

**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

CALENDAR PAGE	<u>5</u>
MINUTE PAGE	<u>1650</u>

**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.

NO. IN VOL. IN  
CLASSIFICATION

- 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

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

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
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

CALENDAR PAGE	9
MINUTE PAGE	1654

ART 10 .ART 11  
CLASSIFICATION

EXHIBIT "A"

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
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

CALENDAR PAGE	10
MINUTE PAGE	1655

SEE TO VISIT IN  
OFFICE

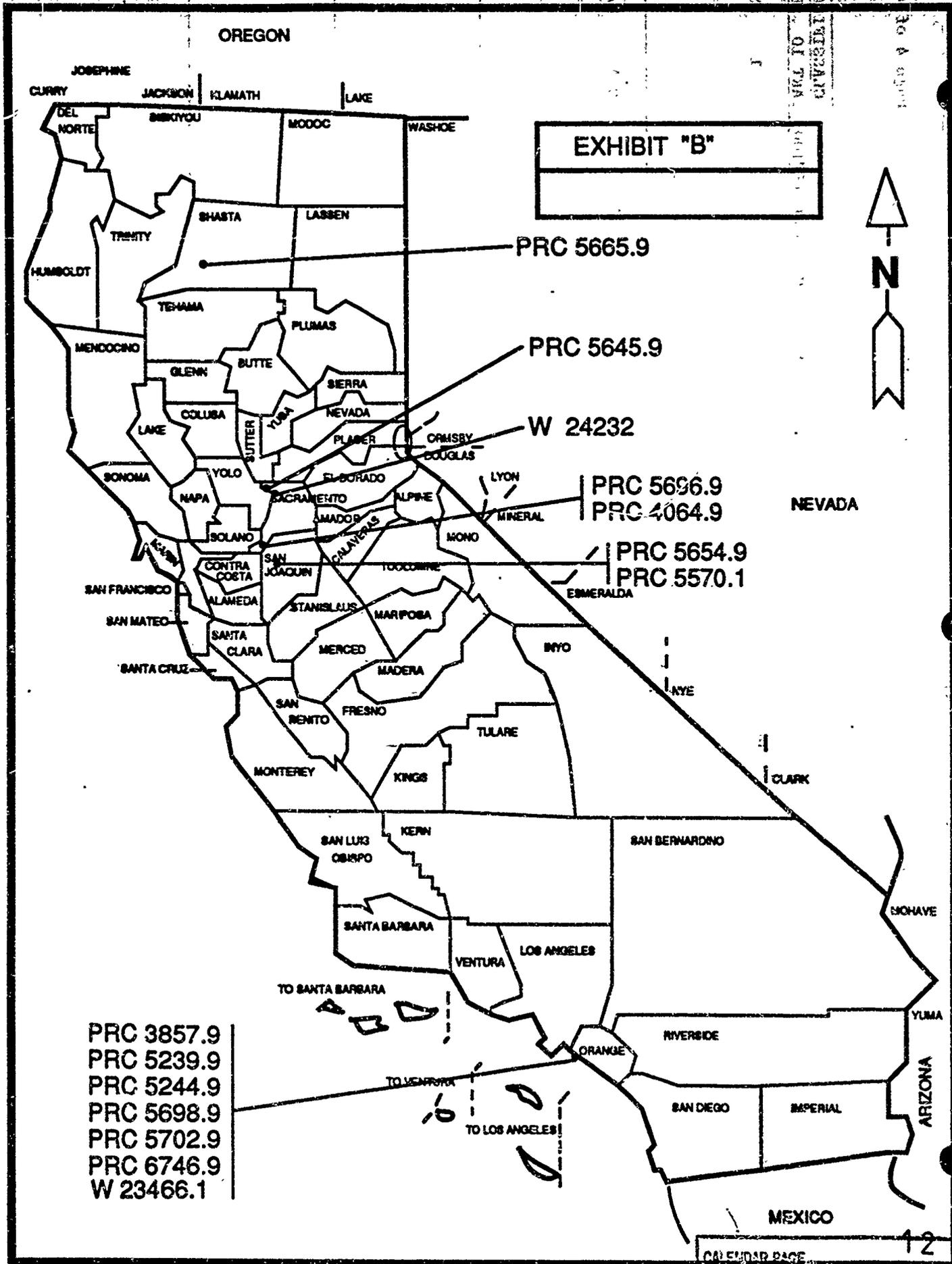
EXHIBIT "A"

RECREATIONAL PIER PERMITS FOR CALENDAR OF JUNE 28, 1989

Page 4 of 4

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

CALENDAR PAGE 11  
 MINUTE PAGE 1656  
 2/1/89



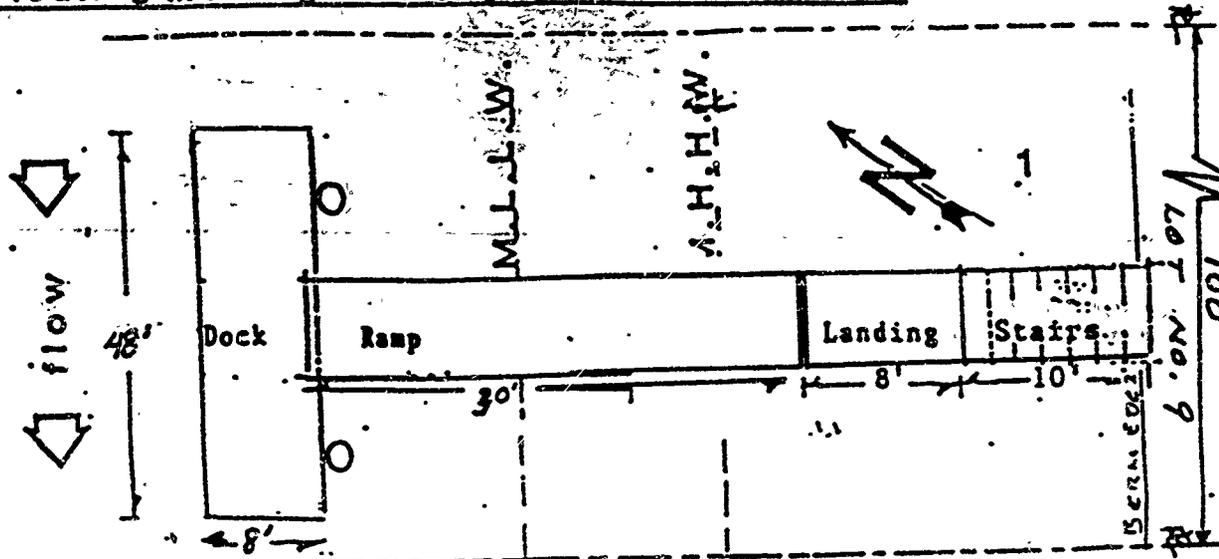
**EXHIBIT "B"**



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

W 24232  
"G" TRISIXE  
Floating Moorage on the Sacramento River LOT 10 - PERON

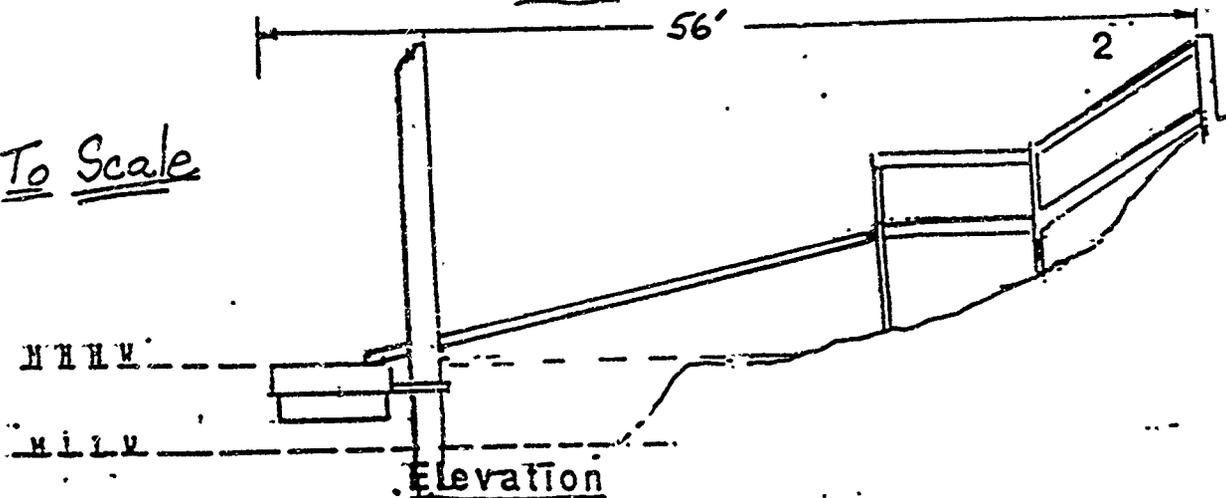
Sacramento River



PLAN

LOT 8 - SCHABER

Not To Scale

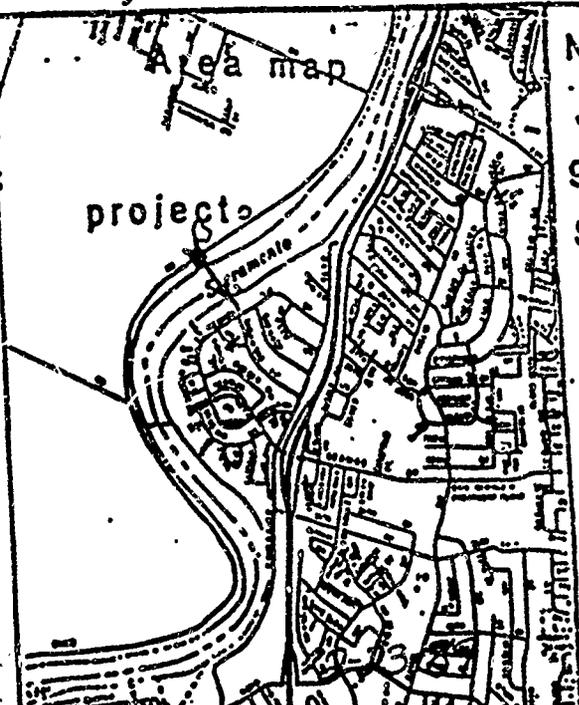


List of materials

- 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.

P89-057

Area map



Name & address

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

Date SEPT. 14, 1988

S/S PERMIT NO.  
9852 NW

CALENDAR PAGE	13
MINUTE PAGE	1658

Item 20

110 TIBIXE

62889-01779

8832E W

EXHIBIT "D"



RECEIVED

88 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.

CALENDAR PAGE	14
MINUTE PAGE	1659

PUBLIC PROPERTY ENCROACHMENT PERMIT

EXHIBIT "B"

INSPECTION PHONE: 449-5604  
For Hospital  
107-8221  
The office will be notified  
of any work days  
to be removed during  
the construction period.

- 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 CIVIC CENTER PLAZA, Rm. 11-12  
 SANTA ANA, CALIFORNIA 92701  
 OH-P.O. BOX 4048, SANTA ANA, CA 92712-4048  
 PHONES: 834-5829 to 834-7626

PERMIT NO. 88-01788-HE  
 EFFECTIVE DATE: \_\_\_\_\_ SEE VALIDATION DATE BELOW  
 EXPIRATION DATE: \_\_\_\_\_ SEE SPECIAL PROVISIONS "K"

**PERMITTEE**

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

*CR 88-01787-117*

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

Division: Type \_\_\_\_\_ Nos. Bros. 20, B4 \_\_\_\_\_ Huntington Beach #A

**CONSIDERATION:**

Permit Fees, \$2357.00 (KOH275) Surety \$4700.00 (TPR004) TOTAL \$7057.00  
 Check No. \_\_\_\_\_ Date \_\_\_\_\_  
 Check No. 117 Cash 7057.00 Receipt 234980 Date 6-7-89 Trust Fund \_\_\_\_\_ Invoice \_\_\_\_\_  
 Fees paid by \_\_\_\_\_  
 Contact \_\_\_\_\_  
 Property \_\_\_\_\_

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

**PERMITTEE'S ACCEPTANCE:**

**COUNTY APPROVAL**

*Robert A. Maculsky*  
 Permittee

*Al Vasquez* 6-9-89  
 COUNTY APPROVAL

**PERMIT AND APPROVED PLANS SHALL BE MAINTAINED ON JOB SITE.** RBS:is  
**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

CALENDAR PAGE 16  
 MINUTE PAGE 1661

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 fulfillment and/or as a result of this permit, whether caused through the acts of Permittee or its employees, or Permittee or its independent contractor or through the negligence of the County, 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 or its employees. 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 decision shall be final. In the event that it is determined that it is necessary, Permittee shall pay County the cost of such repairs.
4. County reserves the right in 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 applicable 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 Number" from Underground Service Alert Regional Database 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. Inspectors 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 . . . .

CALENDAR PAGE	18
MINUTE PAGE	1663

1281HXZ

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

88-01788-HH

Permit No.

**SPECIAL PROVISIONS**

Page 2 of 2

- 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.

CALENDAR PAGE	19
MINUTE PAGE	1664



**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.

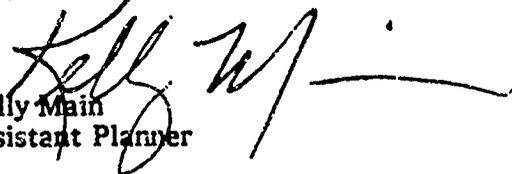
Recommendation

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

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

Respectfully submitted,

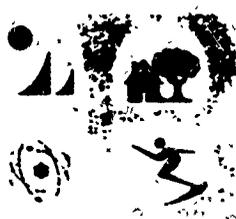
  
Kelly Main  
Assistant Planner

KM:gbm

CALENDAR PAGE	20
MINUTE PAGE	1665

(2075d-1)

ATTACHMENT 3a-1



# City of Huntington Beach

200 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.

CALENDAR PAGE	21
MINUTE PAGE	1666

(2059d-3)

3a-2

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

CITY OF PORTOFINO

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

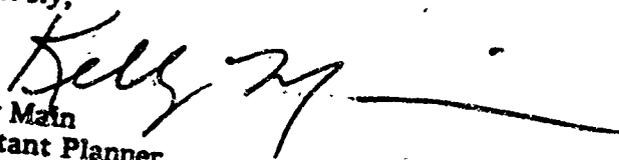
Bob Joseph  
California Coastal Commission  
South Coast District Office  
245 W. Broadway, Suite 380  
Long Beach, CA  
(213) 590-5071

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

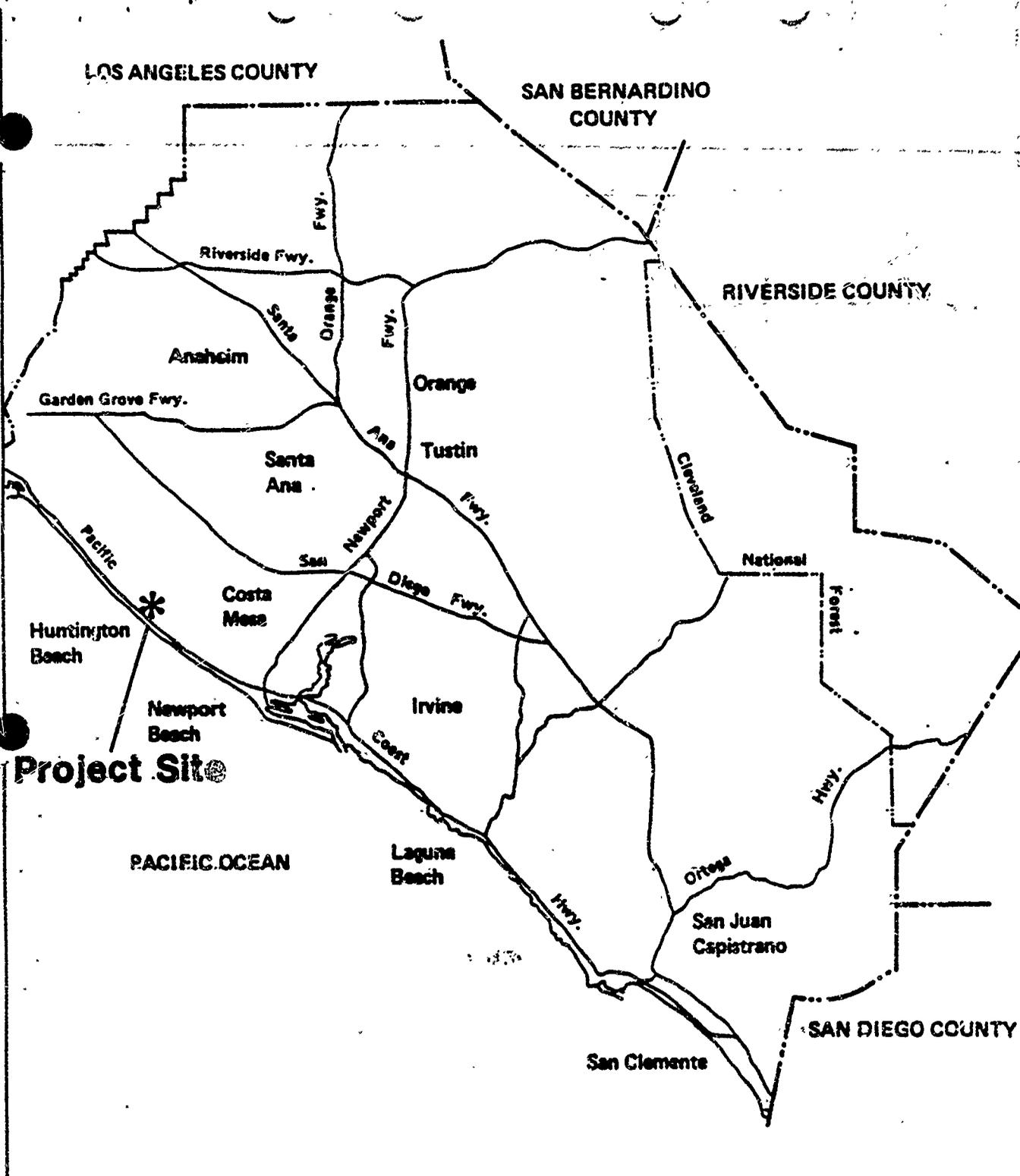
Attachments:

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

CALENDAR PAGE	22	(2059d-4)
MINUTE PAGE	1667	

30-3

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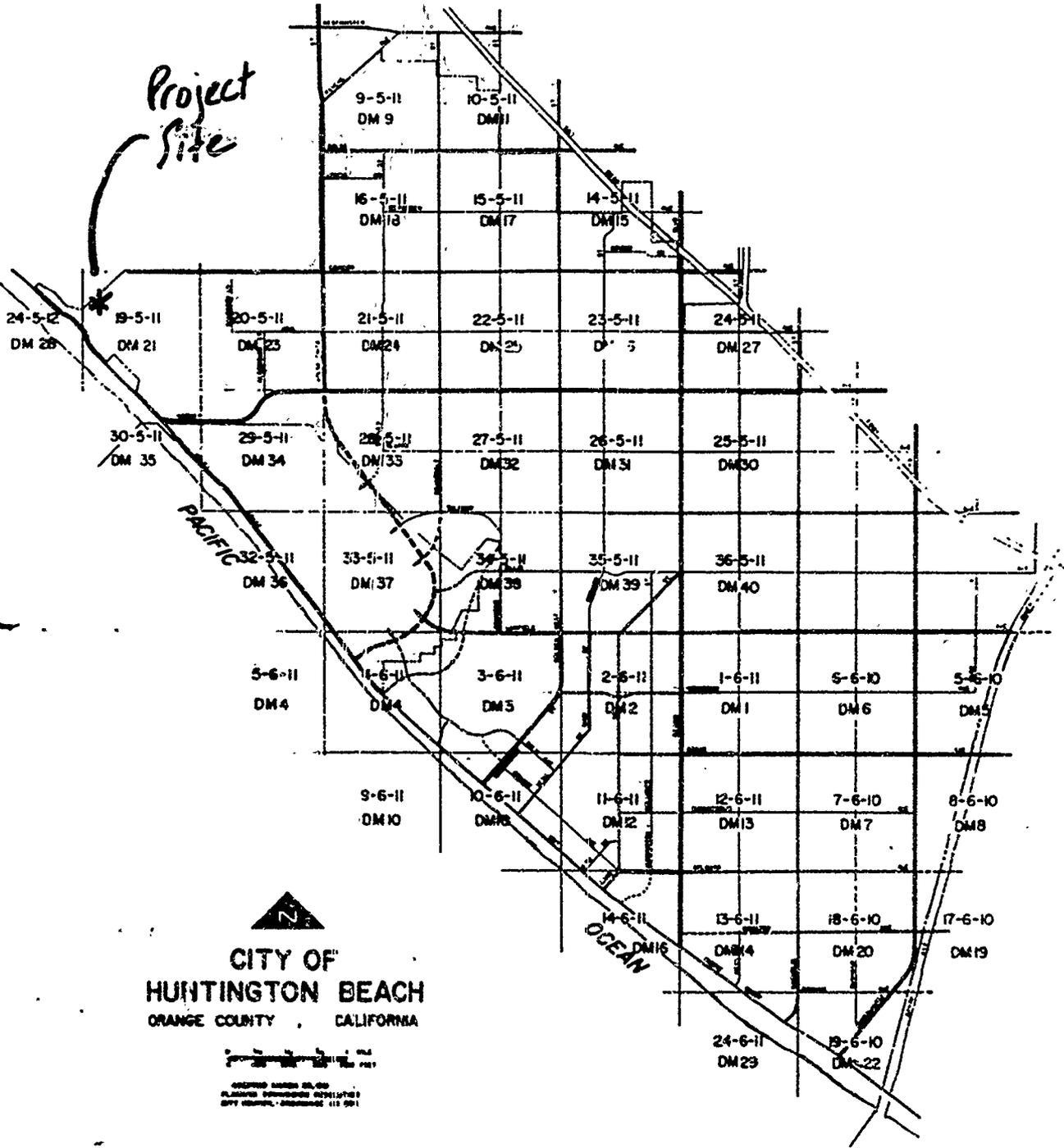


Source: STA inc.

<p><b>REGIONAL LOCATION</b></p>	<p><b>STA inc.</b> </p> <p>no scale</p>			
	<table border="1"> <tr> <td>CALENDAR PAGE</td> <td>23</td> </tr> <tr> <td>MINUTE PAGE</td> <td>1668</td> </tr> </table>	CALENDAR PAGE	23	MINUTE PAGE
CALENDAR PAGE	23			
MINUTE PAGE	1668			

3a-4

*Project Site*



  
**CITY OF**  
**HUNTINGTON BEACH**  
 ORANGE COUNTY, CALIFORNIA

APPROVED MAPS ONLY  
 PLANNING DEPARTMENT REGULATIONS  
 CITY OF HUNTINGTON BEACH 117 901

3a-5

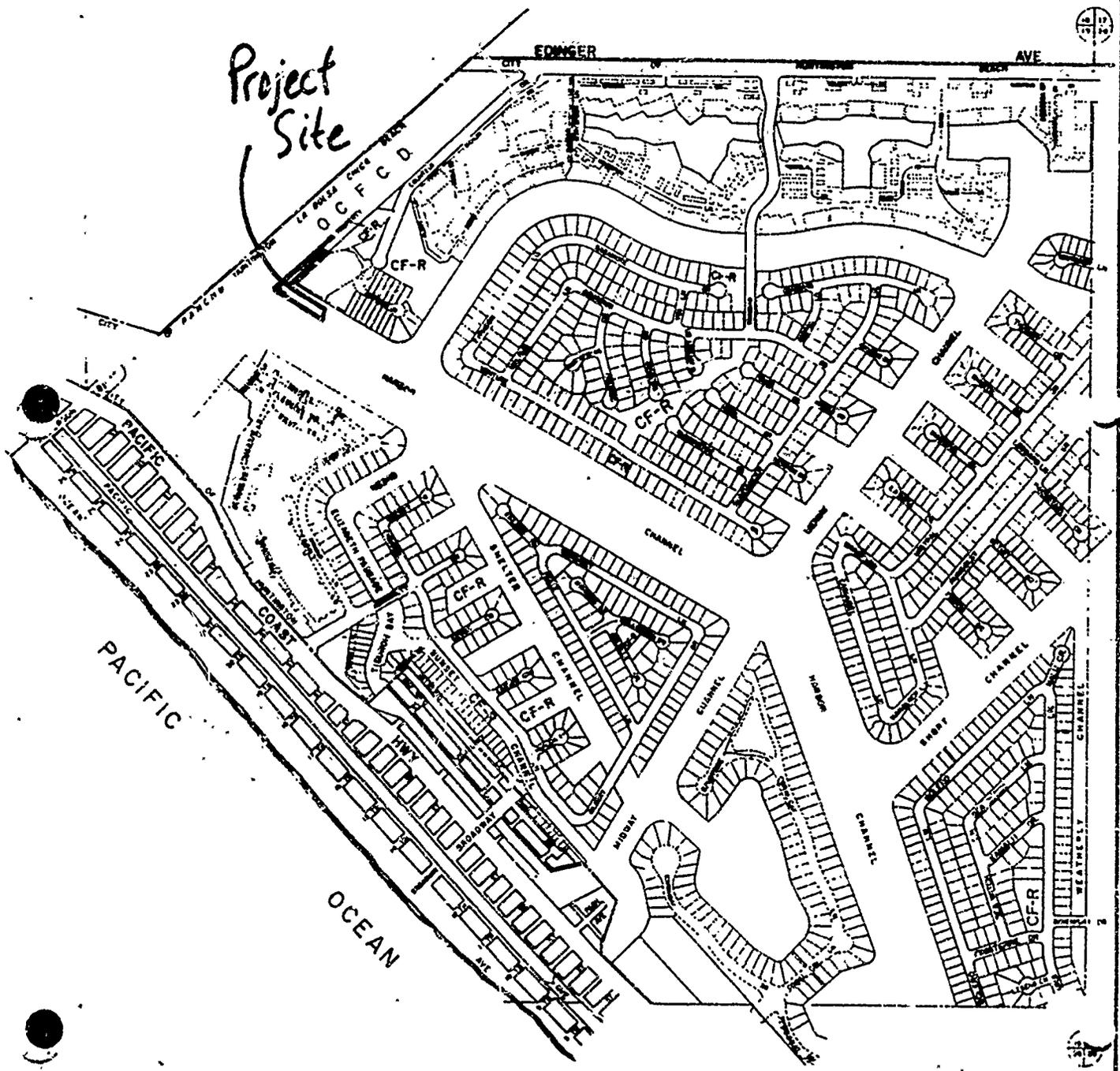
SECTIONAL DISTRICT MAP  
CITY OF  
HUNTINGTON BEACH  
ORANGE COUNTY, CALIFORNIA

DATE: 4/19/87

USE OF PROPERTY MAP

22)

*Project Site*



CALENDAR PAGE	25
MINUTE PAGE	1670

3a-6

**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.

CALENDAR PAGE	26	(2075d)
MINUTE PAGE	1671	

3a-7

**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

CALENDAR PAGE	<u>27</u>
MINUTE PAGE	<u>1672</u>

	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. <b>Plant Life.</b> 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. <b>Animal Life.</b> 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. <b>Noise.</b> 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. <b>Light and Glare.</b> Will the proposal produce new light or glare?			
	_____	<u>X *</u>	_____
8. <b>Land Use.</b> Will the proposal result in a substantial alteration of the present or planned land use of an area?			
	_____	_____	<u>X</u>
9. <b>Natural Resources.</b> Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	_____	_____	<u>X</u>

02/ 03/23/84

	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> *	_____

9-5<sup>th</sup>

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 (4<sup>th</sup> line)  
of State Jobs  
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.

CALENDAR PAGE	36
MINUTE PAGE	1681

**Light and Glare**

101121257

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 12211

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 JUSTICE

BRAD GATES  
SHERIFF-CORONER

February 14, 1989

RECEIVED

FEB 16 1989

DEPARTMENT OF  
JUSTICE

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

CALENDAR PAGE	39
MINUTE PAGE	1684

## 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  
Program Manager  
Southern California Operations

RECEIVED

FEB 10 1989

DEPARTMENT OF

CALENDAR PAGE	40
MINUTE PAGE	1685

39-21



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

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

CALENDAR PAGE	41
MINUTE PAGE	1686

3922

DEPARTMENT OF THE ARMY  
FOR OFFICIAL USE ONLY  
UNITED STATES GOVERNMENT



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

CALENDAR PAGE	42
MINUTE PAGE	1687

39-23

**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.

CALENDAR PAGE	44
MINUTE PAGE	1689

3a-25

**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	3912.5	1983.3
% 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

CALENDAR PAGE	47
MINUTE PAGE	1692

3a-28

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.

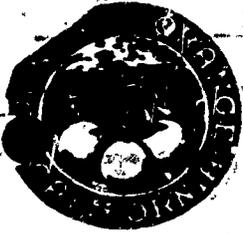
#### REFERENCES

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.

CALENDAR PAGE	48
MINUTE PAGE	1693

39-29



DATE POSTED MAY 11 1987  
DATE FINAL 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 channel.  
 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

FORM 275.3 8/85

CALENDAR PAGE	49
MINUTE PAGE	1694

3a-3b