice a day. In addition, a tugboat may be needed to move the dredge throughout the harbor, as

needed, to reach shoaled areas. A pollutant emission analysis indicates that the emission from dredging equipment will not be significant. The most significant emissions would be CO and NOx. Compared to projected emissions for the County and the SCAQMD local source receptor area (LSRA), maximum total project related emissions are determined to be insignificant:

REGIONAL EMISSIONS INVENTORY COMPARISON (1987)
(Tons/Day)

<u>POLLUTANT</u>	<u>Orange County^a</u>	<u>SRA # 18^b</u>	<u>Project</u>	<u>Projects Percent of SRA #18/OC</u>
CO	1,254.78	215.51	0.04	0.02/0.003
NOx	173.98	38.17	0.20	0.52/0.11

- a) Source: SCAQMD, Draft AQMD, Draft Appendix V-C, August 1982
 b) Source: SCAQMD, Air Quality Handbook for EIRs, Revised December 1983.

Mitigation

Although it has been determined that project-related emission will not be significant, standard contract regulations will be required to minimize project emissions, including the following:

- a. Contractor shall maintain all engines in proper tune to assure efficient working order.
- b. Contractor shall shut down engines when not in, or prepared for, direct operational use.

3. WATER E

Explanation

Dredging operations will cause increased turbidity in the surface waters, from discharging the suspended fine sediments within the liquid portion of the dredge material, and may also result in lowered dissolved oxygen values. These impacts are anticipated to be short-term. Because the Sunset Harbor dredging area near the Pacific Coast Highway Bridge is within potential least tern foraging area, the reduction in water clarity may reduce the least terns' ability to locate and obtain the fish on which they rely for food. Additionally, substantial increases in turbidity could decrease the productivity of algae and eelgrass species, and if sufficiently heavy, the coating of these plants with sediment could result in decreased viability of the plants for the duration of dredging operations in the area. Mitigation measures to reduce these impacts are discussed below.

The dredged material will be disposed of at the ocean disposal site LA-2, south of Point Fermin. A bioassay and sediment chemistry analysis was conducted for the proposed dredge material to allow the Corps of Engineers and Environmental Protection Agency to determine if the material was acceptable for ocean disposal. Upland and beach disposal

sites were also considered for this project, but were found to be infeasible. Based on the bioassay analysis, the EPA approved ocean disposal of dredge material at the local site, LA-2.

Mitigation

The potential least tern foraging areas and the primary eelgrass beds are located in Sunset Harbor between the PCH Bridge and the Sunset Aquatic Park. In this area, the following mitigation shall apply:

Because the spring and summer months are the most critical months at this location for the least tern, dredging shall be avoided to the maximum extent feasible in Sunset Harbor from April to mid-September. In the event that dredging must be conducted in this area during spring or summer months, only a hydraulic dredge and dump scow shall be used (hydraulic dredging equipment causes less turbidity than clamshell dredging equipment).

The dump scow shall be loaded during ebb tide so that suspended material will be flushed out of the harbor.

Impacts to the least tern or eelgrass due to increased turbidity will be short-term, with a return to predredge conditions expected shortly after the completion of dredging. A plan for eelgrass mitigation is discussed under 4. Biological Resources.

4. BIOLOGICAL RESOURCES A,B

Explanation

Although the dredging area has been refined to avoid eelgrass beds as much as possible, approximately 0.3 acres of eelgrass habitat is located within the proposed dredging near the middle of the main channel through Sunset Harbor (See Exhibit 4).

As described above, the California least tern may use Sunset Harbor for foraging from April to September. Any increased turbidity due to dredging operations could impact least tern foraging activity.

Mitigation

An eelgrass mitigation plan has been prepared as part of this project to mitigate the direct loss of eelgrass habitat during dredging. The complete mitigation plan is attached as Exhibit 5.

Primary components of the eelgrass mitigation plan include dredging and transplanting eelgrass habitat; monitoring of the transplant; determination of transplant success; and provisions to ensure successful eelgrass transplant. The proposed eelgrass transplant replaces 100 percent of the removed habitat; therefore, impact to eelgrass is mitigated to a level of insignificance.

Please refer to 3. Water for discussion of potential impact to the least tern and mitigation to reduce this impact.

8. LAND USE B

Explanation

Temporary land use conflicts could result between dredges, scows and other ancillary equipment with such land uses as fishing docks, public beaches and the public boat launching facility near Warner Avenue. In addition, dredging could be considered a temporary adverse aesthetic impact to local restaurants and other uses where views are a marketable feature.

Mitigation

Potential land use conflicts will be short-term, occurring while dredging is conducted. To minimize any conflict, dredging shall be scheduled as much as possible between September and April to avoid the high use spring/summer seasons.

9. TRANSPORTATION/CIRCULATION D, E, G; WATER H

Explanation

Proposed dredging operations will affect water traffic patterns, navigation, and mooring.

Dredging activities in the main fairway will cover an area approximately 100 feet wide by 400 feet long, thereby reducing the navigable portion of the waterway by those dimensions. During dredging in the main fairway, occurring over approximately 24 weeks, passage of vessels through the waterway and around the dredge and ancillary equipment will be restricted; particularly near the PCH Bridge where existing shoals already narrow the navigable area.

Dredging in Sunset Channel will impact navigation in this area. Continuous passage through the channel is currently restricted due to the 5 feet vertical bridge clearance midway across the channel. The 40 foot width between docks will not allow boat mooring or navigation during dredging. Therefore, Sunset Channel will be temporarily closed to permit dredging activity within the channel. Fifty to sixty boats currently docked within the channel will have to be relocated outside Sunset Channel until dredging is completed; this will result in a temporary impact by eliminating access and docking for boats normally kept in the area. Dredging in this channel will take about five weeks to complete. The dump scow for this portion of dredging will be located at the southerly end of Sunset Channel.

Similarly, about 12 boats in Christiana Bay will have to be relocated for about 2 weeks while dredging under the docks is performed.

The potential for water related hazards will exist due to restricted navigable area and use of the channels by both dredging equipment and other boats.

Mitigation

While there are short-term adverse impacts as described above, the long-term impact of proposed dredging will result in the elimination of shoals and an overall safer boating area.

To reduce the potential impact to boating due to the dredging, the Contractor will be required to retain a navigable channel at all times by employing a minimum width operation, and if a hydraulic dredge is used, by sinking the dredge pipe. However, this will not be possible in Sunset Channel and Christiana Bay where navigation and mooring will be impacted.

In addition, dredging shall be scheduled to avoid the high use spring/summer seasons.

10. RECREATION

Explanation/Mitigation

Recreational boating requiring the use of the dredging area will be temporarily impacted during dredging operations. Mitigations to reduce the impact on this water traffic are described above under 6. Transportation/Circulation.

11. NOISE B

Explanation

Dredging activities will include the operation of the dredge between 7 a.m. and 8 p.m., Monday through Friday, and 9 a.m. to 6 p.m. on Saturday. No work will be allowed on Sundays or on Federal holidays. The dredging operations could produce a noise level of up to 75 dB(A) at 50 feet for either hydraulic or clamshell dredges. This is the noise level that would be experienced at the residences and other uses that are closest to the waterway when dredging occurs near-shore. Such noise levels may exceed City and County noise ordinances when the dredge is closest to the houses or in a confined area such as Sunset Channel.

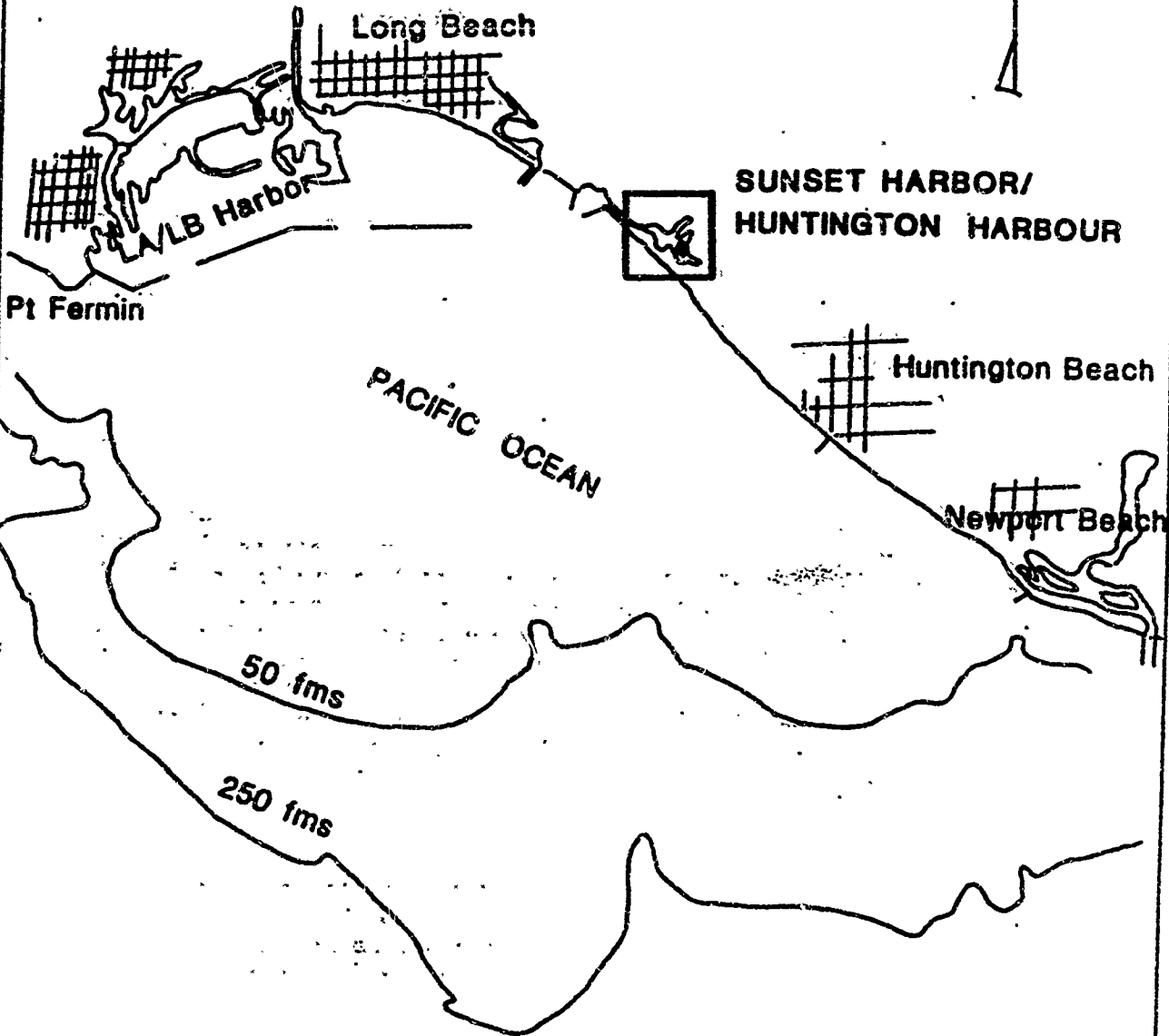
Mitigation

The contractor shall employ muffling and sound attenuation devices such that no project-related equipment exceeds local or state noise standards.

The contractor shall comply with the noise ordinances of the cities of Huntington Beach and Seal Beach, and of the County of Orange.

Scale of 1:250,000

Map of the Pacific Ocean coastline from Long Beach to Newport Beach, California. The map shows the coastline, major harbors, and cities. A scale bar indicates 0 to 5 miles. A north arrow is located in the upper right corner.

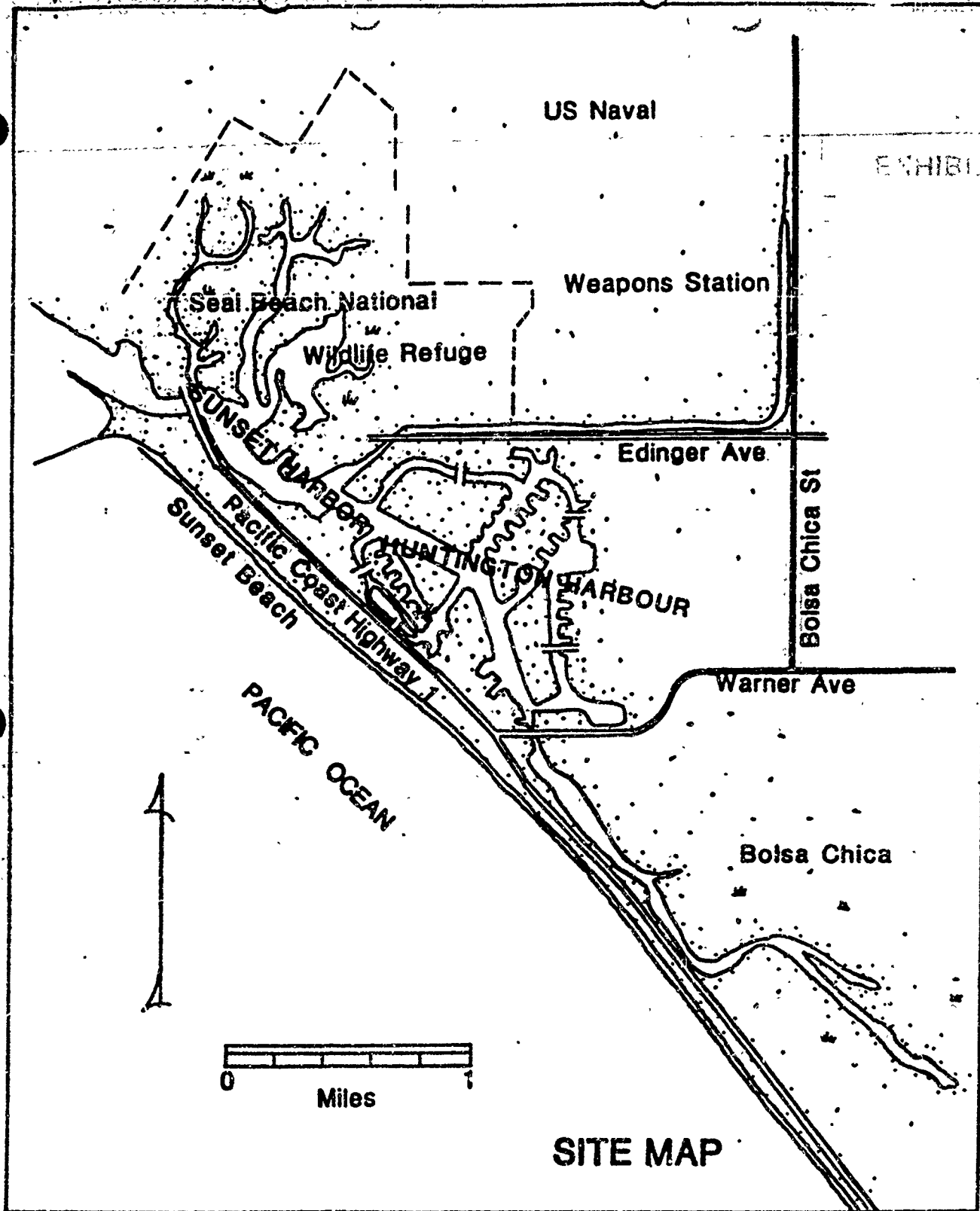


VICINITY MAP

EXHIBIT 1



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EXHIBIT

EXHIBIT 2



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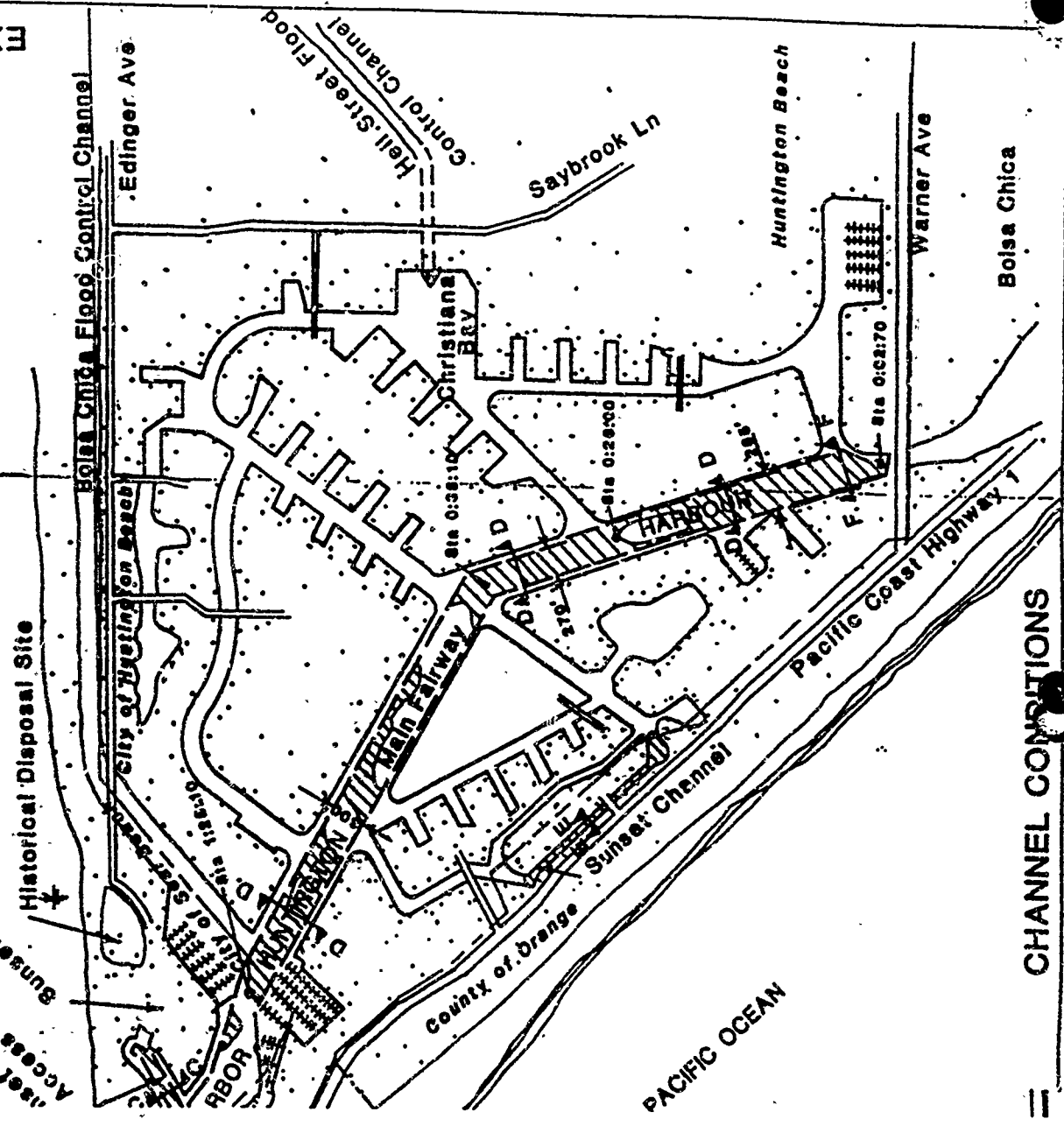
3a-40

EXHIBIT 3

U S Naval Weapons Station

Seal Beach National Wildlife Refuge

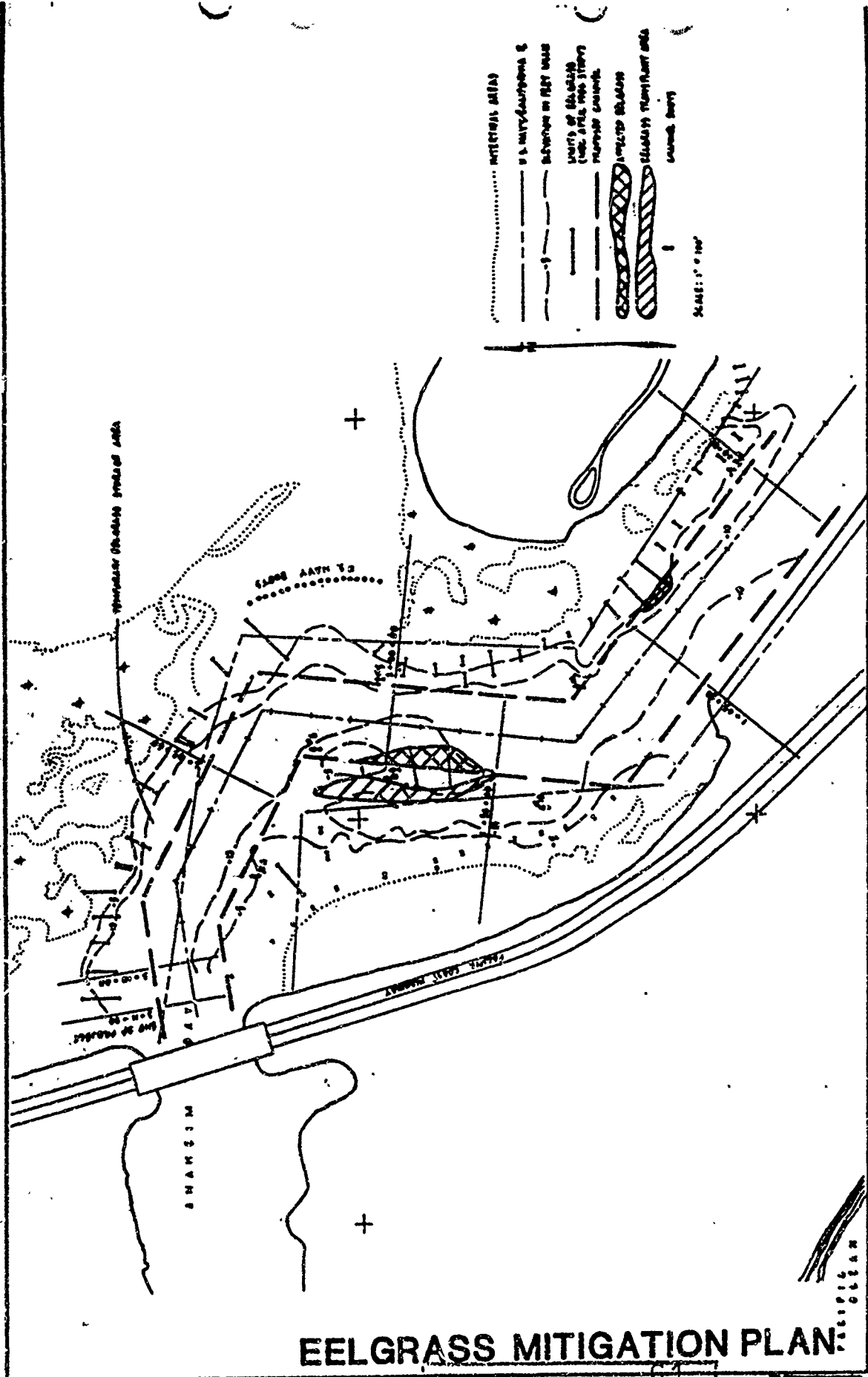
East Aquatic Park
Access Channel
Sunset Aquatic Park
Historical Disposal Site



CHANNEL CONDITIONS

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3a-41



EELGRASS MITIGATION PLAN

EELGRASS TRANSPLANTING
 SCALE: 1" = 100'
 EELGRASS TRANSPLANTING AREA
 WINDWARD AREA
 IMPACTED CHANNELS
 LIMITS OF CHANNELS (WINDWARD AREA WITHIN CHANNELS)
 CHANNELS IN FLOW AREA
 WINDWARD CHANNELS & WINDWARD AREA
 INTERIOR AREA

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EXHIBIT 4

3a-42

EELGRASS MITIGATION PLAN
HUNTINGTON HARBOUR/SUNSET HARBOR/
CHRISTIANA BAY/SUNSET CHANNEL MAINTENANCE DREDGING
COUNTY OF ORANGE, ENVIRONMENTAL MANAGEMENT AGENCY

November 12, 1986

The County of Orange proposes transplanting about 14,000 sq. ft. (0.3 acres) of subtidal area with Zostera Marina (eelgrass) to mitigate for the loss of eelgrass with a similar area due to maintenance dredging in Sunset Harbor. The mitigation plan consists of the following:

LOCATION:

Transplanting will occur adjacent to the main part of the effected beds. Figure 1 shows the eelgrass beds that will be affected. Limits of dredging areas, remaining eelgrass beds, and transplanting areas will be marked with buoys during the work.

SUBSTRATE:

Approximately 800 cubic yards of dredged sandy material from the effected area will be deposited in the transplanting area to form a suitable substrate for eelgrass attachment and growth. A transplanting area about 14,000 sq. ft. in size, with a minimum coverage of 1 foot of sandy material, and with a range in elevation of -1 to -6 ft MLLW will be created. Dredging and disposal techniques, such as low exit velocities, high material concentration, and placement of the disposal pipe will be specified in the dredging contract to ensure that the required area is obtained and remaining beds are not damaged.

TRANSPLANTING STOCK:

Eelgrass transplanting stock will be obtained from the effected area prior to the dredging. The stock will be temporarily stored, unless an acceptable alternative is proposed, by placing it adjacent to existing eelgrass areas on the north side of the channel as shown on figure 1.

If the stored eelgrass does not survive, then donor eelgrass will be obtained from a source acceptable to the National Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDF&G), the Corps of Engineers, and the County of Orange.

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EXHIBIT 5

39-43

DREDGING AND TRANSPLANTING PROCEDURE:

The following steps will be performed before or during the transplant:

1. Prior to dredging, 5 to 10 sediment grab samples will be obtained from the areas to be dredged in Sunset Harbor. A grain size analysis of the samples will be performed. The best material for improving the eelgrass transplant area will be determined in consultation with the resource agencies.
2. Prior to dredging, a test transplant will be performed to determine the best means of temporarily holding eelgrass before the transplant.
3. An eelgrass survey of the area to be effected will be performed prior to dredging for the purpose of determining the actual impact on eelgrass beds.
4. Prior to dredging the effected area, 52,500 shoots will be obtained from the effected area and temporarily placed in the area designated for temporary storage.
5. The dredging contractor, under supervision by the County and its representatives, shall dredge and place sufficient sandy material to obtain the required transplanting area.
6. Within one week of dredging in the effected area, an eelgrass survey will be performed in order to determine the remaining eelgrass.
7. Eelgrass shall be transplanted using a bundle/anchor technique. A total of 3,500 planting units (based on an affected area of 14,000 sq. ft.) consisting of 15 shoots per bundle will be planted on 2 foot centers. Transplanting will occur about, but no sooner than, 30 days after dredging unless modified by the resource agencies.

Alternatively, if suitable sandy material can be placed to improve the substrate and allowed to stand for a minimum of 60 days prior to dredging the eelgrass area, then the effected eelgrass can be transplanted directly to the improved area and temporary transplanting will not be necessary. If this occurs then: step 2 above will not be required; step 4 will involve transplanting directly to the improved area; and in step 7, transplanting will occur no sooner than 60 days after material has been placed to improve the substrate.

MONITORING

The eelgrass transplant will be monitored at the following times:

1. At 3 and 6 months after the transplant, diving surveys will be performed to determine the survival of eelgrass. The transplant area will be subdivided into a minimum of 4 areas and survival determined for each area. A short letter report relaying the results will be submitted to the Corps of Engineers, and the resource agencies.
2. At 1 and 2 years after the transplant, diving surveys will be performed to determine the density of the transplanted eelgrass. A short letter report relaying the results will be submitted to the Corps of Engineers, and the resource agencies.

Additionally, hydrographic surveys shall be performed at intervals of 6 months over the two year period.

SUCCESS:

Success of the transplanting will be based on:

1. A 65% survival of eelgrass in the 4, or more, subdivided areas at the end of 3 and 6 months.
2. At the end of the first year, 50% density of eelgrass over the transplant area compared to the control site.
3. At the end of the second year, a 90% density of eelgrass over the transplant area compared to the control site.

PROVISIONS:

The following is a list of provisions to ensure that the mitigation is successful. A matrix is included that summarizes the actions.

1. If at the end of 3 months, 6 months and 1 year the success criteria has not been met, then additional eelgrass will be imported and transplanted, and/or other remedial measures will be taken in consultation with the resource agencies.
2. If at the end of the second year:
 - a. The success criteria has been met, then mitigation is satisfied, or,

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- b. An 80 to 90% eelgrass density compared to the control exists, then additional shoots will be added to the area. Mitigation will then be satisfied, or,
- c. Less than 80% eelgrass density compared to the control exists, then the difference between the relative density and 100% will be the percent of the impacted area remaining to be mitigated for in lieu of transplanting eelgrass. The Mitigation will be satisfied by turning an equal upland area (equal to the impacted area remaining to be mitigated for) at the westerly end of Sunset Aquatic Park into an intertidal zone (to 0 ft. MLLW). For example, if 70% eelgrass density exists compared to the control, then 4,200 sq. ft. of upland habitat, 30% of the effected area (.3 * 14,000 sq. ft.), will have to be converted to intertidal habitat. The actual area to be converted will be subject to approval of the resource agencies, the County of Orange, and other groups interested in Sunset Aquatic Park.

3. Potential remedial measures include:

- a. Import coarse sandy material and retransplant;
- b. Transplant at another site in the project vicinity;
- c. Transplant to an offsite area;
- d. Combine with another eelgrass transplanting project; or
- e. Other appropriate measures agreed to.

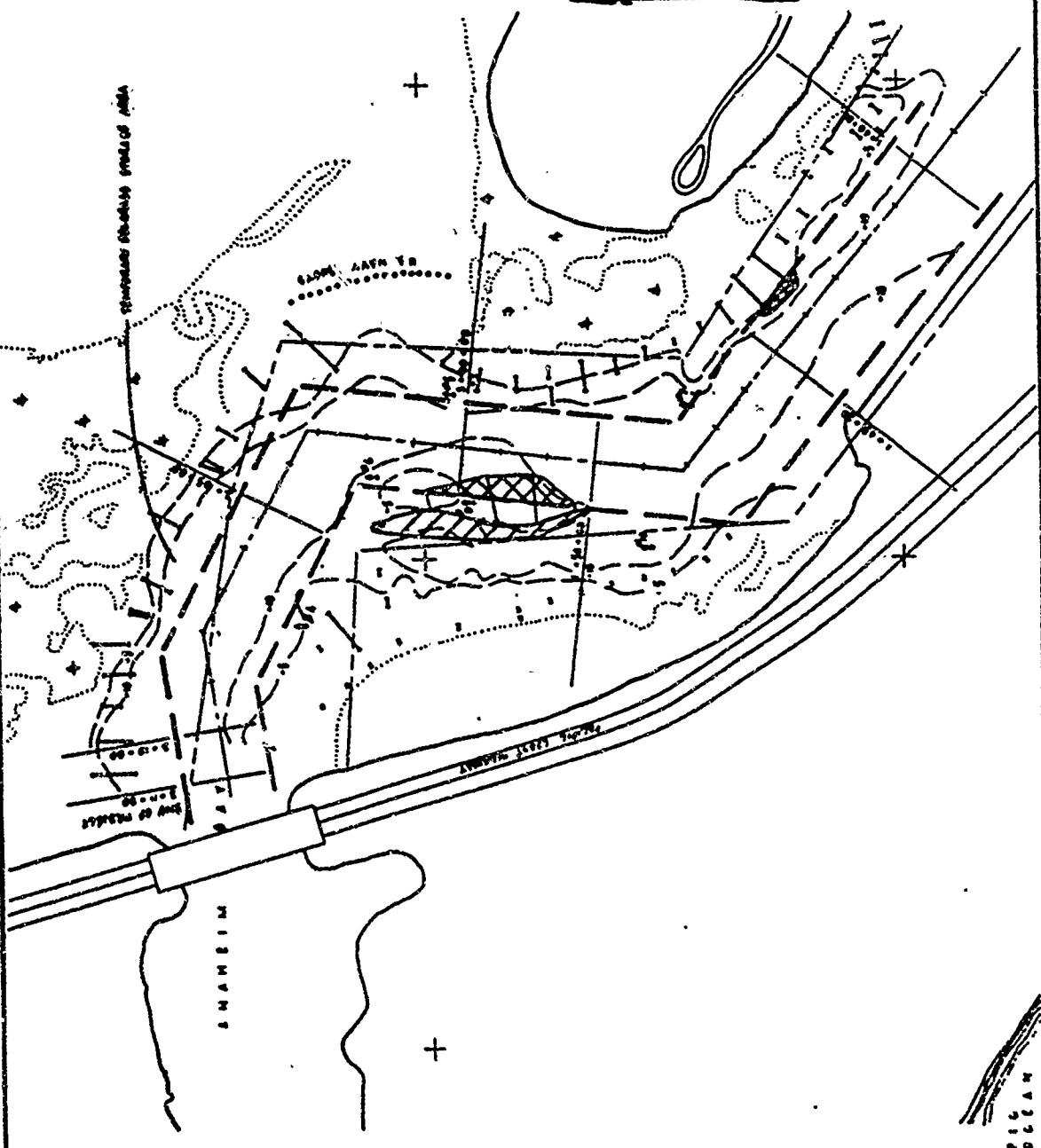
CALENDAR PAGE	65
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39-46

END OF SHEET
 SEE TOP OF SHEET
 FOR CONTINUATION

THESE LINES REPRESENT THE
 LOCATION OF THE
 PROPOSED BRIDGE
 OVER THE
 RIVER AND
 THE
 TOWER
 FOUNDATIONS
 ARE
 SHOWN BY
 THE
 HATCHED AREAS
 THE
 FOUNDATION
 WALLS
 ARE
 SHOWN BY
 THE
 DOTTED LINES
 THE
 FLOW
 OF
 WATER
 IS
 INDICATED
 BY
 THE
 ARROWS
 AND
 THE
 SHIP
 TRACKS
 ARE
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 THE
 DOTTED
 LINES
 WITH
 CROSS
 MARKS

SCALE: 1" = 100'



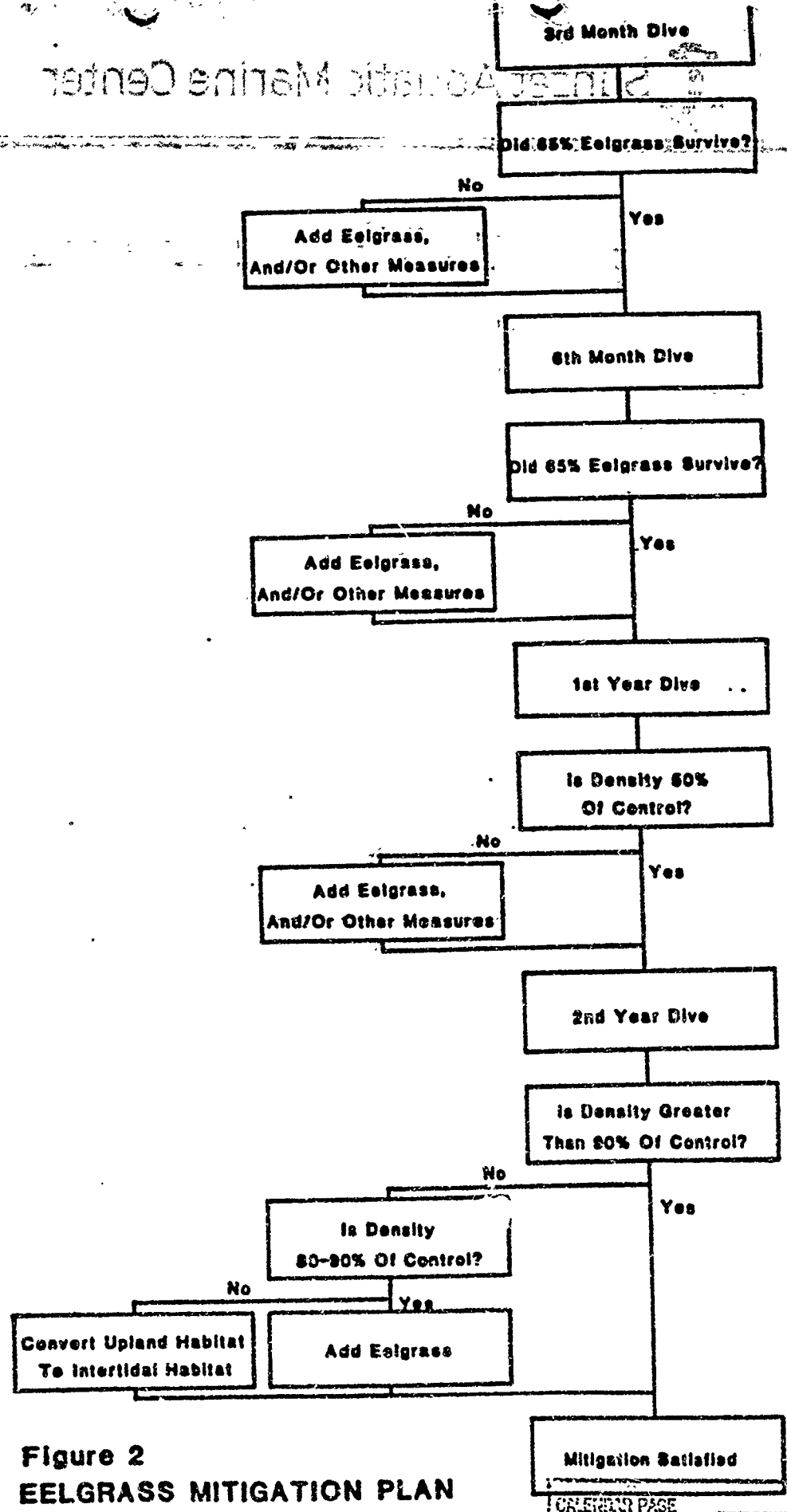
CALENDAR PAGE	66
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Figure 1

BELGRASS TRANSLANTING
 ELLIOTT & SMITH INC.
 1101 QUARTER
 AVENUE, LA 0815
 Mobile Coastal & Harbor
 Engineering Ltd.

30-47

revised initial plan for 1984



**Figure 2
EELGRASS MITIGATION PLAN**

3a-48



Sunset Aquatic Marine Center

9 March 1989

RECEIVED

VIA FEDERAL EXPRESS

MAR 10 1989

Kelly Main
Assistant Planner
City of Huntington Beach
Department of Community Development
2000 Main Street
Huntington Beach, California 92648

DEPARTMENT OF
COMMUNITY DEVELOPMENT

RE: NEGATIVE DECLARATION NO. 88-30
PORTOFINO COVE BOAT SLIPS
Your correspondence of February 17 1989 to Office of Planning & Research

Dear Ms. Main:

I am in receipt of a copy of your correspondence referenced above. I am concerned that I have not been contacted about this proposal.

Sunset Aquatic Marine Center hauls approximately 2,200 to 2,300 boats within Huntington Harbour each year; and we employ between 35 to 40 persons per year. The proposal outlined in your February 17 1989 correspondence may have a major impact on my business and I feel very strongly that I have not been made aware of this until now.

As a concerned resident and businessman of Huntington Harbour I would appreciate being made aware of any and all future developments.

Thank you for your consideration.

Sincerely,

Derek C. McWhinney
President & Chairman of the Board

DCMcW/ds

cc: SEE ATTACHED

P.O. Box 2526 • 2901 Edinger • Huntington Beach, CA 92647
(714) 840-1331 (213) 592-2841

DATE TIME PAGE	68
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cc: Lisa Burke
Environmental Management Agency
County of Orange
12 Civic Center Plaza
Santa Ana, CA 92702

U.S. Fish & Wildlife Service
Ecological Services
24000 Avila Road
Laguna Niguel, CA 92677

Steven John
U.S. Environmental Protection Agency
Federal Activities Branch
215 Fremont St.
San Francisco, CA 94105

Captain Harry Gage
Harbor Master
Sheriff/Coroner Department
City of Orange
1901 Bayside Drive
Corona del Mar, CA 92625

Ted Fukushima
State Lands Commission
1807 Thirteenth St.
Sacramento, CA 95814

California Water Quality Control Board
Santa Ana Region
6809 Indiana Avenue, Ste. #200
Riverside, CA 92506

Bob Joseph
California Coastal Commission
245 W. Broadway, Ste. #380
Long Beach, CA 90802

Karen Cagle
Department of Boating & Waterways
1629 S. Street
Sacramento, CA 95814

Bob Maculsay
John Delava
Portofino Cove Condominium Assoc.
16291 Countess Drive #102
Huntington Beach, CA 92649

Office of the Governor
Office of Planning & Research
State Clearinghouse
1400 Tenth St., Room 121
Sacramento, CA 95814

Dick Nitsos, Environmental Coordinator
Rolf Mall, Program Manager
Department of Fish & Game
Marine Resources Division
3300 Golden Shore, Ste. #50
Long Beach, CA 90802

Charles M. Holt, P.E.
Chief, Regulatory Branch
Department of the Army
Los Angeles District
P.O. Box 2711
Los Angeles, CA 90053-2325

C.R. Nelson
Director of Public Works
Orange County Harbors, Beaches &
Parks
County of Orange
PO Box 400
Santa Ana, CA 92702-4048

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
6809 INDIANA AVENUE, SUITE 200
RIVERSIDE, CALIFORNIA 92506
PHONE: (714) 782-4130

**RECEIVED**

March 10, 1989

MAR 13 1989

Kelly Main, Assistant Planner
Department of Community Development
2000 Main Street
Huntington Beach, CA 92648

DEPARTMENT OF
COMMUNITY DEVELOPMENT

NEGATIVE DECLARATION NO. 88-30 - PORTOFINO COVE BOAT SLIPS

Dear Ms. Main:

We have reviewed the above-referenced report and have the following comments.

Should there be any proposed discharges of wastes from construction activities, including dredging, to land or surface waters of the State, the proponent will need to file a Report of Waste Discharge with this Regional Board.

The proponent should also provide this office with written assurances that no wastes will be discharged to surface waters from vessels moored at the docks.

We look forward to reviewing any future CEQA documents related to this project.

If you should have any questions, please contact me.

Sincerely,

Gary Krueger, Environmental Specialist II
Regulations Section

cc: Garrett Ashley, State Clearinghouse

GLK/2694HBPC.NEG

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RECEIVED

MAR 22 1989

DEPARTMENT OF

County of Orange

ENVIRONMENTAL MANAGEMENT AGENCY
PLANNING

MAR 21 1989

ERNE SCHNEIDER
DIRECTOR, EMA

MICHAEL M. RUANE
DIRECTOR OF PLANNING

LOCATION:
12 CIVIC CENTER PLAZA
SANTA ANA, CA

MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

TELEPHONE:
(714) 834-4843
FAX #: 835-7425

FILE: NCL 89-22

Kelly Main, Assistant Planner
Department of Community Development
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

SUBJECT: ND for Portofino Cove Boat Slips Correction

Dear Ms. Main:

The above referenced item is a Negative Declaration (ND) for a request to construct 49 boat slips in the Main Harbour Channel and the Bolsa Chica Channel for use by Portofino Cove Condominium owners. The County of Orange has reviewed the ND resulting in the following comments:

FLOOD:

It is unclear from the documents what impact, if any, there will be on the OCPCD's Bolsa Chica Channel. Some of the wording seems to suggest that some of the boat slips will be within the OCPCD's channel. The material submitted is silent on the matter of rights for use of OCPCD property and impact, if any, on the OCPCD channel.

Thank you for the opportunity to respond to the ND. If you have any questions, please call Kari Rigoni at (714) 834-4639.

Very truly yours,
Timothy S. Neely, Manager
Environmental Planning Division

By: *Kari Rigoni*
Kari Rigoni, Sr. Planner

CH:jmh PEL01-45/9080
9031607552283

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RECEIVED
 DEPARTMENT OF THE NAVY
 NAVAL WEAPONS STATION
 SEAL BEACH, CALIFORNIA 90740

IN REPLY REFER TO:
 5090
 Ser 0923/357
 March 14, 1989

RECEIVED

City of Huntington Beach
 Attn: Kelly Main
 2000 Main Street
 Huntington Beach, CA 92648

MAR 16 1989

DEPARTMENT OF
 COMMUNITY DEVELOPMENT

Dear Mr. Main:

This letter provides the Naval Weapons Station, Seal Beach's comments on the Negative Declaration No. 88-30 Portofino Cove Boat Slips Correction.

A situation that is of major concern to the Naval Weapons Station is the boating traffic through Anaheim Bay. The increase in boating traffic from the project was discussed in the Negative Declaration. The Negative Declaration considered the increase in boating traffic to be insignificant with no significant adverse impacts anticipated. What was not discussed was the cumulative impacts from this and other projects. To date, the Weapons Station is aware of three other projects that propose to construct boat slips. It is requested that the cumulative impacts be addressed in the Negative Declaration and mitigation measures be identified.

Another area that is of concern is the water quality in Anaheim Bay and the impacts to the National Wildlife Refuge. The water quality was addressed in the Negative Declaration but only as impacted by construction. What was not discussed was the impact on water quality that will result from the presence of boats. The potential for an oil/gas/sewage spill/discharge and mitigation measures should be addressed. The discussion on water quality should also consider the cumulative effect from other projects.

As projects in Huntington Harbour appear to be developing independently it seems that a Master Plan overview on the continued development of Huntington Harbour would be in order. This request was also submitted to the County of Orange in the Weapons Station's comments on the Environmental Impact Report for Sunset Aquatic Regional Park General Development Plan, EIR 478.

As safety, security, and water quality are of vital interest to the Navy, support for this project cannot be provided. The Naval Weapons Station, Seal Beach, therefore, formally objects to this project until the concerns are adequately addressed and impacts mitigated.

Point of contact for this matter is Steve McDonald (213) 594-7592.

S. T. Holl
 S. T. HOLL

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City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Building Division 536-5241

Housing/Redevelopment Division 536-5542

Planning Division 536-5271

March 29, 1989

Derek C. McWhinney
Sunset Aquatic Marine Center
2901 Edinger
Huntington Beach, CA 92647

**SUBJECT: NEGATIVE DECLARATION NO. 88-30
PORTOFINO COVE BOAT SLIPS**

Dear Mr. McWhinney:

The City of Huntington Beach appreciates your response to Negative Declaration No. 88-30. The document was prepared to analyze the environmental impacts which might result from construction of the proposed Portofino Cove Boat Slips. The Negative Declaration was advertised in the Daily Pilot on February 18, 1989, notifying the public of a 30-day review and comment period ending March 20, 1989.

In Negative Declaration No. 88-30, impacts are discussed for the areas of Earth and Water Resources, Plant Life, Animal Life, Noise, Light and Glare, Recreation and Traffic/Circulation. With the circulation of a Negative Declaration, City staff is maintaining that potentially significant impacts which might result from the project have been reduced to insignificant impacts through mitigation measures.

While your letter of March 9, 1989, states that there will be "impacts" to your business as a result of the project, it does not specifically list them. I am unable to determine from your letter the type of impacts you are concerned about and whether or not they are impacts which could be appropriately addressed in an environmental assessment document. We would appreciate receiving any additional comments or information you might provide, so that we might be able to more specifically address your concerns.

Once again, thank you for your letter.

Sincerely,


Kelly Main
Assistant Planner

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(2324d)

3c-1



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Building Division 536-5241
Housing/Redevelopment Division 536-5542
Planning Division 536-5271

March 29, 1989

Mr. Gary Krueger
Environmental Specialist II
Regulations Section
California Regional Water Quality Control Board
Santa Ana Region
6809 Indiana Avenue, Suite 200
Riverside, CA 92506

SUBJECT: NEGATIVE DECLARATION NO. 88-30
PORTOFINO COVE BOAT SLIPS

Dear Mr. Krueger:

Thank you for your letter of March 10, 1989, regarding Negative Declaration No. 88-30. As you have recommended, we will place an additional mitigation measure on the proposed project to aid in the reduction of construction related water quality impacts.

The following mitigation measure will be added to measures required within the Water Quality section of Negative Declaration No. 88-30:

Should there be any proposed discharges of wastes from construction activities, including dredging, to land or surface waters of the State, the proponent will need to file a Report of Waste Discharge with the California Regional Water Quality Control Board.

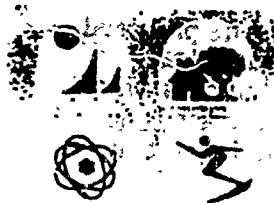
Once again, thank you for your concern. Please contact me with any additional questions or comments (714/536-5271).

Sincerely


Kelly Main
Assistant Planner

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(2324d)



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Building Division 536-5241

Housing/Redevelopment Division 536-5542

Planning Division 536-5271

March 30, 1989

Ms. Kari Rigoni
Senior Planner
County of Orange
Environmental Management Agency
12 Civic Center Plaza
Santa Ana, CA 92702-4048

**SUBJECT: NEGATIVE DECLARATION NO. 88-30
PORTOFINO COVE BOAT SLIPS**

Dear Ms. Rigoni:

Thank you for your response of March 21, 1989, to Negative Declaration No. 88-30. The Draft Negative Declaration is an assessment of the impacts from the proposed construction of 49 boat slips in the Main Harbour Channel and Bolsa Chica Flood Control Channel in Huntington Beach. We have reviewed your letter and have the following comments:

Orange County Comment:

It is unclear from the documents what impact, if any, there will be on the OCFCD's Bolsa Chica Channel. Some of the wording seems to suggest that some of the boat slips will be within the OCFCD's Channel.

Response:

Thirty two boat slips will be located in the Bolsa Chica Flood Channel. Please see Project Description section of Draft Negative Declaration No. 88-30. It states that "32 slips will be located on the eastern side of the Bolsa Chica Channel, adjacent to the Portofino Cove Condominiums property." The Bolsa Chica Channel slips are also mapped on the Sectional Map of Huntington Beach (3rd map) within the Negative Declaration.

In response to Orange County's comment, the City will insert an 8 1/2x11 version of the applicant's project plans into the Negative Declaration to further clarify the location and number of boat slips placed in the Flood Channel.

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30.3

All impacts discussed within Negative Declaration No. 88-30 apply to the proposed slips in both the Huntington Harbour Main Channel and OCFCD's Bolsa Chica Channel, with the exception of impacts upon eelgrass and the safety impacts which might result from the mitigation proposed to protect the eelgrass. Eelgrass is not located in the Bolsa Chica Channel, and, therefore, a discussion of the impacts upon eelgrass does not apply to the boat slips located in the channel.

O.C. Comment:

The material submitted is silent on the matter of rights for use of OCFCD property and impact, if any, on the OCFCD Channel.

Response:

In response to this comment, the City of Huntington Beach wishes to add a discussion of impacts upon "land use". This response will be added to the Discussion of Environmental Evaluation, Negative Declaration No. 88-30 which follows the Environmental Checklist. The following section is to be included on page 4 of the "Discussion", following the section on Light and Glare:

Land Use

The proposed boat slips will be located on property owned by the State of California, State Lands Commission. The applicant has leased the property from the State of California. The County of Orange also leases the channels from the State of California solely for the purpose of dredging to maintain navigability. The applicant will maintain the area leased for the proposed boat slips, including completing any dredging that is required.

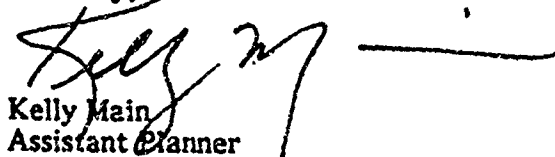
With the following mitigation, no significant impacts to land use are anticipated to result from the project.

Mitigation

1. The applicant shall be required to maintain the area used for the 49 Portofino Cove Boat Slips, including completing any dredging required by Orange County or the appropriate regulatory agencies. The cost for this dredging shall be incurred by the applicant.
2. The applicant shall be required to receive approval for the boat slips from the appropriate regulatory agencies, including U.S. Fish and Wildlife, California Department of Fish and Game, Coastal Commission and State Lands Commission, prior to any construction of the slips or any maintenance work requiring permits thereafter.

Once again, thank you for your comments. Please contact me with any further questions you may have (714/536-5271).

Sincerely,

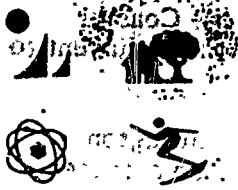

Kelly Main
Assistant Planner

KM:lb

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(2339d)

3c-4



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF COMMUNITY DEVELOPMENT

Building Division 536-5241

Housing/Redevelopment Division 536-5542

Planning Division 536-5271

March 30, 1989

Captain S.T. Holl
Department of the Navy
Naval Weapons Station
Seal Beach, CA. 90740

**SUBJECT: NEGATIVE DECLARATION NO. 88-30
PORTOFINO COVE BOAT SLIPS**

Dear Captain Holl:

Thank you for your letter dated March 14, 1989, responding to Negative Declaration No. 88-30. After considering your comments, the City has the following responses:

Department of the Navy Comment:

A situation that is of major concern to the Naval Weapons Station is the boating traffic through Anaheim Bay. The increase in boating traffic from the project was discussed in the Negative Declaration. The Negative Declaration considered the increase in boating traffic to be insignificant with no significant adverse impacts anticipated. What was not discussed was the cumulative impacts from this and other projects. To date, the Weapons Station is aware of three other projects that propose to construct boat slips. It is requested that the cumulative impacts be addressed in the Negative Declaration and mitigation measures be identified.

Response:

After receiving further clarification on the three projects to which the Navy is referring in its letter of March 14, the following paragraphs shall be added to the Discussion of Environmental Evaluation, Negative Declaration No. 88-30, Transportation section, 13d, e:

Two additional projects, either currently being considered or recently approved, are proposed for Huntington Harbour. They are:

1. Sunset Aquatic Regional Park General Development Plan - Among other requests Orange County is proposing to add 65 boat slips to the Bolsa Chica Flood Control Channel by increasing through design the existing 276 slips to 341 slips.

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2. **Huntington Harbour Bay Club - 23 additional slips approved by the Coastal Commission in 1988. These would be located near the Club which is adjacent to Warner Avenue.**

According to the Orange County Assessor's Office, Marine Division, Huntington Harbour has approximately 3,737 boat slips, either private or public. The proposed Portofino Cove boat slips represent an increase of 1.3% in the existing number of boat slips estimated for Huntington Harbour. This is not considered a significant increase and the project specific impacts to traffic would not be considered significant.

It is possible, given past, present and reasonably foreseeable future projects, that approximately 137 boat slips could be added to the Harbour. This represents an increase of 3.7% to the existing number of boat slips in Huntington Harbour. Again, a 3.7% increase in the number of boat slips is not considered significant and cumulative impacts upon traffic would not be considered significant, as well.

Give the County of Orange's commitment to maintaining a 150 foot wide navigable channel in the Bolsa Chica Flood Channel and the dredging which the County has completed toward that maintenance, no project-specific or cumulative traffic impacts we expected to be experienced with construction of the proposed Portofino Cove boat slips. (Please see letter from Harbor Master, dated December 1, 1988, in Negative Declaration No. 88-30 regarding safety and navigation.)

Department of the Navy Comment:

Another area that is of concern is the water quality in Anaheim Bay and the impacts to the National Wildlife Refuge. The water quality was addressed in the Negative Declaration but only as impacted by construction. What was not discussed was the impact on water quality that will result from the presence of boats. The potential for an oil/gas/ sewage spill/discharge and mitigation measures should be addressed. The discussion on water quality should also consider the cumulative effect from other projects.

Response:

The following paragraphs shall be added to the Discussion of Environmental Evaluation, Negative Declaration No. 88-30, Water Quality section, 3e:

The waters surrounding the Portofino Cove area are characterized by heavy boating activities and limited tidal flushing. These bays and channels are fed primarily via precipitation, surface runoff and flows from the Bolsa Chica Flood Control Channel which carries runoff from approximately 22,000 acres of residential and agricultural land.¹

County of Orange water quality analysis in the area of the proposed boat slips reveals the fluctuations in dissolved oxygen, salinity, nutrient levels and turbidity typical for small craft harbors. The major sources of pollutants significant to the area are:²

1. Storm drainage (residential/agricultural runoff and sedimentation)
2. Surface runoff (oil and grease)
3. Boating activities
4. Floating refuse

1-2 Source: Environmental Impact Report for Sunset Aquatic Regional Park General Development Plan, EIR 478, June 1988, pgs. 4-8 through 4-9.

Boating activities, while not the primary source of the major pollutants in the Harbour, contribute to water degradation. These activities impact water quality through the following four sources:

1. **Anti-Fouling Paint** - The use of antifouling paint on the bottoms of boats has been implicated as a major source of heavy metals in waters and sediments near docks and marinas. Antifouling paints, which contain copper, lead, zinc, or mercury, are used to prevent growth of marine organisms which can greatly increase drag on the bottom of the boat. These paints are designed to constantly leach toxic metals into the water to kill organisms that may attach to the bottoms of boats. Unfortunately, these metals continually build up in the water and in the sediments. Also, when boat bottoms are scraped each year in preparation for repainting, some of the scraped material may make its way into the sediments.³
2. **Oil/Gas** - Surface runoff from adjacent City streets is the major contributor to the oil/gas residue found in the Huntington Harbour Channels. Oil/Gas use related to boating activities does also contribute to water quality degradation, however. The presence of oil and grease on the surface of the waters in Huntington Harbour impacts the quality of the water and ultimately the marine organisms which depend on this environment to survive.⁴
3. **Floating Refuse** - Marina development and increased public access to the water will be accompanied by added litter production. The presence of floating foreign objects is not only an aesthetic eyesore, but the decomposition of some materials over time contributes to the degradation of the water quality.⁵
4. **Sewage Disposal/Coliform Bacteria** - Coliform levels generally rise when the presence of sewage increases. The coliform group of bacteria is an indicator of the presence of pathogens. A major advantage of the coliform group is that they are found in large numbers in contaminated waters, making them easier to enumerate than sparsely populated pathogens.

Unfortunately, not all members of the coliform group are of human intestinal origin. *Escherichia coli* is characteristically the inhabitant of the intestines of humans and warm-blooded animals, but other members of the coliform group, such as *Aerobacter aerogenes*, are frequently found on vegetation and in soil. Their presence would not necessarily indicate fecal contamination.

Aside from an unknown amount of bacteria brought in by the flood control channel, the main source in the channel waters is the illegal discharge of waste from holding tanks on the boats.

Excessive coliform bacteria not only impacts the water quality from a marine environment standpoint, but also creates potential health hazards, which results in excluding human contact, such as swimming. Increased boat slips will increase the risk of illegal discharging of waste.⁶

Portofino Cove's project-specific contribution (1.3%) and the potential cumulative contribution (3.7%) to the total number of boat slips in Huntington Harbour is minor, and significant impacts to water quality are not anticipated. While impacts may be insignificant relative to the existing water quality impacts experienced in the channels, it is important to reduce the impacts resulting from the project as much as possible. The following measures are provided to reduce project-specific and cumulative impacts from the project:

- 3-6 Source: Environmental Impact Report for Sunset Aquatic Park, pgs. 4-9 through 4-10.

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3c-7

Boating activities, while not the primary source of the major pollutants in the Harbour, contribute to water degradation. These activities impact water quality through the following four sources:

Mitigation

The applicant shall:

1. Provide appropriate trash containers on each dock to encourage their use for the collection of litter/refuse.
2. Strongly encourage owners to comply with local ordinances against illegal discharge of holding tanks. Continue to encourage the use of pump-a-head facilities.
3. Require owners to remove their boats from the water for bottom cleaning so that the escaped material does not settle and accumulate in the waterways.

Once again, thank you for your concern regarding development in Huntington Harbour. Project-specific and cumulative water quality and traffic impacts anticipated to result from construction of the proposed Portofino Cove boat slips are not considered significant. Nevertheless, it is important to reduce impacts whenever feasible.

Please contact me with any further comments or questions (714/536-5271).

Sincerely,



Kelly Main
Assistant Planner

KM:lb

NEGATIVE DECLARATION NUMBER 88-30

ERRATA SHEET

- I. To assure that no additional parking problem is created by construction of the proposed boat slips, the following mitigation shall be added to the Transportation section, Discussion of Environmental Evaluation, Negative Declaration No. 88-30:

The applicant shall record with the County Recorder a covenant to ensure that the 49 private boat slips will not be rented or sold separately from the associated residences. Said covenant shall be approved as to content by the Department of Community Development and as to form by the City Attorney's Office. A copy of the recorded document shall be filed with the Department of Community Development.

The following additions to Negative Declaration No. 88-30 were made in response to comments received during the document's review period:

- II. The following mitigation measure shall be added to those within the Water Quality discussion in Negative Declaration No. 88-30 to further reduce impacts to water quality during construction of the proposed boat slips to a level of insignificance.

Should there be any proposed discharges of wastes from construction activities, including dredging, to land or surface water of the State, the proponent will need to file a Report of Waste Discharge with the California Regional Water Quality Control Board.

- III. To clarify the "no" answer given in the Negative Declaration's Environmental Checklist under the subject "Land Use," a response will be added to the Discussion of Environmental Evaluation, Negative Declaration No. 88-30 which follows the Environmental Checklist. The following Section is to be included on page 4 of the "Discussion" following the Section on Light and Glare:

Land Use

The proposed boat slips will be located in property owned by the State of California, State Lands Commission. The applicant has leased the property from the State of California. The County of Orange also leases the channels from the State of California, solely for the purpose of dredging to maintain navigability. The applicant will maintain the area leased for the proposed boat slips, including completing any dredging that is required.

With the following mitigation, no significant impacts to land use are anticipated to result from the project.

Mitigation

1. The applicant shall be required to maintain the area used for the 49 Portofino Cove Boat slips, including completing any dredging required by Orange County or the appropriate regulatory agencies. The cost for this dredging shall be incurred by the applica...

2. The applicant shall be required to receive approval for the boat slips from the appropriate regulatory agencies including U.S. Fish and Game, Coastal Commission and State Lands Commission, prior to any construction of the slips or any maintenance work requiring permits thereafter.

IV. The following paragraphs shall be added to the Discussion of Environmental Evaluation, Negative Declaration No. 88-30, Transportation section, 13d, e:

Two additional projects, either currently being considered or recently approved, are proposed for Huntington Harbour. They are:

1. Sunset Aquatic Regional Park General Development Plan - Among other requests Orange County is proposing to add 65 boat slips to the Bolsa Chica Flood Control Channel by increasing through design the existing 276 slips to 341 slips.
2. Huntington Harbour Bay Club - 23 additional slips approved by the Coastal Commission in 1988. These would be located near the Club which is adjacent to Warner Avenue.

According to the Orange County Assessor's Office, Marine Division, Huntington Harbour has approximately 3,737 boat slips, either private or public. The proposed Portofino Cove boat slips represent an increase of 1.3% in the existing number of boat slips estimated for Huntington Harbour. This is not considered a significant increase and the project specific impacts to traffic would not be considered significant.

It is possible, given past, present and reasonably foreseeable future projects, that approximately 137 boat slips could be added to the Harbour. This represents an increase of 3.7% to the existing number of boat slips in Huntington Harbour. Again, a 3.7% increase in the number of boat slips is not considered significant and cumulative impacts upon traffic would not be considered significant, as well.

Give the County of Orange's commitment to maintaining a 150 foot wide navigable channel in the Bolsa Chica Flood Channel and the dredging which the County has completed toward that maintenance, no project-specific or cumulative traffic impacts we expected to be experienced with construction of the proposed Portofino Cove boat slips. (Please see letter from Harbor Master, dated December 1, 1988, in Negative Declaration No. 88-30 regarding safety and navigation.)

V. The following paragraphs shall be added to the Discussion of Environmental Evaluation, Negative Declaration No. 88-30, Water Quality section, 3e:

The waters surrounding the Portofino Cove area are characterized by heavy boating activities and limited tidal flushing. These bays and channels are fed primarily via precipitation, surface runoff and flows from the Bolsa Chica Flood Control Channel which carries runoff from approximately 22,000 acres of residential and agricultural land.

County of Orange water quality analysis in the area of the proposed boat slips reveals the fluctuations in dissolved oxygen, salinity, nutrient levels and turbidity typical for small craft harbors. The major sources of pollutants significant to the area are:

- Storm drainage (residential/agricultural runoff and sedimentation)
- Surface runoff (oil and grease)
- Boating activities
- Floating refuse

Boating activities, while not the primary source of the major pollutants in the Harbour, contribute to water degradation. These activities impact water quality through the following four sources:

1. **Anti-Fouling Paint** - The use of antifouling paint on the bottoms of boats has been implicated as a major source of heavy metals in waters and sediments near docks and marinas. Antifouling paints, which contain copper, lead, zinc, or mercury, are used to prevent growth of marine organisms which can greatly increase drag on the bottom of the boat. These paints are designed to constantly leach toxic metals into the water to kill organisms that may attach to the bottoms of boats. Unfortunately, these metals continually build up in the water and in the sediments. Also, when boat bottoms are scraped each year in preparation for repainting, some of the scraped material may make it's way into the sediments.
2. **Oil/Gas** - Surface runoff from adjacent City streets is the major contributor to the oil/gas residue found in the Huntington Harbour Channels. Oil/Gas use related to boating activities does also contribute to water quality degradation, however. The presence of oil and grease on the surface of the waters in Huntington Harbour impacts the quality of the water and ultimately the marine organisms which depend on this environment to survive.
3. **Floating Refuse** - Marina development and increased public access to the water will be accompanied by added litter production. The presence of floating foreign objects is not only an aesthetic eyesore, but the decomposition of some materials over time contributes to the degradation of the water quality.
4. **Sewage Disposal/Coliform Bacteria** - Coliform levels generally rise when the presence of sewage increases. The coliform group of bacteria is an indicator of the presence of pathogens. A major advantage of the coliform group is that they are found in large numbers in contaminated waters, making them easier to enumerate than sparsely populated pathogens.

Unfortunately, not all members of the coliform group are of human intestinal origin. *Escherichia coli* is characteristically the inhabitant of the intestines of humans and warm-blooded animals, but other members of the coliform group, such as *Aerobacter aerogenes*, are frequently found on vegetation and in soil. Their presence would not necessarily indicate fecal contamination.

Aside from an unknown amount of bacteria brought in by the flood control channel, the main source in the channel waters is the illegal discharge of waste from holding tanks on the boats.

Excessive coliform bacteria not only impacts the water quality from a marine environment standpoint, but also creates potential health hazards, which results in excluding human contact, such as swimming. Increased boat slips will increase the risk of illegal discharging of waste.

Portofino Cove's project-specific contribution (1.3%) and the potential cumulative contribution (3.7%) to the total number of boat slips in Huntington Harbour is minor, and significant impacts to water quality are not anticipated. While impacts may be insignificant relative to the existing water quality impacts experienced in the channels, it is important to reduce the impacts resulting from the project as much as possible. The following measures are provided to reduce project-specific and cumulative impacts from the project:

Mitigation

The applicant shall:

1. Provide appropriate trash containers on each dock to encourage their use for the collection of litter/refuse.
2. Strongly encourage owners to comply with local ordinances against illegal discharge of holding tanks. Continue to encourage the use of pump-a-head facilities.
3. Require owners to remove their boats from the water for bottom cleaning so that the escaped material does not settle and accumulate in the waterways.

31.4

November 22, 1988

RECEIVED

Planning Director
City of Huntington Beach Planning Department
2000 Main Street
Huntington Beach, CA 92649

NOV 28 1988

DEPARTMENT OF
DEVELOPMENT

RE: Potential Boat Slips Portofino Cove
Condominium Association

Gentlemen:

It is my understanding that the Portofino Cove Condominium Association has pending with the Huntington Beach Planning Department an application for construction of approximately 49 boat slips on both the main channel and Bolsa Chica channel adjacent to the Portofino Cove project built by Mola Development in Huntington Beach.

It was my understanding that originally the area west of my end slip at the Mola Patio Homes Association was to be vacant to the extreme point west of the condominiums at the point and the major boat slip construction would be accomplished in the Bolsa Chica channel. I now find that the condominium residents are amending their plan so as to bring the boat slips from the point of the Bolsa Chica and main channel easterly to within four feet of my slip and stand off from the bulkhead approximately 25 feet to protect the Eel Grass.

It is my understanding that this approach simply will not work and that the protected species of Eel Grass is bound and determined to expire under those circumstances. Additionally, this modification to the plan will cause what I believe to be an extreme hazard to the navigation as well as a very difficult situation for the present fourteen owners of the existing fourteen slips to dock in periods of changing wind conditions. If the new slips stand off from the bulkhead 25 feet and then extend out an additional 45 feet, that means the only approach into our slips will be from the east. This will not only cause tremendous inconvenience, potential loss of property, but hazard to life and limb as well. Additionally, traffic coming down the right side of the channel at night will not expect such a disparity in boat slips in one location and could run the serious risk of running head on into slips standing out an additional 25 feet or more from the present positioning of the existing 14 boat slips.

I would ask that a full hearing be held on this matter and that a negative declaration not be issued under these circumstances.

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ATTACHMENT #4

8221 .00 12/18/88

RECEIVED

Additionally, parking at the parking lot for the Portofino project simply will not be able to accommodate the additional overflow of vehicles which presently overburdened due to the excessive use of Seabridge Park.

Very truly yours,



Revelle Clark, Jr.

cc: Environmental Management Agency
12 Civic Center Plaza, P. O. Box 4048, Santa Ana, CA
92702-4048

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ATTACH #4

STATEMENT OF THE ACTION OF THE CITY COUNCIL

Council Chamber, City Hall
Huntington Beach, California
Monday, May 15, 1989

Mayor Bannister called the regular City Council and Redevelopment Agency meetings of the City of Huntington Beach to order at 7 p.m.

ROLL CALL

Present: MacAllister, Green, Minchell, Bannister, Mays, Silva, Erskine
Absent: None

APPEAL FILED BY BOB MACULSAY/JOHN DELAVA OF PLANNING COMMISSION DENIAL OF
CONDITIONAL USE PERMIT 88-53 NEGATIVE DECLARATION 88-30 (Request for Private
Boat Slips) - APPEAL GRANTED WITH CONDITIONS

The Mayor announced that this was the day and hour set for a public hearing to consider the following.

APPLICANT/APPELLANT: Bob Maculsay and John Delava

LOCATION: 16291 Countess Drive (along existing bulkheads facing Main Channel and Bolsa Chica Channel).

PROPOSAL: Appeal of Planning Commission's denial of a request to construct 48 private boat slips along existing bulkheads facing Main Channel and Bolsa Chica Channel for use by residents of Portofino Cove Condominiums.

ZONE: MR-CZ-FP2 (Waterways Recreation-Coastal Zone-Floodplain)

ENVIRONMENTAL STATUS: The proposal is covered by Negative Declaration No. 88-30, which the Council will also consider.

COASTAL STATUS: This project is within the original jurisdiction of the Coastal Commission. Coastal Commission approval will be required.

The City Clerk announced that all legal requirements for notification, publication and posting had been met, and that she had received no communications or written protests to the matter.

The Director of Community Development presented a staff report.

The Mayor declared the hearing open.

Andrew Czorny, President of Homeowner's Association Portofino Cove Condominiums, urged Council to support the staff recommendation so that private condominium owners could have private boat slips.

Robert Maculsay spoke regarding the dredging responsibility. The Homeowner's Association has agreed to maintaining the depth under the slips which would be monitored by the County of Orange.

Robert Green stated Condition 3E regarding liability and responsibility (maintenance) being assumed by the Homeowner's Association should be deleted.

Jean Elsner spoke in support of the proposed boat slips.

Jack McCorkle spoke in support of having boat slips for an easy access to the ocean.

John Delava requested those people in support of the proposed boat slips to rise from their seats. He spoke regarding the design of the positioning of the boat slips being safe and not a hazard. He stated it would not cause increased traffic. He explained that the slip would accommodate a 45' boat.

Jody Sabbagh spoke in opposition of the proposed boat slips. She was concerned about the safety factor and about protection of the eel grass.

Leigh Breeze spoke in support of the boat slip project and stated there was no parking problem in the lot.

Jack McAllister stated he had withdrawn all objections.

There being no one present to speak further on the matter and there being no protests filed, either oral or written, the hearing was closed by the Mayor.

A motion was made by Mays, seconded by Bannister, to overturn the Planning Commission decision, grant the appeal and approve Negative Declaration No. 88-30 and Conditional Use Permit 88-53 based on findings of fact and conditions of approval as outlined in Exhibit "A" of the RCA dated May 15, 1989 and to include Resolution 5657 of Council which stipulated that the access way around the condominium association would not be public.

The Community Development Director stated that Condition No. 1 which states the site plan received and filed March 23, 1989, shall be amended to reflect ~~everywhere the number 48 or 49 appears throughout the conditions, that number will be changed to 47.~~ He stated that Condition No. 7 would read, "No vessels or debris shall be located, placed or permitted to remain in the area between the bulkhead and dock facing Main Channel and an appropriate barrier installed. Boats shall dock in approved slips only.

An amendment to the main motion was made by Erskine, seconded by MacAllister, to remove seven slips that protrude the most (start on east end and go towards west on the diagonal).

Robert Maculsay stated that forty-seven people had contributed to funding this project and that seven slips could not be eliminated.

Councilwoman Winchell questioned the number of boat slips that were mentioned in the amendment to the main motion. Councilman Erskine clarified the number of boat slips he requested be removed was eight.

A motion was made by Winchell, seconded by Bannister, to include a Condition No. 9f that would state should the Department of Fish and Game determine that the eelgrass is no longer viable, or should the eelgrass die, the Homeowner's Association, shall, within one year of such determination, relocate the boat slips facing the main channel so that they directly abut the bulkhead.

The amendment to the main motion made by Erskine, seconded by MacAllister, to remove eight slips that protrude the most from the proposed plan failed by the following roll call vote:

AYES: MacAllister, Winchell, Erskine
NOES: Green, Bannister, Mays, Silva
ABSENT: None

The amendment to the main motion made by Winchell, seconded by Bannister, to include a Condition No. 9f that would state should the Department of Fish and Game determine that the eelgrass is no longer viable, or should the eelgrass die, the Homeowner's Association, shall, within one year of such determination, relocate the boat slips facing the main channel so that they directly abut the bulkhead carried by the following roll call vote:

AYES: MacAllister, Green, Winchell, Bannister, Mays, Silva
NOES: Erskine
ABSENT: None

The main motion made by Mays, seconded by Bannister, as amended, to overturn the Planning Commission decision, grant the appeal and approve Negative Declaration No. 88-30 and Conditional Use Permit 88-53 based on findings of fact and conditions of approval as outlined with modifications as stated by the Community Development Director in Exhibit "A" of the RCA dated May 15, 1989 and to include Resolution 5657 of Council which stipulated that the access way around the condominium association would not be public, and to include a Condition No. 9f that would state, "Should the Department of Fish and Game determine that the eelgrass is no longer viable, or should the eelgrass die, the Homeowner's Association, shall, within one year of such determination, relocate the boat slips facing the main channel so that they directly abut the bulkhead." The findings and conditions were as follows:

Findings for Approval:

1. The location, site layout and design of the proposed 47 private boat slips are properly adapted to other adjacent boat slips and uses in a safe and harmonious manner.
2. The design and layout of the boat slips serves to protect an existing eel grass bed.
3. The access to and parking for the proposed boat slips does not create an undue traffic problem, because the slips are for residents of Portofino Cove Condominiums only.

Conditions of Approval:

1. The site plan received and dated March 23, 1989, shall be the conceptually approved layout.

2. Prior to submittal for a Harbor Permit, (issued by Department of Public Works), the applicant/owner shall complete the following:

a. Where outdoor lighting is proposed, high-pressure sodium vapor lamps or similar energy savings lamps shall be used. All outside lighting shall be directed to prevent "spillage" onto adjacent properties and shall be noted on the site plan and elevations. Lighting shall be required along the northeast end of the docks and shall be in keeping with lighting found on other similar docks in the Harbour area.

b. The site plan (or reference page) shall include all conditions of approval imposed on the project printed verbatim.

3. Prior to issuance of Harbor permit, the applicant/owner shall complete the following (in addition to standard submittal requirements for a Harbor Permit):

a. Submit evidence of Coastal Commission approval of the project.

b. Submit evidence that pierhead lines along the Main Channel and Bolsa Chica Channel have been adjusted per Department of Public Works requirements and approved.

c. The applicant shall provide the Regional Water Quality Control Board with written assurances that no wastes will be discharged to surface waters from vessels moored at the docks. A copy of said document shall be submitted to the Department of Community Development.

d. The applicant/property owner(s) shall amend the Home Owner's Association Covenants, Conditions and Restrictions to ensure that the 47 private boat slips shall always be held in common with the associated residences, not rented or sold separately. Also, it shall address Conditions No. 3c, 7 and 9 included herein. Such document shall be submitted to and approved by the City Attorney's Office and Department of Community Development. The document shall be recorded with the County Recorder's Office and a copy filed with the Department of Community Development.

4. Fire Department requirements are as follows:

a. A plan shall be submitted to the Fire Department depicting:

- (1) Dock layout
- (2) Location of wet standpipe outlets with all pipe schedules and hydraulic calculations.
- (3) Location of fire extinguisher cabinets.

b. A wet standpipe system shall be provided which:

- (1) Delivers 250 gallons per minute at 50 psi residual.
- (2) 2-1/2 NST with approved gate valve.
- (3) Has outlets spaced at 200 foot intervals in approved locations.
- (4) Has a Fire Department connection within 5 feet of the nearest fire lane.

Portable fire extinguishers shall be provided in cabinets and labeled - one 4A 40-B:C for every 150 feet of dock.

5. The development shall comply with all applicable provisions of the Ordinance Code, Building Division, and Fire Department.
6. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
7. No vessels or debris shall be located, placed or permitted to remain in the area between the bulkhead and dock facing Main Channel and an appropriate barrier shall be installed. Boats shall dock in approved slips only.
8. Construction shall be limited to Monday through Saturday, from 7:00 AM to 8:00 PM, and prohibited on Sundays and Federal holidays. Construction shall be avoided to the maximum extent feasible from April to mid-September, particularly on mid-summer weekends.
9. The identified 4,770 square feet of eelgrass shall be monitored after construction of the proposed boat slips for a two-year period at four-month intervals. Any of the eelgrass lost shall require the implementation of a transplant program. This program shall have the following requirements:
 - a. An amount of eelgrass equal to that lost must be successfully transplanted.
 - b. Transplants within Huntington Harbour/Sunset Bay should receive highest priority.
 - c. If a natural area cannot be located, than an artificially created area will have to be constructed using suitable dredge spoils that would support eelgrass at proper depths.

An artificially created habitat is being prepared in Sunset Bay for the County of Orange Maintenance Dredging Program Eelgrass Mitigation Project. The Association might consider seeking approval to dove tail any transplant for their project with the County's project in Sunset Bay, provided that the habitat is conducive to eelgrass growth and adequate habitat is available.

- d. If suitable habitat cannot be found within Huntington Harbour, then another area in another bay or harbor can be proposed.
- e. This transplantation, if necessary, must meet with the approval of the National Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDF&G), the Army Corps of Engineers, and the City of Huntington Beach.
- f. Should the Department of Fish and Game determine that the eelgrass is no longer viable, or should the eelgrass die, the Homeowner's Association, shall, within one year of such determination, relocate the boat slips facing the main channel so that they directly abut the bulkhead.

10. The applicant shall: Provide appropriate trash containers on each dock to encourage their use for the collection of litter/refuse.

b. Strongly encourage owners to comply with local ordinances against illegal discharge of holding tanks. Continue to encourage the use of pump-a-head facilities.

c. Require owners to remove their boats from the water for bottom cleaning so that the escaped material does not settle and accumulate in the waterways.

11. The applicant shall be required to maintain the area used for the 48 Portofino Cove Boat Slips, including completing any dredging required by Orange County or the appropriate regulatory agencies. The cost for this dredging shall be incurred by the applicant.

12. The applicant shall be required to receive approval for the boat slips from the appropriate regulatory agencies, including U.S. Fish and Wildlife, California Department of Fish and Game, Coastal Commission and State Lands Commission, prior to any construction of the slips or any maintenance work requiring permits thereafter.

13. Conditional Use Permit No. 88-53 shall become null and void unless exercised within one (1) year of the date of final approval by the California Coastal Commission, or such extension of time as may be granted by the Planning Commission pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.

AYES: Green, Winchell, Bannister, Mays, Silva
NOES: MacAllister, Erskine
ABSENT: None

Mayor Bannister adjourned the regular meeting of the City Council and the regular meeting of the Redevelopment Agency of the City of Huntington Beach to 5:00 p.m., Monday, May 22, 1989, to Council Chambers, Civic Center.

ATTEST:

Connie Brockway
City Clerk and ex-officio Clerk
of the City Council of the City
of Huntington Beach, California

Connie Brockway
City Clerk

STATE OF CALIFORNIA)
County of Orange)
City of Huntington Beach)

Wes Bannister
Mayor

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I, **CONNIE BROCKWAY**, the duly elected and qualified City Clerk of the City of Huntington Beach, California, do hereby certify that the above and foregoing is a true and correct Statement of Action of the City Council of said City at their regular meeting held on the 15th day of May 1989.

WITNESS my hand and seal of the said City of Huntington Beach this the 31st day of May 1989.

Connie Brockway
City Clerk and ex-officio Clerk
of the City Council of the City
of Huntington Beach, California

Christian Steen
Deputy