CALIFORNIA COASTAL COMMISSION
SOUTH CENTRAL COAST AREA
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TH 16c&17

DATE: April 26, 2006

TO: Commissioners and Interested Persons

FROM: John Ainsworth, Deputy Director
Gary Timm, District Manager
Tracy Duffey, Coastal Program Analyst

SUBJECT: **(1) Proposed Major Amendment (1-05) to the Channel Islands Harbor Public Works Plan and;**

(2) Notice of Impending Development 1-06, Pursuant to the Channel Islands Harbor certified Public Works Plan (PWP) as amended by the proposed PWP amendment 1-05 referenced above.

For Public Hearing and Commission Action at the May 11, 2006 Commission Meeting in Costa Mesa

SUMMARY AND STAFF RECOMMENDATION

The amendment to the Public Works Plan (PWP) is proposed to allow for the demolition and reconstruction of the Vintage Marina on property owned by the County of Ventura located on the west side of the Channel Islands Harbor. The County Harbor Department has also submitted the corresponding Notice of Impending Development (NOID) to provide for construction of the proposed project upon certification of the PWP amendment. The project includes reconstruction of an existing marina on two parcels (D & E) occupying a total of 14.35 acres (exhibit 2). The two parcels are separated by the parcel on which the proposed Boating Instruction and Safety Center (BISC) that was approved by the Commission in March 2005 is to be located. The existing 500-slip marina is over 40 years old and is in a state of disrepair and at the end of its useful life. The proposed 403 –419 slip marina (depending on how the end ties are utilized) is designed to comply with new safety standards for Department of Boating and Waterways (DBAW) and Americans with Disabilities Act (ADA). In order to comply with the DBAW and ADA standards as well as accommodate a greater number of larger boat slips, the new design will result in a net loss of between 81 and 100 wet slips (depending on how the end ties are configured). In order to minimize the loss of boating slips, the new design extends the docks 20 feet beyond the existing pier head line. In addition, to mitigate for the loss of wet slips the Harbor Department is proposing to increase the number of dry dock storage spaces on Parcel P in the Harbor from approximately 300 to 400 spaces. In addition, the project will be phased in over two years (2006 – 2008), and at all times at least 75% of the boat slips will be kept in service and no more than 4 docks will be out of service during the redevelopment

process. The Harbor Department will assist displaced boat slip renters in securing other boat storage options. In addition, Vintage Marina Partners, operators of the Marina, has offered to maintain two 35-foot slips for nonprofit club boating opportunities (at the standard slip rental rate); to fund 15 annual scholarships for youth sailing programs; to provide the equivalent of four new sabots (sail training vessels) every five years; and; to provide yearly funding for van transportation for use by youth sailing programs.

The Ventura County Harbor Department submitted the amendment to its certified Channel Islands Harbor Public Works Plan (PWP) on September 26, 2005. On October 20, 2005, the Executive Director determined that the County's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30605. Subsequently, revisions were made to the PWP amendment to restrict the amendment to waterside improvements only, with the exception of any additional dry storage required to mitigate the loss in slips. These revisions were adopted by the Ventura County Board of Supervisors on December 13, 2005, and submitted to the Commission on December 22, 2005. Pursuant to Section 30605 of the Coastal Act, any proposed amendment to the certified PWP shall be submitted to, and processed by, the Commission in the same manner as prescribed for amendment of a local coastal program.

Coastal Act Section 30517 and California Code of Regulations Section 13535 (c) state that the Commission may extend for good cause any time limit for a period not to exceed one year. Therefore, the Commission extended the 60-day time limit by one year in order to allow adequate time to review and analyze the amendment. The one-year time limit extension will expire on December 19, 2006.

The Notice of Impending Development was received on January 13, 2006. Pursuant to Section 13549 of the Commission's Administrative Regulations, a NOID shall be deemed filed when all necessary supporting information has been received. In this case, because the NOID is for a project identified in a pending PWP amendment that the Commission has not yet acted on, there is insufficient supporting information to determine whether the proposed development is consistent with the certified PWP. Therefore, the NOID is deemed incomplete at this time and cannot be filed until the amendment has been approved by the Commission. In the event that suggested modifications to the PWP amendment required by the Commission result in substantial changes to the proposed development, then the Notice of Impending Development shall be deemed inconsistent with the PWP and shall remain incomplete. A revised or new Notice of Impending Development that is consistent with the PWP must be submitted before development of the Vintage Marina can commence.

Major issues raised by the proposed PWP amendment and NOID include the protection or provision of an adequate number of small and medium size recreational boat slips, and the protection of potential heron nesting activity in the linear park adjacent to the marina reconstruction site. Staff is recommending denial of the proposed PWP amendment as submitted followed by approval with 12 suggested modifications. Suggest modifications provide for the protection of a specified percentage of small and

medium size boat slips, provision of additional dry land storage space for boats, minimizing loss of slip capacity during reconstruction of the marina, provision of two boat slips for use by non-profit recreational boating clubs, protection of potential nearby heron nesting activity, and revision of various tables and figures within the PWP to account for the Vintage Marina reconstruction project. Staff is recommending that the Commission determine that the impending development is consistent with the certified Channel Islands Harbor Public Works Plan with 11 special conditions regarding (1) displaced boat slip renters; (2) revised plans; (3) slips reserved for recreational boating clubs; (4) protection of nesting and roosting herons; (5) demolition/construction, debris removal and erosion and sediment control plan; (6) Eelgrass survey; (7) Caulerpa taxifolia survey; (8) water quality/best management practices program; (9) marina inspection and maintenance program; (10) resource agencies; and, (11) approval of PWP amendment, all of which are necessary to bring the development into conformance with the PWP.

STANDARD OF REVIEW

Section 30605 of the Coastal Act and Article 14, Section 13356 of California Code of Regulations provides that where a public works plan is submitted prior to certification of the Local Coastal Program (LCP) for the jurisdiction affected by the plan the Commission's standard of review for certification is Chapter 3 of the Coastal Act. Although the land area within the Harbor is owned by the County, it lies within the jurisdiction of the City of Oxnard. The Commission certified the Public Works Plan in September 1986 prior to certification of the LCP for the Harbor area which was certified in December 1986. Therefore, the Commission's certification was based on consistency with Chapter 3. Section 30605 and Section 13357 of the Code of Regulations also states that where a plan or plan amendment is submitted after the certification of the LCP for the area any such plan shall be approved by the Commission only if it finds, after full consultation with the affected local government(s), that the proposed plan is in conformity with the certified LCP. Therefore, the standard of review for the proposed amendment to the Public Works Plan, pursuant to Section 30605 of the Coastal Act, is that the proposed plan amendment is in conformance with the certified Local Coastal Program for the City of Oxnard. Since the City's certified LCP contains all applicable Coastal Act policies, conformance with applicable Chapter 3 policies of the Coastal Act is also required. PRC Section 30605 also states that any proposed amendment shall be processed in the same manner as prescribed for an amendment to a Local Coastal Program.

Sections 30605 & 30606 of the Coastal Act and Article 14, §13359 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified PWP. Section 13354 requires the Executive Director or his designee to review the notice of impending development (or development announcement) within five working days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified PWP. The notice is deemed filed when all necessary supporting information has been received. In this case, because the NOID is for a project identified in a

pending PWP amendment that the Commission has not yet acted on, there is insufficient supporting information to determine whether the proposed development is consistent with the certified PWP. Therefore, the NOID is deemed incomplete at this time and cannot be filed until the amendment has been approved by the Commission. In the event that suggested modifications to the PWP amendment required by the Commission result in substantial changes to the proposed development, then the Notice of Impending Development shall be deemed inconsistent with the PWP and shall remain incomplete. A revised or new Notice of Impending Development that is consistent with the PWP must be submitted before development of the Vintage Marina can commence.

Pursuant to Section 13359, within thirty working days of filing the Notice of Impending Development, the Executive Director shall report to the Commission the pendency of the development and make a recommendation regarding the consistency of the proposed development with the certified PWP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified PWP and whether conditions are required to bring the development into conformance with the PWP. No construction shall commence until after the Commission votes to render the proposed development consistent with the certified PWP.

PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any Public Works Plan. The County of Ventura Board of Supervisors held a public hearing and approved the PWP amendment on September 20, 2005, and subsequently approved a revised PWP amendment on December 13, 2005. Written comments were also received regarding the project from public agencies, organizations and individuals. The hearing was duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

PROCEDURAL REQUIREMENTS

Because approval of the PWP amendment is subject to suggested modifications by the Commission, the County must act to accept the adopted suggested modifications pursuant to the requirements of Section 13547 of the California Code of Regulations, which provides for the Executive Director's determination that the County's action is legally adequate, within six months from the date of Commission action on this application before the PWP amendment shall be effective.

LIST OF EXHIBITS

1. Vicinity Map
2. Site Plans
3. Restriping Plan

4. Lease Map
5. Existing Slip Sizes
6. Existing and Proposed Slip Configurations
7. Corrough Consulting Group Analysis of Factors Affecting Slip Mix
8. DBW response to Factors Affecting Slip Mix
9. So. Calif. Eelgrass Mitigation Policy
10. Tetra Tech, Inc. Eelgrass Survey
11. Calif. Dept. of Fish and Game Email Regarding Eelgrass Shading
12. Heron Protection Report by Dr. Jeffrey Froke & Letters from Dr. J Kelly
13. Corrough Consulting Group Analysis of Project Design
14. Letter From Harbor Dist. To U.S. Coast Guard
15. Letter From Jonathan Ziv Regarding U.S. Coast Guard Correspondence
16. Letter From U.S. Coast Guard, dated September 1, 2005
17. Letter From City of Oxnard, dated October 17, 2005
18. Letter From Department of Fish and Game, dated January 26, 2005
19. Letters From Rutan & Tucker, LLP on behalf of Vintage Marina Partners
20. Letter From Boaters Regarding Slip Size
21. Letters in Support of & In Opposition to the Project
22. Photos Showing Buoy Line / Dock Expansion Area
23. Photos Showing Docks in Poor Condition

To go to Exhibits 22-23, click on the link at left.

I. STAFF RECOMMENDATION FOR DENIAL OF PWP AMENDMENT 1-04 AS SUBMITTED AND CERTIFICATION WITH SUGGESTED MODIFICATIONS

A. Denial as Submitted

MOTION: ***I move that the Commission certify the Channel Islands Harbor Public Works Plan Amendment 1-05 as submitted.***

Staff recommends a **NO** vote. Failure of this motion will result in denial of the Public Works Plan Amendment 1-05 and the adoption of the following resolution and findings. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION I:

The Commission hereby denies certification of the Channel Islands Harbor Public Works Plan Amendment 1-05 and adopts the findings stated below on the grounds that the Amendment does not conform with the certified Local Coastal Program for the City of Oxnard. Certification of the Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or feasible mitigation

measures or alternatives that would substantially lessen the significant adverse effects that the approval of the Amendment would have on the environment.

B. Certification with Suggested Modifications

MOTION: ***I move that the Commission certify the Channel Islands Harbor Public Works Plan Amendment 1-05 if modified as suggested in the staff report.***

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Public Works Plan Amendment 1-05 plan as modified. The motion to certify passes only by affirmative vote of a majority of the appointed Commissioners.

RESOLUTION II:

The Commission hereby certifies the Channel Islands Harbor Public Works Plan Amendment 1-05 as modified and adopts the findings stated below on the grounds that the Amendment as modified conforms with the certified Local Coastal Program for the City of Oxnard. Certification of the Amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Amendment on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the Amendment on the environment.

SUGGESTED MODIFICATIONS

The staff recommends the Commission certify the Public Works Plan Amendment only with the modifications as shown or described below. Language presently contained within the certified PWP is shown in straight type. Language proposed by the Harbor Department to be deleted is shown in ~~line out~~. Language proposed by the Harbor Department to be inserted is shown underlined. Language recommended by Commission staff to be deleted is shown in ~~double line out~~. Language recommended by Commission staff to be inserted is shown in double underline. Other suggested modifications to revise maps or figures are shown in *italics*.

The following modifications relating to the Vintage Marina shall be made to the Public Works Plan:

Modification 1

Page 51, Section 4.2 Recreational Boating, additions and deletions under "Existing Conditions" shall be modified as follows:

~~There will be no expansion of wet slips wet or dry slip capacity at Channel Islands Harbor under the proposed Public Works Plan. However, t~~The County will continue to seek increases in the wet slip and dry storage capacity in appropriate locations in the Harbor.

Modification 2

Page 56, Section 4.2 Recreational Boating, changes under POLICIES 3.b. shall be modified as follows:

b. dry boat storage spaces shall be provided on Parcel P ~~at or adjacent to the Harbor~~ to accommodate a minimum of 400 ~~300~~ vessels.

Modification 3

Page 56, Section 4.2 Recreational Boating, changes under POLICIES 3.c. shall be modified as follows:

c. water storage space shall be provided for at least 2,500 ~~2,400~~ ~~2,500~~ recreational boat slips;

Modification 4

Page 56, Section 4.2 Recreational Boating, changes under POLICIES 3.g. shall be modified as follows to allow for an extension of the existing pier head line by 20 feet for the Vintage Marina only:

g. the existing open water areas in the inner Harbor, as depicted on the Land Use Map as "Waterways" (Figure VII) ~~and as defined by existing pier head lines at the time of original approval by the California Coastal Commission of the Harbor's Public Works Plan,~~ shall not be developed with surface structures of any kind, floating or otherwise, except in cases of emergency where temporary structures are required or unless authorized pursuant to an amendment to the Public Works Plan certified by the California Coastal Commission~~, or a marina must be expanded to accommodate recreational boating opportunities in the case of a PWP amendment of the Master Plan map and associate tables. Where a marina expands beyond the pier head line, in no case shall the expansion exceed 20 feet~~.

Modification 5

Page 57, Section 4.2 Recreational Boating, under POLICIES, add policy 7. as follows to allow for an extension of the existing pier head line by 20 feet for the Vintage Marina only:

7. Vintage Marina Pier Head Line

The Vintage Marina pier head line shall conform to the pier head line depicted on the "Waterways" Land Use Map (Figure VII) and on the Vintage Marina Plan (Figure VIII).

Modification 6

Page 57, Section 4.2 Recreational Boating, under POLICIES, add policy 8. as follows:

8. Distribution of Slip Size for Vintage Marina

The Vintage Marina slip size distribution shall consist of the following and conform to the slip configuration on the Vintage Marina Plan (Figure VIII):

A minimum of 25% of the total number of slips shall be under 30' in length.
A minimum of 25% of the total number of slips shall be 30' – 36' in length

Modification 7

Page 57, Section 4.2 Recreational Boating, under POLICIES, add policy 9. as follows:

9. Replacement Boat Slips for Boat Slip Tenants Displaced by Construction, Reconstruction, or major Repair and Maintenance Operations in Vintage Marina

The Harbor Department shall minimize the number of slips put out of service due to construction, reconstruction, or major repair or maintenance operations at Vintage Marina. The County Harbor Department, in cooperation with the Vintage Marina Lessee, shall assist those boat slip renters that are displaced (both temporarily and permanently) by new construction, reconstruction, or major repair or maintenance activities by offering alternative boat storage options. All vacant wet slips in the Channel Islands Harbor shall be offered first, and then dry storage spaces shall be offered, to those boat slip renters displaced by new construction, reconstruction, or major repair and maintenance operations. Priority to lease available wet slips at a future date shall also be given to those displaced boaters that were not initially offered wet slips.

Modification 8

Page 57, Section 4.2 Recreational Boating, under POLICIES, add policies 10 through 12 as follows:

Slips in Vintage Marina Reserved for Recreational Boating Clubs

10. Two slips within the Vintage Marina shall be reserved for exclusive use by a non-profit joint use boating venture or club, such as the Boating Instruction or Safety

Center (BISC) or other organization acceptable to the Executive Director of the Commission that promotes public recreational boating and that offers low-cost boating opportunities to the general public including youth outreach programs focused on young people who do not have an opportunity to experience such recreational boating activities. Such organization or program shall include a transportation component to bring young people to the marina in order to benefit from the recreational boating opportunities provided by the non-profit organization. The slips may be rented on a short-term, interim basis until an appropriate non-profit has been approved for the use of one or both slips. No rent shall be charged for the two slips, except to cover utility and insurance costs, which shall not exceed 25% of the normal rental rate.

11. Vintage Marina Partners, or its successor, shall fund 15 annual scholarships for (a) Pacific Youth Sailing Foundation programs; and/or (b) programs offered at the Channel Islands Harbor Boating Instruction and Safety Center; and/or (c) Ventura County Junior Lifeguard Program.

12. Vintage Marina Partners, or its successor, shall provide the equivalent of four new sabots (sail training vessels every five years and shall provide funding for transportation equivalent to the cost of a van (amortized over five years) for use by the Oxnard/Port Hueneme Boys and Girls club.

Modification 9

Page 69, Section 4.5 Biological Resources, under POLICIES, add new policy after existing Policy 6. as follows:

Construction of the Vintage Marina

Commencement of construction of the Vintage Marina shall not take place until a qualified biologist has determined that black-crowned night herons, great blue herons, green herons, or egrets are not nesting within the linear park on the west side of the harbor adjacent to the Vintage Marina basins D and E or any construction site used for reconstruction of the Marina. A qualified biologist shall monitor the site throughout the nesting season for herons and egrets (February 1 through August 15), prior to, during (at least once weekly), and after construction. Should nesting activity be observed at any time during construction then construction shall cease and not resume until the end of the nesting season. The biologist shall submit a monitoring report after each nesting season during construction and after final construction is completed which addresses the status of heron or egret nesting in the immediate vicinity of the Vintage Marina. During construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum feasible extent. Bright upward shining lights shall not be used during construction and construction employees shall be prohibited from bringing pets (e.g. dogs and cats) to the construction site..

Modification 10

Page 17, Table I BOAT SLIPS, STORAGE, CONSTRUCTION & REPAIR, and Page 26, Table II NUMBER OF SLIPS: *Table I and II shall be revised to account for the accurate resulting number of recreational boat slips (for Parcel D and E), consistent with the Revised Vintage Marina Plan (Figure VIII), and dry storage spaces (for Parcel P), due to the Vintage Marina Reconstruction project (consistent with suggested modifications 5 & 6).*

Modification 11

Existing Figure VII (PWP – Land Use Plan) on Page 34 of the current PWP shall be replaced by new Figure VII (PWP – Land Use Plan) on Page 35 of the proposed PWP amendment, that shows the extension of the Vintage Marina into the existing waterways by 20 feet.

Modification 12

Section 4.2 Recreational Boating: *Add Revised Vintage Marina Plan, that conforms with the requirements of Modifications 5 and 6 above, and NOID 1-06 Special Condition 2, which shall be designated as Figure VIII. The current Figure VIII shall be renumbered as Figure IX and subsequent figures shall be renumbered in the same manner throughout the PWP.*

II. STAFF RECOMMENDATION FOR APPROVAL OF NOTICE OF IMPENDING DEVELOPMENT WITH SPECIAL CONDITIONS

MOTION: ***I move that the Commission determine that the development described in the Notice of Impending Development 1-06, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan if amended in accordance with the suggested modifications.***

Staff recommends a **YES** vote. Passage of this motion will result in a determination that the development described in the Notice of Impending Development 1-06, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan, as amended pursuant to PWP Amendment 1-05 in accordance with the suggested modifications, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

The Commission hereby determines that the development described in the Notice of Impending Development 1-06, as conditioned, is consistent with the certified Channel

Islands Harbor Public Works Plan, as amended pursuant to PWP Amendment 1-05, for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Displaced Boat Slip Renters in Vintage Marina

Prior to commencement of construction, the Harbor Department shall submit for the review and approval of the Executive Director, a written agreement specifying that:

A. At least 75% of the boat slips in the Channel Islands Harbor Marina/Vintage Marina shall be kept in service, and no more than 4 docks shall be out of service at any one time, during demolition/reconstruction of the Vintage Marina.
B. The County Harbor Department, in cooperation with the Vintage Marina Lessee, shall assist those boat slip renters that are displaced (both temporarily and permanently) by the Vintage Marina Reconstruction project by offering alternative boat storage options.
C. All vacant wet slips in the Channel Islands Harbor shall be offered first, and then dry storage spaces shall be offered, to those displaced boat slip renters. Priority to lease available wet slips at a future date shall also be given to those displaced boaters that were not initially offered wet slips.

2. Revised Plans

Prior to the commencement of construction, the Harbor Department shall submit, for the review and approval of the Executive Director, a revised Vintage Marina Plan (Figure VIII in the PWP), prepared by a qualified Marina architect, that complies with the following requirements:

1. The slip size distribution in Vintage Marina shall be as follows:
   (a) A minimum of 25% of the total number of slips shall be under 30’ in length.
   (b) A minimum of 25% of the total number of slips shall be 30’ – 36’ in length.
2. The expansion of the pier head line shall not exceed 20 feet beyond the existing pier head line.
3. All California Department of Boating and Waterways (DBAW) and Americans With Disability Act (ADA) standards and regulations shall be adhered to.
4. Fairway space between Vintage Marina dock F and Boating Instruction and Safety Center (BISC) dock E including side ties shall conform to California Department of Boating and Waterways 2005 Guidelines for vessel traffic ingress and egress for both docks simultaneously. Evidence of review and approval of fairway and berthing space from the Department of Boating and Waterways shall be submitted prior to commencement of construction. The revised plans shall demonstrate that the BISC project, including dock E, conforms to the project approved by the Commission in March 2005.

3. Slips in Vintage Marina Reserved for Recreational Boating Clubs

Prior to the commencement of construction, the Harbor Department shall submit for the review and approval of the Executive Director, evidence that:

- Two slips within the Vintage Marina have been reserved for exclusive use by a non-profit joint use boating venture or club, such as the Boating Instruction or Safety Center or other organization, deemed acceptable by the Executive Director in consultation with the County, that promotes public recreational boating and offers low-cost boating opportunities to the general public including youth outreach programs focused on young people who do not have an opportunity to experience such recreational boating activities. Such program shall include a transportation component to bring young people to the marina in order to benefit from the recreational boating opportunities provided by the non-profit organization. The slips may be rented on a short-term, interim basis until an appropriate non-profit has been approved for the use of one or both slips. No rent shall be charged for the two slips, except to cover utility and insurance costs, which shall not exceed 25% of the normal rental rate.
- Vintage Marina Partners, or its successor, shall fund 15 annual scholarships for (a) Pacific Youth Sailing Foundation programs; and/or (b) programs offered at the Channel Islands Harbor Boating Instruction and Safety Center; and/or (c) Ventura County Junior Lifeguard Program.
- Vintage Marina Partners, or its successor, shall provide the equivalent of four new sabots (sail training vessels every five years and shall provide funding for transportation equivalent to the cost of a van (amortized over five years) for use by non-profit boating clubs.

4. Protection of Nesting and Roosting Herons

Commencement of construction shall not take place until a qualified biologist has determined that black-crowned night herons, great blue herons, green herons, or egrets are not nesting in the linear park on the west side of the harbor adjacent to the Vintage Marina basins D and E or any construction site used for reconstruction of the Marina (exhibit 1). A qualified biologist shall monitor the site during the nesting season (February 1 through August 15) prior to, during (at least once weekly), and after construction. Should nesting activity be observed at any time during construction then construction shall cease and not resume until the end of the nesting season. The biologist shall submit a monitoring report after each nesting season during construction and after final construction is completed which addresses the status of heron or egret nesting in the immediate vicinity of the Vintage Marina. During construction noise reduction measures such as sound shields made from plywood or sound-board or molded sound shields shall be used and measures shall be taken to minimize loud noise generation to the maximum feasible extent. Permanent lighting shall be shielded and directed downward. Bright upward shining lights shall not be used during construction and construction employees shall be prohibited from bringing pets (e.g. dogs and cats) to the construction site...

5. Demolition/Construction, Debris Removal and Erosion and Sediment Control Plan

Prior to the commencement of construction, the Harbor Department shall submit, for the review and approval of the Executive Director, a demolition/construction, debris removal and erosion and sediment control plan for the construction phase of the project designed by a licensed engineer or other qualified specialist. The plan shall be reviewed and approved by the consulting engineering geologist or qualified County designee to ensure that the plan is in conformance with the consultants' recommendations, and shall incorporate the following Best Management Practices (BMPs) and other requirements:

(a) Phasing and scheduling of demolition/construction and staging of demolition/construction machinery and materials shall be described in detail.
(b) No demolition/construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to wave, wind, or rain erosion and dispersion or where it may enter a storm drain.
(c) Any alteration of rock slope resulting from removal of old gangway support abutments shall be restored to its original footprint and shall not extend further into Harbor waters.
(d) Any and all debris resulting from demolition/construction activities shall be removed from the project site and disposed of within 24 hours of completion of construction.
(e) The Harbor Department shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate approved dumping location either outside the coastal zone or at a site within the coastal zone permitted to receive the debris. The Harbor Department shall provide evidence to the Executive Director of the location of the disposal site prior to the commencement of development. Should the disposal site be located in the Coastal Zone a separate coastal development permit or notice of impending development shall be required.
(f) Machinery or demolition/construction materials not essential for the project are prohibited at all times in the subtidal and intertidal zones.
(g) The use of creosote treated wood is prohibited.
(h) Where permitted, disturbance to the ocean bottom and intertidal areas shall be minimized. Jetting for the installation of new piles is not permitted.
(i) Silt curtains shall be utilized to control turbidity during placement and removal of all piles.
(j) Floating booms shall be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day.
(k) Divers shall recover non-buoyant debris discharged into coastal waters as soon as possible after loss.
(l) Erosion control/sedimentation BMPs shall be used to control sedimentation impacts to coastal waters during project staging, demolition and construction. BMPs designed to prevent spillage and/or runoff of construction-related

materials, and to contain sediment or contaminants associated with construction activities shall be implemented prior to the on-set of such activity. These BMPs shall include, but are not limited to: stormdrain inlets must be protected with sandbags or berms, all stockpiles must be covered, the storage, application and disposal of pesticides, petroleum and other construction and chemical materials must be managed and controlled, and adequate sanitary and waste disposal facilities must be provided. BMPs shall include a pre-construction meeting to review procedural and BMP guidelines.

(m) Temporary erosion control measures shall be implemented should construction or site preparation cease for a period of more than 30 days. These temporary erosion control measures shall be monitored and maintained until demolition or construction operations resume.

(n) The areas to be disturbed by construction activities, including any temporary access roads, staging areas, and stockpile areas, shall be delineated.

(o) At the end of the demolition/construction period, the Harbor Department shall have divers inspect the project area and ensure that no debris, trash or construction material has been left on the shoreline or in the water, and that the project has not created any hazard to navigation.

6. Eelgrass Survey

A. Pre Construction Eelgrass Survey. A valid pre-construction eelgrass (Zostera marina) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the commencement of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the “Southern California Eelgrass Mitigation Policy” Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service (exhibit 9) and shall be prepared in consultation with the California Department of Fish and Game. The Harbor Department shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of the eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area that would be impacted by the proposed project, the development shall require a new Notice of Impending Development.

B. Post Construction Eelgrass Survey. If any eelgrass is identified in the project area by the survey required in Section A of this condition above, within one month after the conclusion of construction, the Harbor Department shall survey the project site to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the “Southern California Eelgrass Mitigation Policy” Revision 8 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Game. The Harbor Department shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been

impacted, the Harbor Department shall replace the impacted eelgrass at a minimum 1.2:1 ratio on-site, or at another location, in accordance with the Southern California Eelgrass Mitigation Policy. All impacts to eelgrass habitat shall be mitigated at a minimum ratio of 1.2:1 (mitigation:impact). The exceptions to the required 1.2:1 mitigation ratio found within SCEMP shall not apply. Implementation of mitigation shall require a new Notice of Impending Development.

7. Caulerpa Taxifolia Pre-Construction Survey

A. No earlier than ninety days nor later than thirty days prior to commencement or re-commencement of any construction authorized under this NOID, the Harbor Department shall undertake a survey of the project area and a buffer area at least ten meters beyond the project area to determine the presence of the invasive alga *Caulerpa taxifolia*. The survey shall include a visual examination of the substrate.

B. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Game, and the National Marine Fisheries Service.

C. Within five business days of completion of the survey, the Harbor Department shall submit the survey:

1. For the review and approval of the Executive Director; and,

2. To the Surveillance Subcommittee of the Southern California Caulerpa Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through William Paznokas, California Department of Fish & Game (858/467-4218) or Robert Hoffman, National Marine Fisheries Service (562/980-4043).

D. If *Caulerpa taxifolia* is found within the project or buffer areas, the Harbor Department shall not proceed with the project until 1) the Harbor Department submits a plan, for the review and approval of the Executive Director, proposing measures formulated to avoid, minimize and otherwise mitigate impacts that the proposed development might have resulting from the dispersal of Caulerpa taxifolia in the project area and that further provides evidence to the Executive Director that all C. taxifolia discovered within the project and/or buffer area will be eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the Harbor Department has revised the project to avoid any contact with C. taxifolia. No revisions to the project shall occur without approval of a new Notice of Impending Development by the Commission unless the Executive Director determines that a new Notice of Impending Development is not legally required.

8. Water Quality/Best Management Practices Program

Prior to the commencement of construction, the Harbor Department shall submit, for the review and approval of the Executive Director, a detailed Water Quality/Best Management Practices (BMP) Program for controlling adverse impacts to water quality related to the public boating facilities associated with this project. The plan shall demonstrate that boating in the project area will be managed in a manner that protects water quality and that persons or employees maintaining boats in slips or using slips on a transient basis are made aware of water quality provisions. The plan shall include, at a minimum, the following provisions:

(a) Boat Maintenance Best Management Practices
   i. Clean boat hulls above the waterline and by hand. Where feasible, remove the boats from the water and perform cleaning at a location where debris can be captures and disposed of properly.
   ii. Detergents and cleaning products used for washing boats shall be phosphate-free and biodegradable, and amounts used shall be kept to a minimum.
   iii. Detergents containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye shall not be used.
   iv. In-the-water hull scraping or any process that occurs underwater to remove paint from the boat hull shall be minimized to the maximum extent practicable.

(b) Solid Waste Best Management Practices Related to Boat Maintenance
   i. Boat maintenance and cleaning shall be performed above the waterline in such a way that no debris falls into the water.
   ii. Clearly marked designated work areas for boat repair and maintenance shall be provided. Work outside of designated areas shall not be permitted.
   iii. Hull maintenance areas, if provided, shall be cleaned regularly to remove trash, sanding dust, paint chips and other debris.
   iv. Public boat facility patrons shall be provided with proper disposal facilities, such as covered dumpsters or other covered receptacles.
   v. Receptacles shall be provided for the recycling of appropriate waste materials.

(c) Hazardous Waste Best Management Practices
   i. Storage areas for hazardous wastes, including old gasoline or gasoline with water, oil absorbent materials, used oil, oil filters, antifreeze, lead acid batteries, paints, and solvents shall be provided.
   ii. Containers for used anti-freeze, lead acid batteries, used oil, used oil filters, used gasoline, and waste diesel, kerosene and mineral spirits which will be collected separately for recycling shall be provided in compliance with local hazardous waste storage regulations and shall be clearly labeled.

iii. Signage shall be placed on all regular trash containers to indicate that hazardous wastes may not be disposed of in the container. The containers shall notify boaters as to how to dispose of hazardous wastes and where to recycle certain recyclable wastes.

(d) Sewage Pumpout System Best Management Practices

i. Adequate sewage pumpout facilities to serve the proposed development shall be provided to prevent the overboard disposal of untreated sewage within the project area and surrounding waters.

(e) Public Education Measures

i. The Harbor Department shall distribute the Water Quality Management Plan to all users of the boat docks. Informative signage describing and/or depicting Best Management Practices for maintenance of boats and boating facilities consistent with those specified herein shall be posted conspicuously.

9. Marina Inspection and Maintenance Program

The Harbor Department shall exercise due diligence in periodically inspecting the marina facility that is subject to this Notice of Impending Development. The Harbor Department shall immediately require the lessee to undertake any repairs necessary to maintain the structural integrity of the docks, pilings and utility connections, and to ensure that pieces of debris do not enter the marine environment. On a revolving five year basis, following the date that the first dock is installed, the Harbor Department shall conduct an inspection of the marina to ensure the integrity of the docks, pilings and utility connections, and to ensure that all corrective actions have or will be immediately undertaken to maintain the integrity of the facility. The inspections shall be undertaken by boat, during periods of extreme low tides. All periodic reports shall be submitted to the Executive Director for review and approval. If the inspections confirm that the material used in the marina is impacting marine resources, the use of such materials shall be stopped, as more environmentally friendly products are developed. The Executive Director shall determine if any necessary repairs require a new Notice of Impending Development.

10. Resource Agencies

The Harbor Department shall comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and the marine environment including nesting and foraging activity. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a new Notice of Impending Development pursuant to the requirements of the Coastal Act and the California Code of Regulations.

11. Approval of PWPA 1-05

Commencement of construction of the proposed Vintage Marina project shall not occur until the County has acted to accept all suggested modifications to PWP amendment 1-05 and the Executive Director of the Commission has formally concurred with said County action. In the event that suggested modifications to the PWP amendment required by the Commission result in substantial changes to the proposed development, then the Notice of Impending Development shall be deemed inconsistent with the PWP and shall remain incomplete. A revised or new Notice of Impending Development that is consistent with the PWP must be submitted before development of the Vintage Marina can commence.

III. FINDINGS FOR DENIAL OF THE PUBLIC WORKS PLAN AMENDMENT AS SUBMITTED AND APPROVAL OF THE PUBLIC WORKS PLAN AMENDMENT IF MODIFIED AS SUGGESTED AND APPROVAL OF THE RESPECTIVE NOTICE OF IMPENDING DEVELOPMENT, AS CONDITIONED.

The following findings support the Commission's denial of the PWP amendment as submitted, and approval of the PWP amendment if modified as indicated in the *Suggested Modifications* and approval of the corresponding Notice of Impending Development, *as conditioned*. The Commission hereby finds and declares as follows:

A. Amendment and Project Description and Background

Background

On September 19, 1986, the Channel Islands Public Works Plan (PWP) was effectively certified by the Commission. The purpose of the PWP, as certified, is to provide "a detailed and specific planning document to guide future Harbor development." Jurisdiction within the Channel Islands Harbor is shared by both the County of Ventura and the City of Oxnard. Oxnard's City limits extend to all Harbor land areas. Based on a previous agreement between the two governmental authorities and the Commission's certification of the Public Works Plan, the County assumed planning and regulatory authority within the Harbor. Under the certified PWP, the County is responsible for approval of all development within the Harbor permitted by the plan. Under the PWP the County must submit a Notice of Impending Development (NOID) for review and approval by the Commission. For a project contained in the certified PWP, the Commission's review of a Notice of Impending Development is limited to determining that the development as proposed is consistent with the PWP, or imposing reasonable terms and conditions to ensure that the development conforms to the PWP.

Requirements for the level of information contained in a Public Works Plan are contained in Section 13353 of the California Code of Regulations, which states that a PWP "shall contain sufficient information regarding the kind, size, intensity and location of development activity intended to be undertaken pursuant to the plan". Such information includes: 1) the specific type of activity or activities proposed to be

undertaken; 2) the maximum and minimum intensity of activity or activities proposed to be undertaken; 3) maximum size of facilities proposed to be constructed pursuant to the plan; and 4) the proposed location or alternative locations considered for any development activity or activities to be undertaken pursuant to the proposed plan. In other words the Coastal Act envisions that a Public Works Plan functions more as a Specific Plan or a master development permit in order for specific projects or activities described in the PWP to be approved quickly through the Notice of Impending Development Process at later dates with minimal review. Activities, projects, or facilities not specifically proposed in a Public Works Plan in the level of detail described above shall require an amendment to the certified PWP that must be approved by the Coastal Commission prior to approval and issuance of a Notice of Impending Development for said activity, project, or facility.

PWP Amendment Description

The amendment to the Public Works Plan (PWP) is proposed to allow for the demolition and reconstruction of the Vintage Marina on property owned by the County of Ventura located on the west side of the Channel Islands Harbor (exhibit 1). The County Harbor Department has also submitted the corresponding Notice of Impending Development (NOID) to provide for construction of the proposed project upon certification of the PWP amendment. The project includes reconstruction of an existing marina on two parcels (D & E) occupying a total of 14.35 acres (exhibit 2) . The two parcels are separated by the parcel on which the proposed Boating Instruction and Safety Center (BISC) that was approved by the Commission in March 2005 is to be located. The existing 500-slip marina is over 40 years old and is in a state of disrepair and at the end of its useful life according to the County Harbor Department. The proposed 403 –419 slip marina (depending on size of boats using end ties) is designed to comply with new safety standards for Department of Boating and Waterways (DBAW) and Americans with Disabilities Act (ADA). In order to comply with the DBAW and ADA standards as well as accommodate a greater number of larger boat slips, the new design will result in a net loss of between 81 and 100 wet slips (depending on how the end ties are configured) (exhibit 6). In order to minimize the loss of boating slips, the new design extends the docks 20 feet beyond the existing pier head line. In addition, to mitigate for the loss of wet slips the Harbor Department is proposing to increase the number of dry dock storage spaces on Parcel P in the Harbor from approximately 300 to 400 spaces.

The PWP does not currently allow for any new surface structures to be developed in the existing open water areas, as defined by existing pier head lines, except in cases of an emergency where temporary structures are required. The PWP also does not allow for the expansion of wet or dry slip capacity, and includes a policy that provides for 2500 recreational boat slips in the Harbor. As certified, however, the PWP provided for only 2354 spaces and the most recent count indicates that 2294 slips currently exist in the Harbor. Therefore, in order for the Vintage Marina to be permitted pursuant to the PWP an amendment to the plan is required.

Notice of Impending Development (NOID)

The proposed amendment and project subject to the Notice of Impending Development (NOID) is to authorize the demolition and reconstruction of the Channel Islands Harbor Marina (to be called the Vintage Marina) on two parcels owned by the County of Ventura and located on the west side of the Channel Islands Harbor between Harbor Boulevard and the Harbor (exhibit 1) in accordance with the project description contained in the PWP amendment description above subject to approval of the amendment by the Commission. As stated, the Vintage Marina will extend 20 feet beyond the existing pier head line and reduce the number of slips from 500 to a maximum of 419 in order to provide larger boat slips and meet new safety standards for Department of Boating and Waterways (DBAW) and Americans with Disabilities Act (ADA). To carry out the proposed development the old docks will be disassembled and floated over to the boat launching ramps where they will be pulled out by a crane. Old timber and concrete piles will be removed and will be cut into pieces and disposed of in an approved landfill disposal site. Any fallen debris will be retrieved and a bay bottom survey will be conducted at the end of demolition to ensure all foreign debris is removed. The new concrete docks will be pre-manufactured offsite. Docks will be lifted by crane into the water and towed to their final destination and assembled. The project is divided into 4 phases and each phase is estimated to take three to four months to complete. No dredging is proposed as part of the project.

The existing marina (Channel Islands Harbor Marina) was constructed over 40 years ago and is in a state of disrepair and at the end of its useful life according to the County Harbor Department. Some of the docks are deteriorating and in poor condition (exhibit 23), and a redesign is necessary to meet DBAW and ADA standards and regulations as well as to provide larger slips to meet current demand. This redesign will result in the loss of approximately 81-100 slips, as a result of meeting DBAW and ADA standards, and of opting to replace smaller slips with larger slips. To minimize this total loss of slips, the Harbor Department is proposing to extend the new marina (Vintage Marina) out 20 feet beyond the existing pier head line, and is also proposing an increase in dry boat storage on Parcel P, from approximately 300 to 400 spaces. The increase in dry boat storage spaces will be accomplished by re-striping Parcel P (exhibit 3). In addition, the project will be phased in over two years (2006 – 2008), and at all times at least 75% of the boat slips will be kept in service and no more than 4 docks will be out of service during the redevelopment process. The Harbor Department will assist displaced boat slip renters in securing other boat storage options.

There is opposition to the project, particularly from residents living adjacent to the west side of the Harbor. Opponents are concerned with the reduction of slips, especially small slips, in the marina, the extension of the marina 20 feet out beyond the existing pier head line, and potential impacts to black-crowned night herons due to construction near nesting trees. Opponents have also raised concerns because the County has submitted an amendment for a single project rather than a comprehensive update of the entire PWP. Commission staff has received a number of post cards and letters in

opposition to this project, as well as postcards and letters of support, a representative sample of which are included in exhibits 20 & 21.

There are also a number of proposed minor changes to the PWP involving correcting typos, punctuation, spelling, and Figure numbers etc. that do not relate directly to the Vintage Marina Reconstruction project. These changes are found throughout the PWP document and staff is recommending approval of these changes as submitted.

B. Consistency with City of Oxnard certified Local Coastal Program

The Oxnard LCP was effectively certified by the Commission in April 1985; however, certification of an LCP for the Channel Islands Harbor was deferred creating an Area of Deferred Certification (ADC). The PWP for the Harbor was certified by the Commission in September of 1986 prior to certification of an LCP for the area. Subsequently, the Commission certified an LCP for the City's Harbor ADC in December 1986. As previously stated, pursuant to PRC Section 30605 of the Coastal Act and Article 14, Section 13357 of the California Code of Regulations, where a plan or plan amendment is submitted after certification of the LCP for the jurisdiction over the area (the City of Oxnard) any such plan amendment shall be approved by the Commission only if it finds, after consultation with the affected local government, that the proposed plan amendment is in conformance with the certified LCP. As also stated, the City's LCP contains all applicable Coastal Act policies which the plan amendment is subject to as well.

The Commission has received a letter from the City of Oxnard Development Services Director (exhibit 17) dated October 17, 2005 concerning the proposed Vintage Marina Reconstruction project's consistency with the City's certified LCP. In the letter the City states its determination that the Vintage Marina Reconstruction project is consistent with the City's certified LCP and provides substantiation for that position. The letter notes that the certified LCP strongly encourages the protection and enhancement of recreational boating opportunities. Other policies encourage the maximization of public access and provide for the promotion and protection of water-related uses. The City concludes that the Vintage Marina Reconstruction project is consistent with LCP policies. The City's LCP also contains Chapter 3 Coastal Act policies and, therefore, the project must also be found consistent with applicable Coastal Act policies as contained in the certified LCP.

C. Marine and Biological Resources

The certified LCP for the City of Oxnard contains Section 30240 of the Coastal Act which provides for the protection of Environmentally Sensitive Habitat Areas.

Section 20240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30233 (in part)

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

In addition, existing Policy 9 under Biological Resources in the Public Works Plan states:

> *Use of the marine environment shall be permitted to the extent that it does not adversely impact the biological productivity of Harbor and coastal waters.*

The City of Oxnard LCP and the Channel Islands Harbor Public Works Plan contain policies to protect the marine and biological resources and environmentally sensitive habitat areas in and around Harbor waters. The proposed Vintage Marina Reconstruction project is located on the western side of the Harbor adjacent to a linear park in and will involve the demolition and reconstruction of an existing marina, including extending the pier head line out 20 feet further than the existing pier head line. This development has the potential to adversely impact marine and biological resources during the demolition and construction phase associated with the project. In addition, the expansion of the pier head line has the potential to adversely impact marine and biological resources due to increased shading of the harbor seafloor.

1. Nesting Birds

The PWP, on page 65, states:

> *Within Channel Islands Harbor terrestrial biological resources are limited in distribution and significance. The area is completely developed with commercial, recreational and residential structures; terrestrial vegetation consists entirely of introduced landscaping species.*
>
> *Notwithstanding this man-made environment, several bird species, such as great blue herons and black-crowned night herons, utilize the trees in the Harbor for roosting and nesting. Although none of these species is listed or endangered, their presence is considered important.*

The proposed project is adjacent to a landscaped linear park and a public walkway that parallels Harbor Boulevard on the western side of the harbor. According to a study by Dr. Jeffrey B. Froke entitled "Synopsis of the Channel Islands Harbor Heronry, 2003-2004" and dated October 2004,

> *The portion of the West Side that is used by herons for nesting or perching consists of a series of shade and ornamental trees that have been planted amidst park lawns, picnic areas, walkways, service buildings and other marina facilities that serve the general public and renters of the adjacent several hundred private boat slips.*

Dr. Froke submitted an updated report dated March 29, 2006 that addresses the current status of heron nesting and roosting activity on the west side of Channel Islands Harbor, particularly near Basins D and E where the Vintage Marina reconstruction is proposed. The report states:

> *In past years (previous to and including 2002-2003) there existed both a nesting colony and day roost of black-crowned night herons scattered over the west side area, particularly to the north of D and E basins, and across the channel on the mid-harbor peninsula. Effective in 2004 and to the present, however, the majority of the night heron population relocated to a larger dual-species heronry in Port Hueneme, leaving the sites of former west side colony mostly quiet of herons. The Port Hueneme heronry consisted of nearly 100 pairs of snowy egrets and black-crowned night herons in 2005. On the other hand, great blue herons (apparently 3-4 pairs in early 2006) remain attached to west side and peninsula colony locations for at least another nesting season.*
>
> *Adult black-crowned night herons arrive where they will nest to then pair-up and initiate breeding activities as early as January and February, but more typically during March; and some early nesting may be underway as early as March. Nesting can be expected to be in full-swing by mid-April, then as a colony – if there are numerous pairs – to continue as long as August. The latest it is reasonable to expect arriving new birds is mid-late April.*

The report further notes that the nearest nest tree (New Zealand Christmas Tree) to the project site (last used in 2004 but presumed to be active) is located 128 ft. to 651 ft. from the respective bulkhead for each of the first six docks. The distance from the closest presently known active heron nest trees to the closest dock construction site is from 128 ft. to 132 ft. for Black Crowned Night Herons and Great Blue Herons. Therefore, the nearest potential nesting tree, should black-crowned night herons or great blue herons return to nest, would be 128 ft. from the nearest dock bulkhead. Regardless, Dr. Froke recommends that measures be taken to avoid adverse effects to the herons during construction should they return to roost or nest. Protective measures include monitoring in the area of the project site before, during, and after construction, use of sound shields, and employing silt and turbidity reduction measures e.g. silt curtains.

A letter has also been received from Dr. John Kelly of the Audubon Canyon Ranch regarding the proposed project relative to impacts on the heronry at Channel Islands Harbor. Dr. Kelly agrees with several recommendations of Dr. Froke. However, Dr. Kelly does not agree with Dr. Frokes contentions that herons will not arrive after mid-April, that setbacks from construction are adequate to protect heronries, and that herons are tolerant of human activity or disturbance. Dr. Kelly asserts that colony disturbance by humans has been shown to discourage the settlement of late-nesting heron and that construction should be limited to the non-nesting season only. Dr. Kelly contends that the most likely reason for using habitat near humans, such as the linear park at Channel Islands Harbor, is because they need safe places to nest in close proximity to critical feeding areas (e.g. harbor waters). Dr. Kelly also asserts that the particular locations of active nests in any given year should not be used to delineate the boundaries of a heronry but that the colony is best defined as the area that includes all nest sites shown to be suitable by current or previous use. Dr. Frokes and Dr. Kelly's letters are attached to this report as exhibit 12. The Commission's staff biologist, Dr. John Dixon, has reviewed both reports submitted by Dr. Froke Dr. Kelly and is in general agreement with their conclusions and recommendations.

Staff has provided copies of the Dr. Froke and Dr. Kelly letters to staff biologists at the State Department of Fish and Game (DFG). In response, DFG staff have stated that while general construction or vehicle noise might not be disruptive to nesting herons at a specified distance loud noise such as from pile driving could be potentially disruptive and that the disturbance would most likely be to their feeding activities and altering the feeding routine for young birds rather than impacts at the nest site. The DFG staff comments state that the safest approach would be to avoid working during the nesting and breeding season if possible.

In the Commissions' previous action on the PWP amendment and NOID for the Boating Instruction and Safety Center BISC (March 2005), the Commission found that although the heron nesting trees in the linear park provided important nesting and roosting habitat for herons, the trees were not considered to be Environmentally Sensitive Habitat Area (ESHA). However, the presence and importance of the black-crowned night herons and great blue herons (which nest in these trees) in this area has been

documented. The noise and activities associated with construction have the potential to adversely impact the nesting habits of black-crowned night herons. Therefore, the Commission required in the BISC PWP amendment and NOID that the heron nesting trees should be protected during the nesting season from disturbance resulting from construction activities. The Commission imposed a suggested modification to the PWP amendment and required a condition of the BISC NOID that prohibited all construction activity during the nesting season to ensure nesting herons would not be adversely affected by construction operations.

The proposed project is located directly adjacent to the linear park and potential heron nesting trees (Exhibit 12). No construction is proposed within the park, however, as will be the case during construction of the BISC. There is the potential that activities associated with the demolition and construction of the Vintage Marina could adversely impact nesting herons in the linear park, however. Therefore, to ensure the nesting herons are not adversely affected by construction activities, the Commission is requiring **PWP Suggested Modification 9** and **NOID Special Condition 4**, which require a pre-construction survey to determine whether herons are nesting or roosting within the linear park adjacent to the marina and ongoing biological monitoring during and after construction. If nesting activity is observed at any time prior to or during construction then construction shall cease and not resume until the end of the nesting season. Use of noise reduction measures during construction are also required by modification 9 and special condition 4. The Commission finds that construction of the Vintage Marina consistent with the required PWP modification and NOID special condition will not adversely impact the nesting of black-crowned night herons or great blue herons.

2. <u>Aquatic Plants and Seabird Foraging Habitat</u>

The Vintage Marina Reconstruction project includes a proposal to extend the pier head line out by 20 feet, which has the potential to adversely impact biological resources due to increased shading of the harbor seafloor and a reduction in foraging area. An email from the Department of Fish and Game dated September 20, 2005 (exhibit 11) states:

> *Dock extension projects have the potential to impact marine vegetation, in particular eelgrass habitat, from shading. The Department considers eelgrass beds valuable marine habitat as they function to stabilize substrate, increase productivity, and provide structure to soft bottom habitat. Eelgrass beds serve as nurseries for many fish species including important sport and commercial fish and they provide forage for seabirds, including the endangered California least tern. Eelgrass is also designated as a Special Aquatic Site under Section 404 of the Clean Water Act. Thus, any impacts to eelgrass from shading (shading from docks, as well as shading from docked vessels) and from construction activities (pile driving, construction vessel anchoring etc...) will need to be evaluated. Impacts should be avoided or minimized, and any unavoidable impacts would need to be mitigated in accordance with NOAA Fisheries' southern California eelgrass policy (see: http://swr.nmfs.noaa.gov/hcd/eelgrass.pdf). If feasible, we*

suggest the project proponent use grating and clear or translucent dock platform materials to allow light to penetrate to the seafloor.

In addition, existing Policy 9 under Biological Resources in the Public Works Plan states:

Use of the marine environment shall be permitted to the extent that it does not adversely impact the biological productivity of Harbor and coastal waters.

Eelgrass (Zostera marina) is an aquatic plant consisting of tough cellulose leaves which grows in dense beds in shallow, subtidal or intertidal unconsolidated sediments. Eelgrass is considered worthy of protection because it functions as important habitat and foraging area for a variety of fish and other wildlife, according to the Southern California Eelgrass Mitigation Policy (SCEMP) adopted by the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (DFG). For instance, eelgrass beds provide areas for fish egg laying, juvenile fish rearing, and waterfowl foraging. Sensitive species, such as the California least tern, a federally listed endangered species, utilize eelgrass beds as foraging grounds.

The project area was surveyed for eelgrass and Caulerpa taxifolia on May 26, 2004 (exhibit 10) and no eelgrass beds were found. Therefore, the proposed project is not expected to adversely impact any eelgrass beds. However, eelgrass may have grown within the project area between the time the survey was conducted in 2004 and commencement of construction. In order to ensure that the development does not impact any eelgrass beds, NOAA's rules regarding surveying recommend that another eelgrass survey be conducted before the work commences and during the active growth phase for the vegetation that occurs March through October. Therefore, **NOID Special Condition 6** requires the Harbor Department to survey the project area again during the active growth phase no earlier than ninety days nor later than thirty days prior to commencement or re-commencement of any construction authorized under this NOID. If any eelgrass is found that would be impacted by the proposed project, the Harbor Department is required to submit a new Notice of Impending Development. If eelgrass is present in the project area, adverse impacts from the proposed project could result and measures to avoid or minimize such potential impacts must be in place in order for the project to conform with the Southern California Eelgrass Mitigation Policy and Section 30230 of the Coastal Act.

In addition, there have been concerns raised regarding reducing the amount of foraging habitat for herons and least terns by extending the pier head line out 20 feet. At the time of the survey, there was no eelgrass found within the project area, so this area is not likely used as foraging ground for the seabirds. If, in fact, the herons and least terns do forage in the project area, they are not likely to be impacted because the amount of area that will be covered by the pier head expansion, which is approximately 35,000 square feet (less than one acre), is a very small percentage of the total harbor waterways, which covers approximately 200 acres. This 20-foot expansion will not substantially affect the foraging opportunities for the seabirds, as there is ample space available within the existing harbor basin and other channels.

A non-native and invasive aquatic plant species, Caulerpa taxifolia (herein C. taxifolia), has been discovered in parts of Southern California. C. taxifolia is a tropical green marine alga that is popular in the aquarium trade because of its attractive appearance and hardy nature. In 1984, this seaweed was introduced into the northern Mediterranean Sea. From an initial infestation of about one square yard it grew to cover about two acres by 1989, and by 1997, blanketed about 10,000 acres along the coasts of France and Italy. Genetic studies demonstrated that those populations were from the same clone, possibly originating from a single introduction. This seaweed spreads asexually from fragments and creates a dense monoculture displacing native plant and animal species. In the Mediterranean Sea, it grows on sand, mud and rock surfaces from the very shallow subtidal to about 250 feet depth. Because of toxins in its tissues, C. taxifolia is not eaten by herbivores in areas where it has invaded. The infestation in the Mediterranean Sea has had serious negative economic and social consequences because of impacts to tourism, recreational diving and commercial fishing.

Because of the grave risk to native habitats C. taxifolia was designated a prohibited species in the United States in 1999 under the Federal Noxious Weed Act. In 2001, AB 1334 made it illegal in California for any person to sell, possess, import, transport, transfer, release alive in the state, or give away without consideration various Caulerpa species including C. taxifolia.

In June 2000, C. taxifolia was discovered in Aqua Hedionda Lagoon in San Diego County, and in August of that year an infestation was discovered in Huntington Harbor in Orange County. Genetic studies show that this is the same clone as that released in the Mediterranean. Other infestations may occur. Although a tropical species, C. taxifolia has been shown to tolerate water temperatures down to at least 50ºF. Although warmer Southern California habitats are most vulnerable, until better information if available, it must be assumed that all shallow water marine habitats in California are at risk of infestation.

In response to the threat that C. taxifolia poses to California's marine environment, the Southern California Caulerpa Action Team, SCCAT, was established to respond quickly and effectively to the discovery of C. taxifolia infestations in Southern California. The group consists of representatives from several State, federal, local and private entities. The goal of SCCAT is to locate and completely eradicate all C. taxifolia infestations.

The project area was surveyed for eelgrass and C. taxifolia on May 26, 2004 (exhibit 10) and no C. taxifolia was found. So far, C. taxifolia has not been found anywhere in the Channel Islands Harbor area. However, to ensure that C. taxifolia is not present in the project area before the permitted marina project commences, **NOID Special Condition 7** requires the applicant to survey the project area again no earlier than ninety days nor later than thirty days prior to commencement or re-commencement of any construction authorized under this NOID.

3. <u>Fill of Coastal Waters</u>

The proposed project includes the complete demolition of the existing marina (500 slips) and the reconstruction of a redesigned marina (approximately 419 slips), including the installation of new concrete piles in the marina. The new piles constitute fill of open coastal waters. Under Section 30233 of the Coastal Act, fill of open coastal waters is only allowed when several criteria are met, including: a) the project must fall within one of the allowable use categories specified; b) the proposed project must be the least environmentally damaging alternative; and c) feasible mitigation measures to minimize adverse environmental effects must be provided. The proposed project meets the first criteria (allowable use) because it is for a public boating facility. Fill of open coastal waters for the construction of a public boating facility is an allowable use under Section 30233(a)(4) of the Coastal Act.

Next, the proposed project must be the least environmentally damaging alternative. The proposed project is the replacement of a boating marina in a different configuration. Alternatives to the proposed project include no project, no change to the existing configuration, or a change to the proposed configuration. Under the no project alternative, the applicant could only pursue simple maintenance repair activity. However, simple maintenance repair could not feasibly repair the docks, nor bring them up to present engineering and safety standards, or ADA requirements. Simple maintenance would slow, but not prevent further deterioration of any damaged docks. In addition, marine habitat would not significantly benefit from the no project alternative since this alternative would necessitate that the structure remain in place. Continued, safe use of the facility for marine recreational purposes would be precluded without replacement of the dock system.

The second alternative, replacement of the project in the same configuration, would eliminate the need for additional pilings. However, current engineering and safety standards, ADA requirements and Department of Boating and Waterways criteria, would result in the loss of some slips. The applicant is also proposing the new marina configuration in order to provide larger slips that are in greater demand. The applicant asserts that the additional piles are necessary to build the proposed alternative to meet current engineering and safety standards, ADA requirements and Department of Boating and Waterways criteria, and to minimize the loss of slips by expanding 20 feet beyond the existing pier head line.

Under the proposed alternative, the dock and pile layout is changing from the existing layout. Placement of the proposed piles in conjunction with the proposed project will displace a small amount of sandy bottom habitat although a survey of the project site found no eelgrass. Vertical concrete piles are known to provide a vertical substrate for mollusks and other marine organisms. The proposed project will increase the quantity of vertical substrate upon which mollusks and other marine organisms may settle. Thus, adequate mitigation is provided by the proposed project in that the loss of bottom habitat is offset by the fact that the pilings themselves will provide new vertical subtidal and intertidal habitat for marine organisms. No long-term adverse impact will occur to this habitat as a result of the proposed additional concrete piles.

The proposed project will result in the fill of open coastal waters for a boating facility, which is an allowable use under Section 30233 of the Coastal Act. The proposed project is the least environmentally damaging, feasible alternative, and includes feasible mitigation measures, such as the use of silt curtains during pile removal and driving to limit turbidity and to minimize adverse environmental effects. **NOID Special Condition 5** requires the Harbor Department to incorporate Best Management Practices during construction that include measures for erosion and sediment control and debris removal including use of silt curtains and turbidity reduction measures. Therefore, the Commission finds the proposed project is consistent with Section 30233 of the Coastal Act.

4. Resources Agencies

In addition, in order to ensure that the proposed project is consistent with all California Department of Fish and Game and other agency regulations, **NOID Special Condition 10** requires the applicant to agree to comply with all requirements, requests and mitigation measures from the California Department of Fish and Game, United States Army Corps of Engineers, US Fish and Wildlife Service, and the Regional Water Quality Control Board prior to commencement of construction.

The proposed demolition and reconstruction of the Vintage Marina has the potential to impact marine and biological resources. Suggested modifications and special conditions relating to nesting birds, aquatic plans, and foraging habitat that will minimize these impacts have been recommended. Therefore, for the reasons discussed above, the Commission finds that the proposed PWP amendment, as modified, is consistent with the City of Oxnard LCP including applicable Coastal Act policies. In addition, the Commission finds that the Notice of Impending Development for the Vintage Marina Reconstruction project, subject to the recommended special conditions, is consistent with the PWP, as modified, relative to marine and biological resources.

D. Recreational Boating

The certified City of Oxnard LCP contains Sections 30213, 30220, 30224, and 30234, of the Coastal Act relative to the provision and protection of recreational boating and commercial fishing facilities in the Harbor.

Section 30213 (in part)

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30224

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30234

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

In addition, existing Policy 3 under Recreational Boating in the Public Works Plan states:

To provide for, protect and encourage increased recreational boating use of coastal waters, the following policies shall be implemented:

b. *Harbor recreational boating facilities shall be protected, and where possible upgraded in order to provide further opportunity to the recreational boater;*
c. *dry boat storage spaces shall be provided at or adjacent to the Harbor to accommodate a minimum of 300 vessels;*
d. *water storage space shall be provided for at least 2,500 recreational boat slips*
e. *no more than 30% of the Harbor land area shall be developed for visitor serving uses not directly related to boating;*
f. *a target number of 5% of the recreational boat slips shall be available as guest slips*
g. *to protect the recreational character of the Harbor areas, no more than 5% of the boating supply shall be provided for live-aboard use;*
h. *the existing open water areas in the inner Harbor, as depicted on the Land Use Map as "Waterways" and as defined by existing pier head lines at the time of original approval of the California Coastal Commission of the Harbor's Public Works Plan, shall not be developed with surface structures of any kind, floating or otherwise, except in cases of emergency where temporary structures are required.*

As proposed, the Vintage Marina would be completely demolished and then reconstructed to provide larger boat slips and meet new safety standards for California Department of Boating and Waterways (DBAW) and Americans with Disabilities Act (ADA). The proposed project also includes the extension of the existing pier head line by 20 feet, which would displace existing water area with new marina dock construction, in order to minimize the number of slips that are lost. This reconstruction, including the pier head extension, would reduce the number of slips from 500 to a maximum of 400 to 419, resulting in a minimum loss of 81 to 100 slips (depending on how the end ties are configured). The Harbor Department is also proposing an increase in the number of dry storage spaces available in the Harbor from 300 to 400 spaces, as well as assistance to displaced boat slip renters in securing other boat storage options.

1. Reduction of wet slips

As stated above, the proposed project would reduce the number of wet slips from 500 to a maximum of 400 to 419, resulting in a minimum loss of 81 to 100 slips. The existing and proposed Vintage Marina slip size configuration is shown in the following table:

Slip Length (ft.)	***-30***	***30-36***	***38-48***	***50+***	***Total***
Existing	249	193	49	9	500
Proposed	76	111	205	27	419
Change	-173	-82	+156	+18	-81

Overall, the proposed marina reconstruction will result in a loss of 255 spaces of 36 ft. and less in size and an increase of 174 spaces of 38 ft. and larger. The largest reduction in number of slips is in the smallest slip size category, those under 30 feet, while larger slips would greatly increase in number. Mid-range slips between 30 and 36 feet would also substantially be reduced in number. This slip count is based on configuring the marina with smaller boats on the end ties in order to provide more slips up to a maximum of 419. This slip number could be reduced to approximately 400 slips if larger boats are docked on the end ties, which would result in a total loss of about 100 slips (rather than 81). It is difficult to predict the size of boats that will dock at the end ties, since there isn't anything physical delineating the size, and this could change based on demand. Therefore, there is a net loss of between 81 and 100 wet slips due to the proposed project.

Of these 81-100 wet slips that would be lost, approximately 48 would be lost in order to bring the marina into compliance with California Department of Boating and Waterways (DBAW) and Americans with Disabilities Act (ADA) standards and regulations (exhibit 6). The existing marina was constructed over 40 years ago, and new (or reconstructed) marinas are required to comply with the current Layout and Design Guidelines of the DBAW. Incorporation of the current design requirements will result in fewer slips being

redeveloped in any given space. Because today's boats, especially power boats, are getting wider, boat slips are being designed to accommodate the wider power boats and the older smaller boat in one slip design. This redistribution of slip sizes within existing older marinas in response to current DBAW standards require more water space within marina basins for floating walkways, dock fingers, increased berth sizes, and greater fairway widths (area between interior channels and berths) to accommodate the larger boats. Slip numbers are also being reduced due to the ADA requirements, which require projects for redesigned and new docks to provide handicap access through wider docks, fingers, and gangways to meet current ADA standards. These changes result in the loss of slips to accommodate the wider and longer facilities; in this case approximately 48 slips will be lost for these reasons.

The remainder of the 81-100 lost slips (approx. 33-52 slips) is a result of reconfiguring the marina to replace smaller slips with larger slips. The Harbor Department contends that this reconfiguration is a trend that is seen in marina redevelopment projects throughout California. The Harbor Department states that the "transition of marinas to fewer and larger slips is a phenomenon that is being experienced all over the coast of California as alternatives to the expense of wet slips are presented, such as marina dry storage, trailerable boats, and offsite storage." Several studies have been done that analyze the trends and market demand for smaller versus larger boat slips. According to results from a 2002 study prepared by DBAW (DBAW study)[1], "facilities, especially wooden dock facilities, were aging, and many facilities will need to be replaced over the next twenty years. Also, boat length trends point toward a need to reconfigure many older marinas, reducing the number of small berths and increasing larger berths." In addition, there have been focused studies in the Marina Del Rey area by Williams-Kuebelbeck & Associates, Inc. The most recent study[2], dated May 18, 2004, states that in Southern California "the major portion of vacancies are in smaller slip sizes, those under 30 feet in length. The response to this market condition has been to reconfigure existing marinas and to plan new marinas to provide more slips in the medium to large boat length categories."

A report dated March 17, 2006 (exhibit 7) by the Corrough Consulting Group recently submitted by the County supports this trend. The report notes that rapidly evolving boat manufacturing technologies have created larger, more affordable vessels beginning in the late 1960s, after the construction of most marinas in Southern California resulting in an increased demand for larger vessels that can only be stored in the water. The report also notes that beginning in the mid-sixties, dry storage areas and public launch ramps greatly increased and that, presently, dry storage vessels represent the bulk of registered recreational vessels in California. Dry storage is greatly increasing in volume because it is far less costly than in-the-water storage. The report also notes that boat design has changed to increase the "beam" or width of boats. Therefore, many older marina slips will not accommodate modern boats. Finally, the report notes, in addition to manufacturing and storage changes, new marina construction guidelines and standards (when applied to the

[1] California Department of Boating and Waterways, *California Boating Facilities Needs Assessment*, October 15, 2002.
[2] Williams-Kuebelbeck & Associates, Inc, *Marina del Rey – Boat Slip Sizing and Pricing Study Update*, May 18, 2004

reconstruction of older marinas) such as required by the Department of Boating and Waterways and to meet Americans with Disabilities Act requirements will cause loss of additional slips.

Regionally, since the early 1990's, marinas have been reconfiguring their slip sizes and slip distribution to favor larger boats – boats 36 feet and larger – because of the decrease in demand for small boat slips and the increase in demand for larger slips. The continued loss of slips could have an adverse impact on boating opportunities within the Harbor by reducing the number of slips available to the public, however. According to forecasts from the DBAW study, between 2000 and 2020, the overall number of boats (those registered with the State Department of Motor Vehicles) in all of California will increase at a rate of 13,000 to 23,000 boats per year, a growth rate of between 1.4% to 2.5% per year. Most or all of the growth is expected to be in the category of boats under 26 feet long, with modest overall growth in the size categories 16 feet to 19 feet and over 26 feet. Based on this forecast, since boats under 26 feet are expected to experience the highest growth in ownership, it would seem that the public demand for boat slips would then be for boat slips that are 26 feet and under. However, although the largest growth in boat ownership is expected to be in the smaller boat category (less than 26 feet), the greatest demand for boat slips is for slips larger than 26 feet, and the rate of increase in demand is also highest for larger slips. According to statewide and regional studies, the demand for the smaller slips has been declining regionally and locally. This is also the trend statewide according to the DBAW study.

The Harbor Department has provided a slip vacancy survey for the Channel Islands Harbor that shows a total of 112 vacancies in June 2005, and 114 vacancies in January 2006. A majority of the vacancies are in slips under 30 feet. However, there are also substantial vacancies in slips ranging from 30 feet and 36 feet. The number of vacancies by slip size is shown in the following table:

Slip Length (ft.)	***-30***	***30-36***	***38+***	***Total***
Vacancies (June 2005)	66	44	2	112
Vacancies (January 2006)	78	30	6	114

This regional and statewide trend, indicating an increase in registered small boats but higher vacancy rates for small boat slips, is due to the fact that California's boats under 26 feet are most commonly stored on trailers on the owner's property or in dry storage, whereas most boats 26 feet or longer are kept in the water at marinas. The DBAW study indicates that in the South Coast region, 88% of 26' – 39'11'' boats are stored in the water. This trend may be partially based on affordability of wet slips, however, the rates for slips continue to increase. Boat ownership and boat recreation is based on a number of factors, including economics and population growth. As the economy and population in Southern California grows, it is likely that more people will purchase boats and seek slips in a local

marina. The demand for slips of all sizes is likely to increase, while the supply of slips of any size will continue to be limited. The result of increased demand will be higher slip rental rates. The higher slip rental rates will cause the boaters at the lower end of the economic scale to relinquish their slips, which tend to be shorter because they own the less expensive shorter vessels. The higher income boaters are much more likely to own a larger vessel and are better able to afford a longer slip. While the cost of recreational boating rises, the vacancy rates for shorter slips seem to be increasing, while the demand for larger slips is increasing. It is fair to say that there is a greater demand for larger slips but it is difficult to say with certainty that there is a decreasing long term trend in demand for smaller spaces considering the Department of Boating and Waterways study data. Although there is clearly a higher number and percentage of vacancies for small boat slips in Channel Islands Harbor it is too soon to tell if this is a long-term trend. To encourage lower cost boating opportunities and the introduction of boating to novice recreational boaters it is necessary to protect the provision of small slips within the water as well as provide greater dry storage opportunities out of the water.

In prior permit actions[3], the Commission has been concerned about the trend towards larger slips in marinas at the expense of the smaller slips. As larger slips occupy more space in a marina, there is less space for the smaller slips and the result is fewer overall slips and fewer slips available for the owners of small vessels. As the trend for larger boats continues and marinas convert their small boat slips to larger slips, berthing opportunities for the small boat owner will be reduced. While it is difficult to contend that recreational boating is in fact a lower cost recreational activity, in general, smaller boats are less expensive, and therefore more available to a larger segment of the population than are larger boats. The Commission does not regulate the rates at which marinas rent their slips to the public. The Commission can, however, regulate the design of a marina in order to ensure that the redesigned slips conform to the public access and recreation policies of the Coastal Act by providing the correct balance between the size of slips and the boaters' demand for slips in order to encourage increased recreational boating and protect existing boating opportunities including the provision of smaller slips.

Although the trend for new and redeveloped marinas is for larger boats, and small boat slips show the highest vacancy rates, the demand for small boat slips still exists. The DBAW study indicates that in the South Coast Region, the demand for wet storage for 20' – 25'11'' boats will increase from 2,975 to between 3,866 and 4,476 from 2000 to 2020. In prior permit actions[4], the Commission has heard testimony contending that a reduction in the availability of slips that accommodate smaller boats reduces the option for those who want to own boats and use the smaller slips. Local boaters have also expressed the need to continue to maintain smaller slips for boaters in the Channel Islands Harbor (exhibit 20). Based on this information, there continues to be a demand for smaller boat slips. Therefore, it is important that the Vintage Marina continue to provide a mix of slip lengths, including small boat slips, to provide a full range of boating opportunities for all boaters.

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[3] 5-05-245, Portofino Hotel Partner, LB; 5-01-143, Marina Two Holding Partnership & County of L.A. Department of Beaches & Harbors

[4] 5-01-143, Marina Two Holding Partnership and County of Los Angeles Department of Beaches & Harbors; 5-05-245, Portofino Hotel Partners, LP

The Harbor Department is proposing a mix of slips for the Vintage Marina that will drastically reduce the number of boat slips under 30 feet. Currently, approximately 50% of the slips in the existing marina are under 30 feet, and the Harbor Department is proposing a design that shows approximately 18% of the new slips to be under 30 feet. This proposal will result in a reduction of 173 to 188 smaller slips. In addition, there will also be a reduction in mid-size slips (30-36 feet) of 82 to 91 slips, although not as substantial as the smaller slips. The significant reduction in the smaller boat slips does not provide for an adequate supply of small wet boat slip rental opportunities for the future. This fact must be balanced against the demand for larger boat slips and the fact that small boat owners are moving toward trailering their boats and using dry storage. The Harbor Department is increasing the number of dry storage spaces on Parcel P by approximately 100 spaces to mitigate for the loss of the smaller boat slips. However, based on the DBAW study cited previously, the demand for both wet and dry dock slips for smaller boats will only increase in the future and, therefore, the provision of only additional dry storage spaces will not be adequate to mitigate the significant loss of small wet slips in this case. Therefore, the Commission finds that the proposed mix of slip lengths will not provide sufficient boating opportunities across the range of boat sizes. Therefore, **PWP Suggested Modification 6 and 12** and **NOID Special Condition 2** are required to ensure that an adequate mix of slip lengths, including small boat slips, are provided in the Vintage Marina. This requirement provides that a minimum of 25% of the total number of slips will be under 30' and a minimum of 25% of the total number of slips will be 30' – 36'.

The Harbor Department has proposed that 25% of the total slips in the new configuration be between 24 and 32 feet in length, based on discussions by the Ventura County Board of Supervisors. The Commission considered this slip size categorization, but finds that it does not adequately represent the smaller boats or provide for enough slips in that smaller range, which is better categorized as less than 30 feet

The Harbor Department is proposing to change a policy in the PWP that currently states that "water storage spaces shall be provided for at least 2,500 recreational boat slips" by reducing that number to 2,400. (Currently 2294 spaces exist in the Harbor.) Although the Vintage Marina Reconstruction project will result in fewer slips in the Harbor overall, the Commission cannot at this time authorize this PWP change and an overall reduction in the number of slips in the Harbor without a clearer and more comprehensive understanding of the status of slips in the Channel Islands Harbor. It would be more appropriate to address the overall number of slip spaces appropriate for the Harbor in a comprehensive PWP update. Therefore, **PWP Suggested Modification 1** states that the County will continue to seek increases in the <u>wet and dry</u> storage capacity in the Harbor (emphasis added). **PWP Suggested Modification 3** is required to maintain the number of recreational slips provided in the Harbor at 2,500, at least until a comprehensive update of the PWP is conducted. In addition, in order to account for the accurate resulting number of slips in the Vintage Marina, **PWP Suggested Modification 10** is required, which requires Table I and II to be updated.

Currently, the PWP accounts for a total 2,354 wet slips Harbor wide although a recent count indicates that the current figure is 2294 slips. However, as noted, there is a policy in the

PWP that requires water storage space for at least 2,500 recreation boat slips. One explanation of this discrepancy would be the original PWP envisioned future expansion of wet slips in Channel Islands Harbor. However, there is conflicting policy language in the PWP that limits expansion into the inner harbor, as defined by the Land Use Map as "Waterways" and as defined by the existing pier head line at the time of the original approval of the Harbor's PWP by the Coastal Commission. In addition, there is a statement in the Recreation Boating section of the PWP under Existing Conditions that states, "There will be no expansion of the wet or dry dock slip capacity at the Channel Island Harbor under the proposed public works plan." The discrepancy between the actual number of wet slips accounted for (2,354) and the plan requirement for 2,500 slips may simply be an error. In any event, the issue relative to the total number of actual wet slips vs the number of planned wet slips is a matter for a future comprehensive update of the PWP. However, in order to accommodate the additional 100 dry storage spaces and allow for the 20 foot expansion of the Vintage Marina beyond the pier head proposed under this PWP amendment, the statement under existing conditions must be modified in order to allow for the increase in dry storage as well as the expansion of the dock beyond the existing pier head line. Therefore, **PWP Suggested Modification 1** is required.

As modified and conditioned, the Vintage Marina Reconstruction project will encourage recreational boating use of the marina, while providing a balanced mix of slip sizes.

2. <u>Pier head expansion</u>

The current CIH PWP does not allow for an expansion of structures into existing open water areas, as depicted on the current Land Use Map as "Waterways" and as defined by the existing pier head lines at the time of original approval of the PWP. The Harbor Department is proposing to allow for up to a 20-foot expansion for marina reconstruction projects in the Harbor. There has been no analysis regarding this proposed expansion harbor-wide, and the Commission recognizes that this type of expansion may not be appropriate in certain locations in the harbor. Without a detailed analysis of the entire harbor, the Commission cannot allow for the proposed change to the PWP. Therefore, **PWP Suggested Modification 4** is required, which deletes the language proposed by the Harbor Department that would allow a 20-foot expansion of marinas harbor-wide.

However, there has been detailed analysis of a 20-foot expansion of the pier head line for the Vintage Marina Reconstruction Project. Marine and biological resources impacts have been evaluated and are discussed in Section C. of the findings. In addition, the issues of safety, congestion and navigability have been evaluated to ensure that there are no adverse impacts due to the expansion of the docks. The Harbor Department submitted a letter from the Coast Guard (exhibit 16) dated September 1, 2005 that states "I have reviewed your request dated June 13, 2005 regarding the proposed west channel modifications to Channel Islands Harbor. The Coast Guard does not see any significant impact to the safety of navigation based on the proposed information and have no other concerns about your proposal." Members of the public have raised some concern about the Coast Guard's statements, claiming that the Coast Guard didn't have all of the appropriate information to make an informed recommendation (exhibit 15),

especially regarding cumulative impacts to congestion and safety due to the recently permitted Boating Instruction and Safety Center (BISC) that will be located adjacent to the reconstructed Vintage Marina and two new development projects underway in the northern part of the Harbor that will provide additional new docks. Commission staff followed up with the Coast Guard on this issue, providing the opposition's position and any additional relevant information that the opposition felt was not considered initially. The Coast Guard considered this additional information and responded with the same position that the project would not have any impact to safety, congestion and navigability (verbal communication, 1/23/05).

In addition, the County Harbor Department provided a study by The Corrough Consulting Group dated January 6, 2006 (exhibit 13) that compared the width of other Southern California harbor channels with the width of the West Channel in the Channel Islands Harbor as it would be modified by a pier head line expansion of 20 feet. The study found that comparable channels in other harbors range from 80 feet to 200 feet in width. With the proposed 20-foot expansion for Vintage Marina, the minimum channel width would be 200 feet. The study concluded that the modified CIH West Channel would be "consistent with and at the high end of interior channel navigable widths in similar Southern California harbors and marinas, including those with large residential marinas and docks sharing the interior channel access."

Although the expansion of pier head lines cannot be allowed for in the entire harbor without further detailed analysis, the 20-foot expansion of the Vintage Marina has been evaluated in detail and it has been determined that no adverse impacts to safety, congestion or navigability would result from the expansion. The 20-foot expansion would allow for more slips to be provided in the marina, which would increase recreational boating opportunities. The Commission finds that in this case the proposed 20-foot expansion should be allowed. Therefore, **PWP Suggested Modifications 4 and 5** and **NOID Special Condition 2** are required to allow for the Vintage Marina to expand 20 feet into the open water areas in Channel Islands Harbor. In addition, **PWP Suggested Modifications 11 and 12** are required to include new and revised figures in the PWP that show the pier head expansion.

3. <u>Dry storage spaces</u>

The Harbor Department has proposed to increase the number of dry storage spaces available for boats in the Harbor. Currently, there is one lot (Parcel P) that is zoned for dry storage that can accommodate approximately 300 boats. The Harbor Department has submitted a re-striping plan for Parcel P (exhibit 3) that would reconfigure the lot to accommodate at least 400 boats. The proposed Vintage Marina Reconstruction project will reduce the number of total slips in the marina by 81-100, thereby displacing current boat slip renters (both temporarily and permanently). One alternative that some of these boaters may choose is the dry storage option. The provision for additional dry storage will partially mitigate the loss of small wet slips at Vintage Marina. However, as explained above, additional small wet boat slips must be provided at Vintage Marina to provide an adequate mix of small, medium and large boats slips. Section 30224 of the Coastal Act encourages the development of dry storage areas to increase recreational boating use of coastal waters. Therefore, **PWP Suggested Modifications 1 and 2** are required in order to provide an

increase in the amount of dry storage spaces on Parcel P and offer this as an alternative to displaced boaters. In addition, in order to account for the accurate resulting number of dry storage spaces, **PWP Suggested Modification 10** requires Table I and II to be updated.

There is an existing unpermitted dry storage area on Parcel Q that is adjacent to Parcel P. This unpermitted lot contains approximately 70 boats, and illustrates the need and demand for additional dry storage spaces in the Harbor. Parcel Q is expected to be proposed for long-term use as boat storage in an upcoming PWP update. The unpermitted development on Parcel Q will be addressed through a PWP update or a separate enforcement action. .

4. Displaced boaters

The proposed project would displace a number of boat slip tenants, both temporarily during reconstruction and permanently due to the overall reduction in the number of wet slips and the change in slip lengths. The Harbor Department has proposed that at minimum, at least 75% of the boat slips in the Channel Islands Harbor Marina/Vintage Marina would be kept in service, and no more than 4 docks would be out of service at any one time, during demolition/construction of the Vintage Marina. In addition, they have proposed to assist displaced boat slip renters in finding alternative boat storage options. Based on the number of vacant wet slips in the Harbor (see table above) and the number of new dry storage spaces that are proposed, there should be adequate alternative boat storage options for displaced boaters. Therefore, in order to ensure that these displaced boaters are given priority to these alternative boat storage options, **PWP Suggested Modification 7** and **NOID Special Condition 1** are required.

5. Slips for recreational boating clubs or organizations

The reduction in the number of slips that will result from the proposed Vintage Marina Reconstruction project will reduce the public recreational boating opportunities and lower cost visitor and recreational opportunities within Channel Islands Harbor. Section 30224 of the Coastal Act encourages increased recreational boating use of coastal waters, and Section 30213 of the Coastal Act encourages developments with lower cost visitor and recreational facilities providing public recreational opportunities. The proposed improvements to the existing marina will result in an increase in the slip rental fees and a reduction in the number of lower cost boat slips in Channel Islands Harbor. The Vintage Marina Reconstruction project presents an opportunity to provide a public recreational amenity in the form of reduced-rate slips to be used by a non-profit public boating club to provide mitigation for the loss of lower cost boat slips in Vintage Marina.

Vintage Marina currently accommodates two sailing clubs in the Marina, also located in Channel Islands Harbor. Vintage Marina Partners has offered to provide boat slips and other amenities to provide additional affordable boating opportunities and youth education and boating programs. Vintage Marina has offered to provide two 35-foot slips (at the standard slip rate) on a first right of refusal basis for nonprofit club (multiple owner) boating opportunities. If these slips are not needed for joint use clubs, they will be offered to general slip tenants. If, after being rented to private parties, they are requested for use by a

non-profit boating club, Vintage Marina Partners will provide the slip to the club within 60 days, first making every attempt to relocate the existing slip tenant within the marina or within Channel Islands Harbor.

Vintage Marina Partners has also offered to fund 15 annual scholarships for a youth sailing program or County Junior Lifeguard Program, or programs offered at the Boating Instruction and Safety Center (BISC). In addition, Vintage Marina has offered to provide the equivalent of four new sabots (sail training vessels) every five years and to provide transportation funding equivalent to the cost of a van each year for use by the local Boys and Girls Club or successor organization.

In order to insure the provision of low-cost recreational boating slips, the Commission finds that it is appropriate to require the provision of two spaces within Vintage Marina for the exclusive use by non-profit equal opportunity boating ventures or clubs that promotes lower cost recreational boating for youth outreach programs focused on young people who do not normally have an opportunity to experience such recreational boating activities. No rent shall be charged for the slips, except to cover utility and insurance cost, which shall not exceed 25% of the normal rate. This requirement is consistent with past Commission permit actions on new marinas[5], regarding the provision of low cost boating slips to mitigate for the loss of lower cost boat slips. In addition, the Commission requires the Harbor Department to implement the proposed program to provide 15 annual scholarships, four new sabots and transportation funding for youth education and affordable boating programs. Therefore, in order to promote this opportunity and encourage increased recreational boating opportunities within the Vintage Marina, **PWP Suggested Modification 8** and **NOID Special Condition 3** are required.

6. Construction of the Boating Instruction and Safety Center

The Commission approved an amendment to the PWP and a NOID at its March 2005 Commission hearing which provided for construction of the Boating Instruction and Safety Center (BISC). The BISC project approval included 24,000 sq. ft. of dock space in addition to the landside facilities. The BISC site is located adjacent to the Vintage Marina on both the north and south side. The proposed BISC dock (E) is located on the north side of the BISC building adjacent to or south of proposed Vintage Marina dock F. The dock turns 90 degrees east and runs parallel toward the south and Vintage docks on the south side of the BISC site.

Plans submitted by the County show that a distance exists of approximately 36 ft. between proposed BISC dock E and Vintage Marina dock F or to the edge of small boats that would be laterally berthed at dock E. This distance conforms to Department of Boating and Waterways guidelines for fairway width. DBAW Guidelines call for a fairway width of 1.75 x the length of perpendicular (finger) boat slips when perpendicular slips are located adjacent to each other and utilize the same fairway. According to the County, the guidelines call for fairway width with a 1.5 x boat slip ratio where a lateral

[5] CDP 5-05-245, Portofino Hotel Partners, LP

dock exists on one side. Vintage Marina dock F contains 24 ft. long slips which would equate to a 36 ft. wide fairway width pursuant to the DBAW Guidelines.

The BISC dock is 20 ft. wide with an attached semi-submersible floating dock that will extend an additional 2 ft. The dock is not to tie up boats but is intended for the launching and storage of small boats used by the BISC. Most boats will either be kayaks or will be within the 14' to 18' range in length. The dock conforms to the design for the BISC project approved by the Commission.

Opponents of the Vintage Marina Project from the Beacon Foundation maintain that the Vintage Marina dock encroaches upon the BISC dock on both the north and south side. In particular, Beacon Foundation maintains that, as proposed, there will only be 29 ft. of fairway width between the BISC dock E and Vintage dock F. Beacon members further allege that the BISC dock shown in the plans for the Vintage Marina Project is smaller in width than the dock approved by the Commission. This is because plans previously submitted erroneously showed a 16 ft. wide BISC dock. Corrected plans have been submitted by the County. The County asserts that it is still fully committed to building the BISC as approved by the Commission and that adequate fairway space exists between the two docks.

The County has submitted additional project plans for the Vintage Marina Project drawn to scale that demonstrates the location of the BISC dock area relative to the proposed docks for Vintage Marina on both the north and south side of the BISC site (exhibit 2). **Special Condition 2** to the NOID also requires that plans be submitted demonstrating that the BISC project, including dock E, conforms to the project approved by the Commission in March 2005 and that fairway space between Vintage Marina dock F and BISC dock E conforms to the Department of Boating and Waterways 2005 guidelines for marina development.

Therefore, for the reasons discussed above, the Commission finds that the proposed PWP amendment, as modified, is consistent with the City of Oxnard LCP including applicable Coastal Act policies. In addition, the Commission finds that the Notice of Impending Development for the Vintage Marina project, subject to the recommended special conditions, is consistent with the PWP, as modified, relative to the protection of recreational boating.

E. <u>Coastal Access</u>

Coastal Act Section 30210 states that:

> *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Coastal Act Section 30211 states:

> *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal Act Section 30212(a) provides that in new shoreline development projects, access to the shoreline and along the coast shall be provided except in specified circumstances, where:

> *(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources.*
>
> *(2) adequate access exists nearby, or,*
>
> *(3) agriculture would be adversely affected. Dedicated access shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

Coastal Act Sections 30210, 30211, and 30212 mandate that maximum public access and recreational opportunities be provided to allow use of dry sand and rocky coastal beaches and that development not interfere with the public's right to access the sea, consistent with the need to protect public safety, private property and natural resources. The proposed project must be reviewed for compliance with the public access provisions of Channel Islands PWP and Chapter 3 of the Coastal Act.

The proposed project involves the demolition and reconstruction of the Vintage Marina. Adjacent to the marina there is a linear public park and public walkway along the waterfront. Immediately west of the linear park is public parking lot. A small fenced staging area will be set up in the parking lot near the Marina office. The proposed staging area will occupy only a few public parking spaces on a temporary basis. There are a large number of parking spaces in this lot and this lot is rarely full. Therefore, the proposed temporary staging area in the parking lot will not result in any significant adverse impacts to public parking. The walkway and linear park will for the most part remain unimpeded during construction. There may be a need to temporarily close the public walkway to install utility lines and gangway improvements. However, the Harbor Department is proposing that should the public walkway be obstructed due to construction signs will be posted with the dates of obstruction, information phone number and directions to alternative walkways. Given that the proposed project will not require any extended closure of the linear park or walkway and the Harbor Department is providing alternative access around any closure of the walkway, the Commission finds that the proposed project will not result in any adverse impacts to public access to and along the waterways in the Harbor.

Therefore, the Commission finds that the proposed project will not significantly impact public access at the project site, and is consistent with applicable public access sections of the Channel Islands PWP and the Coastal Act.

F. Water Quality

The City of Oxnard certified LCP contains Coastal Act policies 30230 & 30231 which are both applicable to the protection of water quality:

Section 30230 Marine resources; maintenance

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 Biological productivity; water quality

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

In addition, existing Policy 12 under Biological Resources in the Public Works Plan states:

> *Ensure that development is designed and managed to minimize the introduction of pollutants into the Channel Islands Harbor and surrounding coastal waters to the maximum extent practicable.*

Existing Policy 14 states:

> *Ensure that development minimizes erosion, sedimentation and other pollutants in runoff from construction-related activities to the maximum extent practicable. Ensure that development minimizes land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize the impacts on water quality.*

Existing Policy 15 states:

Ensure that development incorporates appropriate design elements and management practices to minimize adverse impacts to water quality related to boating facilities and boater waste in the Channel Islands Harbor to the maximum extent practicable. Boating in the Harbor shall be managed in a manner that protects water quality, and any persons or employees maintaining boats in slips or using slips on a transient basis shall be made aware of water quality provisions.

The Public Works Plan contains policies to protect the water quality and biological productivity of Harbor waters. Policy 12 and 14 require the protection of water quality through the design and management of development and implementing appropriate Best Management Practices (BMPs) during construction. Policy 15 requires the minimization of water quality impacts from boating activities. The proposed Vintage Marina will result in the redesign of slips, docks and other boating infrastructure, which has the potential to adversely impact coastal water quality through the introduction of pollutants associated with boating activities. In addition, there are potential impacts to water quality from the demolition and construction activities associated with the project.

Potential sources of pollutants associated with boating activities such as chemicals, petroleum, cleaning agents and sewage result in potential adverse impacts to water quality in the Harbor and surrounding coastal waters. The discharge of these pollutants to coastal waters can cause cumulative impacts such as: eutrophication and anoxic conditions resulting in fish kills and diseases and the alteration of aquatic habitat, including adverse changes to species composition and size; excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species; disruptions to the reproductive cycle of aquatic species; and acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior. These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health. Such cumulative impacts can be minimized through the implementation of boating BMPs. Therefore, **NOID Special Condition 8** requires the Harbor Department to submit a Water Quality Best Management Practices (BMPs) Program that demonstrates that boating activity in the project area will be managed in a manner that protects water quality.

In addition, there is the potential for the materials used in the marina to degrade over time. Piles and fenders use plastic and other materials for protection and are constantly subject to abrasive forces from boats and ships. If the plastics were to become brittle, they may splinter or chip upon impact and would introduce plastic debris into the coastal waters, and thus would adversely affect water quality resources. Because of the potential for pieces of unattached plastic or other materials to enter into the marine environment due to damage or degradation, the docks must be routinely inspected to ensure that the facility is being maintained in an environmentally safe operating

condition and so that any damaged or degraded pieces are replaced in a timely manner. To minimize the potential of plastics and other debris from entering the water due to damage or deterioration of the docks, **NOID Special Condition 9** requires that all docks must be inspected at least every five years. If monitoring confirms that the use of plastic or other materials in the marina is damaging marine resources, the use of such materials shall be stopped, as more environmentally friendly products are developed. Future repair work may require a new Notice of Impending Development if the Executive Director determines that one is required.

Furthermore, demolition/construction, debris removal and erosion and sediment control measures implemented during construction will serve to minimize the potential for adverse impacts to water quality resulting from the use of construction materials and methods. To ensure that these measures are properly implemented and in order to ensure that adverse effects to coastal water quality do not result from the proposed project, the Commission finds it necessary to require the Harbor Department, as required by **NOID Special Condition 5**, to submit a final Demolition/Construction, Debris Removal and Erosion and Sediment Control Plan. This plan will include measures such as the use of turbidity screens/siltation curtains to isolate work area during pile removal and installation, floating booms to contain debris or spills, minimization of bottom disturbance, removal of bottom debris following demolition and prior to construction, recovery of any non-buoyant debris by divers as soon as possible after loss, storage of all construction materials or waste in a manner which prevents their movement via runoff, or any other means, into coastal waters, the removal of any and all construction equipment, materials and debris from the project site at the conclusion of construction, the disposal of all demolition and construction debris at an appropriate site, and the implementation of appropriate erosion and sediment control BMPs.

The Commission finds that the proposed Vintage Marina Reconstruction project described in the proposed PWP amendment with the suggested modifications is consistent with the applicable policies of the City of Oxnard LCP. In addition, the Commission finds that the Notice of Impending Development, as conditioned, is consistent with the PWP, as amended, with regards to protection of water quality.

G. <u>California Environmental Quality Act</u>

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Public Works Plans for compliance with CEQA. The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying PWPs qualifies for certification under Section 21080.5 of CEQA. In addition to making the finding that the PWP amendment is in full compliance with CEQA, the Commission must make a finding that no less environmentally damaging feasible alternative exists. Section 21080.5(d)(I) of CEQA and Section 13356 of the California Code of Regulations require that the Commission not approve or adopt a PWP, "…if there are feasible alternative or feasible

mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment."

For the reasons discussed in this report, the PWP Notice of Impending Development 1-06, as conditioned, is consistent with the certified Channel Islands Harbor Public Works Plan if amended in accordance with the suggested modifications. There are no other feasible alternatives or mitigation measures available that would further lessen any significant adverse effect that the approval would have on the environment. The Commission has imposed conditions upon the respective Notice of Impending Development to include such feasible measures as will reduce environmental impacts of new development. As discussed in the preceding section, the Commission's special conditions bring the proposed projects into conformity with the PWP, if amended in accordance with the suggested modifications. Therefore, the Commission finds that the Notice of Impending Development 1-06, as conditioned herein, is consistent with CEQA and the Public Works Plan for Channel Islands Harbor if amended in accordance with the suggested modifications.

CIH PWPA 1-05
+ NOID 1-06

RECEIVED
APR 05 2006
RECEIVED
APR 04 2006
CALIFORNIA
COASTAL COMMISSION

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS

Date and time of communication: 4/3/06

Location of communication: La Jolla, Calif.
(If communication was sent by mail or facsimile, indicate the means of transmission.)

Identity of person(s) initiating communication: DAVE Nersh SR.

Identity of person(s) receiving communication: PAT Kruer

Name or description of project: Vintage Marina / Ventura

Description of content of communication:
(If communication included written material, attach a copy of the complete text of the written material.)

History of Redevelopment of existing marina
Covered slip mix count and applicant's
opposed to stack mix and tall free slips.

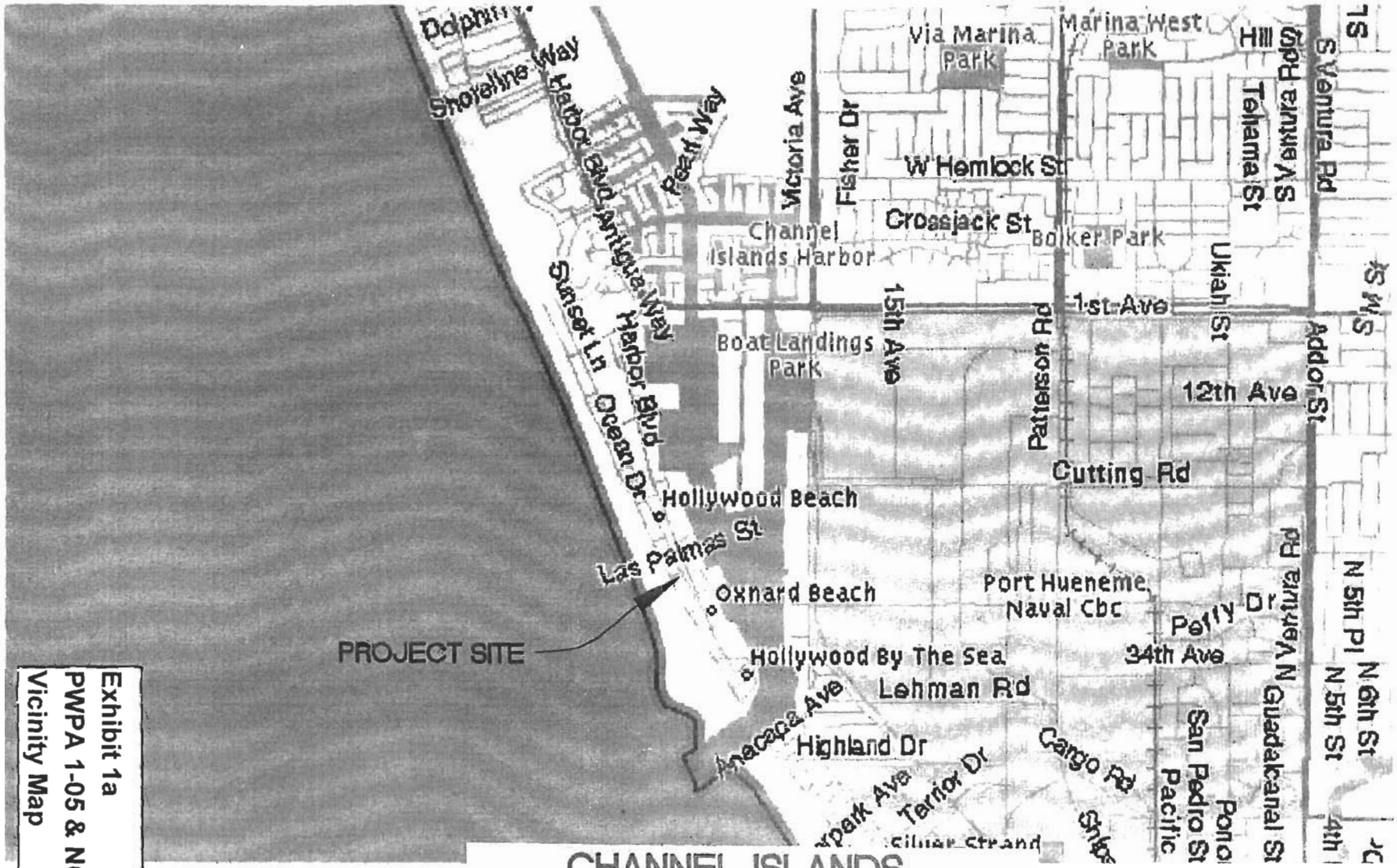
Date 4/3/06

Signature of Commissioner

If communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used, such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

APPENDIX 2



CHANNEL ISLANDS HARBOR MARINA VICINITY MAP

Exhibit 1a
PWPA 1-05 & NOID 1-06
Vicinity Map

Palmer·Soto Inc.
er ARCHITECTS / Jack R. Bryant ENGINEERS
t Drive, Suite 310, Torrance, CA 90505
Telephone: (310) 326-9111
Fax: (310) 325-0271

Vintage Marina Partne

14

Exhibit 1b
PWPA 1-05 & NOID 1-06
Aerial Vicinity

CHANNEL ISLANDS HARBOR MARINA VICINITY MAP

nt·Palmer· Soto Inc.
Palmer ARCHITECTS / Jack K. Bryant ENGINEERS
port Drive, Suite 310, Torrance, CA 90505
Telephone: (310) 326-9111
Fax: (310) 325-0271

Vintage Marina Partners

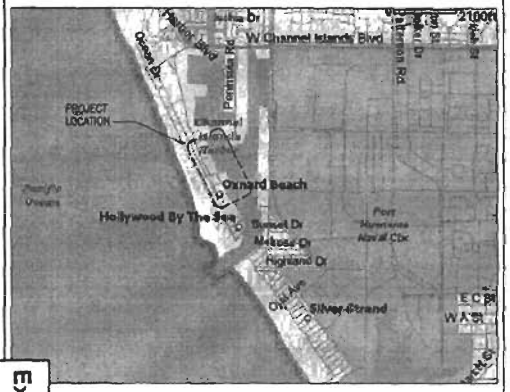
Channel Islands Harbor Marina

(Parcels D & E)

Oxnard, CA

Vintage Marina Partners, L.P.

DRAWING INDEX			
REV.	DATE	SHEET	DESCRIPTION
A	11/18/05	T-1	TITLE SHEET/DRAWING INDEX/PROJECT INFORMATION
A	11/18/05	GN-1	GENERAL NOTES
A	11/18/05	SP-1	SITE PLAN
A	11/18/05	D-1	DEMOLITION PLAN/PHASING PLAN
A	11/18/05	C-1	PARCEL D - GENERAL ARRANGEMENT PLAN
A	11/18/05	C-2	PARCEL E - GENERAL ARRANGEMENT PLAN
A	11/18/05	C-3	PILE DETAILS
A	11/18/05	C-4	CONCRETE PLATFORM PLANS & SECTIONS
A	11/18/05	C-5	CONCRETE PLATFORM SECTIONS & DETAILS
A	11/18/05	C-6	GANGWAY PLAN, ELEVATIONS & SECTIONS
A	11/18/05	C-7	DETAILS 1
A	11/18/05	C-8	DETAILS 2
A	11/18/05	C-9	DETAILS 3
A	11/18/05	U-1	PARCEL D - UTILITY PLAN
A	11/18/05	U-2	PARCEL E - UTILITY PLAN
A	11/18/05	U-3	PLUMBING SECTIONS & DETAILS 1
A	11/18/05	U-4	PLUMBING SECTIONS & DETAILS 2
A	11/18/05	E-1	SYMBOL LIST, GENERAL NOTES AND ABBREVIATIONS
A	11/18/05	E-2	ELECTRICAL SITE PLAN
A	11/18/05	E-3	PARCEL D - SINGLE LINE DIAGRAM
A	11/18/05	E-4	PARCEL D - SINGLE LINE DIAGRAMS "A" & "B"
A	11/18/05	E-5	PARCEL D - ELECTRICAL LAYOUT DOCKS "A" & "B"
A	11/18/05	E-6	PARCEL D - SINGLE LINE DIAGRAMS "C" & "D"
A	11/18/05	E-7	PARCEL D - ELECTRICAL LAYOUT DOCKS "C" & "D"
A	11/18/05	E-8	PARCEL E - SINGLE LINE DIAGRAM
A	11/18/05	E-9	PARCEL E - SINGLE LINE DIAGRAMS "F" & "G"
A	11/18/05	E-10	PARCEL E - ELECTRICAL LAYOUT DOCKS "F" & "G"
A	11/18/05	E-11	PARCEL E - SINGLE LINE DIAGRAMS "H" & "I"
A	11/18/05	E-12	PARCEL E - ELECTRICAL LAYOUT DOCKS "H" & "I"
A	11/18/05	E-13	PARCEL E - SINGLE LINE DIAGRAMS "J" & "K"
A	11/18/05	E-14	PARCEL E - ELECTRICAL LAYOUT DOCKS "J" & "K"
A	11/18/05	E-15	PARCEL E - SINGLE LINE DIAGRAMS "L" & "M"
A	11/18/05	E-16	PARCEL E - ELECTRICAL LAYOUT DOCKS "L" & "M"
A	11/18/05	E-17	ELECTRICAL DETAILS 1
A	11/18/05	E-18	ELECTRICAL DETAILS 2
A	11/18/05	E-19	ELECTRICAL DETAILS 3



VICINITY MAP
NOT TO SCALE

BOAT LENGTH	PARCEL D A	B	C	D	TOTAL QTY	OVERALL LENGTH
28	2		1	3	6	168
30	8		2	1	11	330
32		3			3	96
35				1	1	35
38			1	1	2	76
40		1			1	40
43				3	3	129
44			14	14	28	1232
46	1	14	15		30	1380
53	13	14			27	1404
Total	24	32	33	23	112	4890

AVERAGE BOAT SIZE (Ft.)= 43.66

BOAT LENGTH	PARCEL E E (HC)	F	G	H	I	J	K	L	M	TOTAL QTY	OVERALL LENGTH
18		3								3	54
24		24	2		1					29	696
26		23			2					25	650
28		2	2		2	1	3		4	14	392
30			20	1		3	1		2	27	810
32					1			1	1	3	96
34			22	21	1				1	45	1530
36				20		1				21	756
38					15	1		17	15	48	1824
40								1		1	40
42							15	17		32	1344
44						14	15			29	1276
46					15	15			1	31	1426
Total	0	53	46	42	37	34	35	36	24	307	10874

AVERAGE BOAT SIZE (Ft.)= 35.42

TOTAL BOAT COUNT:

PARCEL D =	112
PARCEL E =	307
TOTAL =	419

AVE. BOAT SIZE (PARCELS D&E) = 37.62

DOCK SURFACE AREA:

PARCEL D =	35,251 SF
PARCEL E =	65,270 SF
TOTAL =	100,521 SF

CONSULTANTS

MASTER PLANNING/ DESIGN ENGINEER — CASH & ASSOCIATES, 5772 BOLSA AVE. SUITE 100, HUNTINGTON BEACH, CA 92649, PHONE: 714.895.2072 FAX: 714.895.1291

GEOTECHNICAL — FUGRO WEST, INC., 4820 McGRATH STREET, SUITE 100, VENTURA, CA 93003-7778, PHONE: 805.650.7000 FAX: 805.650.7010

LANDSIDE CIVIL & ARCHITECTURAL DESIGN — BRYANT-PALMER-SOTO, INC., 2601 AIRPORT DRIVE, SUITE 310, TORRANCE, CA 90505, PHONE: 310.326.9111 FAX: 310.325.0271

ACCESSIBLE SLIPS

TOTAL BOAT SLIPS IN FACILITY	MINIMUM NUMBER OF REQUIRED ACCESSIBLE BOAT SLIPS
1 to 25	1
26 to 50	2
51 to 100	3
101 to 150	4
151 to 300	5
301 to 400	6
401 to 500	7
501 to 600	8
601 to 700	9
701 to 800	10
801 to 900	11
901 to 1000	12
1001 and over	*2 plus 1 for each 100 or fraction thereof over 1000

ADA SLIP REQUIREMENT- 13 PROVIDED

DATE	DESCRIPTION	BY
11/18/05	SUBMITTED FOR PERMIT PROCESSING	RHM

REVISIONS

Vintage Marina Partners

CASH & ASSOCIATES
ENGINEERING AND ARCHITECTURE
(714) 895-2072

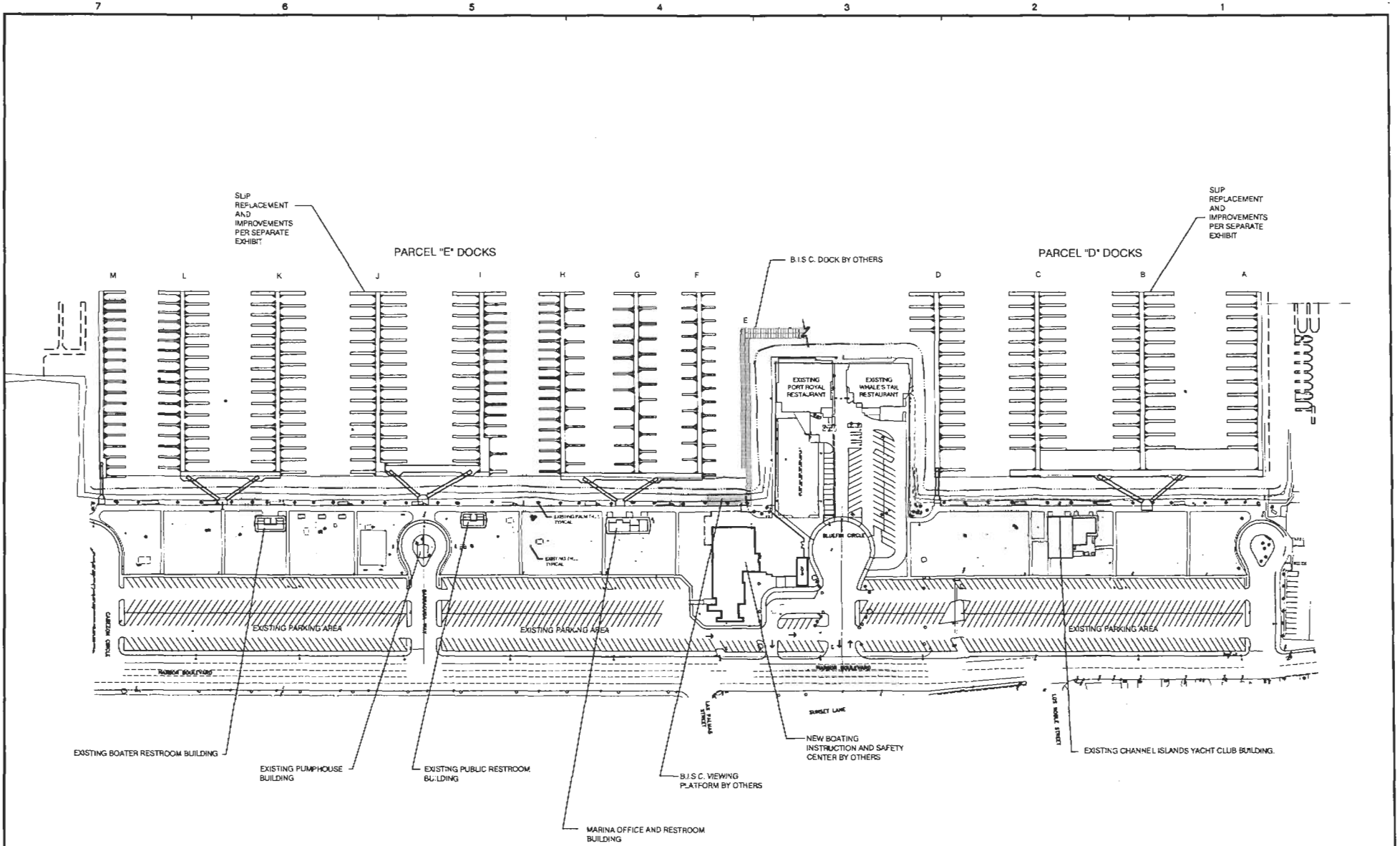
ENGINEER	RHM
DESIGNER	
CAD OPERATOR	RLR
CHECKER	RHM
PROJECT MANAGER	RHM

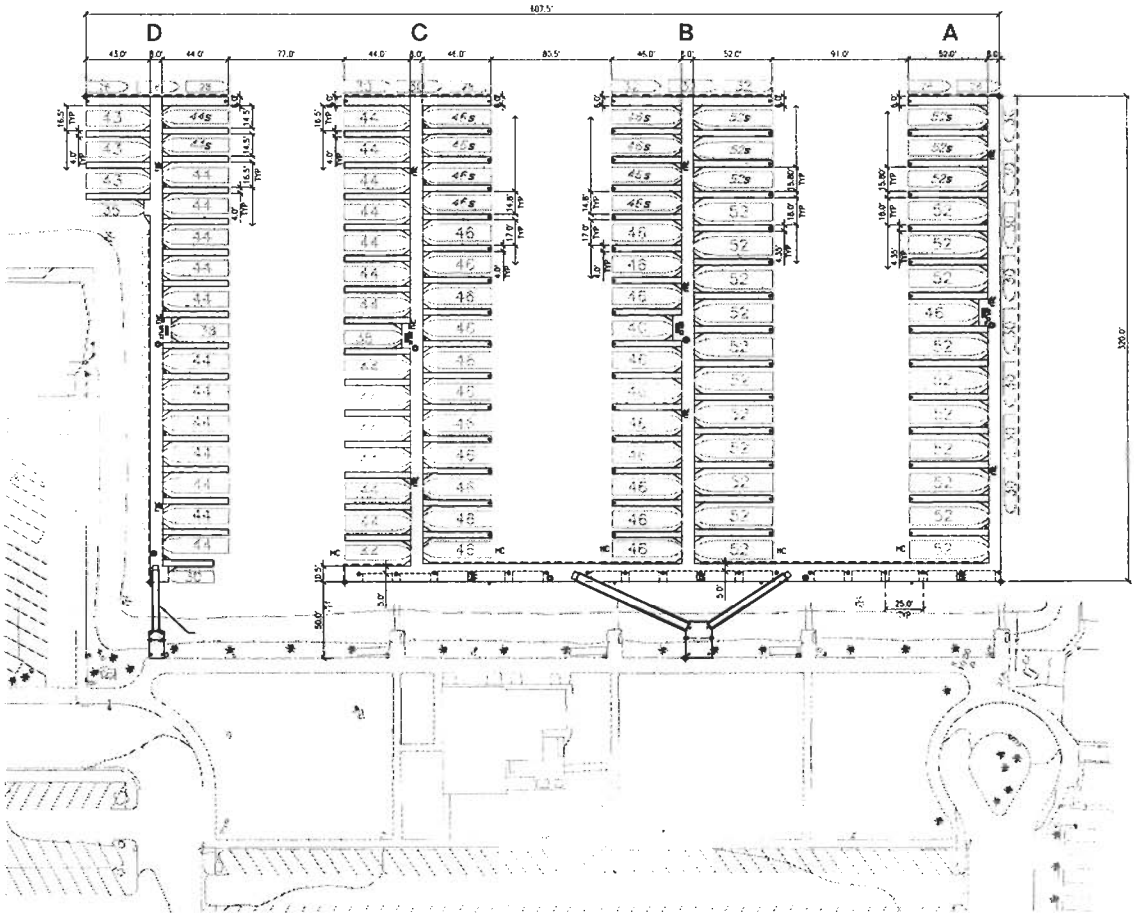
CHANNEL ISLANDS HARBOR MARINA
Parcels D & E
Oxnard, CA

TITLE SHEET/DRAWING INDEX
PROJECT INFORMATION

SCALE: NO SCALE (A)
PROJECT NUMBER: 6046.00
DRAWING NUMBER: T-1

Exhibit 2
PWPA 1-05 & NOID 1-06
Site Plans


7
6
5
4
3
2
1
SLIP REPLACEMENT AND IMPROVEMENTS PER SEPARATE EXHIBIT
PARCEL "E" DOCKS
B.I.S.C. DOCK BY OTHERS
PARCEL "D" DOCKS
SLIP REPLACEMENT AND IMPROVEMENTS PER SEPARATE EXHIBIT
M
L
K
J
I
H
G
F
E
D
C
B
A
EXISTING PORT ROYAL RESTAURANT
EXISTING WHALE'S TAIL RESTAURANT
BLUEFIN CIRCLE
EXISTING PARKING AREA
EXISTING PARKING AREA
EXISTING PARKING AREA
HARBOR BOULEVARD
HARBOR BOULEVARD
SUNSET LANE
LAS PALMAS STREET
LOS NORTE STREET
EXISTING BOATER RESTROOM BUILDING
EXISTING PUMPHOUSE BUILDING
EXISTING PUBLIC RESTROOM BUILDING
B.I.S.C. VIEWING PLATFORM BY OTHERS
NEW BOATING INSTRUCTION AND SAFETY CENTER BY OTHERS
EXISTING CHANNEL ISLANDS YACHT CLUB BUILDING.
MARINA OFFICE AND RESTROOM BUILDING
60' 0 60' 120'
SCALE 1"=60'
NORTH
Vintage Marina Partners
Rev Date Description By
Job No. 03-0607-800
Date 3/19/06
Drawn CSH
Checked RN
Scale 1"=60'
Consultant
Drawing
SITE PLAN
Project
CHANNEL ISLANDS HARBOR MARINA
PARCELS D AND E
FOR VINTAGE MARINA PARTNERS, L.P.
Architect/Engineer
Bryant-Palmer-Soto Inc.
A
1 OF 1
K:\11-0607.001 CHANNEL ISLAND MARINA PARCEL D & E\Coastal Commission 2-19-06\A1.0
EXHIBIT 25



KEYNOTES

1. POWER PEDESTAL - SEE (3/C-8)
2. EXISTING ABUTMENT AND GANGWAY TO BE REMOVED
3. NEW CONC. PLATFORM/ABUTMENT - SEE SHT. C-4
4. BUMPER STRIP. FOR LOCATIONS OF BUMPERS @ TYPICAL FINGERS - SEE (1/C-7)
5. DOCK BOX - SEE (1/C-8) (2/C-8)
6. CLEAT. FOR LOCATIONS OF CLEATS @ TYPICAL FINGERS - SEE (1/C-7)
7. LIFE RING CABINET - SEE (6/C-8)
8. FIRE HOSE CABINET - SEE (3/U-4)
9. CONCRETE GUIDE PILE - SEE SHT. C-3
10. 80' ADA GANGWAY
11. 60' STANDARD GANGWAY
12. 50' STANDARD GANGWAY
13. 40' STANDARD GANGWAY
14. HOSE BIBB - SEE (5/U-4)
15. ELECTRICAL TRANSFORMER - SEE ELECT. DWGS.
16. LIGHT POLE

LEGEND

- POWER PEDESTAL
- FIRE HOSE CABINET
- HC ADA-COMPLIANT SLIP
- HOSE BIBB
- ANCHOR PILE
- ELECTRICAL TRANSFORMER
- TELECOM/CABLE PANEL
- LIGHT POLE (14')
- DECK SURFACE LIGHT
- RECTANGULAR DOCK BOX
- TRIANGULAR DOCK BOX
- CLEAT
- BUMPER
- LIFE RING CABINET

0 20' 40' 80'
GRAPHIC SCALE

NO	DATE	DESCRIPTION	BY
A	11/18/05	SUBMITTED FOR PERMIT PROCESSING	RHM

REVISIONS

Vintage Marina Partners

CASH & ASSOCIATES
ENGINEERING AND ARCHITECTURE
(714) 895-2072

ENGINEER	RHM
DESIGNER	RLR
CAD OPERATOR	RLR
CHECKER	RHM
PROJECT MANAGER	RHM

CHANNEL ISLANDS HARBOR MARINA
Parcels D & E
Oxnard, CA

PARCEL D
GENERAL ARRANGEMENT PLAN

SCALE 1"=40' (B)
PROJECT NUMBER 6046.00
DRAWING NUMBER C-1

Path: E:\Projects\Port\604600 CHANNEL ISLANDS\Drawings\
XREF: X6046000BR ; X8A5E-DOCK ; KEYNOTES ; 157381 ; 157381 ; X6046XTL ; X8A5E-1000K-COW
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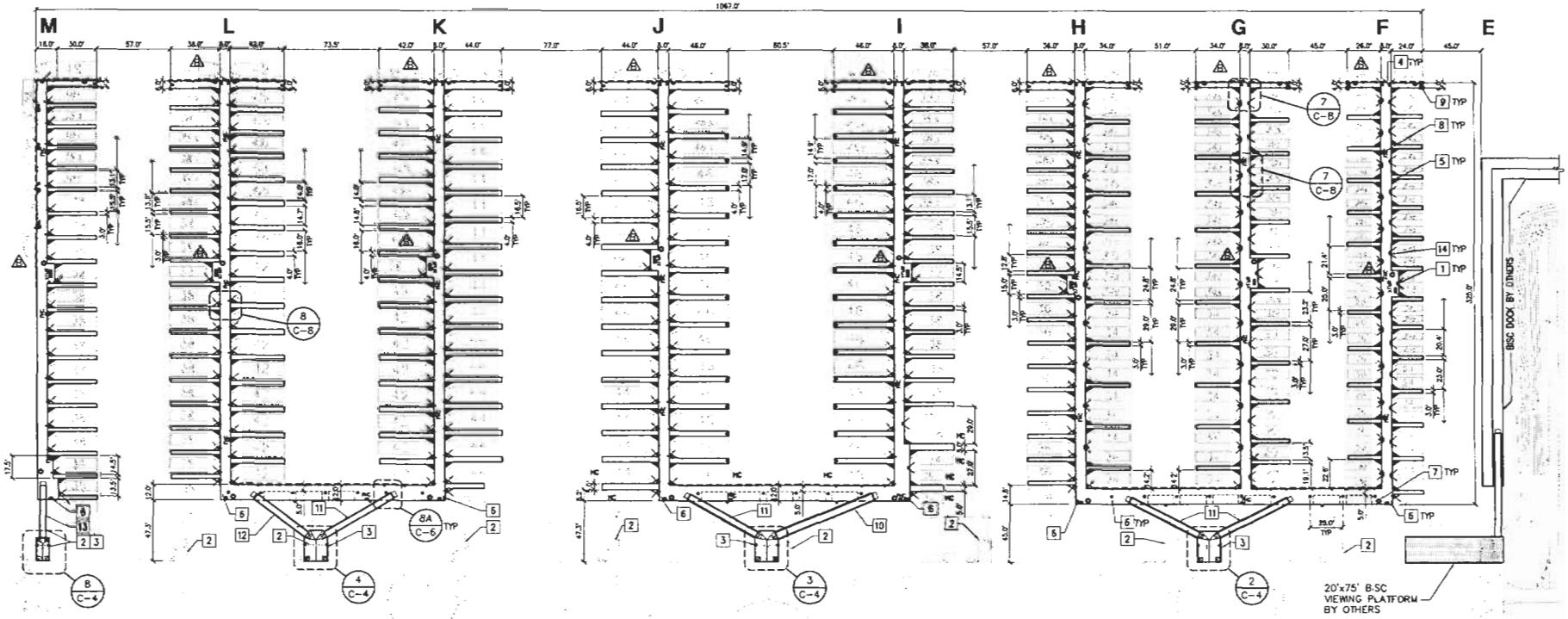


KEYNOTES
SEE SHT. C-1

LEGEND
SEE SHT. C-1

0 20' 40' 80'
GRAPHIC SCALE

NO.	DATE	DESCRIPTION	BY
3			
2			
1			
B	12/15/05	ADDED DEPTH TO TRANSFORMER FLOATS	RHM
A	11/18/05	SUBMITTED FOR PERMIT PROCESSING	RHM

REVISIONS

Vintage Marina Partners

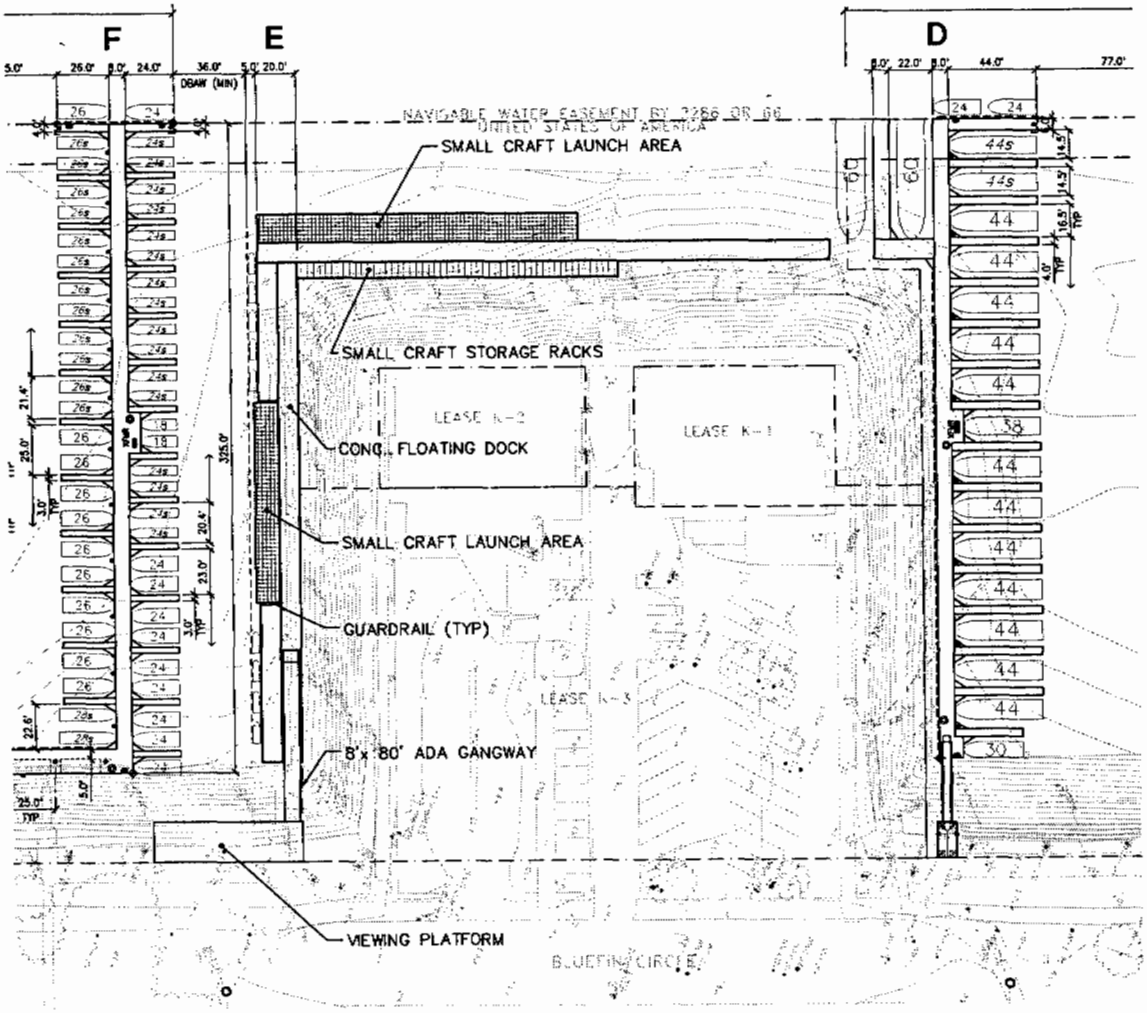
CASH & ASSOCIATES
ENGINEERING AND ARCHITECTURE
(714) 895-2072

ENGINEER	RHM
DESIGNER	RLR
CAD OPERATOR	RLR
CHECKER	RHM
PROJECT MANAGER	RHM

CHANNEL ISLANDS HARBOR MARINA
Parcels D & E
Oxnard, CA

PARCEL E
GENERAL ARRANGEMENT PLAN

SCALE 1"=40' B
PROJECT NUMBER 6046.00
DRAWING NUMBER C-2



NO.	DATE	DESCRIPTION	BY
A	11/18/05	SUBMITTED FOR PERMIT PROCESSING	RHM

REVISIONS

Vintage Marina Partners

CASH & ASSOCIATES
ENGINEERING AND ARCHITECTURE
(714) 895-2072

ENGINEER	
DESIGNER	
CAD OPERATOR	RLR
CHECKER	RHM
PROJECT MANAGER	RHM

CHANNEL ISLANDS HARBOR MARINA
Parcels D & E
Oxnard, CA

BISC DOCK

SCALE	1" = 30'
PROJECT NUMBER	6046.00
DRAWING NUMBER	OPT-1

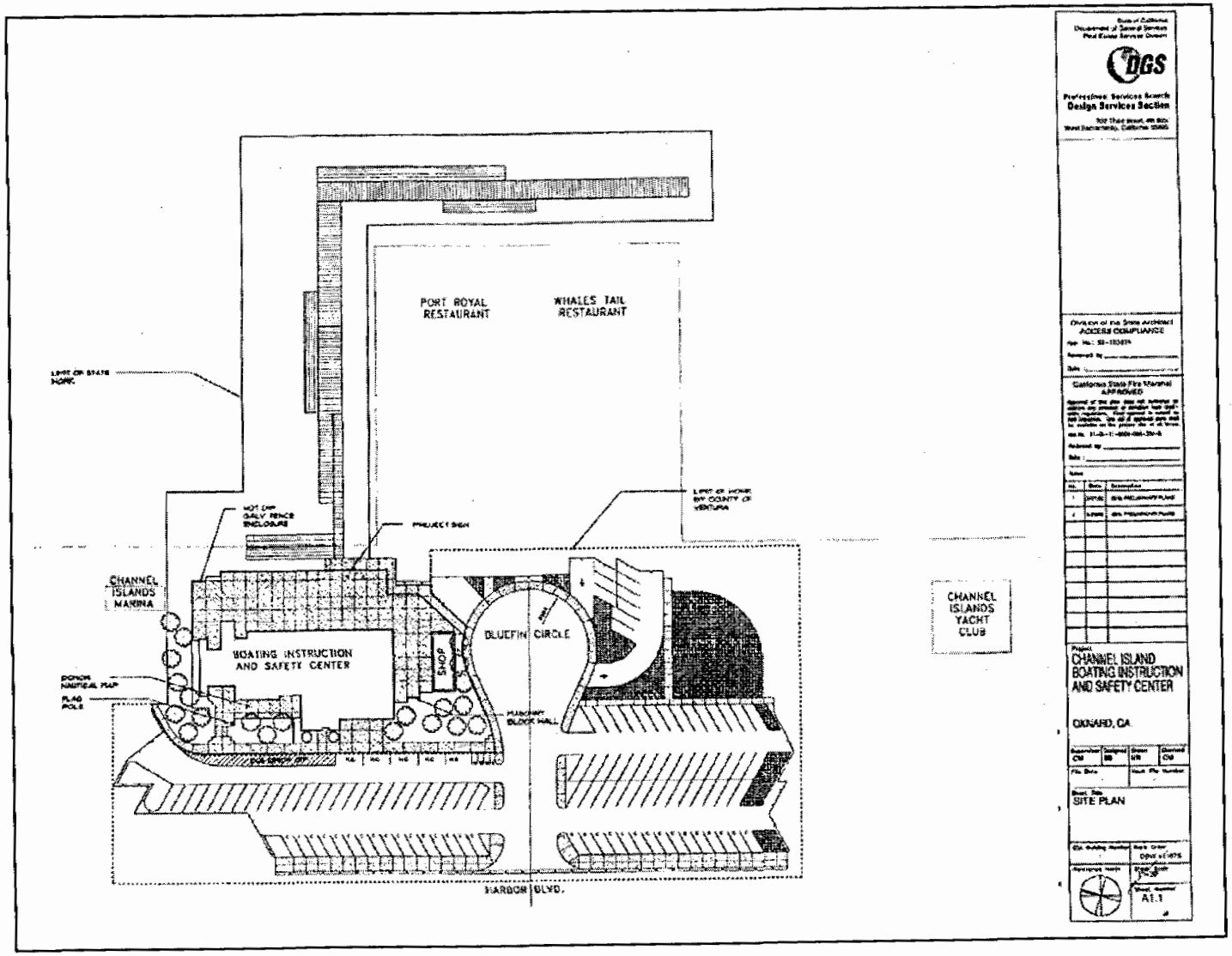
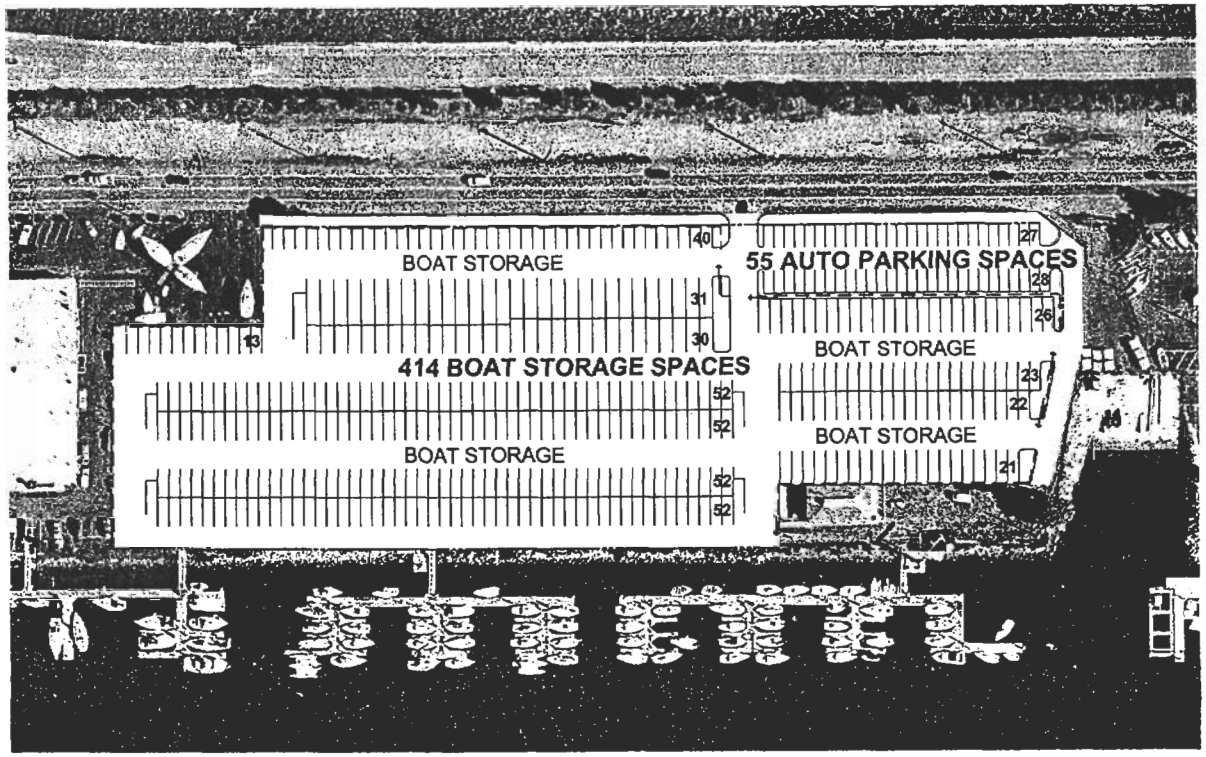


Exhibit 6 - Proposed BISC Site Plan

SUMMARY

40	20 FT. x 10 FT.
281	25 FT. x 10 FT.
47	30 FT. x 10 FT.
15	30 FT. x 12 FT.
15	35 FT. x 12 FT.
16	40 FT. x 12 FT.
414	TOTAL BOAT STORAGE SPACES
55	AUTO PARKING SPACES



SCALE: 1" = 100'

10'

0 100' 200'

Bryant Palmer Soto Inc.
Neil Stanton Palmer ARCHITECTS / Jack K. Bryant ENGINEERS
[illegible]

SHEET TITLE: BOAT PARKING LAYOUT	JOB NO: 03-0607:802
PROJECT: BOAT STORAGE YARD PARCEL P SCHEME A	Dwn. by: CSH Chkd. By: KSP Date: 11/16/05 Dwg. No: 1

Exhibit 3
PWPA 1-05 & NOID 1-06
Restriping Plan

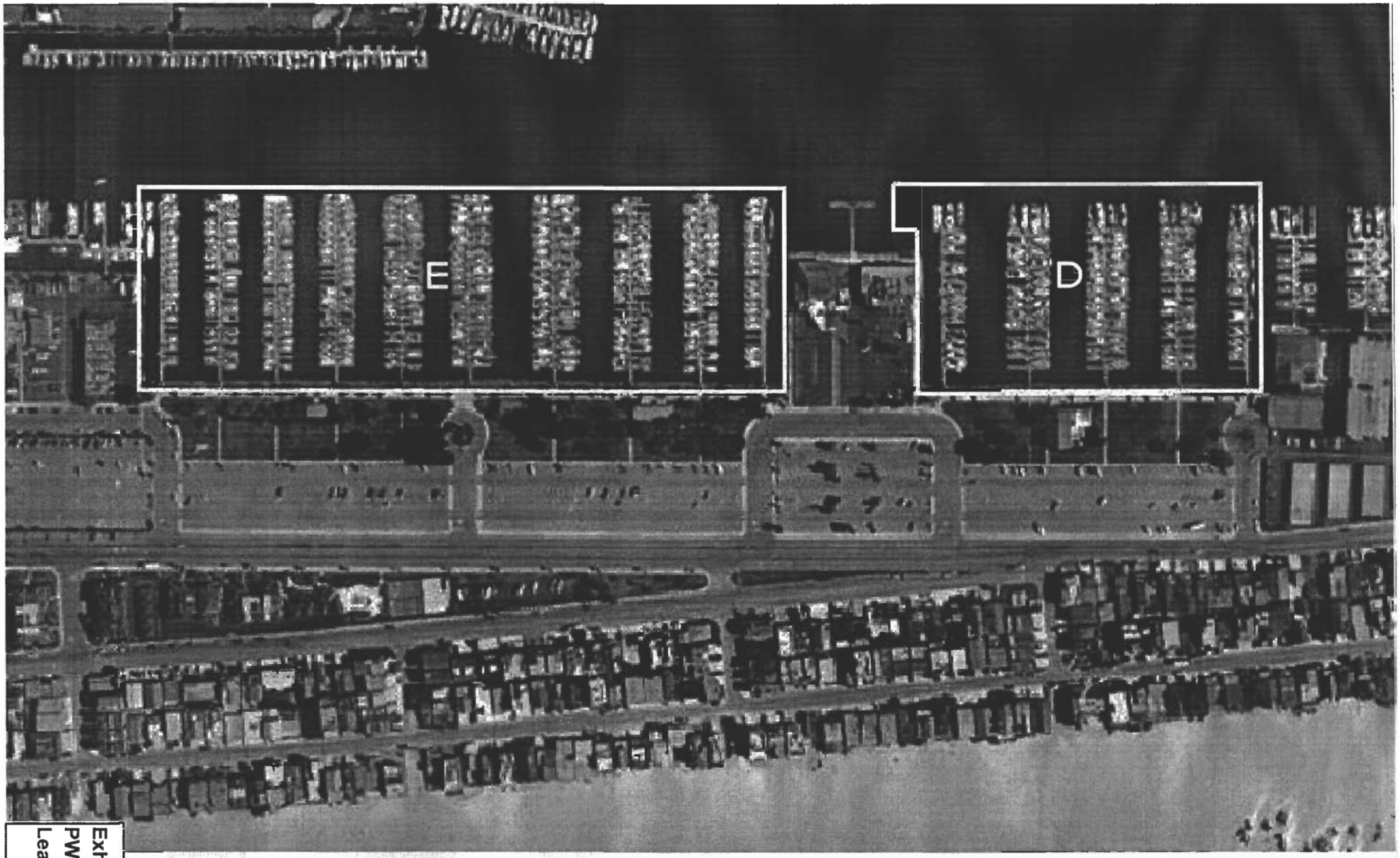
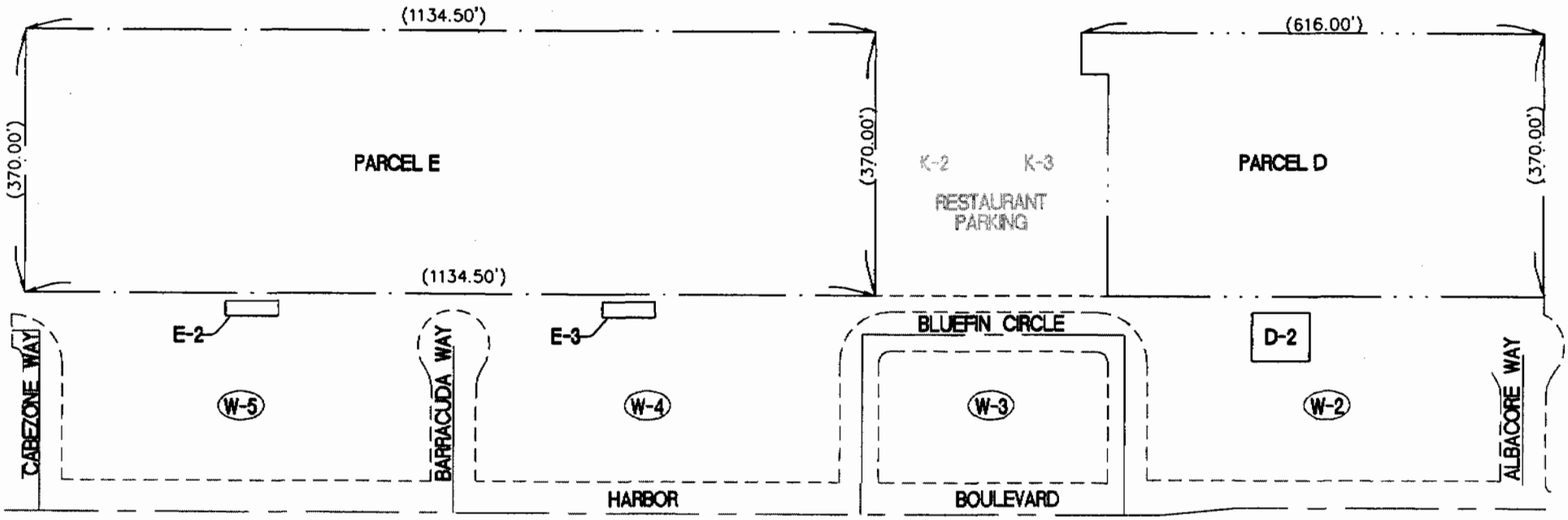


Exhibit 4a
PWPA 1-05 & NOID 1-06
Lease Parcels D & E

t·Palmer· Soto Inc.
mer ARCHITECTS / Jack K. Bryant ENGINEERS
rt Drive, Suite 310, Torrance, CA 90505
Telephone: (310) 326-9111
Fax: (310) 325-0271

CHANNEL ISLANDS HARBOR MARINA LEASE PARCEL D AND E

Vintage Marina Partners



LEGEND:

PUBLIC PARKING LOTS = (W-)

PARCEL = LEASE PARCELS PER VENTURA & VINTAGE MARINA PARTNERS

Exhibit 4b
PWPA 1-05 & NOID 1-06
Lease Map

t· Palmer· Soto Inc.
almer ARCHITECTS / Jack K. Bryant ENGINEERS
ort Drive, Suite 310, Torrance, CA 90505
Telephone: (310) 326-9111
Fax: (310) 325-0271

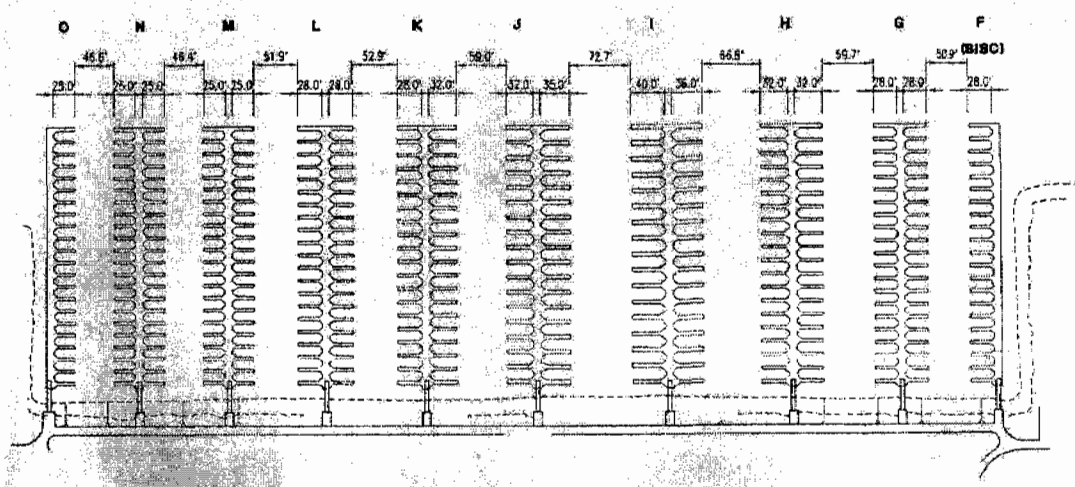
CHANNEL ISLANDS HARBOR MARINA PARCEL D AND E LEASE MAP

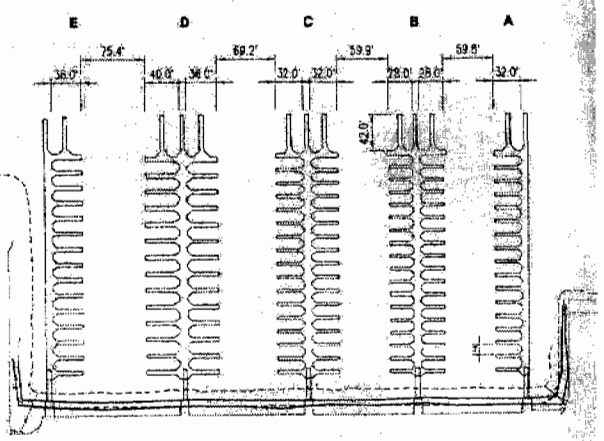
Vintage Marina Partners

CHANNEL ISLANDS HARBOR SLIP DISTRIBUTION

	Current Slips
18'	0
19'	2
24'	15
25'	471
26'	14
28'	256
29'	7
30'	277
31'	19
32'	180
34'	76
35'	267
36'	69
37'	1
38'	58
40'	209
41'	3
42'	16
43'	0
44'	14
45'	61
46'	14
48'	20
50'	105
52'	0
55'	4
58'	2
59'	2
60'	55
64'	2
65'	7
66'	2
68'	2
69'	0
70'	10
72'	1
74'	0
77'	0
78'	1
80'	0
85'	1
90'	1
91'	1
Misc	49
Totals	2294

EXHIBIT 5
PWPA 1-05 & NOID 1-06
Existing Slip Sizes





PARCEL "E"

BOAT QUANTITY		
DOCK	EXISTING	LF
F	22	616
G	44	1232
H	42	1344
I	36	1368
J	38	1273
K	42	1260
L	44	1232
M	46	1150
N	46	1150
O	24	600
TOTAL	384	11225

AVE. BOAT SIZE = 29.23

PARCEL "D"

BOAT QUANTITY		
DOCK	EXISTING	LF
A	18	596
B	36	1120
C	36	1192
D	30	1164
E	17	630
TOTAL	139	4702

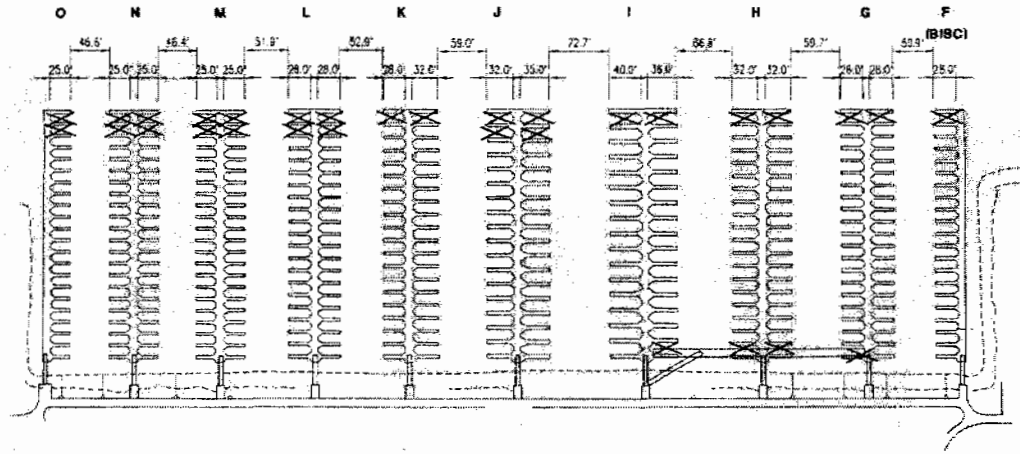
AVE. BOAT SIZE = 33.82

EXISTING LAYOUT

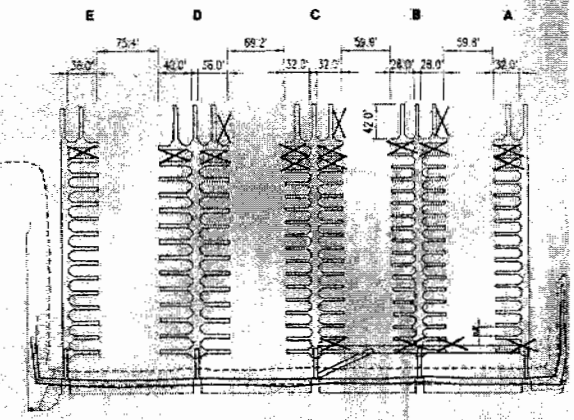
SCALE 1"=80'

CHANNEL ISLANDS MARINA

Exhibit 6a
PWPA 1-05 & NOID 1-06
Existing Boat Slips



PARCEL "E"



PARCEL "D"

BOAT QUANTITY "D"		
DOCK	EXISTING	NEW (DBAW)
A	18	15
B	38	34
C	38	29
D	30	27
E	17	16
TOTAL	139	121

BOAT QUANTITY "E"		
DOCK	EXISTING	NEW (DBAW)
F	22	21
G	44	41
H	42	38
I	38	33
J	38	34
K	42	40
L	44	40
M	46	42
N	46	42
O	24	22
TOTAL	384	353

3 474 <-49>

X = Eliminated Boat Slip

IN-LIKE-KIND DOCK REPLACEMENT COMPARISON (DBAW SLIP WIDTHS)
PLUS ADA COMPLIANCE

CHANNEL ISLANDS MARINA
Vintage Marina Partners, LP

ISSUES:

1. ADA COMPLIANCE
2. DBAW SLIP WIDTHS

Exhibit 6b
PWPA 1-05 & NOID 1-06
Eliminated Boat Slips

THE CORROUGH CONSULTING GROUP

An International Consultancy Specializing in the Planning, Design, Development and Management of Coastal Areas • Urban Waterfronts • Marinas • Ports • Resorts & Recreational Areas • Natural Areas

1004 SOUTH BAYFRONT • BALBOA ISLAND • NEWPORT BEACH • CALIFORNIA • USA • 92662
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Introduction

It has come to the attention of this firm that the California Coastal Commission has expressed interest in the general topic of "slip loss" as may occur when aging marinas are redeveloped. We have heard that the Commission fears that insufficient small slips will be available for small boats, consistent with Coastal Act policies. Because our firm specializes in this issue, we have prepared the attached information to assist the Commission in its consideration of Channel Islands Marina.

To begin the presentation of data, we offer the following Executive Summary.

Executive Summary

1. Rapidly evolving boat-manufacturing technologies created larger, affordable vessels beginning in the late 1960s, after the construction of the existing marinas in Southern California, resulting in an increased demand for larger vessels that could only be stored in the water. This trend continues today and is projected to continue into the future.

2. Beginning in the mid-1960s, dry storage areas and public launch ramps greatly increased, lowering the cost of boating to the person of ordinary means.

3. At the present time, trailerable or dry storage vessels comprise 9 out of every 10 registered recreational vessels in California.

4. Boat design has changed since the mid-1960s to increase the "beam" or width of the boat. Many older small slips will not accommodate modern boats at the slip's length.

5. Dry storage is greatly increasing in volume due to the cost savings (36%-50%) of in-the-water cost. This means that more people of ordinary means can afford boats.

6. In addition to manufacturing and storage changes, new marina construction guidelines and standards – when applied to the reconstruction of an older marina – will cause loss of slips even if no other factors are present.

7. <u>These trends are expected to continue</u>.

8. Industry experts (see source list) and the State of California Department of Boating and Waterways concur in the above summary points and have published studies in support of these conclusions.

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SOUTH CE

EXHIBIT 7
PWPA 1-05 & NOID 1-06
Corrough Analysis of Slip Mix

Discussion of Factors Affecting Slip Mix /"Small Boat" Ratio

The renovation of older marinas in California necessitates changes in the slip mix and size distribution due to a wide range of market, design and regulatory factors which have evolved over the ensuing 42+ years since the marina was initially conceived in the early 1960s. These factors affect all Southern California harbors and include:

- The introduction of the mass-produced fiberglass boat in the late 50s-early 60s, typically in the 20' to 25' range, created the demand base and slip size/mix criteria upon which the market assumptions and planning for the majority of Southern California coastal harbors were based, now obsolete in terms of vessel and slip sizes.

- From ca. 1960 to 2006 the "design boat" size used as an average or median vessel assumption for marina slip mix and layout planning in U.S./ Southern California harbors (on the basis of demonstrated market demand and occupancy) has changed from 29' to 43'. It is increasing at 1' every 2 years in the U.S. per National Marina Survey.

- Annual vacancy/occupancy surveys [cite] (2/06) from marinas and harbors show high and increasing vacancy rates ranging from 15% to 85% for slips 35' and under throughout Southern California marinas, and a diminishing demand for in-water storage of these vessels due to costs of storage, maintenance vs. dry storage.

- Waiting lists for slips in the 35'and under slip range are minimal to non-existent in most Southern California marinas, and the majority of marina advertising for available vacant slips is in the 35' and under range, per marinas and boat media.

- Dry storage for vessels 35' and under has been an inherent and popular lower-priced alternative to wet storage in Southern California marinas and in adjacent commercial storage areas near marinas where launch ramps and hoists are provided;

- Expansion proposals for land dry storage for over 3500 spaces and new stack storage projects for over 2600 vessels are currently in process in Southern California supported by a strongly rising transition from wet-to-dry storage demand for vessels, per Department of Boating and Waterways, marinas, California Coastal Commission staff reports and this trend is expected to continue.)

- These dry storage improvements and upgrades to Southern California launch ramps and related parking and facilities currently planned, underway and completed will greatly increase capacity and low-moderate cost water accessibility for locally and remotely dry-stored/trailerable boats, representing the majority (86.3%) vessel ownership and storage preferences in Southern California/statewide, documented by CA DBW and market data.

"Small Boat" Definitions As Used In Marine Industry/ Marina Design Standards

The term "small boat/small craft harbor" originated as a Navy facilities engineering term used by engineers designing the first California recreational boat harbors (late 40s thru 50s) to distinguish them from the larger "ship harbor" use term. The use of the technical term did not imply a specific size range, limit, or mix favoring particular lengths of vessels as a basis for design or future intended use of these harbors.

This term and a statewide public policy to expand recreational boating facilities and provide "ports of refuge" on an open coastline for a wide range of recreational and commercial vessels drove the construction of the chain of "modern" Southern California public recreational "small craft" harbors initiated in the 1960s decade.

The then (1950s) limited understanding of the future potential of recreational boating resulted in the initial "design-boat" (median vessel size) assumption of a conservative 29' length and 7' beam (ASCE) used in marina design of that period. Thus many of the earlier California marinas (Long Beach Alamitos Bay, Los Angeles Harbor, etc.) started with a typical slip range of 15' to 35', although boats in common use, needing in-water storage more typically ranged from 20' to 50'+ in Southern California at the time.

From the later 1960s through the 1970s, when the majority of Southern California coastal marinas such as Marina Del Rey, King Harbor, Dana Point, Ventura, Channel Islands Harbor and others were created, the "design boat" length increased to 32' length and 8.5' beam (DBAW) and the typical in-water stored boat range grew to 25'-65'.

Nationally, dry storage and stack storage on land met the majority of the need for smaller and moderate-cost vessel storage. Dry storage areas and launch ramps had been incorporated into the design and operations of all Southern California harbors, with major dry storage and ramp facilities in Dana Point Harbor, Marina Del Rey, Ventura Harbor and Channel Islands Harbor, as well as in Mission Bay and San Diego Harbor.

The 1980s saw virtually the last of the new construction of major Southern California marinas -Long Beach Downtown Marina, Cabrillo Marina in LA Harbor, and the build-out of the last marina leaseholds in San Diego Harbor. The "design boat" for this decade was 36' length and 12.5' beam, with in-water storage used by vessels from 30' to 70'+. This period also saw two major revisions to the Department of Boating and Waterways' Marina Design Guidelines (1980 and 1984), reflecting the rapid rate of change in vessel sizes (particularly beam to length ratios), increased electrical requirements, increased structural loads and other factors.

The 1990s into the 2000 decade to the present (2006) have seen only minor new marina construction and major marina renovations in Southern California, with the "design boat" evolving to 43' length and 17.5'+ beam, and vessel sizes from 35'-80'+. The rate of change in the design boat size is increasing, reflecting both popular larger vessel sizes in the national and Southern California fleets and increasing numbers of people entering boating at larger vessel sizes due to the availability of many used larger boats priced attractively. The Department of Boating and Waterways' Marina Design Guidelines were

completely revised in 2005 due to the broad changes required in marina design since its last version in 1984.

The US National Marina Survey (2006) and California Department of Boating and Waterways' 2002 California Boating Facilities Needs Assessment now (2006) define "small boat" as anything below/up to 40' length.

Overview - Factors Affecting Any Proposed CIHM Slip Mix/"Small Boat" Ratio

The renovation of Channel Islands Marina in Channel Islands Harbor necessitates changes in the slip mix and size distribution due to a wide range of market, design and regulatory factors which have evolved over the ensuing 42+ years since the project was initially conceived in the early 1960s and constructed in 1964. These factors include:

- The introduction of the mass-produced fiberglass boat in the late 50s-early 60s, typically in the 20' to 25' range, created the demand base and slip size/mix criteria upon which the market assumptions and planning for the majority of Southern California coastal harbors were based, now obsolete in terms of vessel and slip sizes.

- From ca. 1960 to 2006 the "design boat" size used as an average or median vessel assumption for marina slip mix and layout planning in U.S./Southern California harbors (on the basis of demonstrated market demand and occupancy) has changed from 29' to 43'. It is increasing by 1' every 2 years in the U.S. per NMS.

- Annual vacancy/occupancy surveys (2/06) from marinas and harbors show high and increasing vacancy rates ranging from 15% to 85% for slips 35' and under in Channel Islands Harbor and throughout other Southern California marinas, and a diminishing demand for in-water storage of these vessels due to costs of slip space and maintenance vs. dry storage costs.

- Waiting lists for slips in the 35' and under slip range are minimal to non-existent in most Southern California marinas, including Channel Islands Harbor, and the majority of marina advertising for available vacant slips is in the 35' and under range, per marinas and boat media.

- Dry storage for vessels 35' and under has been a popular lower-priced alternative to wet storage in Southern California marinas (CIH) and in adjacent commercial storage areas near marinas where launch ramps and hoists are provided;

- Expansion proposals for land dry storage for over 3500 spaces and new stack storage projects for over 2600 vessels are currently in process in Southern California, supported by a strongly rising transition from wet-to-dry storage demand for vessels, per the California Department of Boating and Waterways, marinas, and CCC staff reports. (CIH will add 100 dry storage spaces)

- These dry storage improvements and upgrades to Southern California launch ramps and related parking and facilities currently planned, underway and completed will greatly increase capacity and low-moderate cost water accessibility for locally and remotely dry-stored/trailerable boats, representing the majority (86.3%) vessel ownership and storage preferences in Southern California/statewide, documented by CA DBW and market data.

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The 1990s into the 2000 decade to the present (2006) have seen only minor new marina construction and major marina renovations in Southern California, with the "design boat" evolving to 43' length and 17.5'+ beam, and vessel sizes from 35"-80'+. The rate of change in the design boat size is increasing, reflecting both popular larger vessel sizes in the national and Southern California fleets and increasing numbers of people entering boating at larger vessel sizes due to the availability of many used larger boats priced attractively. The DBAW Marina Design Guidelines were completely revised in 2005 due to the broad changes required in marina design since its last version in 1984.

The US National Marina Study (2006) and CA DBW 2002 California Boating Facilities Needs Assessment now ('06) define "small boat" as anything below/up to 40' length.

Market Factors Affecting In-Water Berthing Demand for Small Boats

Trailerable Dry-Stored Boats Dominate Small Boat Market Sales and Use

• Continuing dominance of trailerable/dry stored boats (92%) as the preferred new boat purchase in the U.S. and California markets – producing increased demand for new and expanded dry and stack storage facilities, "on-call" vessel preparation and launch/recover services at storage facilities, causing increasing transition from costly in-water storage to alternatives with lower costs (<5%launch ramp, 33%-50% dry).

Marina Berthing Market Shift to Boats/Sizes Which Can Only Be Stored in Water

• Changing market profile and numbers of vessel sizes, types which MUST be in-water-berthed (generally 35' and up) - as contrasted with vessel types and sizes which MAY be either wet or dry stored (trailerable/stackable) and vessels which are ALWAYS dry stored by owner preference (racing, no bottom paint, minimal use) and economic considerations (reduced storage and maintenance costs, stored at home).

Changes in Definitions of Small Boat Size Range

• Changing industry and market analysis definitions of the "small boat" size range-resulting in the former 26' break point (created pre-WWII when trailerable boats/trailers were first licensed and insured) being replaced/supplanted by a broader range from 20' to 40' for defining "small/smaller boats" now used by the CA DBW and US NMS/AMI to document and estimate berthing facilities needs. The leading marina planning & design handbook used nationwide (which incorporates California market & design standards), "Marinas and Small Craft Harbors", 3rd Edition 2000, Tobiasson, states (p248):

" ...sales figures from boat dealerships, boat show activity, and marina configurations shown in permit applications indicate that the average small boat size in coastal areas is in a range from 30 to 45 feet in length. (emphasis added) Many boating areas are experiencing a growing demand for boats in the 50 to 85' range"

Significant, Rising Slip Vacancies in Small Boat Categories

• Current and past actual berthing occupancy/vacancy levels and trends, by slip sizes and size ranges provide both a profile of past cycles and trends and a current "snapshot" of berthing market demand, based upon actual usage of publicly-and-privately-operated marinas, currently at 71% small boat (40'/under) slip vacancy and 29% large boat (41' up) vacancy split in 26 Southern California marinas sampled for this study. Small boat slips 30'/under averaged 78% vacancy in sampled marinas.

Low, Declining Slip Waiting List Numbers in Small Boat Categories

• Current validated waiting list profiles and trends, by vessel sizes and size ranges, from existing & prospective boat owners provide an estimate of future market demand for facilities needs and potential occupancies from those willing to pay a fee and reserve a place in line; currently split at 37% small boat (40'/under) and 63% large boat (41'/above)

wait list averages with a 44' median slip size requested in the sampled Southern California marinas, and 5-year trends down from 50%/50%. Small boat slips 30'/under averaged only 8% of total wait list entries sampled.

Low, Declining Slip Availability Inquiry Numbers in Small Boat Categories

• Current berthing availability requests and trends, by berthing/vessel sizes and size range provide a generalized estimate of future market demand for facilities/occupancies from those wanting to "test the slip market" before moving or purchasing a vessel, changing vessel size, berthing location; currently at a 12% small boat (40'/under) and 88% large boat (41'/above) split, with a continuing 5-year trend to larger slip inquiries (42' to 50'+) in Southern California marinas sampled. Small boat slips 30'/under averaged only 3% of total inquiries sampled.

Wide Range of Boating Shared Ownership, Access and Use Programs for Small Boats

• Increasing availability in marinas of low and moderate cost, publicly-accessible alternatives to full boat ownership/in-water storage of vessels by individuals:

- boating time-share ownership programs with in-water berthed fleets;
- boating time-share usage programs with in-water berthed fleets;
- boating instructional and group activity clubs with in-water fleets;
- boating clubs, aquatic centers and institutions providing public access to boating
- instruction, activities, facilities and in-water fleets.

These services, vessel fleets and support facilities, are open to the general public, are provided by public agencies, semi-public institutions, and private companies and are growing significantly in California-over 220 of these entities are listed in SC on the web and in boating and general media available to the public.

Increasing Inventory of Affordable Larger Boats For Entry-Level Boaters

• A large and increasing market inventory (glut) of used recreational boats in the 30'-40'+ range requiring in-water berthing, now available to "first-time/new" boaters and "move-up" existing smaller vessel owners at prices comparable to the prices of new "boating entry-level" smaller vessels (30' and under), offering more accommodations for families and guests, durability, and ocean-compatible seaworthiness, replacing the traditional smaller vessels as a purchase decision for both new and existing boat owners, creating an increased demand for in-water berthing in larger slip sizes (over 3700 boats this range listed in SC on web, in media).

Increasing Availability of Low-Moderate Cost Storage Options for Small Boats

• Increasing availability of dry storage and launch ramp facilities in Southern California marinas and harbors which provide ease of access for trailerable small boats to protected waters and offshore waters also served by in-water berthing per the Southern California Dry Storage & Launch Ramp Study, TCCG, 2004:

- 9 in-harbor public dry storage facilities/approx. 2600 dry boat storage spaces
- 17 in-harbor institutional/club dry storage facilities/approx 1250 spaces

- 1 in-harbor stack storage facility/220 racked boat storage spaces
- 10 near-harbor (5-10 minutes away) dry storage facilities (approx. 850 boats)
- 84 remote (30 min.-1 hr.+ away) dry storage facilities (approx. 2500 boats)
- 23 launch ramps/148 lanes; 5 boats/hr./lane; approx 4700 parking spaces
- 29 hoists at dry storage and stack storage facilities (1 ton to 8 ton capacities)
- approx. 3500 planned dry storage spaces in/nr. hrbrs (impl.'06-'09) (400 CIH)
- approx. 2600 planned stack storage spaces in harbors (implementation'06-'09)

Design Factors Affecting In-Water Berthing for Small Boats

Boating Consumer Market Preferences Create Larger Boats

• Changing design configurations of recreational vessels based upon evolving consumer (market) preferences and manufacturer design and production responses- resulting in proportionately wider vessels for a given length, longer vessels, additional utility and structural requirements in berthing facilities to accommodate wider, longer and more complex vessels. (26' "small" power boat in 1970 was 8' beam, now 9.5'-10')

"Design Boat" Size Used for Marina Design Increases

• Significant increase in "Design Boat" (median) size used in U.S./CA marina design based on market profile of existing/new-build recreational vessel fleets-from ca. 1960 to 2006 it has changed from 29' to 43' length (+14'/48%) and from 7' to 17.5' beam (+10.5'/150%) (See Design Boat section of this report)

Existing Marina Infrastructure Obsolete, State Study Recommends Larger Slips

• Current inventory of in-water berthing is 30-50+ years old, obsolete in economic value/cost to maintain, in materials, safety, and in the design layout, size ranges and proportionate mix of sizes for current and evolving fleets of recreational vessels, and must be completely replaced with new facilities reflecting the current boating facilities needs as described in the 2002 California Department of Boating and Waterways Boating Facilities Needs Assessment which indicates (p D-7) the berthing need characteristics of "Smaller Non-Trailerable Boats (20 to 40 feet)" as:

• Declining Population resulting in marinas with a large number of vacant berths in the 20 to 40 foot range, exacerbated by the shift to dry storage and trailers. Supports facility need for new slip configurations to eliminate smaller slips and (provide) new launch ramps since fewer boats kept in marinas"

The DBW BFNA study further indicates (p1-43/44, p1-54 p1-57) that most Southern California coastal harbors and marinas (VH, CIH, MDR, KH, LA/LGB, MB, SD) need "larger boat slips".

Design Guidelines Reduce Berthing Capacity in New State Marina Renovations

• Implementation of the new (2005) California Department of Boating and Waterways Marina Design Guidelines (or any other set of design standards for a modern marina) within existing fixed marina water area limits results in fewer, larger- area berths in the

fixed water area limits of most marinas when renovation is undertaken, typically resulting in a 12% to 20% loss of berthing capacity within the same water area occupied by the original marina, due to the different and larger dimensions and geometrics involved.

ADA Requirements Reduce Berthing Layout Flexibility and Capacity in Renovations

• Implementation of legally-required ADA access requirements into renovations requires additional water area, additional land-to-water areas and lengths for access gangways and structures, thus replacing berthing inventory and reducing flexibility of berthing layout geometry within fixed marina water area limits.

Public Agencies, Lenders, Insurers Require More Stringent Utility & Safety Designs

• Implementation of current-era (2000-2006) marina design standards and guidelines, UBC and NFPA 303 Fire and Electrical code requirements in the design and construction of marina renovations and new marina projects is required by funding agencies (CA DBW, banks and private lenders), marina industry and recreational vessel insurers, and local jurisdictions for renovation

Replication of Obsolete Marina Layouts/Slip Sizing Physically & Financially Infeasible

• Infeasibility of replacement of obsolete-design standard existing berthing on an "in-kind" or "like for like" basis, where replicating the proportionately narrower slip widths from these earlier berthing designs requires modern vessels designed with proportionately wider beams to be berthed in slips longer than the vessel length in order to accommodate the necessary vessel beam width, creating inefficient marina operation, loss of revenue, and additional costs to boaters requiring slips larger than their vessel's size.

Economic/Cost Factors Affecting In-Water Berthing of Small Boats

Necessary Berthing Fee Increases Reduce Small Boat Low-Moderate Cost Advantages

• Berthing fees charged to all berth users in both publicly-operated and privately-operated marinas have increased, and will continue to increase in the future, to cover increasing operating costs (insurance, maintenance, personnel) and costs of renovations, and will continue to represent a disproportionately higher ratio of cost-to-berth to value-of-vessel for in-water storage of smaller vessels, thus significantly diminishing any low-moderate cost advantages based on smaller sizes under 30'.

Small Boat In-Water Annual Storage Costs Ratio To Boat Value Are 33%-40%, Rising

• For example, a 26' power or sail vessel 5 years old, worth $8,500-$10,000 and stored in a marina slip with average Southern California rates will cost about $3,300/yr or about 33%-40% of its value each year to keep in the water, increasing as the value of the boat depreciates (10%/yr) and slip fees increase (3-5%/yr). This value-to-use ratio merely to keep the boat in the water (operating costs are additional) is not consistent with "low and moderate cost" recreational boating.

Annual Berthing Cost	26'x $234 x 12mo.	=$2800 (@$9/ft/mo)
Annual Bottom Paint, etc.	$1000/2 yrs	=$ 500 (1yr.pro rata)
Total Annual In-Water Storage Costs for 26' Boat		=$3300/yr

Small Boat Dry Storage Yard Costs Are 36%-50% of In-Water Cost-Moderate Cost Option

• Storing the same 26' vessel shown in the example above in a dry storage yard, and using the yard's "valet" service to make the boat available and ready for operation in the water prior to owner arrival, and remove from the water and prepare for storage, would cost, in the same Southern California marina, on average:

Annual Dry Storage Cost	$100 x 12mo.	=$1200 (flat rate)
Annual Valet Services	20 launch/recover @ $25 ea.	=$ 500
Total Annual Dry Storage Costs for 26' Boat		=$1700

Small Boat Home Dry Storage Costs Are 5% of In-Water Cost-Low Cost Option

• Storing the same 26' vessel shown in the examples above on a trailer at the owner's residence, (or another no-cost location) and using the marina's launch ramp to launch into and remove from the water, would cost, in the same Southern California marina, on average:

Annual Dry Storage Cost at Home	26'x $0 x 12mo.	=$ 0
Annual Valet Services	20 launch/recover @ $8 ea.	=$160
Total Annual Home Dry Storage/Ramp Launch Costs		=$160

Comparison of In-Water and Dry Storage Cost Options

• Comparing the examples above it is apparent that among the storage choices available to this 26' boat owner, the "low cost" option is home storage and ramp launching which, at $160, is approximately 5% of the cost of in-water berthing, and the owner's "moderate cost" option is dry storage which, with the valet option, is $1700, or approximately 50% of the cost of in-water berthing ($1200/36% w/o valet).

Steeply Increasing Pre-Construction and Construction Costs Affect Feasibility, Slip Fees

• Escalating trends of increasing pre-construction "soft" costs and "hard" marina construction costs of renovation and new construction, significantly exceeding the CPI and land-based construction costs, most recently at an annual rate of 15%, with no relief projected due to world and US market scarcity of key materials, delayed scheduling for environmental mitigation reasons, increasing complexity and duration of permitting and approvals, increased insurance, legal and labor costs unique to the water result in a higher cost to renovate and build new marinas which must be jointly absorbed by marina operator and tenants within the market pricing limits.

Design Boat Size Change & Effects on Southern California Marina Slip Sizes

Background

An overview of the changing "design boat" size (as an indicator of vessel size market trends) compared to the relatively smaller (than actual vessel size increase trends) slip sizes and size range/mix of slips constructed in the earlier Southern California marinas of the 1950s through 1960s decades and largely unchanged to the present (with some exceptions) is a highly significant indicator of the cumulative problems of nearly-simultaneously renovating the entire obsolete Southern California coastal marinas berthing infrastructure within a few years.

The dominant general range of 15' to 35' slips (with a few for larger vessels) in these early marinas provided large amounts of new in-water storage for the smaller vessel sizes of that era and also provided ease of water access for trailerable boats through in-water storage when very few launch ramps or dry storage options (other than on-trailer at home) existed.

However, rapidly-evolving boat manufacturing technologies created larger affordable vessels (mid-1960s on- the Bertram 35 powerboat and Cal 40 sailboat as examples) the vessel size mix in marinas began to change upward, creating increased demand for larger slips for vessels that could only be stored in the water.

At the same time, Southern California marina plans and construction of that period began to include the large numbers of public launch ramps and dry storage areas which provide low-moderate cost storage and access to the water for vessels that do not have to be stored in the water, which now comprise nearly 9 out of every 10 registered recreational vessels in California.

These changes were noted and incorporated into the design of the last major new public recreational boat marina built in Southern California by a public agency, the Cabrillo Marina and Cabrillo Beach Recreational Complex, the first phase of which was constructed in Los Angeles Harbor in 1981-83 with no in-water slips smaller than 30'. The Phase 2 plan (now in implementation) provides additional slips, none smaller than 40', over 800 stack and dry storage spaces for small boats, and a wide range of small-boat public water access options.

In summary, the 70%+/- of the Southern California marinas constructed prior to approximately the mid-1980s (and not updated to market vessel size changes) have, for approximately 20 years, increasingly lagged behind in their ability to accommodate the rapidly increasing size and utility/support system changes in the recreational vessel fleets which are their current and future markets, while sustaining an increasingly obsolete and costly berthing infrastructure beyond useful market, economic and physical viabilities.

The Design Boat

The concept of a "design boat" (similar to a "design wave" for breakwater design analysis) as the average or median-sized vessel to be wet-berthed in a marina was created by the

American Society of Civil Engineers and marina designers in the mid-1950's (ASCE Design Manual 50, First Edition) to enable the vessel mix planning and layout of the then-new concept of recreational vessel marinas designed in the U.S., particularly in California.

The then-limited understanding of the new recreational boating market and the future potential of recreational boating, as well as the early technology limitations on production sizes of the new fiberglass resulted in an initial "design-boat" assumption of a conservative 29' length and 7' beam (ASCE) which was used in marina design of that period producing the legacy of today's small slips in older marinas.

Southern California Marinas and the Design Boat

1950s
The earlier California marinas such as Long Beach's Alamitos Bay were designed, using this initial 29' length x 7' beam design boat, with a slip range of 20' to 35', along with a few larger slips. (Later phases of ABM increased both design boat size and slip range). Boats in common use in Southern California at that time typically ranged from 15' to 40'+.

1960s -1970s
From the 1960s through the early 1970s, when the majority of Southern California coastal marinas such as Marina Del Rey, King Harbor, Dana Point, Ventura, Channel Islands Harbor and others were created, the "design boat" length increased to 32' length and 8.5' beam and the typical in-water stored boat range grew to 25'-65 '.

1980s
The 1980s saw the peak of new construction of major Southern California marinas -Long Beach Downtown Marina, Cabrillo Marina in LA Harbor, and the build-out of the last marina leaseholds in San Diego Harbor. The "design boat" for this decade was 36' length and 12.5' beam, with in-water storage used by vessels from 30' to 70'+. This period also saw two major revisions to the California Department of Boating and Waterways Marina Design Guidelines (1980 and 1984), reflecting the rapid rate of change in vessel sizes (particularly beam to length ratios), increased electrical requirements, increased structural loads and other factors.

1990s -2000s
The 1990s into the 2000s decade to the present (2006) have seen only minor new marina construction and major marina renovations in Southern California, and the "design boat" evolving from 39' length and 15.5' beam in the 1990's to the 43' length and 17.5'+ beam of the 2000s and common in-water-berthed vessel sizes from ranging from 35'-80'+. The CA DBW Marina Design Guidelines were completely revised in 2005 due to the broad market and technology changes required in marina design since its last version in 1984.

Future
The rate of change in the design boat size is increasing, reflecting both popular larger vessel sizes in the national and Southern California fleets and increasing numbers of people entering boating at larger vessel sizes due to the increasing availability of used larger boats priced attractively. The NMMA and AMI estimate a market-driven increase in

marina design boat dimensions of 1' length/0.5' beam every 3 years for at least the next 10 years.

Summary of Design Boat Sizes Used in U.S./CA Marina Design Based on Market Profile

1960s	29' length; 7' beam
1970s	32' length; 8.5' beam
1980s	36' length; 12.5' beam
1990s	39' length; 16.5'beam
2000s	43' length; 17.5' beam

THE CORROUGH CONSULTING GROUP

An International Consultancy Specializing in the Planning, Design, Development and Management of Coastal Areas • Urban Waterfronts • Marinas • Ports • Resorts & Recreational Areas • Natural Areas

John Corrough, President and Principal Consultant

TCCG Role

John Corrough is president and principal consultant of The Corrough Consulting Group (TCCG), a Southern California USA-based corporation which provides comprehensive waterfront, coastal, resort and marina planning and design consulting services to private and public agency clients throughout the USA and internationally.

Experience Overview

Mr. Corrough has planned, designed and implemented a wide range of maritime projects for the development, renovation, and conservation of coastal and inland waterfront and water-dependent areas worldwide since 1964. These include: private and public marinas and small craft harbors totaling over 120,000 vessels; megayacht marinas; coastal tourism plans; waterfront resorts; urban waterfront and commercial port revitalizations; naval bases; waterfront residential communities, boatyards, boat storage facilities; yacht clubs; Olympic yachting and rowing facilities; ferry and cruise ship facilities; beaches; parks; coastal and estuarine wetlands and wildlife preserves. He also provides market, management, financial analysis and due diligence consulting for marinas and other water-dependent uses.

Additional Experience

His waterfront technical expertise and experience is strengthened by more than four decades of practical experience and responsibility in the ownership, operation, delivery and maintenance of recreational, commercial and transportation vessels, construction and operation of marinas and harbors, yacht clubs and as a partner in marinas.

Prior Employment

Prior to founding The Corrough Consulting Group in 1986, Mr. Corrough held ownership, management and project management positions with several major U.S.-based international planning, architecture, landscape architecture, and development consulting firms: EDAW, Inc. (planning, landscape architecture, environmental); Booz, Allen, Hamilton/Development Research Associates (real estate development consulting); Gruen Associates (architecture, planning, engineering); Skidmore, Owings and Merrill (architecture, planning, engineering). His public-sector employment includes architect /planner roles at two St. Louis-region planning agencies and as a U.S. government overseas resident regional architect/planner involved with coastal planning, harbors, resorts and waterfront facilities.

Education

Educated as an architect, urban designer and planner (BS, Arch '62, M. Arch'64, M. Urban Design '67); Washington University in St. Louis), he has also completed post-graduate studies in real estate development, landscape architecture, environmental analysis, and site, civil, and coastal engineering at Brown University/Rhode Island School of Design, USC, UCLA, U. of Utah. He continues his professional education through seminars, conferences & classes.

Awards

Projects and professional teams for which Mr. Corrough has been responsible have received a number of awards for excellence in planning and design from the American Institute of Architects, American Planning Association, American Society of Landscape Architects, and other organizations. These include the 1984 Olympic Games, the Cabrillo Marina & Recreation Complex in Los Angeles Harbor, Catalina Island Master Plan and others including international waterfront design/ development competition-winning awards in Canada, Kuwait, Bahrain, Brazil and the U.S.

Speeches/Publications/Teaching

He has served as a visiting instructor and guest lecturer at U.S. and international universities, and as a speaker at numerous U.S. and international professional society, government, and maritime technical and business conferences and has authored over 100 papers and articles on waterfronts, coastal, marina, resort planning and development.

Memberships/Directorships

Mr. Corrough is a member of the American Planning Association, American Institute of Architects, American Society of Landscape Architects, US Association of Marina Industries, PIANC/International Navigation Association, and the Urban Land Institute. He serves as a Director of: the California Marine Parks and Harbors Association, World Marina Conference, Inc., the American Planning Association Resort & Tourism Division, and the Water Access Task Force of the National Marine Manufacturers Association/Association of Marina Industries. Mr. Corrough is also Chairman of the Newport Beach Harbor Commission, a Director of the Marine Committee of the Newport Beach Chamber of Commerce, and is an Advisory Board Member for various U.S./international marina and water –based resort and commercial management and development firms. Internationally, he is a founding director of the Brazilian Institute of Marinas, a partner in the South American coastal and waterfront consulting firm Marinas Do Brasil, a founding partner in The Marine Opportunities Development Group, Ltd (Canada) and a founding partner of Waterfront Development Consultants, Pte., Ltd., (Singapore). He also has been a board member of various U.S. and international yacht clubs, the Catalina Island Conservancy, the Newport Harbor Nautical Museum, other educational and community organizations.

Recent/Current Technical Papers/ Published Articles

Challenges in Marina Retrofit & Expansion Ó speaker at the 2006 International Marina & Boatyard Conference, Orlando, Florida, USA, January 2006

The Pier at Goose Spit Marine Resort -A Unique Resort Marina and Development Partnership in British Columbia - article/photos in Marina World magazine Jan-Feb 2006 issue

The BC Marinas Market Study - speaker at the 2005 BC Marine Trades Assn. Conference, Vancouver, CAN

Recent/Current University Instruction & Professional Conference Instruction

University of California-Irvine
Department of Planning, Policy & Design
Visiting Lecturer on Waterfront Development Planning

University of Sao Paulo, Brazil
Oceanographic Institute
Visiting Professor- Coastal and Marine Tourism Programs

International Marina Conference
International Congress of Marina Industry Associations
Conference Seminar Leader/Speaker for Ò Marinas & Marine Tourism in Ports Ó

Conference on Waterfront Development in BC Coastal Communities –Challenges & Opportunities
Powell River Regional Economic Development Society, Powell River, Canada
Keynote Speaker- Small Waterfront Communities and the Economic Impact of Development

University of Wisconsin- Madison
31st Annual Course and Conference on Docks and Marinas
Keynote Speaker/Seminar Leader– "Keeping Marinas and Water-Dependent Uses on the Waterfront"

Recent Professional Awards

Recipient, John M. Nichol Memorial Award for the Most Outstanding International Marina and Waterfront Design-Presented by The International Navigation Congress (PIANC) & U.S. Army Corps of Engineers for design of the Cabrillo Marina and Waterfront Recreation Complex in the Port of Los Angeles, California.

Recipient, Newport Harbor Marine Committee Professional Contribution Award- Presented by The Newport Beach Chamber of Commerce for efforts to coordinate Marine Committee, Harbor Commission, marine industry of largest U.S. recreational harbor (10,000 boats)

STATE OF CALIFORNIA-THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, *Governor*

DEPARTMENT OF BOATING AND WATERWAYS
2000 EVERGREEN STREET, SUITE 100
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www.dbw.ca.gov

March 17, 2006

Lyn Krieger
Channel Islands Harbor Director
3900 Pelican Way
Oxnard, CA 93035

Subject: Corrough Consulting Group Report: Factors Affecting Slip Mix/"Small Boat" Ratio.

Dear Lyn;

We have reviewed the abovenamed report and find that it seems to confirm the trend we observed in preparing the 2002 Boating Needs Assessment and also reflected in our recently released revised Marine Facilities Guidelines Handbook. The recreational boats today that are awaiting California Coastal marina slips are an average of 20% longer and 100% wider (beam) than those a scant 20 years ago.

Sincerely,

Raynor Tsuneyoshi
Director

EXHIBIT 8
PWPA 1-05 & NOID 1-06
Dept. of Boating & Waterways Response to Slip Mix

SOUTHERN CALIFORNIA EELGRASS MITIGATION POLICY

(Adopted July 31, 1991)

Eelgrass (Zostera marina) vegetated areas function as important habitat for a variety of fish and other wildlife. In order to standardize and maintain a consistent policy regarding mitigating adverse impacts to eelgrass resources, the following policy has been developed by the Federal and State resource agencies (National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game). This policy should be cited as the Southern California Eelgrass Mitigation Policy (revision 8).

For clarity, the following definitions apply. "Project" refers to work performed on-site to accomplish the applicant's purpose. "Mitigation" refers to work performed to compensate for any adverse impacts caused by the "project". "Resource agencies" refers to National Marine Fisheries Service, U.S. Fish and Wildlife Service, and the California Department of Fish and Game.

1. **Mitigation Need.** Eelgrass transplants shall be considered only after the normal provisions and policies regarding avoidance and minimization, as addressed in the Section 404 Mitigation Memorandum of Agreement between the Corps of Engineers and Environmental Protection Agency, have been pursued to the fullest extent possible prior to the development of any mitigation program.

2. **Mitigation Map.** The project applicant shall map thoroughly the area, distribution, density and relationship to depth contours of any eelgrass beds likely to be impacted by project construction. This includes areas immediately adjacent to the project site which have the potential to be indirectly or inadvertently impacted as well as areas having the proper depth and substrate requirements for eelgrass but which currently lack vegetation.

Protocol for mapping shall consist of the following format:

1) Coordinates

Horizontal datum - Universal Transverse Mercator (UTM), NAD 83, Zone 11

Vertical datum - Mean Lower Low Water (MLLW), depth in feet.

2) Units

Transects and grids in meters.

Area measurements in square meters/hectares.

All mapping efforts must be completed during the active growth phase for the vegetation (typically March through October) and shall be valid for a period of 120 days with the exception of surveys completed in August - October.

EXHIBIT 9
PWPA 1-05 & NOID 1-06
Eelgrass Mitigation Policy

A survey completed in August - October shall be valid until the resumption of active growth (i.e., March 1). After project construction, a post-project survey shall be completed within 30 days. The actual area of impact shall be determined from this survey.

3. **Mitigation Site.** The location of eelgrass transplant mitigation shall be in areas similar to those where the initial impact occurs. Factors such as, distance from project, depth, sediment type, distance from ocean connection, water quality, and currents are among those that should be considered in evaluating potential sites.

4. **Mitigation Size.** In the case of transplant mitigation activities that occur concurrent to the project that results in damage to the existing eelgrass resource, a ratio of 1.2 to 1 shall apply. That is, for each square meter adversely impacted, 1.2 square meters of new suitable habitat, vegetated with eelgrass, must be created. The rationale for this ratio is based on, 1) the time (i.e., generally three years) necessary for a mitigation site to reach full fishery utilization and 2) the need to offset any productivity losses during this recovery period within five years. An exception to the 1.2 to 1 requirement shall be allowed when the impact is temporary and the total area of impact is less than 100 square meters. Mitigation on a one-for-one basis shall be acceptable for projects that meet these requirements (see section 11 for projects impacting less than 10 square meters).

Transplant mitigation completed three years in advance of the impact (i.e., mitigation banks) will not incur the additional 20% requirement and, therefore, can be constructed on a one-for-one basis. However, all other annual monitoring requirements (see sections 8-9) remain the same irrespective of when the transplant is completed.

Project applicants should consider increasing the size of the required mitigation area by 20-30% to provide greater assurance that the success criteria, as specified in Section 9, will be met. In addition, alternative contingent mitigation must be specified, and included in any required permits, to address situation where performance standards (see section 9) are not met.

5. **Mitigation Technique.** Techniques for the construction and planting of the eelgrass mitigation site shall be consistent with the best available technology at the time of the project. Donor material shall be taken from the area of direct impact whenever possible, but also should include a minimum of two additional distinct sites to better ensure genetic diversity of the donor plants. No more than 10% of an existing bed shall be harvested for transplanting purposes. Plants harvested shall be taken in a manner to thin an existing bed without leaving any noticeable bare areas. Written permission to harvest donor plants must be obtained from the California Department of Fish and Game.

Plantings should consist of bare-root bundles consisting of 8-12 individual turions. Specific spacing of transplant units shall be at the discretion of the project applicant. However, it is understood that whatever techniques are employed, they must comply with the stated requirements and criteria.

6. **Mitigation Timing.** For off-site mitigation, transplanting should be started prior to or concurrent with the initiation of in-water construction resulting in the impact to the eelgrass bed. Any off-site mitigation project which fails to initiate transplanting work within 135 days following the initiation of the in-water construction resulting in impact to the eelgrass bed will be subject to additional mitigation requirements as specified in section 7. For on-site mitigation, transplanting should be postponed when construction work is likely to impact the mitigation. However, transplanting of on-site mitigation should be started no later than 135 days after

initiation of in-water construction activities. A construction schedule which includes specific starting and ending dates for all work including mitigation activities shall be provided to the resource agencies for approval at least 30 days prior to initiating in-water construction.

7. **Mitigation Delay.** If, according to the construction schedule or because of any delays, mitigation cannot be started within 135 days of initiating in-water construction, the eelgrass replacement mitigation obligation shall increase at a rate of seven percent for each month of delay. This increase is necessary to ensure that all productivity losses incurred during this period are sufficiently offset within five years.

8. **Mitigation Monitoring.** Monitoring the success of eelgrass mitigation shall be required for a period of five years for most projects. Monitoring activities shall determine the area of eelgrass and density of plants at the transplant site and shall be conducted at 3, 6, 12, 24, 36, 48, and 60 months after completion of the transplant. All monitoring work must be conducted during the active vegetative growth period and shall avoid the winter months of November through February. Sufficient flexibility in the scheduling of the 3 and 6 month surveys shall be allowed in order to ensure the work is completed during this active growth period. Additional monitoring beyond the 60 month period may be required in those instances where stability of the proposed transplant site is questionable or where other factors may influence the long-term success of transplant.

The monitoring of an adjacent or other acceptable control area (subject to the approval of the resource agencies) to account for any natural changes or fluctuations in bed width or density must be included as an element of the overall program.

A monitoring schedule that indicates when each of the required monitoring events will be completed shall be provided to the resource agencies prior to or concurrent with the initiation of the mitigation.

Monitoring reports shall be provided to the resource agencies within 30 days after the completion of each required monitoring period.

9. **Mitigation Success.** Criteria for determination of transplant success shall be based upon a comparison of vegetation coverage (area) and density (turions per square meter) between the project and mitigation sites. Extent of vegetated cover is defined as that area where eelgrass is present and where gaps in coverage are less than one meter between individual turion clusters. Density of shoots is defined by the number of turions per area present in representative samples within the control or transplant bed. Specific criteria are as follows:

a. a minimum of 70 percent area of eelgrass bed and 30 percent density after the first year.

b. a minimum of 85 percent area of eelgrass bed and 70 percent density after the second year.

c. a sustained 100 percent area of eelgrass bed and at least 85 percent density for the third, fourth and fifth years.

Should the required eelgrass transplant fail to meet the established criteria, then a Supplementary Transplant Area (STA) shall be constructed, if necessary, and planted. The size of this STA shall be determined by the following formula:

$$STA = MTA \times (|A_t + D_t| - |A_c + D_c|)$$

MTA = mitigation transplant area.

A_t = transplant deficiency or excess in area of coverage criterion (%).

D_t = transplant deficiency in density criterion (%).

A_c = natural decline in area of control (%).

D_c = natural decline in density of control (%).

Four conditions apply:

1) For years 2-5, an excess of only up to 30% in area of coverage over the stated criterion with a density of at least 60% as compared to the project area may be used to offset any deficiencies in the density criterion.

2) Only excesses in area criterion equal to or less than the deficiencies in density shall be entered into the STA formula.

3) Densities which exceed any of the stated criteria shall not be used to offset any deficiencies in area of coverage.

4) Any required STA must be initiated within 120 days following the monitoring event that identifies a deficiency in meeting the success criteria. Any delays beyond 120 days in the implementation of the STA shall be subject to the penalties as described in Section 7.

10. **Mitigation Bank.** Any mitigation transplant success that, after five years, exceeds the mitigation requirements, as defined in section 9, may be considered as credit in a "mitigation bank". Establishment of any "mitigation bank" and use of any credits accrued from such a bank must be with the approval of the resource agencies and be consistent with the provisions stated in this policy. Monitoring of any approved mitigation bank shall be conducted on an annual basis until all credits are exhausted.

11. **Exclusions.**

1) Placement of a single pipeline, cable, or other similar utility line across an existing eelgrass bed with an impact corridor of no more than ½ meter wide may be excluded from the provisions of this policy with concurrence of the resource agencies. After project construction, a post-project survey shall be completed within 30 days and the results shall be sent to the resource agencies. The actual area of impact shall be determined from this survey. An additional survey shall be completed after 12 months to insure that the project or impacts attributable to the project have not exceeded the allowed ½ meter corridor width. Should the post-project or 12 month survey demonstrate a loss of eelgrass greater than the ½ meter wide corridor, then mitigation pursuant to sections 1-11 of this policy shall be required.

2) Projects impacting less than 10 square meters. For these projects, an exemption may be requested by a project applicant from the mitigation requirements as stated in this policy, provided suitable out-of-kind mitigation is proposed. A case-by-case evaluation and determination regarding the applicability of the requested exemption shall be made by the resource agencies.

(last revised 2/2/99)

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RECEIVED
SEP 2 9 2005
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

June 4, 2004

Mr. Brian Dunn
Vintage Marina Partners, L.P.
P.O. Box 249
Dana Point, CA 92629

Subject: ***Eelgrass (Zostera Marina) survey in Channel Islands Marinas at Parcel D and Parcel E, Oxnard, California.***

The site is located at Channel Islands Marina in Oxnard, California (Figure 1). The property owner intends to replace a floating dock system in order to accommodate larger vessels. The existing docks will be removed and the proposed docks will be installed in a different configuration. In addition, the existing piles will be pulled and new piles driven at new locations. In order to determine the impact this project would have on eelgrass (*Zostera marina*) Tetra Tech, Inc. was contracted to conduct an eelgrass and survey.

Eelgrass habitat has been identified as a sensitive marine resource by the California Department of Fish and Game, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service. Eelgrass beds serve as refuges, foraging areas, and nursery habitats for various coastal and bay invertebrates and fishes. Eelgrass grows from the low tide level to a maximum depth of approximately 20 feet.

On Wednesday, May 26, 2004, Tetra Tech conducted a survey in Channel Islands Marina at Parcel D and Parcel E adjacent to Bluefin Circle, Oxnard, California (Figure 1). The survey took place between 8:00 am and 2:00 pm. The area surveyed includes the area between the bulkhead and rip-rap that runs along the west side of each marina to 400 feet out (See attached Drawings). The survey area at Parcel D is approximately 650-ft by 400-ft and the survey area at Parcel E is approximately 1200-ft by 400-ft. Surveys at both parcels include the project footprint and surrounding area where equipment anchors may be placed.

EXHIBIT 10
PWPA 1-05 & NOID 1-06
Eelgrass Survey

Table 1. Eelgrass survey area and results, Channel Islands Marina, Oxnard, Ca., May 26, 2004.

Location	Area Surveyed			Eelgrass Area		*Caulerpa taxifolia* Area	
	(ft^2)	(m^2)	(ha)	(ft^2)	(m^2)	(ft^2)	(m^2)
Parcel D	260,000	24,155	2.42	0	0	0	0
Parcel E	480,000	44,593	4.46	0	0	0	0

The project area was also surveyed for *Caulerpa taxifolia* in accordance with the Caulerpa Control Protocol prepared by National Marine Fisheries Service and California Department of Fish & Game. The purpose of the survey is to determine the presence or absence of *Caulerpa taxifolia* prior to construction activities. *Caulerpa taxifolia* is a non-native alga that poses a threat to coastal marine life. It has been found in Carlsbad and in Huntington Harbour. Currently Channel Islands Harbor is not designated as an infected system.

One scientific diver, experienced in eelgrass ecology and able to identify *Caulerpa taxifolia*, swam along the bottom in transects perpendicular and parallel to the bulkhead using a compass and measuring tapes. Transects were run parallel at distances of ten feet apart excluding the area under existing docks. During the survey, underwater visibility was approximately 4 to 7 feet. Depths in the area surveyed ranged from –2 ft to –13 ft mean lower low water. The information on the area surveyed was digitally plotted, to scale, using AutoCAD 2002 software.

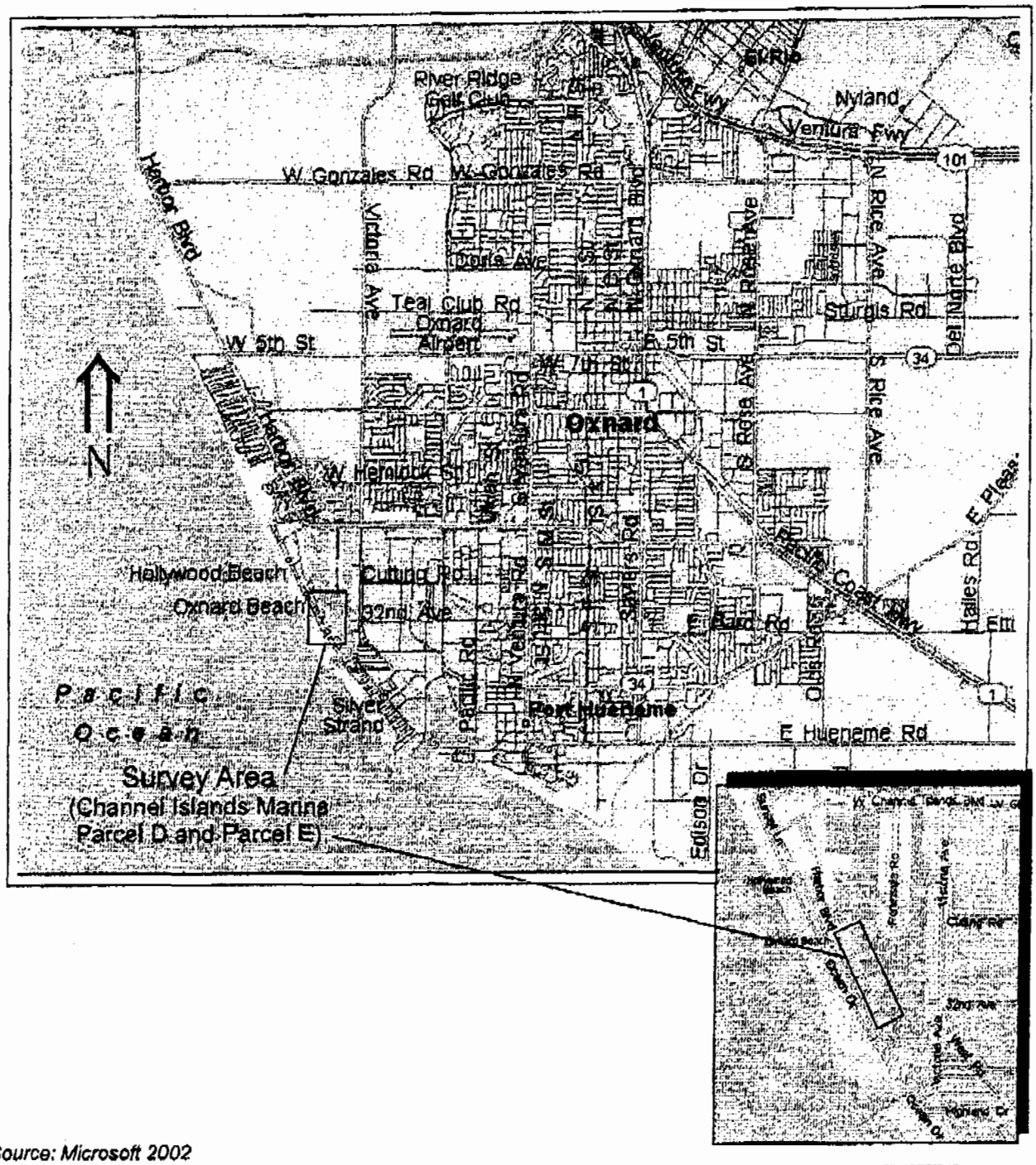
No eelgrass (*Zostera marina*) was found in the area adjacent to this property as shown in the attached Figure 2. In addition, the diver looked for *Caulerpa taxifolia*, which was not observed in the area surveyed.

If you have any questions, please contact me at (626) 945-1456.

Sincerely,
TETRA TECH, INC.

Sarah McFadden
Environmental Scientist

Attachments: Figure 1 – Project Vicinity Map
Figure 2 – Site Survey Map – Parcel D
Figure 3 – Site Survey Map – Parcel E
Caulerpa taxifolia Survey Reporting Form



Source: Microsoft 2002

Tetra Tech INCORPORATED

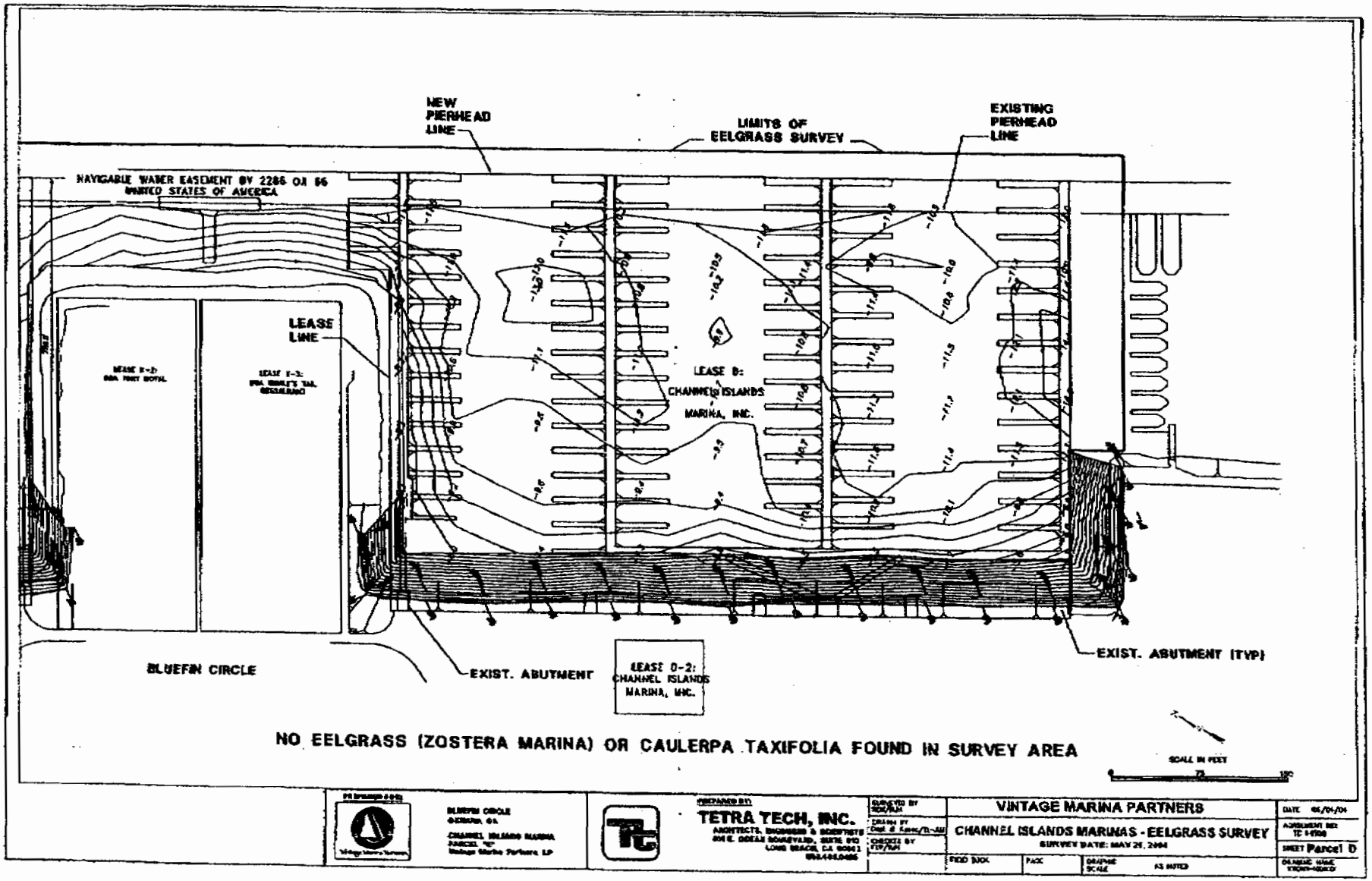
Site Vicinity Map

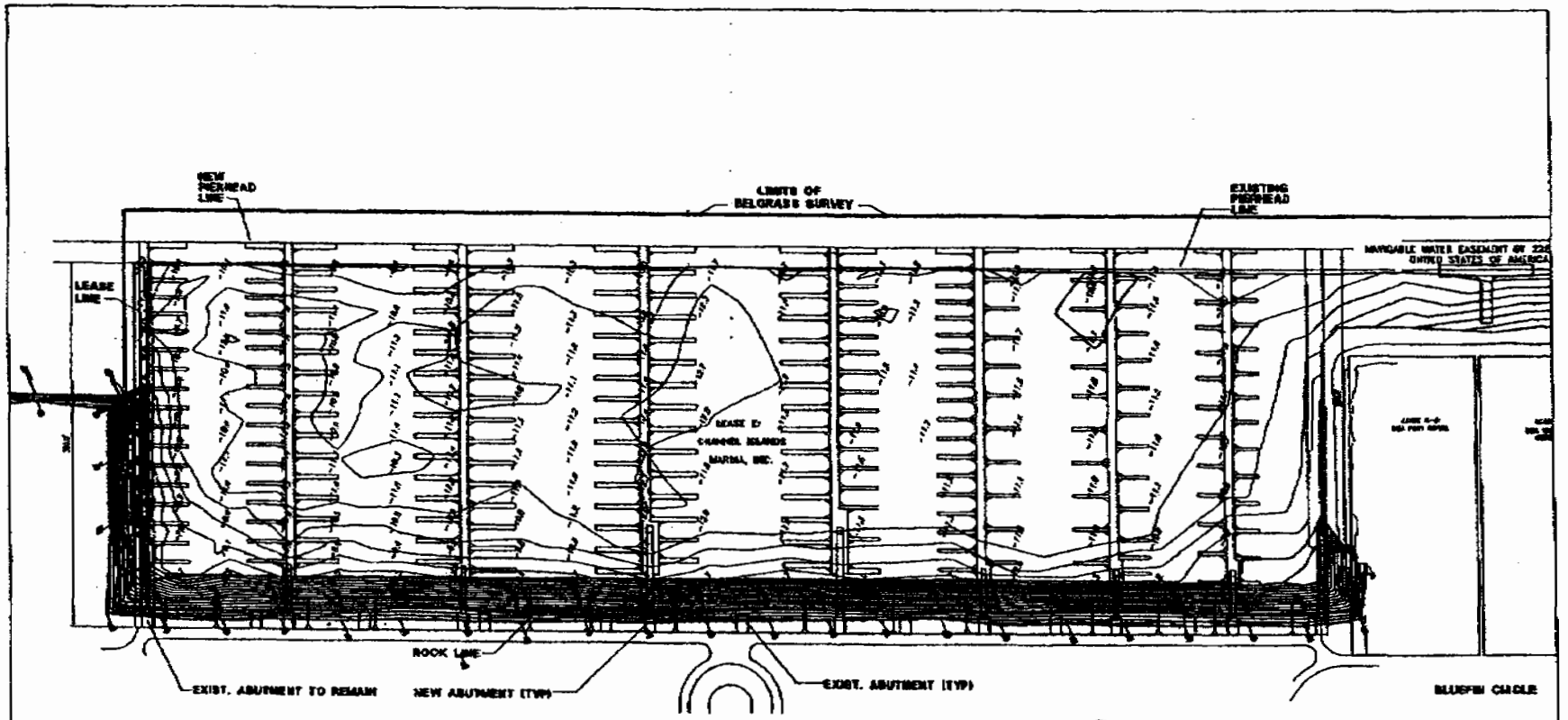
Channel Islands Marina, Oxnard, CA

Eelgrass (*Zostera marina*) & *Caulerpa taxifolia* Surveys

FIGURE 1

May 26, 2004


NEW PIERHEAD LINE
LIMITS OF EELGRASS SURVEY
EXISTING PIERHEAD LINE
NAVIGABLE WATER EASEMENT BY 2286 OJ 86 UNITED STATES OF AMERICA
LEASE LINE
LEASE D: CHANNEL ISLANDS MARINA, INC.
BLUEFIN CIRCLE
EXIST. ABUTMENT
LEASE D-2: CHANNEL ISLANDS MARINA, INC.
EXIST. ABUTMENT (TYP)
NO EELGRASS (ZOSTERA MARINA) OR CAULERPA TAXIFOLIA FOUND IN SURVEY AREA
SCALE IN FEET
TETRA TECH, INC.
VINTAGE MARINA PARTNERS
CHANNEL ISLANDS MARINAS - EELGRASS SURVEY
SURVEY DATE: MAY 21, 2004
Parcel D



NO EELGRASS (ZOSTERA MARINA) OR CAULERPA TAXIFOLIA FOUND IN SURVEY AREA

PREPARED FOR:
BLUEFIN CIRCLE
OXNARD, CA
OWNER: ELLIOTT MARINA
PARCEL "E"
Vintage Marina Partners, LP

PREPARED BY:
TETRA TECH, INC.
ARCHITECTS, ENGINEERS & SCIENTISTS
401 E. OCEAN BOULEVARD, SUITE 200
LONG BEACH, CA 90802
(562) 432-5400

DRAWN BY:	VINTAGE MARINA PARTNERS	DATE: 05/26/04
CHECKED BY:	CHANNEL ISLANDS MARINAS - EELGRASS SURVEY	AGREEMENT NO: RC-1030
	SURVEY DATE: MAY 26, 2004	SHEET: Parcel E
FIELD BOOK	PLOT	DRAWING NAME: Vintage Eelgrass Parcel E
DRAWING SCALE:	AS NOTED	

Caulerpa Survey Reporting Form

(Version 1.2, November 22, 2002)

Site Name: (common reference)	Channel Islands Marina Parcel D and Parcel E, Channel Islands Harbor
Survey Contact: (name, phone, e-mail)	Sarah McFadden Environmental Scientist Tetra Tech, Inc. 401 East Ocean Blvd., Suite 810 Long Beach, CA 90802 (562) 495-0495 Sarah.McFadden@tetratech.com
Permit Reference: (ACOE Permit No., RWQCB Order or Cert. No.)	
Hydrographic System: (bay, estuary, lagoon, or harbor)	Harbor: Channel Islands Harbor, Oxnard, California
Specific Location: (UTM, Lat./Long., datum, accuracy level, attach electronic survey area map if possible)	Lat 34.1678 N, Long 119.2283 W to Lat 34.1627 N, Long 119.2254 W The site is comprised of two basins which are adjacent to Bluefin Circle in Oxnard. The area surveyed includes the area between the bulkhead\riprap that runs along the west boundary of each marina parcel to 400-ft out (50-ft past existing Pierhead Line). See Figures included in associated Eelgrass (Zostera marina) Survey report.
Was *Caulerpa* Detected: (if *Caulerpa* is found, please immediately contact the permitting agency project staff and NMFS or CDFG personnel identified above)	_____ **Yes, Caulerpa was found at this site and** _____ **has been contacted on** _____ **date.** __X__ **No, Caulerpa was not found at this site.**
Description of Permitted Work: (describe briefly the work to be conducted at the site under the permits identified above)	Proposed project consists of reconfiguring marina dock system to accomodate larger vessels. Piles and docks will be relocated.

Caulerpa Survey Reporting Form

(Version 1.2, November 22, 2002)

Description of Site: (describe the physical and biological conditions within the survey area at the time of the survey and provide insight into variability, if known. Please provide units for all numerical information).	*Depth range:*	-2ft to -13ft MLLW shallow depths nearshore gradually increased with distance from bulkhead
	Substrate type:	Fine Sand
	Temperature:	15.5° C
	Salinity:	Normal
	Dominant flora:	Brown algae (Sargasum, Colpomenia) near shore & very sparse
	Dominant fauna:	Infaunal clams, mussels on docks & piles
	Exotic species encountered:	None
	Other site description notes:	Floating docks & navigation channel

Caulerpa Survey Reporting Form

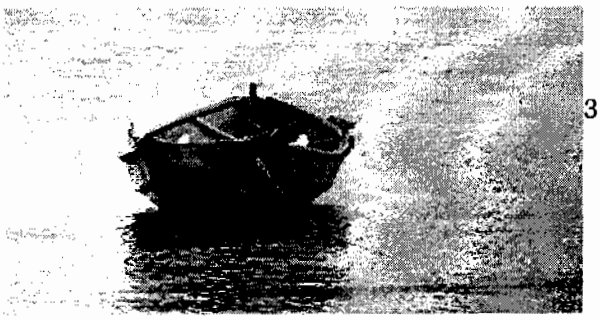
(Version 1.2, November 22, 2002)

Description of Survey Effort: (please describe the surveys conducted including type of survey (SCUBA, remote video, etc.) and survey methods employed, date of work, and survey density (estimated percentage of the bottom actually viewed). Describe any limitations encountered during the survey efforts.	*Survey date and time period:*	May 26, 2004 Between 8:00 am and 2:00 pm PST
	Horizontal visibility in water:	4 to 7-ft
	Survey type and methods:	One scientific diver using SCUBA swam transects.
	Survey personnel:	Sarah McFadden Rafael Holcombe
	Survey density:	High Intensity Surveillance 80 % visual coverage
	Survey limitations:	Area between west bulkhead out 400-ft (50 from existing pierhead line)
Other Information: (use this space to provide any additional information or references to attached materials such as maps, reports, etc.)	Survey conducted in conjunction with an eelgrass (*Zostera marina*) survey in which no eelgrass was found. Eelgrass & Caulerpa Survey Report and Maps Attached	

From: Dr. Jonathan ZIv [jzivdds@pacbell.net]
Sent: Monday, January 16, 2006 3:58 PM
Subject: Channel Islands Harbor

>> ----- Original Message -----
>> From: "Marilyn Fluharty" <MFluharty@dfg.ca.gov>
>> To: <trevor.smith@earthlink.net>
>> Cc: "Morgan Wehtje" <MWehtje@dfg.ca.gov>
>> Sent: Tuesday, September 20, 2005 4:12 PM
>> Subject: Channel Islands Harbor
>>
>>
>>> Hi Trevor,
>>> I got the following message forwarded by Morgan Wehtje:
>>>
>>> The channel Islands harbor department is recommending a 20 foot dock
>>> extension throughout the harbor to all marinas. Does this impact, which
>>> is loss of sunlight to the harbor bottom, need to be evaluated?
>>>
>>> Dock extension projects have the potential to impact marine vegetation,
>>> in particular eelgrass habitat, from shading. The Department considers
>>> eelgrass beds valuable marine habitat as they function to stabilize
>>> substrate, increase productivity, and provide structure to soft bottom
>>> habitat. Eelgrass beds serve as nurseries for many fish species
>>> including important sport and commercial fish and they provide forage
>>> for seabirds, including the endangered California least tern. Eelgrass
>>> is also designated as a Special Aquatic Site under Section 404 of the
>>> Clean Water Act. Thus, any impacts to eelgrass from shading (shading
>>> from docks, as well as shading from docked vessels) and from
>>> construction activities (pile driving, construction vessel anchoring
>>> etc...) will need to be evaluated. Impacts should be avoided or
>>> minimized, and any unavoidable impacts would need to be mitigated in
>>> accordance with NOAA Fisheries' southern California eelgrass policy (
>>> see: http://swr.nmfs.noaa.gov/hcd/eelgrass.pdf). If feasible, we
>>> suggest the project proponent use grating and clear or translucent dock
>>> platform materials to allow light to penetrate to the seafloor. Please
>>> call or e-mail me if you have any further questions.
>>>
>>> Marilyn J. Fluharty
>>> California Dept. Fish and Game
>>> Marine Region
>>> 4949 Viewridge Avenue
>>> San Diego, CA 92123
>>> 858-467-4231 fax 858-467-4299
>>
>

EXHIBIT 11
PWPA 1-05 & NOID 1-06
Dept. of Fish & Game Eelgrass Information



JEFFREY B. FROKE, PH.D.
3158 BIRD ROCK ROAD | PEBBLE BEACH CA 93953
TEL (831) 224-8595 | FAX (831) 649-3764
jbfroke@msn.com

Revised 29 March 2006

MEMORANDUM

TO Ms Lyn Krieger, Director
Ventura County Harbor Department

SUBJECT Channel Islands Harbor | Basins D & E
Dock Construction and Heron Protection

BACKGROUND

Construction of a replacement marina is proposed for Basins D and E, which are located south and adjacent to the future Boating Instruction and Safety Center (BISC) on the West Side of Channel Islands Harbor.

In past years (previous to and including 2002-2003), there existed both a nesting colony and day roost of Black-crowned Night-Herons scattered over the West Side area, particularly adjacent to the E Basin, and across the channel on the mid-harbor Peninsula. Effective in 2004 and to the present, however, the majority of the night-heron population relocated to a larger dual-species heronry in Port Hueneme, leaving the sites of the former West Side colony mostly quiet of herons. The Port Hueneme heronry consisted of nearly 100 pairs of Snowy Egrets and Black-crowned Night-Herons in 2005. On the other hand, Great Blue Herons (at least 3 pairs in early 2006) remain attached to the West Side (1 pair) and Peninsula (at least 2 pairs) colony locations for at least another nesting season.

Despite the limited presence of Black-crowned Night-Herons in the vicinity of the proposed construction area, special consideration of the

EXHIBIT 12
PWPA 1-05 & NOID 1-06
Heron Protection Rept.

birds and conservative actions to assure that the birds will not be harmed or adversely affected by proposed construction activities are essential. A conservative approach would be called for to avoid even mildly disrupting the birds. It is possible that individuals or small groups of night-herons might return to the West Side to day roost or nest; and in fact three pairs were present on nests in adjacent trees on 24 March 2006. Therefore, the conservation objective of this project is to avoid disrupting or causing harm to night-herons, especially breeding night-herons.

Arrival of Adults Birds

The following statement addresses when Black-crowned-Night-Herons may arrive to breed at the West Side of Channel Islands Harbor:

Adult Black-crowned Night-Herons arrive where they will nest to then pair-up and initiate breeding activities as early as January and February, but more typically during March; and some early nesting may be underway as early as March. Nesting can be expected to be in full-swing by mid-April, then as a colony - if there are numerous pairs - to continue as long as August. The latest it is reasonable to expect arriving new birds is mid-late April.

IMMEDIATE OBJECTIVE

To protect Black-crowned Night-Herons and Great Blue Herons from disturbance during the construction phase of the marina, each construction activity capable of such disturbance should be evaluated to determine if precautions are in order. The types of activities that may disturb or discourage herons may be characterized as sudden and exceptionally loud noise generation, bright upward shining lights, and - at least in the case of night-herons - both leashed and unleashed dogs and cats that are left to harass birdlife in the park trees. The following

set of responsible construction and management practices should be administered whenever and wherever the birds may be nesting. Nesting boundaries, including nesting location and timeline, should be carefully identified and monitored by a qualified heron ecologist.

It is noted that the Project Owner has committed to employ certain silt and turbidity reduction measures, these including silt curtains and partially-set piles. Whether nesting herons are present to benefit from these environmental protection allowances, the sum effects will be positive for all waterbirds and the total marine environment of the harbor.

Prescriptive Measures

Construction Noise & Setbacks

Setbacks and buffer distances. Although there is usually discussion about whether and how extensive to make linear setbacks or buffers from, e.g., present or even former but presently vacant heron nests to active machinery or other sources of industrial noise, the argument in support of setbacks lacks data. In fact, all real evidence points to the species' tolerance of noise and source activity, especially in the realm of outdoor recreation and human and mechanical sounds that have a repetitive and predictably broad pattern, e.g., marine and auto traffic.

In the present case, the distance from the noise source (assumed to be an on-ground compressed-air pump (diesel) operating at the work site) to the protected resource (active heron nests) can be accurately measured. With respect to Basin D, the measured distances from the proximal nest tree to the respective bulkhead for each of the first six docks, starting from the *Whale's Tale* and headed south range from 128 – 651 feet. By contrast, the same nest tree is located 34 ft. from the adjacent parking lot, which includes not only the general public and

Yacht Club members' autos but also the neighborhood dumpster, which occupies the parking stall closest to the tree.

Distance to known nest trees from 2006. A reasonable use of the current data is to identify the distance from the only West Side heron nest trees (four active in 2006) to the closest respective construction sites. As stated, the proximal of three contiguous night-heron nest trees is 128 ft from the closest possible construction point, a dock bulkhead in Basin D. The only Great Blue Heron nest, in a 60-ft cypress at Barracuda, is located more than 132 ft (ground distance) to the closest construction point, a dock bulkhead in Basin E.

CONCLUSION

A specific setback of hundreds of feet from construction activity to heron nesting spaces is already in-play. In fact, available data and observations of contemporary Southern California heronries surely illustrate that Black-crowned Night-Herons, Great Blue Herons, and Snowy Egrets not only tolerate presence of humans and structures associated with urban-waterscape settings, but under certain circumstances the species may also be *attracted* to such settings. (See findings of my ongoing studies of herons in human settings at both Channel Islands Harbor (2004) and Marina del Rey (2005)). The dual-species heronry of Black-crowned Night-Herons and Snowy Egrets at Dana Point Harbor is yet another interesting case where nearly 100 pairs nest directly above a popular bait hut and roadway turnout.

Positive Prescriptions for Environmental Management

Sound Prescription. The power systems that will be employed for the jack-hammers and pile-drivers (etc.), will be driven by compressed air, and it is reasonable that the engine and compression unit would be shielded from the external environment for the purpose of reducing sound emissions. Shields made from ordinary heavy plywood or sound-

board, or molded sound shields that are custom-made for the compression unit would be suitable if property managed, and monitored throughout the work day.

Dog-Free Parks. During the heron nesting period, when this protection plan is in effect, construction employees must abstain from bringing their pets (dogs and cats) to the job site. Workers should not be permitted to lunch under nesting trees.

No Loud Music. During the heron nesting period, when this protection plan is in effect, construction employees must abstain from playing loud music or other programs in and around the job site.

Overall Connection. Throughout the construction period, when it intersects with the active nesting period for herons within Channel Islands Harbor, an ornithologist who is familiar with the local heronry shall make the rounds of the project area and all known nesting neighborhoods, on a twice-a-month basis for the following monitoring and protective purposes:

(1) To ensure that approved measures are taken to shield generated noise from designated construction power systems;

(2) To ensure that construction crews have left their pets at home and are not playing loud music in or around the job site; and,

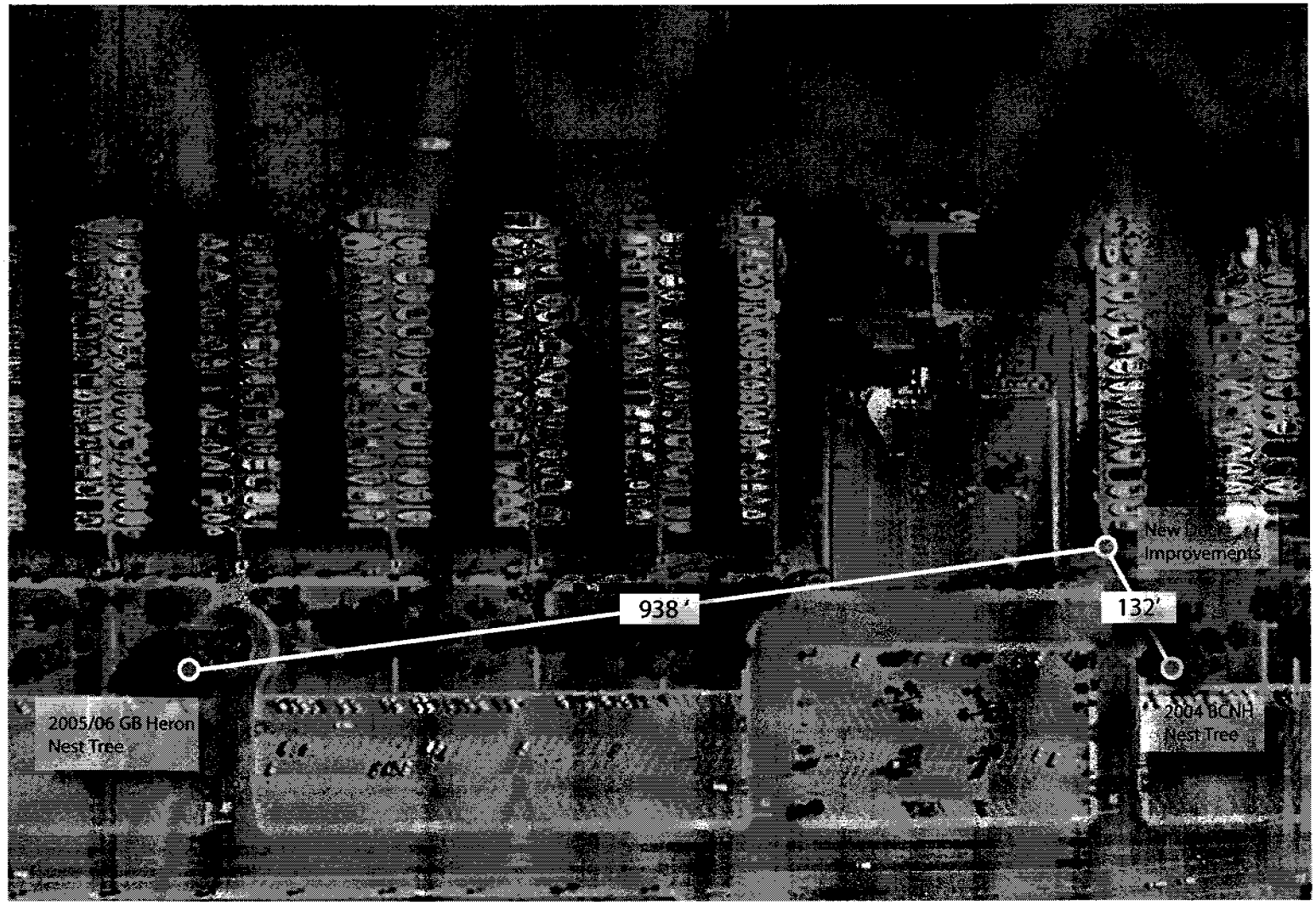
(3) To locate and reconfirm the presence and status of nesting heron pairs and their eggs/young in the harbor environment.

Through work sponsored by the Ventura County Harbor Department over the last 3-4 years, we have learned a great deal about three

species of breeding herons in coastal Ventura County. The best news of all is that the herons' numbers appear to be growing, their geographic range is advancing, and their adaptability to live in human occupied settings is assured.

Respectfully,

CHANNEL ISLANDS HARBOR, VENTURA CO., CA 2006



Partial view of Channel Islands Harbor Heronry and proposed dock improvements near the Whale's Tale & CI Yacht Club. Measurements show distance from actual (blue) and pending (green) nests to closest possible construction site (orange).

JB Froke PhD / **CA Wildlife Ecology** / Pebble Beach CA 93953 / (831) 224-8595 / *jbfroke@msn.com* (Heronry database is from 2003-present).

Heron Nest Trees, CHANNEL ISLANDS HARBOR, Ventura Co., California (2003-2005)

This map shows all trees in the CIH study area that were confirmed as used by nesting herons during 2003, 2004 and 2005. Tree species are New Zealand Christmas Trees (METEXC), Monterey Pine (PINRAD), Monterey Cypress (CUPMAC), and a Magnolia (MAGNOLIA). Heron species are Black-crowned Night-Heron (BCNH), Snowy Egret (SnEg), and Great Blue Heron (GBH). Heron studies will continue throughout 2006.

Note: Black-crowned Night-Herons, which were most numerous @ CIH in 2003 (39 nesting pairs on the West Side), have since declined in numbers: 5 pairs in 2004, then a single pair in 2005. Simultaneously, BCNH numbers have grown to match Snowy Egrets' at Port Hueneme (approx. 100 pairs total); and approximately 17 pairs of Great Blue Herons nested at Ventura Harbor during 2005.

JB Froke, Mar 06

AUDUBON CANYON RANCH
Cypress Grove Research Center, P. O. Box 808, Marshall, CA 94940
Tel 415-663-8203 • E-mail CGP@svn.net • Fax 415-663-1112

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APR 11 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

7 April 2006

California Coastal Commission
c/o Gary Timm, District Director
89 S. California Street, Suite 200
Ventura, California 93001

RE: Proposed construction of docks in Channel Island Harbor Basins D and E

Dear Commissioners:

I would like to comment on the potential for adverse environmental effects on nesting herons by construction of the proposed replacement marina adjacent to the future Boating Instruction and Safety Center (BISC) in the Channel Islands Harbor. Since 1990, I have conducted scientific studies of herons and egrets at all known heronries in the San Francisco Bay area. These comments follow from my previous letters to the Ventura County Harbor Department (25 June 2003, 9 December 2003) and the California Coastal Commission (9 March 2005) regarding the BISC and protection of the heronry in the Channel Islands Harbor.

In particular, I would like to emphasize my support of several points provided by Dr. Jeffrey Froke in his 3 March 2006 report to the Ventura County Harbor Department on protection of the heronry. I strongly agree with Dr. Froke that a conservative approach with special consideration for the protection of the nesting birds is "essential" to assure that the heronry will not be adversely affected by the proposed construction activities. In addition, his comments on the importance of (1) involving a qualified heron ecologist to monitor the birds and (2) prohibiting construction noise, loud music, human activity, and pets near nesting areas are well-supported by published studies on disturbance threats to heronries.

However, some aspects of the report need closer attention to align the planned protection of the heronry with current knowledge on the nesting ecology of herons and egrets. Specifically, my comments below address five important points.

(continued)

EXHIBIT NO. 12b
APPLICATION NO.
PWPA 1-05 / NOID 1-06
DR. KELLY LETTERS

Fourth, published data do not imply that these birds are in any way "attracted" to areas of human activity, as suggested in the Dr. Froke's report. To my knowledge, there is no scientific evidence of any selectivity or preference for urbanized settings. (Evidence of attraction or avoidance requires a comparison of sites that are used vs. suitable alternative sites that are not used.) Instead, existing evidence indicates that although herons and egrets may nest in urbanized areas, they avoid using sites with increased human activity. For example, work by Watts and Bradshaw (1994, Colonial Waterbirds 17:184-186) indicated that herons in Chesapeake Bay select colony sites that are farther from human structures and in areas with less intensive human development than available alternative sites in the area. Similarly, herons in coastal Maine tend to occupy heronries that are farther than available alternative colony sites from towns (Gibbs et al. 1987, Auk 104: 38-47). Katherine Parsons reported an increasing dependence by Snowy Egrets on the safety of islands in urbanized estuaries (Parsons and Master 2000, *in* Poole and Gill, Birds of North America, No. 489). The most likely reason that herons and egrets use remnant habitat near humans, such as the nesting area at Channel Islands Harbor, is that they need safe places to nest in close proximity to critical feeding areas.

Finally, the possible effects of increased turbidity associated with dock construction on the foraging needs of nesting herons and egrets should be carefully considered. At least one study has found that increased turbidity causes a significant decline in foraging success and suggested its use in deterring fish-eating colonial waterbirds from fish farms (Cezilly 1992, Colonial Waterbirds 15: 249-252).

I hope these comments are helpful in developing the conservative approach recommended by Dr. Froke's report. Thank you again for this opportunity to comment on the heronry at Channel Islands Harbor.

Sincerely,

John P. Kelly

John P. Kelly, PhD
Director, Conservation Science

CC: Ms Lyn Krieger, Director, Ventura County Harbor Department.

AUDUBON CANYON RANCH

Cypress Grove Research Center, P. O. Box 808, Marshall, CA 94940

Tel 415-663-8203 · E-mail <cgp@svn.net> · Fax 415-663-1112

9 March 2005

California Coastal Commission
c/o Gary Timm, District Director
89 S. California Street, Suite 200
Ventura, California 93001

RE: Boating Instruction and Safety Center (BISC) project, PWA-MAJ-1-04

Dear Commissioners:

I would like to clarify some points of discussion related to my previous letters to the Ventura County Harbor Department (25 June 2003 and 8 December 2003) and the assessment of proposed modifications to the Boating Instruction and Safety Center (BISC) project.

First, zones of disturbance around heron nesting colonies exist even in urbanized settings. The difficulty in determining the appropriate minimum buffer distance in areas where herons nest near human activity does not reduce the value of avoiding disturbance zones. Disturbance studies to date invariably recognize not only that the sensitivities of nesting herons and egrets vary considerably among nesting sites and times of year, but more importantly, that at each colony site there is an increasing likelihood of disturbance with declining distance to human activity. In areas where human disturbance cannot be completely avoided, incorporating the maximum feasible buffer zone may be critical in protecting heronries by reducing the frequency or intensity of disturbance. Heinz Hafner, a leading scientist in the field of heron and egret ecology, has indicated that buffer zones remain critical factors in colony site management even at sites where birds tolerate humans at close distances (Hafner 2000; pp. 210-212 in Heron Conservation, Academic Press). Although scientific recommendations of 100-200 m buffer areas around wading bird colonies have apparently been considered unrealistic in the proposed plans for the BISC, I urge you to consider establishing the maximum feasible buffer area between the nesting herons and areas planned for increased human activity.

I greatly appreciate Dr. Froke's 2003-2004 assessments of the heronries at Channel Islands Harbor, Port Hueneme, and Ventura Harbor. However, readers should not use the results, which document a shift in nest locations between two seasons, to speculate about trends in nesting abundance or use of nest trees. Such year-to-year changes are common and often fail to reflect any underlying trend or pattern. Dr. Froke's report also indicates, importantly, that the trees near the BISC site provide potentially suitable nesting sites, even if unused in a given year. It is reasonable to assume that such sites remain suitable and that their availability may be critical in urbanized environments, by accommodating shifts of nest locations in colonies that persist as dynamic, dispersed aggregations. Similarly, there is a likely risk in assuming that reduced or intermittent use of particular nest trees reflects reduced importance to the colony.

I share Dr. Froke's suspicion that many of the nesting Black-crowned Night-Herons moved from the Channel Islands Harbor in 2003 to Port Hueneme in 2004. Such movements are common in this species and can be stimulated by changes in feeding conditions (degraded locally or improved elsewhere), nesting habitat conditions, or the intensity, timing, or frequency of disturbance events. Some changes in nest locations probably reflect normal annual variation. As above, I emphasize that in the absence of additional information, the shift in nest locations in 2004 is unlikely to indicate longer-term differences in the suitability of nest sites or colony sites.

Please also note that the dispersed configuration of the heronry at Channel Islands Harbor does not in itself protect birds that nest close to the BISC site. The California Department of Fish and Game Code prohibits take of individual nests, regardless of any larger-scale effects on the heronry.

Finally, although some responders on this issue have reported "habituation" to human activity by nesting herons at Channel Islands Harbor, there is no evidence of habituation, which requires a change in individual behavior over time. Even if habituation was known to have occurred, the capacity of the herons for further habituation is unknown. A simpler and therefore more likely explanation for the presence of nesting herons and egrets in the Channel Islands Harbor is that herons, like other birds, select nest sites each year based on their ecological requirements and the suitability of local conditions. Consistent with this idea, frequently observed changes in their use of nest sites and colony sites suggest a sensitivity to changes in the surrounding area.

Thank you for your appreciation of the heronry and for this opportunity to comment.

Sincerely,

John P. Kelly

John P. Kelly, PhD
Research Director

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Extended CIHM Pierhead Line in CIH/Comparison With Standards, Other Harbors

Context & Proposed Change

The renovation of Channel Islands Marina in Channel Islands Harbor, Ventura County California includes extending the existing pierhead line 20′ further east from the existing pierhead line along the entire 1750′ frontage of the CIHM project area.

This pierhead line extension is necessitated by: the need to preserve the largest number and sizes of slips in renovation; the legal requirement of providing new 80′ ADA access gangways (vs. existing 30′) at acceptable slopes; the widening of average vessel beams by 15% since the design of the original marina over 40 years ago and; the new (2005) California Department of Boating and Waterways Design Guidelines for Marina Berthing Facilities which include new slip layout criteria.

Approximately 850′ of the CIHM frontage is along the CIH West Channel which has a pierhead line-to-pierhead line of 220′ between the CIHM and the Parcel F Marina on the CIH central peninsula. (sources: NOAA Chart 18725, CIH Master Plan and MP Aerial Photo with linear scales, So. Cal Boater's Guide) (see attached CIH aerial photo and Master Plan, w pierhead lines)

The remaining 900′ portion of the CIHM is adjacent to the CIH Turning Basin which has a pierhead-to pierhead width of approximately 600′ to 800′ along the CIHM frontage.

The proposed change along the 850′ CIHM West Channel length would reduce the existing 220′ channel by 20′ or approximately 9%, leaving a 200′-wide unimpeded navigation channel serving this area of the CIH and adjacent residential area marinas.

Comparison With Recognized, Commonly-Used Design Standards & Guidelines

The 200′ channel width is 200%-267% of the recommended minimum 100′ and 75′ widths for primary interior channels (as contrasted with wider entry channels and narrower slip fairways) described in the two leading sources of marina design standards and guidelines- the 2005 CA Department of Boating & Waterways Design Guidelines for Marina Berthing Facilities (p.9 -75′) and Marinas & Small Craft Harbors (Tobiasson, 2000, pp. 290-292-75′, 100′preferred) (see excerpted attachments)

EXHIBIT 13
PWPA 1-05 & NOID 1-06
Corrough Design Rept.

It is also consistent with the average navigable width of the West Channel to the bridge and the primary interior channels serving the residential areas to the north of the bridge, all of which were designed and constructed using earlier versions of the DBAW Guidelines.

Comparison With Similar Southern California Harbors Primary Interior Channels

Several Southern California harbors and marinas, designed and constructed contemporaneously, or previous to, the Channel Islands Harbor, have similar primary interior navigation channels to the CIH West Channel - interior channels, not wider entry channels or narrower fairways. It should be noted that not all Southern California harbors have comparable channel types to that being analyzed so are not included.

Like the CIH West Channel, the interior channels in other harbors provide access to portions of the overall harbor including commercial marinas and in some harbors, to residential docks and marinas as well. In some cases, these channels provide access to adjacent waterfront residential development docks, as in CIH WC. (HH, NB, ABM, VH)

The harbors and interior channel navigable widths in this comparative analysis include:

Ventura Harbor - Interior Channel to 2 Main Basins: 200', Ventura Keys 100'

Marina Del Rey - Interior Channels in 8 Main Basins: 160'-200'

King Harbor - Interior Channels in 2 Main Basins: 100'-120'

Cabrillo Marina - Interior Channels in 3 Main Basins: 150'

Alamitos Bay Marina - Interior Channels Basins 3 &4, 6 & 8, Naples Isl: 200', 150'

Huntington Harbour - Interior Channels in Sunset Marina, HH Islands: 190', 130'
(Note: narrowest point of HH main channel (for 3800+boats) is 200' at Peter's Landing)

Newport Harbor - Interior Channel-Back Bay, Islands: 180', 80'-150'

Dana Point Harbor - Interior Channels in 2 Main Basins: 200', 180'

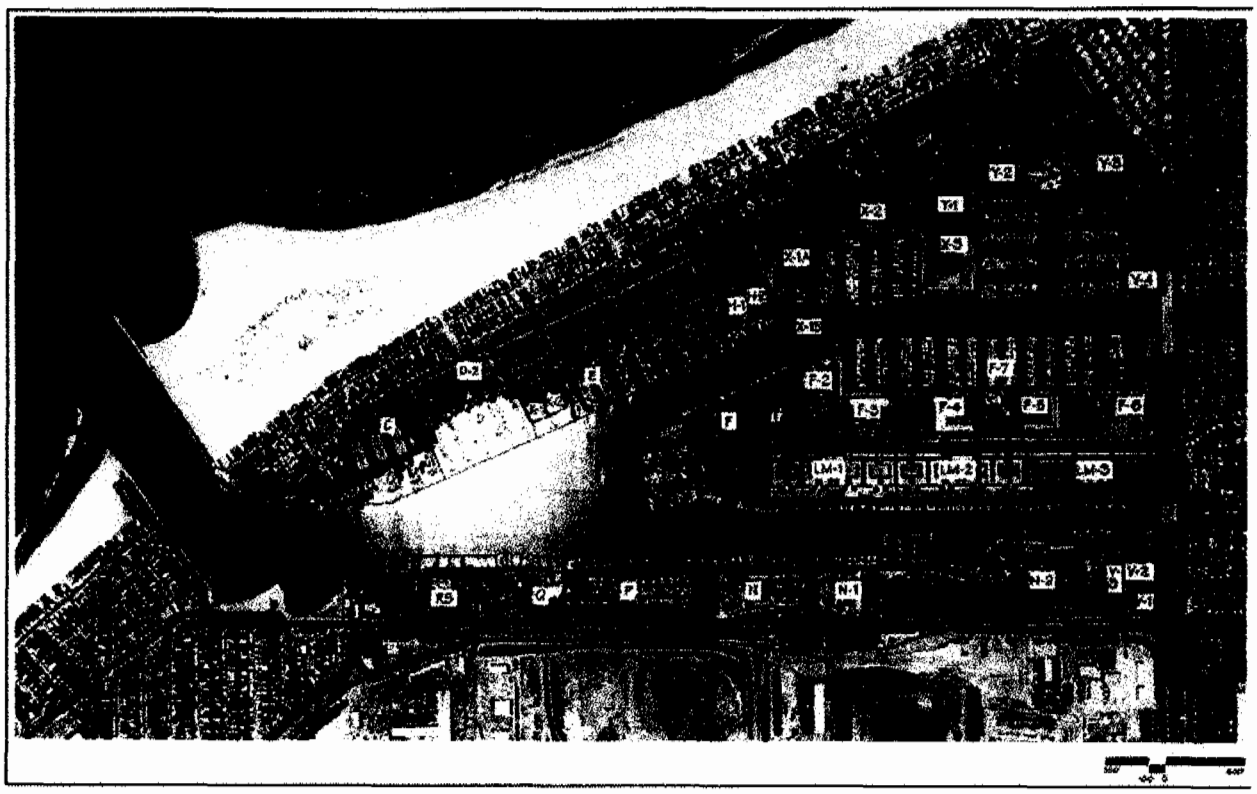
These measurements were obtained from the applicable NOAA charts of these harbors, and confirmed by using scaled C-Map Electronic Charts in a Furuno Chart Plotter at a .1mile resolution as well as scaled vertical aerial photos of the harbors. Where no pierhead information is shown on charts, it has been interpolated from the furthest dock extensions on each side of the channel as shown on charts, in aerial photos.(+/- 5')

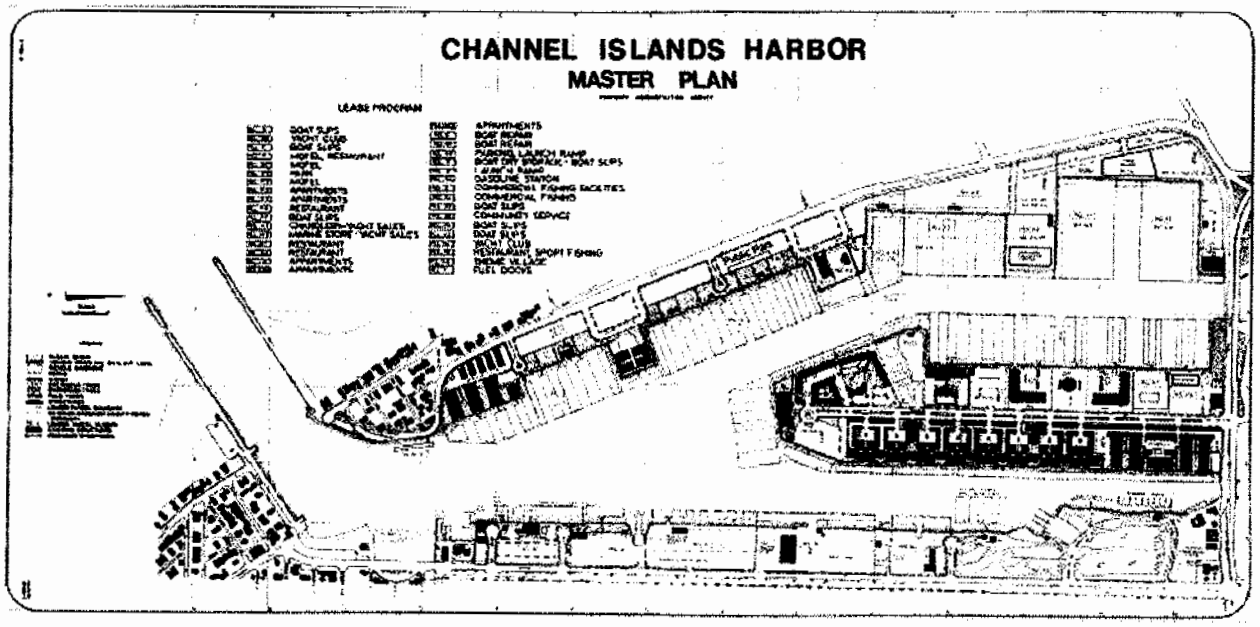
Summary

The CIHM-proposed 20′ change in an 850′ portion of the CIH West Channel westerly pierhead line retains a 200′ interior navigable channel width which is:

1. **Consistent with, and 100% to 167% in excess of, the interior channel minimums shown in recognized design sources (DBAW, Tobiasson)**

2. **Consistent with and at the high end of interior channel navigable widths in similar Southern California harbors and marinas, including those with large residential marinas and docks sharing the interior channel access.**



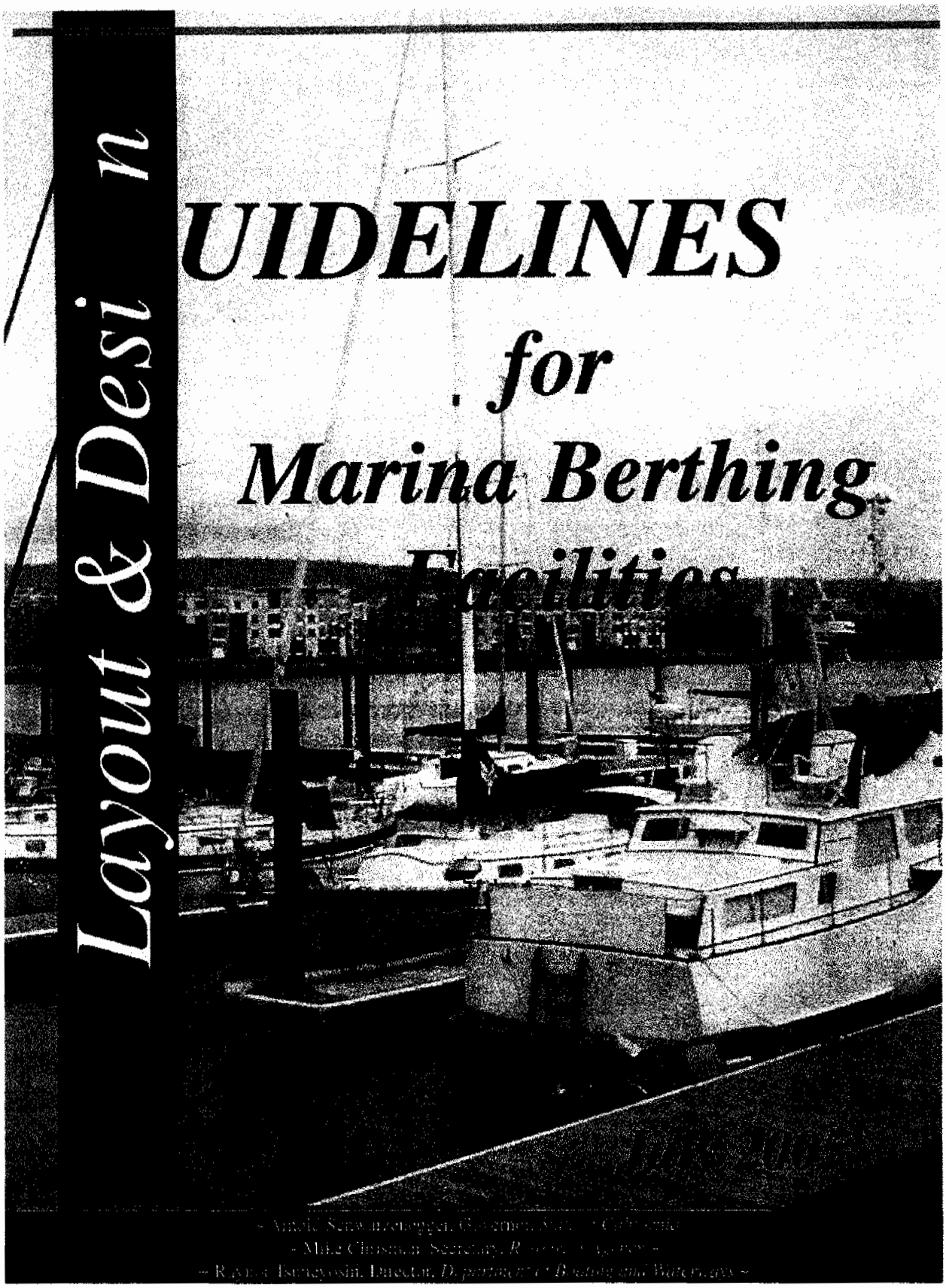

CHANNEL ISLANDS HARBOR
MASTER PLAN
LEASE PROGRAM

Layout & Desi n

UIDELINES

for

Marina Berthing Facilities



- Arnold Schwarzenegger, Governor, State of California
- Mike Chrisman, Secretary, Resources Agency -
- Ryan Broderick, Director, Department of Boating and Waterways -

SECTION B
WATER AREAS

B1. General

B1.1 The design depths and widths of various water areas within a recreational boat marina must take into consideration the sizes and types of boats expected to use the marina, wave action, currents, water level fluctuations, levels of seasonal boat traffic, silt deposition rates and anticipated frequencies of dredging in order to maintain the minimum design depths over projected dredging intervals, usually measured in years. Recommended design depths are exclusive of site-specific requirements for additional depths necessary to store estimated silt accretion that occurs between scheduled dredging intervals.

B2. Channel Design Criteria

B2.1 Design depths for a specific marina must be based on a design low water elevation established on the basis of a low water datum for the area or reliable long-term extreme low water data obtained from federal, state and local water authorities. Such information should include low tide levels, lowest recorded water depths, etc., in salt water or fresh water locations as required.

B2.2 Required minimum depths below design low water must be objectively determined on the basis of the type (power or sail), length and draft of the boats expected to be berthed in a marina, or specific sections within a larger marina.

The table below provides minimum water depths below design low water, but does not address additional depths that may be necessary for silt deposition storage between periodic dredging operations.

Table B - 1 Minimum Channel Widths and Depths

Channels: →	Entrance Channel	Interior Channel
Minimum Bottom Width:	75 ft	75 ft
Minimum Depth Below Design Low Water:	3 ft below deepest draft boat or 5 ft, whichever is greater	2 ft below deepest draft boat or 4 ft, whichever is greater

MARINAS
and
Small Craft Harbors

Second Edition

Bruce O. Tobiasson, P.E.
Ronald C. Kollmeyer, Ph.D.

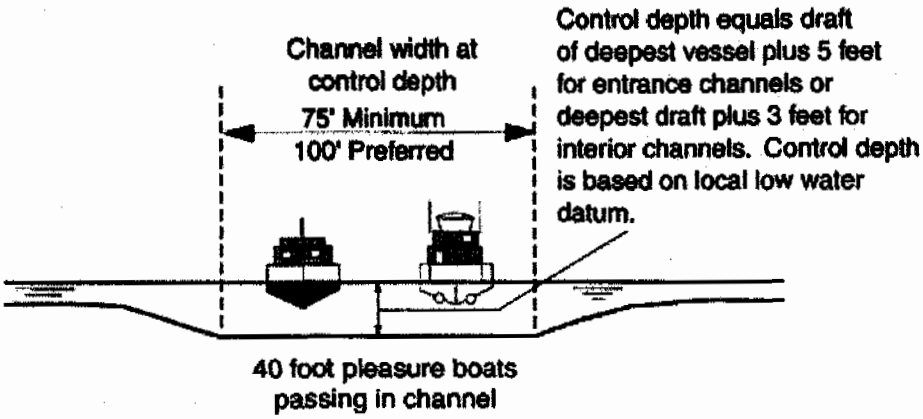


Figure 12-1. Entrance and interior channel design criteria.

narrow or too shallow, is it possible to widen or deepen the channel within the context of the proposed project or will the work require petitioning a governmental agency? Obtaining a governmental approval to alter a channel and getting the governmental agency to pay for the work is often a difficult and time consuming proposition, if even possible.

If an existing channel limits the viability of the proposed marina, then development of the proposed marina may not be feasible. Some developers will bite the bullet and elect to create or modify a channel. If this is to be done, be sure the bottom conditions are fully understood and that realistic expectations are made on the cost and timing of the work. Insufficient bottom profiling on a major marina project resulted in a failure to detect a high bedrock condition which, during construction, resulted in the need for an unexpectedly large quantity of rock removal at significant cost, which was necessary to obtain the required channel depth. It is also wise to perform sufficient scientific studies to have reasonable assurance that a dredged channel will not rapidly fill in and require constant maintenance dredging.

The actual dimension of entrance channels will vary with the types of boat using the entrance and the density of use within the channel. **In general, the entrance channel should have a minimum width of 75 feet with full control depth over this width (Fig.12-1). Dredge side slopes, where necessary should occur beyond the prescribed clear width. A 100 foot wide channel is a more preferable design criteria and should be used as the minimum, where possible. The channel control depth will be based**

CHANNEL ISLANDS HARBOR
Ventura County Harbor Department
3900 Pelican Way • Oxnard, CA 93035-4367

Lyn Krieger
Director

Telephone (805) 382-3001
FAX (805) 382-3015
www.channelislandsharbor.org

June 13, 2005

U.S. Coast Guard
Commanding Officer, Sector Los Angeles/Long Beach
1001 South Seaside Avenue, Bldg. 20
San Pedro, CA 90731

SUBJECT: REVIEW OF PROPOSED WEST CHANNEL MODIFICATIONS, CHANNEL ISLANDS HARBOR

I am writing regarding a proposal to modify the width of the west channel within Channel Islands Harbor in Ventura County, California. Previous discussions have been held on this matter with Bryan Clampitt, Commander of Station Channel Islands. He would be able to offer you more information about the status and implications of this proposal.

My purpose is to request that you provide us with a letter regarding the opinion of the Coast Guard on this proposal. We know that the Coastal Commission will ultimately request such a letter, and we usually proceed by assembling these items to save work later in the process. A letter stating your opinion regarding the safety and acceptability of this proposal should be forwarded to me. Of course, I am happy to provide you any information, maps, drawings, etc., to enable you to conduct your review.

The boat slips in the largest marina on the Harbor's west side are now 40 years old. These docks, made of wood, are original and are deteriorating badly. The County of Ventura, owner of the underlying ground, has entered a lease with a new lessee who intends to replace the marina with new, concrete docks. The Lessee is pursuing permits through the County of Ventura and the California Coastal Commission for this replacement.

Through this replacement process, both the County and the Coastal Commission desire to retain as many slips as possible. However, new slip design guidelines issued by the California Department of Boating and Waterways and requirements under the Americans with Disabilities Act, combined with changing market conditions, result in fewer slips in the same water area compared to the existing marina. In order to minimize the impact of these regulations, the County, Coastal Commission staff, and the Lessee have developed a proposal to extend the marina area twenty feet into the

EXHIBIT 14
PWPA 1-05 & NOID 1-06
Letter From Harbor Dist.

west channel, as indicated on the enclosed drawings. This twenty feet would allow an additional 27 slips to be built in the replacement marina, minimizing the loss of slips. The twenty-foot reduction is less than ten percent of the current channel width at its narrowed point, which is approximately 225 feet. Over half of the marina fronts on the Harbor turning basin, where the twenty feet should have no impact.

Also enclosed with this letter is a traffic study completed recently for the Harbor, indicating that congestion is not now a problem, nor is such a problem anticipated in the foreseeable future, even with the water-based development occurring north of the Harbor proper.

I would be happy to offer a site visit, if that would be helpful. Our Patrol officers could create a buoy line along the proposed expansion area for you to view from the water area.

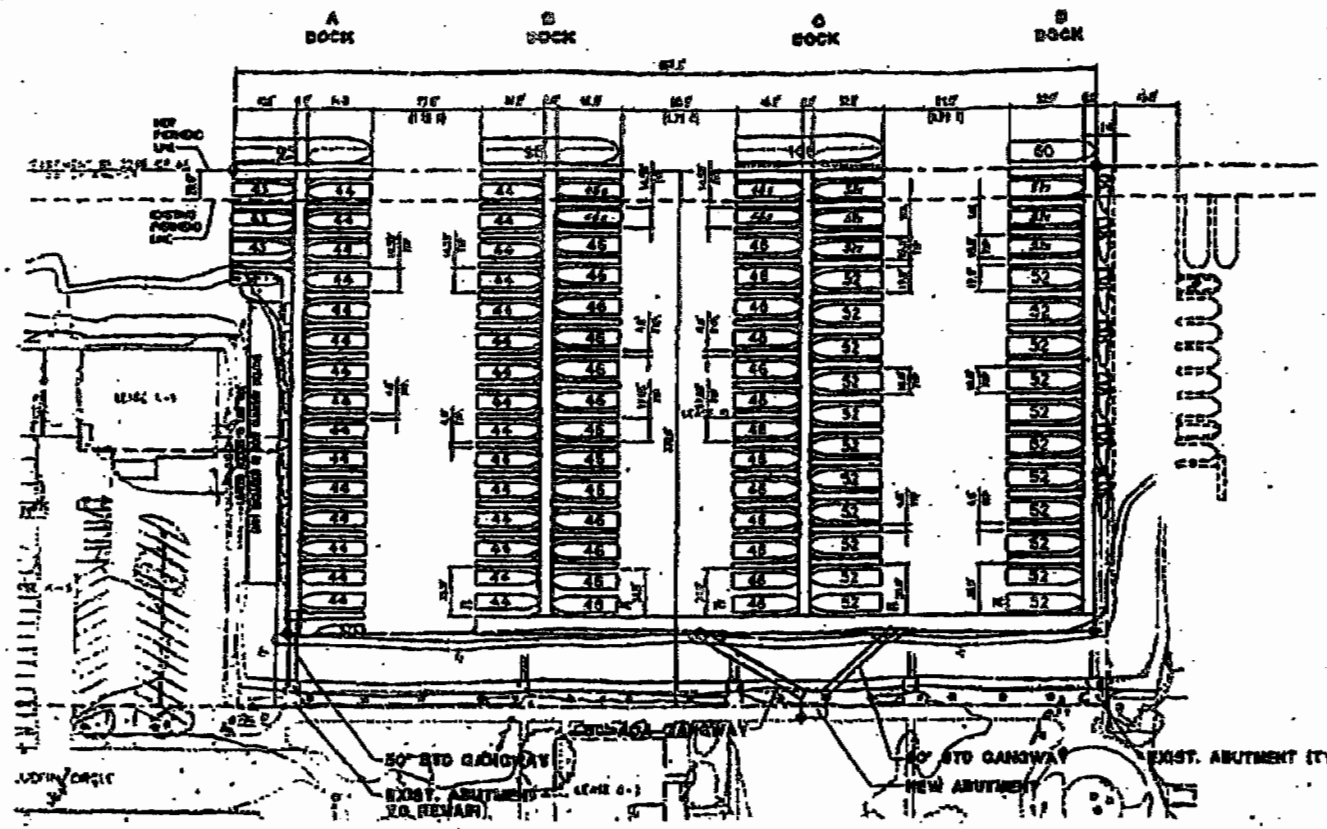
Thank you in advance for your consideration of this request. Please let me know if you have any questions.

Sincerely yours,

Lyn Krieger
Director

Enclosures

c: Lt. Bryan Clampitt



NOTES/ASSUMPTIONS

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]

DOCK REPLACEMENT LAYOUT - OPTION D-1C

SCALE 1"=60'

DOCK SURFACE S.F.	
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

BOAT QUANTITY		LINEAR FOOTAGE
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
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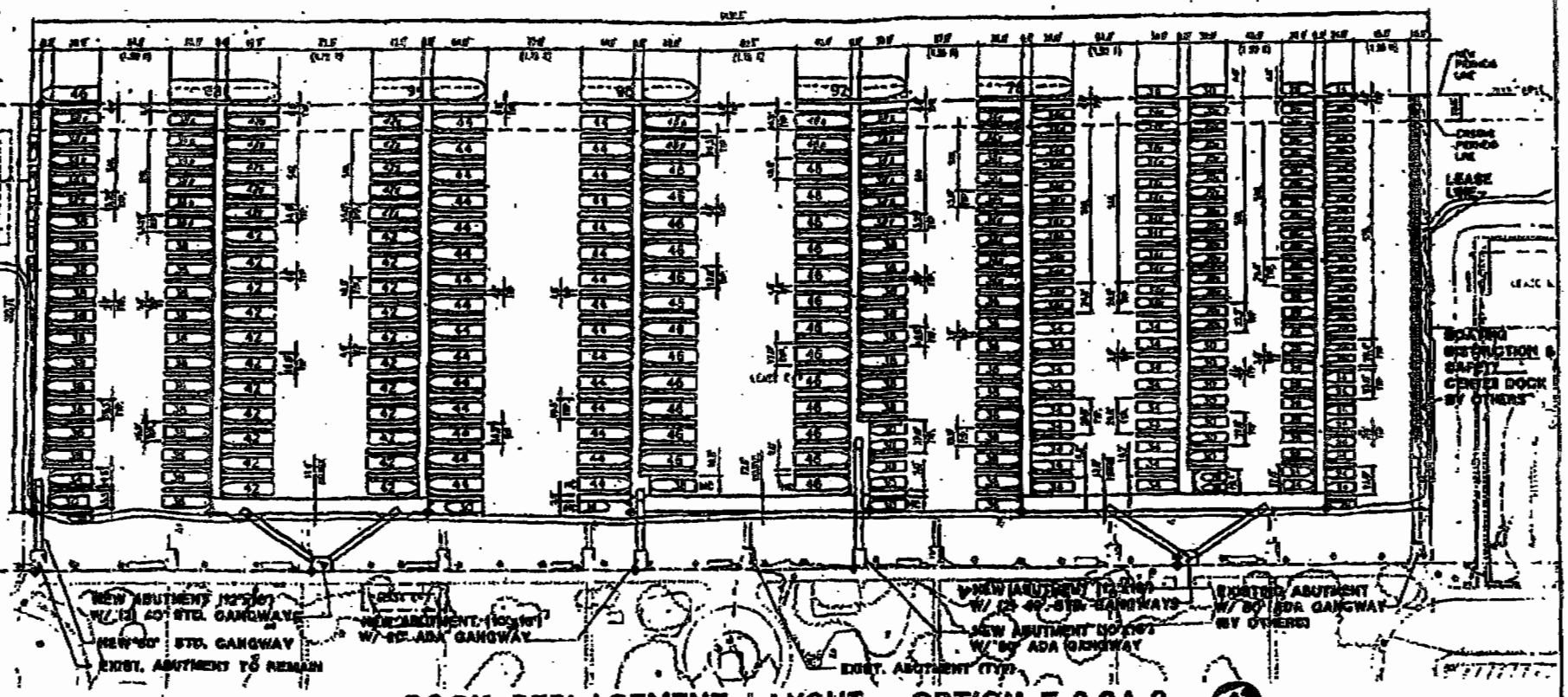
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
TOTAL	[illegible]	[illegible]

CHANNEL ISLANDS MARINA
PARCEL "D"
Vintage Marina Partners, LP

Vintage Marina Partners



DOCK REPLACEMENT LAYOUT - OPTION E-2.2A.2

SCALE 1"=40'

DOCK SURFACE S.F.	
MAINWALK	9,750
FINGERWALK	33,624
FINGER	34,139
TOTAL DEMOLITION	5,370

BOAT QUANTITY		LINEAR FOOTAGE
LENGTH (FT)	QUANTITY	TOTAL LENGTH (FT)
18	18	324
24	28	672
28	29	812
36	19	684
37	44	1,628
38	18	684
39	39	1,521
40	32	1,280
41	30	1,230
43	35	1,505
50	1	50
53	1	53
60	1	60
64	1	64
67	1	67
TOTAL	301	10,028

CHANNEL ISLANDS MARINA
PARCEL "E"
Vintage Marina Partners, LP

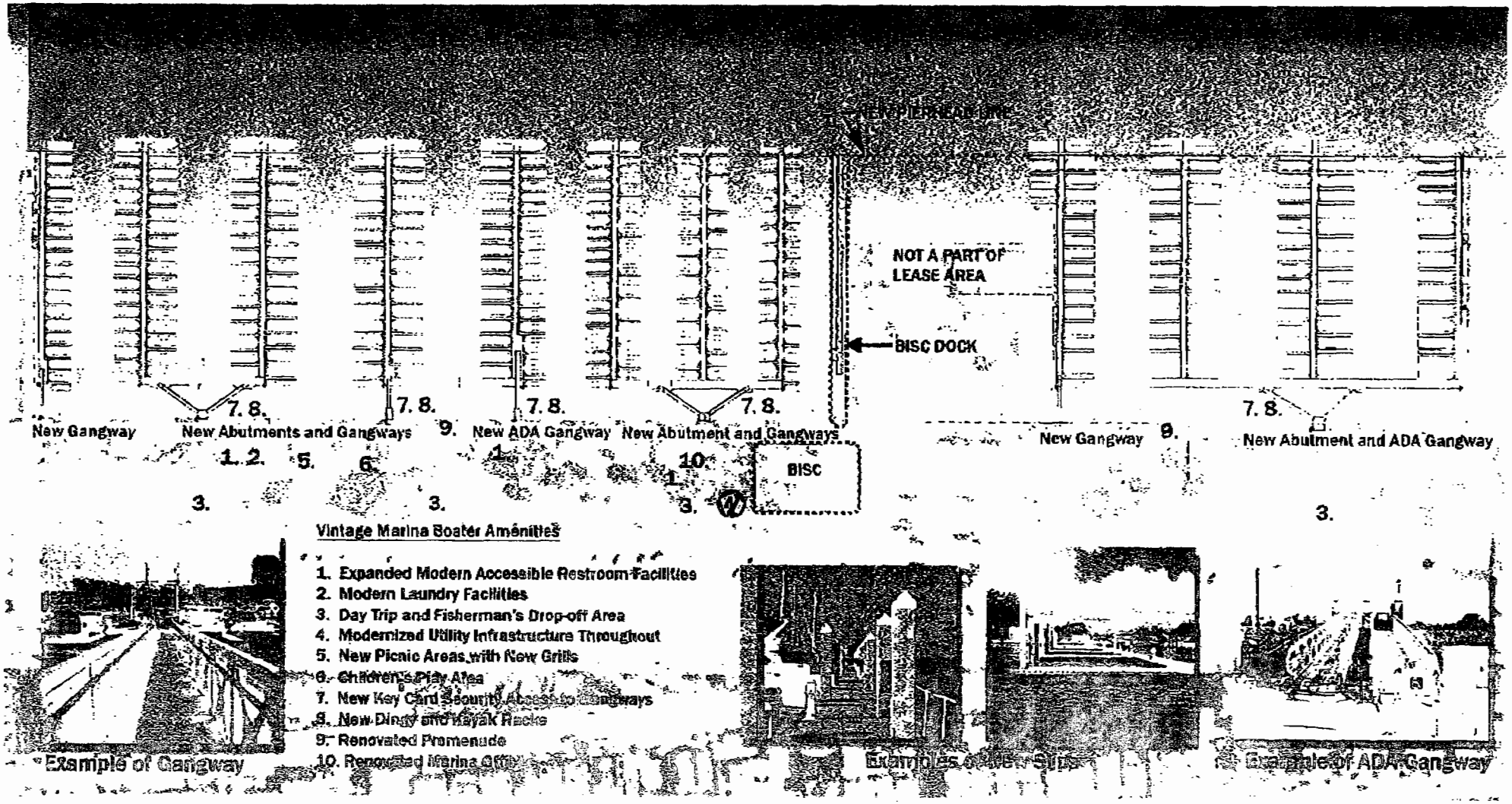
ACCESSIBLE SLIPS

TOTAL BOAT SLIPS IN PROJECT	MINIMUM NUMBER OF REQUIRED ACCESSIBLE BOAT SLIPS
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 600	10
601 to 700	11
701 to 800	12
801 to 900	13
901 to 1000	14
1001 and over	2 percent of total slips

Vintage Marina Partners

Vintage Marina Partners

CHANNEL ISLANDS HARBOR MARINA
PROPOSED IMPROVEMENTS



Vintage Marina Boater Amenities

1. Expanded Modern Accessible Restroom Facilities
2. Modern Laundry Facilities
3. Day Trip and Fisherman's Drop-off Area
4. Modernized Utility Infrastructure Throughout
5. New Picnic Areas with New Grills
6. Children's Play Area
7. New Key Card Security Access to Gangways
8. New Dingy and Kayak Racks
9. Renovated Promenade
10. Renovated Marina Office

VESSEL TRAFFIC CONGESTION

An assessment of vessel traffic congestion on the inland waters of Channel Islands Harbor

Prepared by

Joseph R. Manusia

September 25, 2003

RECEIVED
JAN 13 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Habitat for
Hollywood Beach

Habitat for Hollywood Beach

Mission: *to preserve and enhance the biotic resources of the Hollywood Beach Peninsula.*

3365 Ocean Drive, Channel Islands Beach, California 805-985-5298
www.HabitatForHollywoodBeach.org

January 13, 2006

Representative Lois Capps
Member, United States House of Representatives
23rd District
1411 Marsh Street, Suite 205
San Luis Obispo, CA 93401

Subject: a) *Wrong and omitted submitted to U. S. Coast Guard in connection with soliciting a letter of support for a private for-profit marina reconstruction proposal in Channel Islands Harbor that increases waterway congestion in violation of state coastal laws.*

b) Earlier successful effort to induce the same federal agency to provide a supportive letter regarding an adjacent construction project promoted by private marina and business interests that cumulatively negatively impacts the environment and boater safety and congestion.

Dear Representative Capps,

For the second time in the last two years inaccurate information has been submitted and other relevant information omitted in written communications to the U. S. Coast Guard either by, or at the direction of, Lyn Krieger, the Director of the Ventura County Harbor Department, for the purpose of obtaining supportive letters by the Coast Guard for controversial projects in the Channel Islands Harbor. These projects are being proposed to increase business revenues of for-profit private company lessees in the harbor. The letters were sought to influence state regulatory agency decisions to downplay the environmental impacts of the projects.

The most recent incident is in connection with a private marina reconstruction project by Vintage Marina Partners. An earlier coastal development permit to reconstruct the Channel Islands Harbor Marina (CIHM) with substantially fewer wet slips in violation of California Coastal Act policies was withdrawn this year. The marina plan was recently resubmitted as an amendment to the original Harbor Public Works Plan (PWPA) which the California Coastal Commission (CCC) certified in 1986. As resubmitted, the project will include not only a net reduction of 120 slips, but also a narrowing of the harbor's main navigation channel by nearly 20% to allow the private lessee

EXHIBIT 15
PWPA 1-05 & NOID 1-06
Letter from J. Ziv

and other nearby marinas to expand their existing lease parcels and rental base. There will be an overall net reduction of slips in the harbor. This reduction and the increased congestion in the main navigation channel caused by violating current Public Works Plan language forbidding lengthening of existing docks beyond the existing safe limits both violate the current 1986 plan, and, to be implemented, depend on amendment certification from the CCC.

A June 13, 2005 request letter to the Coast Guard by Ventura County Harbor Director Lyn Krieger is referenced in the Coast Guard letter reply to Ms. Krieger by Captain Wiedenhoeft.

Captain Wiedenhoeft writes that "The Coast Guard does not see any significant impact to the safety of navigation based on the proposed information and have no other concerns about your proposal." However, the June 13 Krieger letter nowhere states that the "proposed information" that was supplied by Mrs. Krieger on the marina dock reconstruction and dock length expansion will also have the cumulative negative safety and waterway congestion impacts of the proposed Boating Instruction and Safety Center (BISC) in the middle of the marina project, surrounded by the proposed longer private marina docks. Although some partial illustration of the BISC project is in the attached diagrams that were included in the June 13 request, the lack of any narrative proposal information to the Coast Guard about the proposed boating activities of the related BISC project, already conditionally approved since March 2005 by the Coastal Commission at the time she wrote the June 13 letter, is a substantial omission of a very relevant and controversial issue that should have been offered to the Coast Guard in its evaluation. This issue of the negative safety and waterways congestion effects of the BISC and its cumulative effects -- effects combining with the effects of the proposed private marina reconstruction project -- is the subject of a long controversy in the community, raised among other issues in a pending lawsuit against the County and the CCC (as certification agency) by Habitat for Hollywood Beach.

Additionally, in the June 13 letter to the Coast Guard, there is a lack of accompanying charts or diagrams illustrating the main channel waterway that the Coast Guard is supposed to be assessing. There is in fact an inaccurate representation of the PWPA impact on the narrowing of the main navigational channel in Mrs. Krieger's June 13 letter. She writes "...new slip guidelines...result in fewer slips in the same water area compared to the existing marina. In order to minimize the impact of these regulations, the County, Coastal Commission staff, and the Lessee have developed a proposal to extend the marina area twenty feet into the west channel, as indicated on the enclosed drawings." Again, the "enclosed drawings" do not illustrate the entire main channel. She goes on, "The twenty-foot reduction is less than ten percent of the current channel width at its narrowed (sic) point, which is approximately 225 feet." Ms. Krieger is asking for "a letter regarding the opinion of Coast Guard on this proposal." The "proposal" before the Coastal Commission is a PWPA that includes new language, not specific to the Channel Islands Harbor Marina reconstruction project, that states in part,

"...in the case of a PWP amendment of the Master Plan map and associated tables. Where a marina expands beyond the pier head line, in no case shall the expansion exceed 20 feet."

This proposed language, if approved by the CCC, nullifies the current protective anti-waterways congestion language in the Public Works Plan prohibiting floating structures beyond the existing pierheads, and it would allow ***all*** marinas in the harbor to expand their waterside lease parcels up

to an additional 20 feet into the main navigational channels. Thus the Coast Guard was erroneously told that the "proposal" would result in a "less than 10% reduction of the current channel width, when approval of the proposal by CCC would allow future narrowing of the channel by nearly 20% when the marina on the opposite side of the channel follows suit and expands its own docks up to 20 feet.

Ms. Krieger also supplied the Coast Guard with a two year old study by Joseph Manusia, from September, 2003, that she offers as a "traffic study completed recently for the Harbor, indicating that congestion is not now a problem, or (sic) is such a problem anticipated in the foreseeable future, even with the water-based development occurring north of the Harbor proper." The two year old Manusia study was originally contracted by the Harbor Department as a part of an evaluation during the EIR process for the BISC that was requested by several county supervisors to assess alternative locations for the BISC.

Studies showing a high concentration of boat traffic in the main channel where it meets the turning basin directly adjacent to the proposed CIHM dock expansions had been submitted into the BISC EIR record. The county countered those with the study by Mr. Manusia who was harbor master of Marina Del Rey. His largely narrative study is based primarily on his professional opinion that, relative to other urban harbors such as Marina Del Rey or Newport Harbor, Channel Islands Harbor is not, in his opinion, congested. He cites some boat traffic studies, but they are of the harbor mouth, nowhere near the area of the harbor specific to this CIH Marina project or where the BISC is to be built. His study is in contrast to the attached boating expert studies contracted by the Channel Islands Beach Community Services District (of which I currently serve in the position of vice-president as a publicly elected member of the board of directors) which address the congestion at the specific marina site and other factors affecting safety and congestion, e.g. wind shadow from the adjacent tall buildings, etc. The Coast Guard was not informed in the June 13 letter of the existence of any studies other than the Manusia study by the Harbor Director. Additionally, despite Ms. Krieger's letter indicating that Mr. Manusia's report covered problems from upstream development "in the foreseeable future," not even Mr. Manusia could have predicted that two years after his study the main channel would be proposed to be narrowed by nearly 20% while extensive upstream development projects such as Seabridge and Westport with hundreds of new docks and boat traffic are now building out. In sum, this two year old study was not only biased, but based partially on data that was not site-specific for this area of the harbor even at the time, and it is even less valid today in light of the current proposal with the now-approved status of the BISC in the middle of the newly-proposed dock expansion and channel narrowing.

The omission in the June 13 letter to the Coast Guard of any mention of the BISC activities, impacts or presence, the misleading and erroneous measurements of the proposed main channel narrowing, and the omission of multiple expert reports on the record regarding the safety of the area relative to introduction of the BISC novice sailors that contradict the Manusia study show an intentional strategy to mislead an agency of the federal government into writing a letter of support to influence the decision of a state agency to approve a private, for-profit marina plan. With the exception of the BISC directors' safety evaluation reports submitted into the record by the Channel Islands Beach Community Services District, the Coast Guard letter is likely to be relied on heavily by CCC staff in evaluating the reconstruction request. Ms. Krieger's letter

misleads a federal agency to support a private marina applicant seeking to reverse the 1986 boater public safety language that prohibits narrowing of the main navigation channels in Channel Islands Harbor.

This is not the first time inaccurate information was submitted to the Coast Guard for the purpose of getting a letter of support for a harbor project. A 2003 letter from the Coast Guard was obtained to dismiss alternative, environmentally superior locations for the proposed BISC on the harbor's eastern shore as not being viable. At the direction of Ms. Krieger, the engineering firm of Moffat and Nichols designed a theoretical dock design for the BISC that was over double the length of that proposed by eastern shore BISC advocates that would have complied with current dock length limits. The Moffat and Nichols design was submitted at the direction of Ms. Krieger to the Coast Guard for comment with the result that a letter was produced by Brian Clampett of the Coast Guard that indicated that such a long dock extending far beyond existing pierheads would be a safety concern for the Coast Guard. That letter was used by Ms. Krieger in the BISC EIR to convince State Boating and Waterways and the CCC that an environmentally superior eastern shore alternate location for the BISC was inferior and infeasible, when, in fact, the Coast Guard never assessed or commented on the actual alternative location dock designs, but instead on the false double-length design submitted to them by Ms. Krieger's engineering consultant. Complaints to the Coast Guard at the time that its letter was being used manipulatively were met with some concern, but ultimately, Brian Clampett, the officer in charge who wrote the letter, concluded that the letter was accurate relative to the information that was submitted and that he had no control over how the letter was being used afterward.

You may know that Ms. Krieger is currently under investigation by both the Ventura County Grand Jury and the District Attorney's office regarding allegations of possible wrong doing related to contracts with private marina lessees involving county-owned public land and water properties in the Channel Islands Harbor. These inquiries are active, have been going on for about six weeks, and investigators have just recently questioned witnesses involved in the allegations. It may also be helpful for you to know that last year, Assemblywoman Audra Strickland and State Senator Sheila Kuehl, supporting a lobbying effort by the State Sierra Club, co-wrote a letter to Governor Arnold Schwarzenegger protesting the cumulatively adverse safety aspects of the BISC and the conjoined CIHM. They also cited the dissemination of inaccurate information, and requested that the Governor blue pencil any state participatory funding for the BISC project. I have attached that letter from representatives Strickland and Kuehl.

Respectfully yours,

Jonathan Ziv
President, Habitat for Hollywood Beach

July 8, 2005

Honorable Arnold Schwarzenegger
Governor, State of California
State Capitol
Sacramento, CA 95816

RE: Budget Item # 3680-301-0516
Dept. of Boating and Waterways, Capitol Outlay, Channel Island BISC

Dear Governor Schwarzenegger:

We are asking for your line item veto of the budget item #3680-301-0516, which funds $3,546,000 for a Channel Island Boating Instruction and Safety Center (BISC).

The location for the BISC is currently being proposed for the west side of the Channel Island Harbor. Recent reports, by BISC and sailing program directors from around the state, indicate that this location may not be the safest location.

Additionally, the Los Padres chapter of the Sierra Club has brought to our attention that the currently proposed location will have a severe and destructive impact on the environment and to state and federally listed endangered species.

It is our firm belief that this site was selected due to inaccurate an incomplete advice from the Department of Boating and Waterways. Because of their advice, any serious consideration for safety and environmental impact was greatly hampered.

In consideration of the above information, we are requesting your line item veto of budget item #3680-301-0516. This will allow state and local officials to select a site that properly weighs the safety of the public, impact to the environment and viability of the BISC.

Sincerely,

AUDRA STRICKLAND
Assemblywoman, 37th District

SHEILA KUEHL
Senator, 23rd District

U.S. Department of Homeland Security
United States Coast Guard

Commanding Officer
United States Coast Guard
Sector Los Angeles – Long Beach

1001 S. Seaside Ave
San Pedro, CA 90731
Staff Symbol: wwm
Phone: (310) 732-2020
Fax: (310) 732-2029

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SEP 1 2005

RECEIVED
SEP 21 2005

Channel Islands Harbor
Ventura County Harbor Department
3900 Pelican Way
Oxnard, CA 93035-4367

Dear Mr. Krieger:

I have reviewed your request dated June 13, 2005 regarding the proposed west channel modifications to Channel Islands Harbor. The Coast Guard does not see any significant impact to the safety of navigation based on the proposed information and have no other concerns about your proposal. As always, you must obtain the appropriate Army Corp of Engineers permit before beginning construction. Please contact LT Peter Gooding, Chief of the Waterways Management Division, if you have any questions.

Sincerely,

P.E. WIEDENHOEFT
Captain, U.S. Coast Guard
Alternate Captain of the Port
Los Angeles - Long Beach

Copy: Station Channel Islands Harbor

EXHIBIT 16
PWPA 1-05 & NOID 1-06
Letter from U.S. Coast Guard

Development Services Administration
305 West Third Street • Oxnard, CA 93030 • (805) 385-7896 • Fax (805) 385-7833

RECEIVED
OCT 19 2005
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

October 17, 2005

Mr. Gary Timm, District Manager
California State Coastal Commission
89 South California Street, Suite 200
Ventura, CA 93001-2801

Dear Mr. Timm:

SUBJECT: VINTAGE MARINA REDEVELOPMENT, CHANNEL ISLANDS HARBOR; DETERMINATION OF CONSISTENCY WITH THE OXNARD LOCAL COASTAL PLAN PURSUANT TO COASTAL COMMISSION REGULATIONS SEC. 13371

The City of Oxnard has been working regularly with the County of Ventura, Harbor Department with respect to projects in Channel Islands Harbor. We are aware that the County is about to submit an amendment to the Public Works Plan to carry out the above project, and that your regulations require consultation with our City regarding the consistency of the amendment with our LCP. The purpose of this letter is to conform to CCR Sec. 13371 by explaining our determination of consistency.

Background

A brief background is considered helpful. The Public Works Plan for Channel Islands Harbor was approved first in time as compared to the Oxnard LCP, and takes precedence over the LCP. However, if and when an amendment to the PWP is proposed, the amendment must be evaluated to determine if it is conformity with the Oxnard LCP. Both the PWP and the Oxnard LCP are older documents, and share the same historical context, being approved in the same general timeframe.

Analysis

With respect to the Vintage Marina project, we advise the Coastal Commission that the City's LCPO strongly encourages the protection and enhancement of recreational boating opportunities (LCP/LUP Policy 14, page III-22). We have reviewed the plans for the Vintage Marina redevelopment and find that it fulfills the objectives of our LCP well. In particular, the

EXHIBIT 17
PWPA 1-05 & NOID 1-06
Letter from City of Oxnard

modernization of the marina is further effectuated by the 20-foot extension into the waterway. We believe that this expansion is minor, and serves to greatly improve the marina.

Additionally, we note that there is an opportunity to obtain enhancements to the nearby park and other open space areas. The City's LCP/LUP strongly supports these types of amenities in Policy 26, at page III-23. We are encouraged that such an opportunity exists, and ask the Coastal Commission to support this addition in furtherance of consistency with the City's LCP.

We look forward to further discussions at your convenience.

Sincerely,

Matthew G. Winegar, AICP
Development Services Director

MGW:sae

State of California - The Resources Agency
ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FISH AND GAME
http://www.dfg.ca.gov
Marine Region
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940

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CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

January 26, 2006

Ms. Tracy Duffey
California Coastal Commission
South Central Coast District Office
89 South California Street, Suite 200
Ventura, CA 93001-2801

Subject: Channel Islands Marina Demolition and Reconstruction (Vintage Marina)

Department of Fish and Game (Department) staff were recently contacted by Mr. Gregory Asher, Cash & Associates, concerning the demolition and reconstruction of the Channel Island Marina, Parcels D and E, 3850 South Harbor Drive, Oxnard, Ventura County, California (Applicant: Vintage Marina Partners, LP, Channel Islands Harbor Public Works Plan Amendment No. 1-05). The proposed project will demolish and remove the existing 500 slip marina dock system and replace it with an ADA compliant 419 boat slip marina dock system. The old docks will be disassembled and floated over to the boat launching ramps where they will be pulled out by a crane. Old timber and concrete piles will be removed by extraction. The old docks and piles will be cut into pieces, and disposed of in an approved landfill disposal site. Any fallen debris will be retrieved and a bay bottom survey will be conducted at the end of demolition to ensure all foreign debris is removed. The new concrete docks will be pre-manufactured offsite. Dock modules will be lifted by crane into the water then towed to their final destination and assembled. The project will use 14-inch to 16-inch diameter concrete piles. The project is divided into four phases; each phase is estimated to take three to four months to complete. No dredging is proposed for this project.

The Department has the following comments concerning the proposed project:

- Although we understand that some old piles may break and have to be cut at the mudline, all reasonable efforts should be made to extract as many old creosote-treated timber piles as possible.

- Some of the old gangway support abutments are located in rock slopes. The applicant plans to demolish these abutments and redress any altered rockslope. Any re-worked rock should be restored to its original footprint, and should not be allowed to extend further in the bay.

- To avoid impacts to marine resources and water quality, the Department recommends the use of silt curtains during the extraction and installation of

- pilings; particularly for old timber pilings, if eelgrass is present in the area, and during the California least tern nesting season (least terns are known to forage within the project area). We also recommend the use of a floating boom to contain any floating debris. Additionally, we recommend institution of a surface turbidity monitoring plan so that levels of turbidity do not excess ambient by more than 20%.

- The applicant would need to conduct a pre-project eelgrass (*Zostera marina*) survey to determine if any eelgrass exists in the project area. If eelgrass is found the applicant would need to mark the boundaries of eelgrass habitat prior to construction to prevent project activities from encroaching on any eelgrass habitat. Vessels associated with the project should avoid anchoring over the eelgrass habitat. Construction activities would need to be monitored to prevent any impacts to eelgrass. Finally, an eelgrass survey would need to be conducted after construction and adverse impacts to eelgrass mitigated in accordance with NOAA Fisheries' Southern California Eelgrass Mitigation Policy, adopted July 31, 1991, as amended.

- The applicant will also need to complete a preconstruction survey for *Caulerpa taxifolia* of the project area not earlier than 90 days prior to planned construction and not later than 30 days prior to construction in accordance with the National Marine Fisheries Service's (NMFS) Caulerpa Control Protocol, developed by NMFS and the Department (see http://swr.ucsd.edu/hcd/ccpv1.htm). The results of that survey shall be transmitted to the Surveillance Subcommittee to the Southern California Caulerpa Action Team (SCCAT) at least 15 days prior to initiation of proposed work. In the event that *Caulerpa* is detected within the project area, no work shall be conducted until such time as the infestation has been isolated, treated, and the risk of spread is eliminated.

- Because the area is an existing marina in marine waters a Lake or Streambed Alteration Agreement (1600 Agreement) is not required by the Department.

- Finally, there is a current infestation of the exotic seaweed, *Undaria pinnatifida*, in the Channel Islands Harbor, and it is possible that the marina is an infested area. In order to prevent the spread of this invasive alga, it is imperative that all removed dock materials will be transported to a dumpsite and not be reused in the marine environment (e.g. materials with attached *Undaria* should not be put back into the marine environment).

As always, Department personnel are available to discuss our comments, concerns, and recommendations in greater detail. To arrange for a general discussion please contact Ms. Marilyn Fluharty, Environmental Scientist, at (858) 467-4231, California Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123.

Sincerely,

Thomas Napoli
Staff Environmental Scientist
Department of Fish and Game
Marine Region-Los Alamitos

cc: Ms. Marilyn Fluharty
Marine Region- San Diego

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March 20, 2006

RECEIVED
MAR 21 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Mr. John Ainsworth Deputy Director
California Coastal Commission
South Central Coast Area Office
89 South California Street, Suite 200
Ventura, CA 93001

Re: Channel Islands Harbor PWP Amendment No. 1-05 (Vintage Marina) and Notice of Impending Development 1-06 For Reconstruction of Waterside Improvements in Channel Islands Harbor Marina

Dear Mr. Ainsworth:

I represent Vintage Marina Partners, L.P. ("Vintage"), and I am writing to you on Vintage's behalf with respect to the above-referenced matter which I understand is scheduled to be presented to the Coastal Commission at its April 2006 meeting. Prior to transmitting this letter to you, I showed a draft of the letter to representatives of the County of Ventura, so I believe the points set forth in this letter represent the County's position as well.

The specific purpose of this letter is to respond to issues raised in three letters recently submitted to the Commission's staff by or on behalf of the Beacon Foundation, specifically (1) the January 31, 2006, letter from Vickie Finan to you, (2) the February 21, 2006, letter from attorney Alyse M. Lazar to Ralph Faust, and (3) the March 6, 2006, letter from Lee Quaintance to Gary Timm.

Vintage respectfully submits that the Beacon Foundation's objections to the proposed reconstruction of the waterside improvements in the Channel Islands Harbor Marina are not well founded and that no issues have been raised which warrant further delay of the Coastal Commission's approval of this worthy project. We urgently request the Commission staff to proceed to the hearing and to support the project on its merits. The marina in question is over 40 years old and was taken over by Vintage in January 2004 after years of neglect. During last Winter's rains, 5 of the 11 docks in the marina were physically underwater by 2 feet or more, making the marina tenants' and public's use of the facilities difficult if not hazardous. The reconstruction project has been thoroughly reviewed by both the County and now the Coastal Commission staff and all issues and concerns have been addressed. Vintage would like to get on with the work of replacing the Channel Islands Harbor Marina so that these important coastal recreational facilities can be restored and provide a public benefit for many more years to come.

Specific responses to issues raised in the Beacon Foundation letters are set forth below.

EXHIBIT 19
PWPA 1-05 & NOID 1-06
Letter on behalf of Vintage Marina Partners

1. Adequate Notice of the Commission's Consideration of the Project Has Been Provided.

It is ironic that the Beacon Foundation complains about the alleged lack of public notice (Quaintance letter, ¶ 1; Finan letter, ¶ 3), after having submitted no fewer than three recent letters to the Commission reflecting that it is perfectly well aware of what's going on at both the County and Coastal Commission levels. To our knowledge, all required public notices have been provided in accordance with Public Resources Code § 30606. The Beacon Foundation has failed to identify any person or entity who is entitled to or who has requested notice who hasn't received actual notice of the project. Individuals known to Vintage (and the County) who are interested in the matter have been notified through the extensive consideration that has been given to the project at multiple public meetings of the County's Harbor Commission and Board of Supervisors and through notices provided to the Beacon Foundation, Habitat for Hollywood Beach, and the City of Oxnard. In addition, the delays in the Coastal Commission hearing date over the past few months and the resulting scheduling of this matter for the Commission's April hearing in Santa Barbara moot any claims that the Beacon Foundation or others may have had at an earlier time that they either haven't had adequate time to prepare or they can't make the meeting.

In addition to the foregoing, Vintage has authorized me to state that next week it will personally mail written notices regarding the upcoming Coastal Commission hearing on this matter to each of the existing slip tenants in the Channel Islands Harbor Marina and Vintage will also post a copy of the notice in conspicuous places within the Marina. Copies of these notices will be provided to your office well in advance of the Commission's April meeting.

If the Commission staff is aware of anyone else who you believe should have received personal notice of this proceeding, Vintage is also prepared to provide such notice to each of them upon your request--just have staff notify my office and I will see that the notice is promptly delivered.

Vintage submits that the hearing notices in this matter have exceeded and will far exceed applicable legal requirements. Moreover, even if for whatever reason some minor error has occurred in providing notice the courts uniformly hold that when the party that complains about the alleged lack or insufficiency of the hearing notice actually appears at the hearing and has the opportunity to express its views any technical defects in the notice are considered non-prejudicial and don't affect the validity of the public agency's decision. See, e.g., *City of Sausalito v. County of Marin* (1970 12 Cal.App. 3d 550, 557-559 (held: notice was sufficient even though published only six days before the proceedings were convened instead of ten days required by statute), and *Hayssen v. Board of Zoning Adjustments* (1985) 171 Cal.App.3d 400, 407 (held: where one of the bordering roads on notice description was erroneously described, but plaintiff never read the notice, the defect was not prejudicial); and *Hilton v. Board of Supervisors* (1970) 7 Cal.App.3d 708, 715 (held: petitioners were not misled into staying away from hearing by receiving two

conflicting notices, rather than one, so defect in notice was non-prejudicial). The Beacon Foundation's purpose in raising objections regarding notice appears to be nothing more than a delaying tactic which Vintage trust will not be rewarded by the Commission.

2. The Marina Reconstruction Project Has Been Adequately Described.

Contrary to the statement in ¶ 1 of the Quaintance letter, the County and Vintage have provided an adequate project description to the Commission that enables both the Commission and the public to review and comment. It is true that the County and Vintage have prepared different iterations of the dock/slip layout over time, but this has only been done in order to address issues that have been raised during the normal public process of "vetting" the plan. Is the Beacon Foundation really complaining that the County and Vintage have tried to be responsive and to solve problems and questions as they have arisen?

At this point, the proposed plan ***is*** reflected in the January 13, 2006, Notice of Impending Development which the Beacon Foundation (and others) have had a full opportunity to review, subject to one further correction that we needs to be made at this time. The Beacon Foundation is correct (Quaintance letter, ¶ 5) that the latest iteration of the plan incorrectly shows a slightly different dock configuration than the one recently certified by the California Coastal Commission in conjunction with the adjacent Boating and Instructional Safety Center ("BISC"). A corrected plan—fully consistent with the Commission's recent action with respect to the BISC—will be forwarded to your office in the next day or so. This plan change, which involves only a view platform at the top of the revetment, requires no change in the already reviewed slip design and, therefore, no change in slip counts. Once that correction is received by the Commission staff, there will be no need to delay the hearing on this matter.

3. The PWP Amendment is Not Subject to CEQA, So There is No Legitimate Issue Regarding a Potential Violation of CEQA.

The Lazar letter and the Quaintance letter (at ¶ 2) assert that the proposed PWP Amendment violates the California Environmental Quality Act (Public Resources Code § 21000 et seq., "CEQA") in various respects. For whatever reason, the Beacon Foundation has overlooked the fact that the pending PWP Amendment constitutes a proposed amendment to the County's certified local coastal program ("LCP") for Channel Islands Harbor and the preparation, approval, and certification of LCPs and amendments to LCPs are part of a certified regulatory program that is ***exempt*** from CEQA. Instead, CEQA provides for the Commission to evaluate the environmental impacts of the project in accordance with the Commission's own procedures, which it has done. See Publ. Res. Code § 21080.5; 14 California Code of Regulations § 15251(f); *San Mateo County Coastal Landowners Ass'n v. County of San Mateo* (1995) 38 Cal.App.4th 523, 552, and *Santa Barbara County Flower & Nursery Growers Ass'n. v. County of Santa Barbara* (2004) 121 Cal.App.4th 864. Thus, the claimed CEQA violations are entirely without merit.

The County, Commission staff, and Vintage have thoroughly addressed the environmental issues pertaining to this project in accordance with the California Coastal Act. It is not the purpose of this letter to catalogue all of the issues that have been addressed (some of the specific claims of the Beacon Foundation are rebutted below), but I certainly don't want to leave the false impression that since CEQA processing and reporting requirements don't apply the County or Commission have ignored environmental concerns—far from it. It does bear emphasis, however, that the project we are dealing with is essentially the reconstruction of an ***existing*** recreational boat marina that was established over 40 years ago, that the project will reduce the number of existing slips and will have only a slightly larger "footprint" (the 20' extension mentioned in ¶7 below), and that, accordingly, the true impacts of the project are really limited narrowly to construction period impacts which the County and Commission have well in hand (protection of the heron population, bottom survey, silt control, parking availability during construction, construction period traffic and noise controls, etc.). Vintage and the County are prepared to adopt all reasonable conditions related thereto.

Finally, while not directly relevant since this project is ***not*** subject to CEQA, the County nevertheless ***did*** initially process the PWP Amendment with a CEQA categorical exemption. The Beacon Foundation complains about the document that led to the determination the project is exempt, but the County filed a Notice of Exemption in the County Clerk's office on December 23, 2005, and no lawsuit was filed challenging the County's determination within the 35-day limitations period (see Pub. Res. Code § 21167(d)). Thus, even if CEQA did apply to that approval, the period for filing a CEQA challenge expired months ago.

4. <u>The County and Commission Have Not Improperly "Bifurcated" the Project</u>.

At the request of the Coastal Commission staff, the County is seeking approval at this time for ***only*** the proposed waterside improvements in the Channel Islands Harbor Marina. These improvements are independent of and severable from the landside improvements and the Commission's approval of the former does not commit it to the latter. While the Beacon Foundation cites CEQA authorities for the general proposition that the lead agency should consider the impacts of the ultimate action (see, e.g., Lazar letter), with the exception of the issue of the overall supply of smaller slips to serve the public, an issue that ***has*** been thoroughly addressed by both the Commission staff and the County (see ¶ 8 below), the Beacon Foundation never articulates what unforeseen "cumulative environmental impacts" supposedly would arise if the Commission focuses on the waterside improvements at the Channel Islands Harbor Marina at this time.

Moreover, although previously reviewed and approved by the County, the Channel Islands Harbor Marina landside improvements are not before the Commission at this time, it bears mention that the landside improvements that are proposed are extremely minor in nature—ADA upgrades to restrooms, additional lockers for boater storage, a new laundry facility for boaters, minor upgrades to trash enclosures in the parking lot, and some minor upgrades that

Vintage has volunteered to make to enhance public access to and use of Channel Islands Park. It is not as though the Commission's approval of the proposed PWP Amendment allowing reconstruction of ***existing*** boat docks is somehow going to "open the floodgates" for new development or lead to potentially significant environmental impacts at a later date. The proposal as presented is fully consistent with the Coastal Act and is environmentally sound.

In short, while Vintage and the County themselves would have preferred to obtain the Commission's approval of both the proposed waterside and landside improvements at the same time, we are willing to defer to the Commission staff's desires to bring the waterside improvements forward first and we firmly believe the Commission has the discretion to proceed in the manner Coastal staff has directed.

5. The Herons Are Protected.

The claim by the Beacon Foundation that the proposed PWP Amendment does not protect the heron rookery (Quaintance letter, ¶ 3) is completely unfounded. By this time, your office has in your possession a detailed report prepared by Dr. Jeffrey B. Froke dated March 3, 2006 (which report supplements and updates an earlier report prepared by Dr. Froke in October 2004). The Froke report demonstrates that implementation of the proposed PWP Amendment will in no way have an adverse impact on the herons. Indeed, the distance from the Channel Islands Marina docks to the nearest confirmed heron nest is approximately 938 feet, the closest ***potential*** nest is approximately 132 feet away, and "all real evidence points to the species' tolerance of noise and source activity." (Id.) The County and Vintage have worked with Coastal staff and have agreed to incorporate all of the mitigation measures recommended by Dr. Froke as conditions of approval of the PWP Amendment. This is a complete non-issue.

6. An Existing Public Dock and Some End/Side Ties Will Be Relocated In Accordance with the Commission's Previous Action With Respect to the BISC But None Will Be "Taken" or Lost as a Result of the Proposed PWP Amendment.

Contrary to the Beacon Foundation's claim (Quaintance letter, ¶ s 5, 6, and 8), approval of the proposed PWP Amendment most assuredly will ***not*** result in the "taking" or loss of an existing public dock or end/side ties that are supposed to be maintained for the benefit of the public. In fact, the existing "T" shaped public dock is being replaced by an "L" shaped public dock ***as previously approved by the Commission when it approved the BISC.***

7. Approval of the PWP Amendment Will Not Adversely Impact Navigation in the Harbor or Cause Congestion.

The proposed PWP Amendment proposes only a 20-foot extension of slips in one location in the channel but the Beacon Foundation asserts that the net result is a 50-foot "incursion." (Quaintance letter, ¶ 8.) The Beacon Foundation's math is patently erroneous and

its unsupported assertion that navigation in the channel will be adversely impacted is likewise erroneous.

As noted in a 3-page report on this subject that was prepared by The Corrough Consulting Group and recently submitted to the Commission's staff, the 20-foot pierhead line extension along the 1750' frontage of the Channel Islands Harbor Marina has been necessitated by "the need to preserve the largest number and sizes of slips in renovation; the legal requirement of providing new 80' ADA access gangways (vs. existing 30') at acceptable slopes; the widening of average vessel beams by 15% since the design of the original marina over 40 years ago; and the new (2005) California Department of Boating and Waterways Design Guidelines for Marina Berthing Facilities which include new slip layout criteria."

Approximately 850' of the Channel Islands Harbor Marina frontage is along the CIH west channel, which has a pierhead line-to-pierhead line of 220' between the Channel Islands Harbor Marina and the Parcel F Marina on the CIH central peninsula. The proposed change in this area would reduce the existing channel width by 20' or approximately 9%, leaving a 200'-wide unimpeded navigation channel serving this area of the harbor and adjacent residential area marinas. As noted in the Corrough report, this 200' width is fully 200-267% of the recommended minimum 100' and 75' widths for primary interior channels described in the two leading sources of marina design standards and guidelines, it is consistent with the average navigable width of the west channel to the bridge and the primary interior channels serving the residential areas to the north (all of which were designed and constructed using earlier versions of the Boating and Waterways Guidelines), and it is comparable to or (in most cases) substantially wider than similar primary interior navigation channels in the other Southern California recreational boating harbors surveyed by Corrough.

The remaining 900' portion of the frontage of the Channel Islands Harbor Marina is adjacent to the CIH turning basin, which has a pierhead-to-pierhead width of approximately 600-800' along the Channel Islands Harbor Marina frontage, so the proposed 20' extension of the Channel Islands Harbor Marina pierhead line is negligible and certainly not the sort of change that would create an adverse impact on navigation in the west channel.

Finally, it should be noted that the Coast Guard, the Harbor Master, and the County have also all verified that the 20' (not 50') extension of pierhead line along the Channel Islands Harbor Marina frontage will have no adverse impact on navigation. (See, e.g., the September 1, 2005, letter from P.E. Wiedenhoeft, Captain, U.S. Coast Guard, to Ms. Krieger, a copy of which should be in the Commission's files on this matter and/or with respect to the BISC project.)

8. The Project Accommodates the Need to Maintain an Appropriate Number of Slips for Smaller Boats.

The Beacon Foundation objects that the County's and Vintage's proposal creates additional slips for larger boats at the expense of eliminating slips for smaller and "lower cost" boats. (See Quaintance letter, ¶ 7 and Finan letter, ¶ 1.) With due respect, Vintage believes that the County has been extremely sensitive to the need to maintain a sufficient number of smaller slips and that the needs of the owners of smaller boats have been more than adequately protected.

At the outset, it must be emphasized that the reduction in the number of proposed slips is not entirely a matter of converting smaller slips into larger slips—fully 48 of the existing marina slips have to be eliminated to accommodate ADA and Boating & Waterways standards and an additional 23 existing slips will be lost in order to accommodate the Commission-approved improvements at the BISC (which truly serves a lower-cost public purpose).

Moreover, we believe the justification for modifying the slip mix in this over 40-year-old marina has been amply justified in an extensive report submitted to the Commission's staff that was also prepared by The Corrough Consulting Group. As that report documents: (1) the vast majority of smaller boats (over 90%) are stored out of the water (primarily for economic reasons); (2) while no new marinas have been constructed since the 1980s (limiting the "in-water" storage option) the opportunities for dry land storage have increased and continue to increase dramatically, thereby accommodating the need for the smaller boat market; (3) larger boat owners obviously don't have the choice of opting for dry land storage, as do the owners of smaller boats; (4) both the length and beam of the average recreational boat have increased substantially since the recreational boating marinas were constructed in Southern California decades ago and the current slip configurations and lengths in those marinas simply don't correspond to the increasing demand for larger boat slip space; and (5) as a result, marinas throughout Southern California are experiencing increasing vacancies for smaller slips while larger boat owners are experiencing growing waiting lists.

The trends described in the Corrough report on a "macro" level correspond to the situation the County and Vintage have documented in the Channel Islands Harbor. As Lyn Krieger, Director of the County's Harbor Department, reported to Gary Timm back on December 1, 2005, at that time there were 33 vacancies in the existing Channel Islands Marina ***of which 31 involved slips under 32 feet in length.*** In the harbor as a whole, as of June of last year, Ms. Krieger advised the Commission recently that there were 112 total slip vacancies, of which 81 involved slips under 32 feet in length. As I understand the County Harbor Department has advised you, notwithstanding that the Channel Islands Harbor provides the lowest-priced recreational boating harbor in Southern California, the marketability of small and mid-sized slips has eroded steadily over the past several years as boaters have resorted to less expensive alternatives to "wet" slips, including marina dry storage, trailerable boats, and offsite storage.

The County and Vintage are not pushing out the small boater—the small boater is simply a much "smaller player" in the market that the County and Vintage both serve.

Having said this, the County has the same concern that the Beacon Foundation and Coastal staff have expressed on this subject and after considerable discussion/study the County has required Vintage to provide a very high number/percentage of smaller slips. 25% of the total number of slips in the reconstructed marina will be for boats from 24-32 feet in length, an additional 25% will be for boats from 32-38 feet in length, and no slips at all will be longer than 52 feet in length. If anything, Vintage is concerned that the ratio of smaller slips to larger slips is too high already (although Vintage is prepared to agree to this mix). Any further skewing of slips in the direction of smaller vs. larger slips would serve no public purpose and would seriously undermine the economics of a project that is intended to benefit a great number of recreational boaters.

Finally (on this point), Vintage must respectfully deny the Beacon Foundation's claim (Quaintance letter, ¶ 7) that the County and Vintage have "falsely inflated" the number of smaller slips by "drawing in unusable 'paper' slips." In fact, slips in these very locations are ***currently in use.*** While some of these slips are in shallow water and the boats that use those slips therefore must have a shallow draft (e.g., electric boats or Boston Whalers), the slips in the shallow water areas are currently in use and will continue to be used (by smaller boats) after the marina is reconstructed just as shown on the plan. Vintage has no interest in "drawing in" slips it can't use.

9. <u>The County is Adequately Accommodating the Need for Low-Cost Public Recreational Boating Facilities</u>.

The Beacon Foundation's letters (see, e.g., Quaintance letter, ¶ 7) equate "smaller" boats with "lower cost" boating and don't appear to propose that any type of "public access" condition other than through preservation of an appropriate slip mix, an issue addressed in ¶ 8 above. I realize, however, that the Commission staff has independently raised an additional concern about possibly requiring the County and Vintage to provide a certain number of boat slips to non-profit sailing clubs, supposedly in order to provide enhanced "affordable" boating. Vintage respectfully submits that such a condition would be inappropriate.

First of all, there is no evidence that non-profit sailing clubs benefit—primarily or even substantially—lower income persons. Vintage's limited knowledge of the members of these clubs leads it to believe that they are not lower income persons. Moreover, Vintage submits there is no established nexus between the improvements that Vintage is proposing to make to the existing Channel Islands Marina and any loss of "affordable" boating opportunities that would justify the imposition of such a condition on this PWP Amendment.

Accommodation of the entry-level boating/sailing experience is the function of true "public" boating centers, such as the BISC (to which the Channel Islands Marina is "giving up"

some 23 slips). The County has provided numerous free and low-cost public recreational opportunities in the Harbor, including the BISC and a public launch. Moreover, from time to time several sailing and joint use boating clubs have operated in the Channel Islands Harbor, including SailTime, Club Nautique, Off Shore Islands (which at one time had over 200 members), and Fairwind Yacht Club. At the current time both SailTime and Fairwind are in operation, the former in Vintage Marina and the latter at Anacapa Isle Marina. Fairwind also has several free slips in Mandalay Bay, the private development on channels attached to but just beyond the Harbor. Thus, Vintage does not believe that there is a basis for "tagging" it with an obligation to provide "affordable" boating to a non-profit that may or may not serve a lower income population.

Vintage has been a long-time supporter of youth education and youth boating programs. In recognition of the County's expressed concern to preserve and advance affordable boating opportunities (and not because Vintage believes it is adversely impacting those opportunities), Vintage has offered to the County to make 2 additional 35-foot slips available at the standard slip rate on a right-of-first refusal basis for club (multiple owner) operations, to fund 15 scholarships each year for youth programs, to provide the equivalent of 4 new sabots as sail training vessels each 5 years, and to provide transportation funding equivalent to the cost of a van, amortized over 5 years, to be used by the Boys and Girls Club to provide transportation to and from the Harbor for those who may need it.

Based on these factors, Vintage respectfully submits that the "affordable" boating issue is not a basis for delaying or further conditioning approval of the proposed PWP Amendment.

I believe the foregoing responds to all of the points raised by the Beacon Foundation. If you have any questions or need additional information on any of the subjects addressed above, please let me know. Thank you for your consideration.

Very truly yours,

RUTAN & TUCKER, LLP

Jeffrey M. Oderman

JMO:lc
cc: Gary Timm, California Coastal Commission
Lyn Krieger, Director, County of Ventura Harbor Department
Brian Dunn, Vintage Marina Partners, L.P.

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April 19, 2006

Chairperson Caldwell and Commissioners
California Coastal Commission
South Central Coast Area
89 S. California St., Suite 200
Ventura, CA 93001

Re: Channel Islands Harbor PWP Amendment No. 1-05 (Vintage Marina) and Notice of Impending Development 1-06 for Reconstruction of Waterside Improvements in Channel Islands Harbor Marina

Dear Chairperson Caldwell and Commissioners:

I am writing on behalf of Vintage Marina Partners, L.P. ("Vintage"), with respect to the above-referenced matter, which is scheduled to be presented to the Commission at your May 2006 meeting. Vintage is the County of Ventura's lessee of the Channel Islands Harbor Marina ("CIHM") and will be responsible for construction and operation of the marina that is the subject of the County's application. The purposes of this letter are to provide the Commission with Vintage's comments on the March 29, 2006, Commission staff report and to highlight Vintage's remaining concerns with two (2) of your staff's proposed Suggested Modifications. Prior to transmitting this letter to you, I have shown a draft of this letter to representatives of the County of Ventura, so I believe the points set forth below represent the County's position as well.

First of all, Vintage wishes to express our appreciation to the Commission staff for its hard work and its generally favorable recommendation. Vintage's remaining two concerns are with your staff's Suggested Modification 6, dealing with the distribution of boat slip sizes within the CIHM, and the portion of Suggested Modification 8 dealing with the 75% discount required for two slips to be reserved for recreational joint use boating clubs or ventures. These two issues are addressed separately hereinbelow.

1. **Slip Size Distribution Issue (Suggested Modification 6).**

The Commission's Suggested Modification 6 (a new Policy 8 to be added at page 57, Section 4.2, of the County's Public Works Plan under the heading of "Recreational Boating"), would read as follows:

8. Distribution of Slip Size for Vintage Marina.

The Vintage Marina slip size distribution shall consist of the following and conform to the slip configuration on the Vintage Marina Plan (Figure VIII):

A minimum of 25% of the total number of slips shall be under 30' in length.

A minimum of 25% of the total number of slips shall be 30'–36' in length.

The Vintage and County of Ventura support a Suggested Modification 6 that would read as follows:

8. Distribution of Slip Size for Vintage Marina.

The Vintage Marina slip size distribution shall consist of the following and conform to the slip configuration on the Vintage Marina Plan (Figure VIII):

A minimum of 25% of the total number of slips shall be under ***32***' in length.

A minimum of 25% of the total number of slips shall be ***32***'–***38***' in length.

Vintage's (and the County's) proposed changes to the Commission staff's recommended Suggested Modification 6 may on their face seem relatively minor but the consequences of ***not*** making these changes would be enormously adverse to the feasibility of this important marina renovation project. The Commission staff's "tweaking" of the slip size distribution previously approved by the County's Board of Supervisors—after extensive consideration and public input—would increase the required number of slips in CIHM under 30 feet in length from 76 to 105, a ***38% increase in slips of the smallest size***, which would result in a corresponding decrease in the number of larger slips allowed. The renovated CIHM would end up with an extremely inefficient design, with a considerable number of smaller slips having to be located in areas that would accommodate larger slips. The forced inefficiency would result in negligible cost savings but would significantly reduce the income-producing potential from the CIHM to the County and Vintage and saddle them with the likelihood of suffering a greater number of slip vacancies (with further erosion in income) for the extended life of the marina.

If there were some demonstrable need for an increased number of smaller slips, Vintage could at least understand your staff's rationale in adjusting the County's proposed slip size distribution. But there is no such evidence. In fact, the County and Vintage have extensively

studied this issue both for Southern California recreational boating marinas in general and Channel Islands Harbor in particular and have demonstrated there is no evidence to support the Commission staff's proposal that the number of small slips in CIHM be increased. Consider the following information that is detailed in the comprehensive March 2006 report prepared by the Corrough Consulting Group that was recently submitted to your staff:[1]

- The median-sized recreational boat in California has increased from 29' in the 1960s to 43' today, a trend that shows no sign of abating. Only 20.5% of recreational boats today are between 20' and 39' 11" in length.[2] The County's proposal would result in the average slip size in CIHM being only 37.62 feet, already well below the median for the marketplace to be served, and no slip would be longer than 60'. If the Commission staff's recommended Suggested Modification 6 is accepted, the average slip size in the CIHM would drop even further, to approximately 35', considerably lower than the average size needed to serve the recreational boating public.

- Small boat owners have numerous dry storage options, whereas larger boat owners do not. This reality is reflected in the statistics set forth in the Corrough report that fully 86.5% of registered boats in California are stored on land—ranging from 82% of boats up to 26' in length, to 18% of boats between 26'-39', to only 3% of boats larger than 40' in length.[3] This trend toward smaller boats increasingly being stored on land is supported by the extremely favorable economics of this choice available to small boaters[4] and by the fact that there is a considerable supply of accessible dry storage facilities as well as adequate launch ramp capacity in the recreational harbors in question (including Channel Islands Harbor).[5]

- As a result of these dramatic and continuing trends—boats increasing in size and smaller boat owners increasingly choosing to store their boats on land—vacancy rates for small boats in "wet storage" in Southern California recreational marinas are steadily climbing while at the same time vacancy rates for larger boats are plunging and waiting lists are growing, a trend that also shows no sign of abating. Thus, for example, fully 55% of the currently vacant marina slips in Southern California marinas are for boats 30' and under, whereas only 10% of the slip

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1 Corrough Consulting Group, "The Role of the 'Small Boat' in Southern California Recreational Harbors," dated March 2006.
2 Corrough report, pp. 4, 19.
3 *Id,* p. 1.
4 *Id,* pp. 4, 15-16.
5 *Id., p. 4*

vacancies are for boats 40' and over.[6] Conversely, 88% of the boats "wait listed" for wet storage in marinas are 40' and longer and only 2% are 30' and under.[6]

- The "macro" level analysis in the Corrough report is validated by the existing situation with the CIHM. As the County Harbor Department Director reported to your staff back on December 1, 2005, at that time there were 33 vacancies in the existing CIHM, ***of which 31 (or 94%) involved slips under 32' in length***. A few months earlier, the Harbor Department Director similarly reported to your staff that in June 2005 there were 118 total slip vacancies in the Channel Islands Harbor, of which 80—nearly 70% were in slips 30' in length or shorter. The public's demand is for more larger slips, not smaller ones.

Vintage and the Ventura County Board of Supervisors have studied the slip size distribution issue carefully. If anything, Vintage is concerned that the County's proposed slip mix distribution (reflected in the alternative recommended Suggested Modification 6 set forth above) already skews the slip mix too far in favor of smaller slips. While Vintage certainly recognizes the Commission staff's concern in maintaining an overall balance between smaller and larger slips in order to properly serve the needs of the entire recreational boating community, Vintage respectfully submits that there is no evidentiary basis for the staff's Suggested Modification 6 which would require the County and Vintage to accommodate 29 more small slips (under 30') than planned (an increase from 76 to 105) and to eliminate a corresponding number of larger slips.

It is also important to emphasize that the Commission would not be losing control over the "slip mix distribution" issue if it approves the alternative recommended Suggested Modification 6 proposed by the County and Vintage. CIHM is the first of the marinas in Channel Islands Harbor to undergo a major renovation. The other marinas will follow in due course. After renovation of the CIHM is completed, it will account for only 17% of the recreational boating slips available in the Channel Islands Harbor (419 of 2,500 total). If the Commission continues to monitor recreational boating trends on an ongoing basis (using the sort of information contained within the Corrough report and cited by the County and Vintage with respect to the pending application) and, if in fact the Commission determines at a future date that the balance needs to be adjusted further—one way or the other--the Commission will have ample opportunity to do so. In short, it is simply unnecessary to overturn the County's careful balancing on the slip size distribution issue in order to accomplish the Commission staff's objective of assuring the availability on a long-term basis of an adequate number of smaller recreational boat slips in Channel Islands Harbor.

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6 *Id.*

Finally, even assuming for the sake of argument that the Commission were to allow "too many" larger-sized boat slips in CIHM, smaller boat owners would still have the option of dry storage (which 90% of small boat owners in California already choose even with numerous empty small boat slips currently available). On the other hand, if the Commission arbitrarily restricts the number of larger-sized boat slips, larger boat owners have ***no*** viable option. For this reason alone, Vintage respectfully submits that the benefit of the doubt on the slip size distribution issue should be given to the County (and Vintage), not to the Commission staff. By resolving "close calls" in this manner the Commission will best achieve the Chapter 3 policy in the California Coastal Act to encourage "[i]ncreased recreational boating use of coastal waters." (California Public Resources Code § 30224.)

2. **Reservation of Slips in CIHM for Joint Use Recreational Boating Ventures or Clubs (Suggested Modification 8).**

As part of its Suggested Modification 8, your staff has recommended that a new Policy 10 be added to the County's Public Works Plan (at p. 57, Section 4.2, entitled "Recreational Boating") to read as follows:

> 10. Two slips within the Vintage Marina shall be reserved for exclusive use by a joint use or group ownership boating venture or club that offers low-cost boating opportunities to the general public and that promotes public recreational boating. No rent shall be charged for the two slips, except to cover utility and insurance costs, which shall not exceed 25% of the normal rental rate.

Vintage (and the County) respectfully submit that this Policy 10 should read instead substantially as follows:

> 10. Two 35' slips within the Vintage Marina shall be reserved on a first-right-of-refusal basis for joint use or group ownership ventures or clubs. If these slips are not needed for joint use or group ownership ventures or clubs, they may be rented to general slip tenants. If, after being rented to a general slip tenant, a joint use or group ownership venture or club requests use of a designated slip, the slip shall be provided to the club within sixty (60) days on the same terms and conditions on which said slip is made available to general slip tenants, after first making reasonable efforts to relocate the existing slip tenant within the Vintage Marina or, failing that, elsewhere within Channel Islands Harbor.

Vintage does not object to the other new policies (Nos. 11 and 12) contained within your staff's Suggested Modification 8 (funding by Vintage of 15 annual scholarships for boating, sailing,

and/or junior lifeguard programs; provision by Vintage of the equivalent of 4 new sabots every 5 years; and funding by Vintage for transportation equivalent to the cost of a van for use by the Oxnard/Port Hueneme Boys & Girls Club).

Vintage's objection to the Commission staff's proposed Policy 10 (as reflected in its recommended Suggested Modification 8, quoted above) is that it mandates a 75% rental discount and, depending upon how it is interpreted, might even require that slips be left vacant if no joint use or group ownership boating venture or club steps forward to rent them. Specific concerns are as follows:

- Vintage is unaware of any evidence—and there certainly is no evidence in the record before the Commission—to support the proposition that joint use boating ventures/clubs require free or substantially discounted slips. At the current time, SailTime and Fair Wind Yacht Club both operate in Channel Islands Harbor, the former in Vintage Marina and the latter at Anacapa Isle Marina. Other boating clubs have operated in Channel Islands Harbor in the past (e.g., Club Nautique and Off Shore Islands). Boating clubs are commercial businesses. Why should they be guaranteed a 75% rental discount? For that matter, what reason does the Commission have to believe that the joint use boating venture/club would pass this discount through to the individual boaters or club members or that the individual boaters or club members are lower income persons who need a subsidy in the first place? Vintage submits there is no such reason. Further, the Commission has said itself that it has no authority to regulate slip rates. It seems to us that, in fact, requiring a slip rate of 75% less than posted rates without such authority and without even any evidence to substantiate the premise upon which such a requirement would be based would go well beyond the Commission's proper function.

- There is no nexus between Vintage's renovation project and any additional need for low-cost slips to be reserved for joint use or group ownership boating ventures or clubs. The proposed renovation project does not eliminate or restrict any opportunities for such ventures that currently exist either in CIHM or elsewhere with regard to any of the 2,500 available slips in Channel Islands Harbor. There simply is no legal nexus between the impacts of the renovation project in question and the staff-recommended policy/condition on discounted slip rental rates.

- Even disregarding the legal requirement for a reasonable nexus between the impacts of the CIHM renovation project and the conditions imposed by the Commission (the previous point), Vintage has already volunteered to make substantial contributions to assist needy persons and provide increased access to boating recreational opportunities—as reflected in proposed Policy Nos. 11 and

12 (which were generated by Vintage and the County in the first place). Vintage is concerned about maintaining the financial feasibility of its expensive renovation project and does not feel it is fair to impose upon it an obligation to subsidize joint use or group ownership boating ventures or clubs.

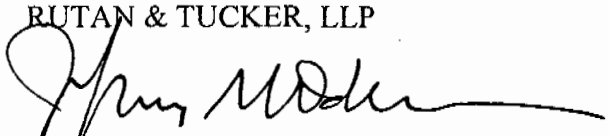
- The County maintains other no- and low-cost boating facilities within Channel Islands Harbor, including the Boating and Instructional Safety Center ("BISC"). Indeed, Vintage would remind the Commission that Vintage is losing 23 slips in order to accommodate the BISC. Vintage respectfully submits that the Commission's efforts to ensure adequate public or quasi-public recreational boating opportunities at subsidized rates should more properly focus on true public facilities such as the BISC and not on marinas such as the CIHM.

* * *

In conclusion, Vintage Marina Partners, L.P., requests that the Commission approve the recommendation in your staff's March 29, 2006, staff report subject to the changes to Suggested Modifications 6 and 8 as set forth hereinabove.

Very truly yours,

RUTAN & TUCKER, LLP



Jeffrey M. Oderman

JMO:jh
cc: John Ainsworth, Deputy Director
Gary Timm, District Manager
Tracy Duffey, Coastal Program Analyst
Lyn Krieger, Director, County of Ventura Harbor Dept.
John Giumarra Jr., Vintage Marina Partners, L.P.
Brian Dunn, Vintage Marina Partners, L.P.

Exhibit 20

Letters from Local Boaters Regarding Slip Size

11/29/05	Mark Graves, Channel Islands Marina Boater's Association, LLC
11/30/05	Mark Graves
12/02/05	Mark Graves
12/17/05	Lauraine Effress, Harbor West Owners Association
12/24/05	Carlos Valencia

To: CCC
Date: 11/29/2005
From: Mark Graves Pres. CIMBA, LLC (Channel Islands Marina Boater's Association, LLC)
3600 S. Harbor Blvd. #502 Oxnard, CA. 93035 Pgr: (805) 671-0400

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SOUTH CENTRAL COAST DISTRICT

CCC,

Bio in Brief:

I have been boating since I was a child, about 50 years total as I am now 55. In the early 1970s I crewed with one other person on a 30 foot sailboat through the Bahamas to South America and back. We escaped pirates chasing us off the southern most coast of Haiti by sailing into a hurricane in the dark of night. That trip was my very first sailing experience. For the past 25 years I have lived and boated here in the Channel Islands area which is known as one of the most consistent heavy weather sailing areas of the world. I have owned both power and sail boats and have been docked in every marina from Santa Barbara to Ventura, and Oxnard.

I have been very active in boating safety and boater's rights over the years and even created, produced, and hosted my own national boating safety TV show (Captain's Log with Captain Mark Gray), that was on TLC (The Learning Channel), for 3 years (1987 - 1990). I donated national TV ad time to non profit boating safety groups such as the USCG Aux and US Power Squadron, etc. Currently I am drafting boater's rights legislation to be reviewed by our state senator in January, 2006. The first pieces of legislation I drafted were Federal and State (CA), in the early 1980s and they were all passed into law.
In short, I am an experienced boater and very much into boating safety and boater's rights.

Intro:

Dr. Ziv called me about one week ago seeking my input regarding the CIM (now known as Vintage / CIHM) Oxnard marina rebuild project currently under your consideration. He explained their project requests and their reasoning that CIM had given your commission. The more he explained, the more red flags went up from my perspective. I believe that your commission has been mislead, to say the least and to be polite, providing that the information I was given was correct and, I believe it was.

Misinformation: 1.
At the core, CIM (and Alamar by the way) stated before the Ventura County BOS (Board of Supervisors) that the **average** boat size was **40 feet** thus they would have to rebuild with larger slips by reducing slips under 40 feet, (about 120 less smaller slips at CIM).

The correct information can be found on the **DBW (Dept. of Boating and Waterways) website** whereas the average size of boats that berth in our harbors **is about 30 feet.** Indeed, **40 foot to 65 foot boats COMBINED only make up about 5% of the total** and thus they are the vast minority. It seems they believe that if they build larger slips, the larger boats will come. The only way that could come to pass is if they solicit the very wealthy from around the country and world to fill their slips. Simply put, the average local county taxpaying citizens and their children will be priced out of boating in their own county's harbor if this is allowed to proceed.

Misinformation: 2.
ADA (Americans with Disabilities Act), is forcing CIM to request many alterations regarding their rebuild such as larger restrooms, longer docks, and more room between docks, etc…

The correct information again can be found at the **DBW website** and with common sense.

A. Restrooms currently at CIM are designed to handle 550 slips and a 10% live-a-board population, (you need more restroom facilities for live-a-boards such as at Ventura West Marina that has a 50% live a board facility and about 20 showers in a row VS 2 per restroom at marinas with 10% live-a-board). CIM plans to reduce about 120 slips as well as reducing live a boards by 50% from 10% to 5% thus they need **LESS restroom facilities under the DBW rules.** As for building a handicapped toilet and shower, they can simply reduce their 2 toilet and 2 shower restrooms to 1 of each that is handicapped accessible. There are also public restrooms in the middle of the marina. The smart thing to do would be to designate one dock and thus only one restroom for all handicapped boaters (in my lifetime I only saw one boater in a wheelchair), and rebuild the other restrooms with 2 toilets and 2 showers each NOT double in size under the myth that DBW and the ADA law requires that alteration.

B. The simple reason they need **more room between docks** is because it takes 40 foot boats more room to get in and out of a slip than a 30 foot boat.

C. Rebuilding with **longer docks extending into the main channel** is simple greed, more room equals more slip square footage and that is more money.

Misinformation: 3.
Displaced boats can be put into dry storage.

The correct information is that larger boats (27 foot and up), VS small boats on trailers, do not do well in long term dry storage. Their hulls can suffer damage and it is very difficult to maintain them properly **i.e.:** Their expensive inboard engines should be run at least once a week for ½ an hour and they need lots of water to cool them as well as emitting exhaust fumes in a confined area, etc… Also, it is far too expensive to launch and hull them out with a crane every time you want to go boating. Lastly, there is no long term dry storage facility in our entire county that can handle the number and size of boats CIM is talking about displacing.

In Conclusion: The State DBW's own research and rules VIA their website seems to vastly contradict Vintage's statements.

***** If they charge $100 a ft someone will pay seems to be their mantra.** They (Alamar & Vintage), have already raised slip fees 35% and live-a-board fees 125% yet these marinas are in need of rebuilding thus in the most dilapidated state possible. I am not an attorney but this has all of the appearances of simple price gouging and collusion, price fixing, between Alamar and Vintage which is not surprising since Randy Short's Marina Association's website seemed to be an outline for 100 marina managers (it's members), to simply get together and get the most money possible by increasing fees in unison. Indeed, this and our Oxnard Harbor Director's dealings should be included in the current DA and Grand Jury investigations. **Perhaps CCC decisions could and should be postponed** until ALL such investigations are complete? In the best case scenario, if / when wrongdoing is found, the Vintage and Alamar new leases would be canceled as improper and the marinas put out to RFP for bid?

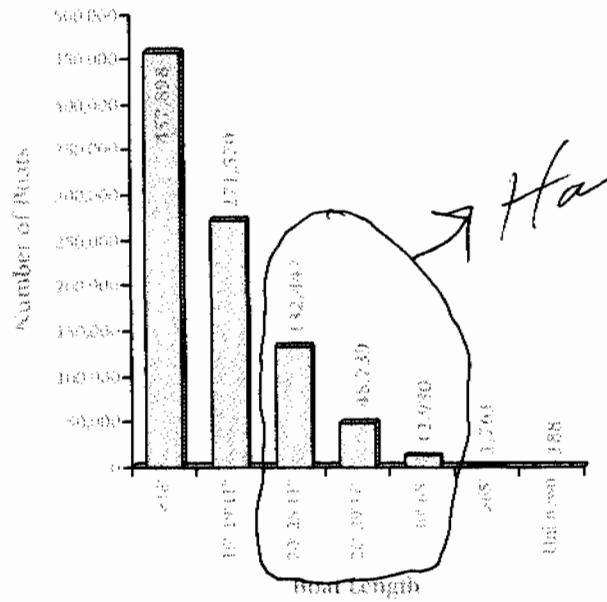
We hope the CCC will indeed keep our harbors accessible to and affordable for our county's taxpayers and our children., "current and future generations", (as your CCC website mission statement says in it's first sentence). Harbors and marinas can and should make money but not at the cost of locking out 99% of people, taxpaying citizens, that live in their county.

Mark Graves
Pres. CIMBA, LLC
[redacted]

Table 2.1, below, shows that the number of boats in California's coastal regions is somewhat larger than in the interior. This is largely due to the higher populations there. When boats are compared with the populations for those regions, it becomes clear that boating, as measured by boat ownership rates, is far more popular in California's interior than on the coast. The one coastal region whose residents have a moderately high boat ownership rate is the North Coast, which contains many inland lakes and no large metropolitan areas.

The typical (median) boat in California is only 16 feet long. Larger boats are somewhat more common in the coastal regions than the interior, but small boats dominate the mix of sizes in every region, as shown in **Exhibit 2.1** and Appendix A1, Table A1.1.

Exhibit 2.1
Number of Boats by Length



Harbor Boats

Total	925,533

Table 2.1
Boats and Population by Region

	Region	Boats 12/31/00	Population 1/1/01*	Boats per 100 People
1.	North Coast	34,643	712,000	4.87
2.	SF Bay Area	158,223	6,468,700	2.45
3.	Central Coast	30,617	922,700	3.32
4.	South Coast	245,380	13,910,900	1.76
5.	San Diego	68,231	2,883,600	2.37
6.	Northern Interior	7,804	89,800	8.69
7.	Sacramento Basin	160,490	2,691,710	5.96
8.	Central Valley	117,552	3,581,700	3.28
9.	Eastern Sierra	2,951	32,720	9.02
10.	Southern Interior	[illegible]	[illegible]	[illegible]

From: Sailboatmd@aol.com
Sent: Wednesday, November 30, 2005 8:13 AM
To: tduffey@coastal.ca.gov
Subject: From Mark Graves of CIMBA RE: Followup Information:
Ms. Duffey,

Thank you for allowing me to meet with you. Here is some followup information:

I asked Bob Piersall (a former Navy and USCG man as well as one of the first Channel Islands Horbor Patrol Officers), to give you a call today. He is at Behia Cabrillo Marina in Oxnard Harbor that was recently awarded to Alamar. He gave testimony at the BOS (Board of Supervisors) meeting 2 meetings ago under public comments stateing that Alamar ordered ALL small boats, (their dingys etc), out of Behia Cabrillo. This type of action opens up small slips and I am sure that Alamar will mention the small slip vacancy when they bring their rebuild proposal before you in the very near future. This seems to me a MO (mode of operation). Bob's phone number is 985-9937.

Remember that now Alamar and Vintage own ALL of Oxnard harbor (except perhaps PCYC, the Yacht club section and the public county docks, etc), between them and they work in like fashion, in unison.

Also, I just looked at the Googleearth.com satalite aerial photo of CIM marina and there were only about 39 slips empty. That picture was taken within the past few months and in daylight thus some of the empty slips might be boats out sailing or in the boat yard for maintance and some slips seemed to be roped off (there are some unsafe slips that should not have boats in them). 39 slips out of 550 is 16 slips less than even the 10% some marinas try to keep for boats in transit. Now they claim to have about 50 empty slips just in the 26 (?) and 38 (?) foot range plus a lot of other slips empty as well. Also, the empty slips were evenly spread throught the marina thus not more of any one size.

Vintage will have to have at least one dock empty to rebuild one dock at a time. I know that the first eviction in 2003 caused about 10% of the boats to leave. The second eviction that we also fought off caused about 20% to leave. That is 30% total and more boats left because they do not want to be there durring the rebuild etc YET they still had enough people wanting a slip to refill the marina back up several times. In short, the need for more slips around the 30 foot range VS 40 foot, is great

Mark Graves Pres. CIMBA
[redacted]

From: Sailboatmd@aol.com
Sent: Friday, December 02, 2005 7:11 AM
To: tduffey@coastal.ca.gov
Subject: FYI - US Dept of Labor Chart for Ventura County this year:
Tracy,

It seems that in all of Ventura County jobs are going down and unemployment is up this year and we know that Oxnard is the poorest city VS Ventura and TO. Also, a lot of jobs will be leaving because Oxnard's military base is one of those scheduled for a large reduction in personal due to this round of base closures. That will understandably devastate Oxnard's (Ventura County's) economy.

Where are richer people going to come from to buy 40 foot and larger boats and pay more slip fees? Here is the US Gov economy chart for this year:

DOL Seal - Link to DOL Home

U.S. Department of Labor
Bureau of Labor Statistics

Metropolitan Area at a Glance

Photos representing the workforce - Digital Imagery© copyright 2001 PhotoDisc, Inc.

www.bls.gov

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OTHER AVAILABLE AT A GLANCE TABLES

Oxnard-Thousand Oaks-Ventura, CA

Text Version

About the data

Data Series	Back Data	May 2005	June 2005	July 2005	Aug 2005	Sept 2005	Oct 2005
Labor Force Data							
Civilian Labor Force (1)		421.1	423.4	421.2	421.2	421.0	424.7 (P)
Employment (1)		404.1	403.8	400.5	400.0	400.4	403.9 (P)
Unemployment (1)		17.0	19.6	20.8	21.1	20.6	20.8 (P)
Unemployment Rate (2)		4.0	4.6	4.9	5.0	4.9	4.9 (P)
Nonfarm Wage and Salary Employment							

Mark Graves Pres. CIMBA

Tracy

TO: Meg Caldwell
Director, The California Coastal Commission

The California Coastal Commission, South Central District

The Ventura County Board of Supervisors

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JAN 03 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

FROM: Carlos Valencia, Ph.D.

RE: Continuing Concerns: Vintage Marina P.W.P.

December 24, 2005

I have several concerns after carefully studying communications from the Channel Islands Harbor Director to the Ventura County Board of Supervisors and other planning documents. My perspective is that of a long-term tenant at Channel Islands Harbor wishing to see others, with 30-foot and smaller boats like mine, to continue to enjoy sailing in the Ventura County coastal area.

1. It is clear to me, after tallying every slip in the new Marina Plan, that Vintage is clearly attempting to eliminate a large number of slips in the 30-foot and under category to build a number of particularly large slips to maximize profit at the expense of small boaters. Even a casual analysis of the proposed slip numbers will show how small boat owners will be significantly displaced.

   Assuming the best case for smaller boats, where the end-ties will not be used for very large vessels, my tally of the total number of available slips is 363. The breakdown, by slip size percentage (rounded) of the total is:

20'	Slip	3%
24'	"	1%
26'	"	7%
30'	"	8%
34'	"	13%
36'	"	6%
38'	"	14%
42'	"	9%
44'	"	18%
52'	"	8%
60'	"	0.3%

   The County Harbor Lease Agreement (Appendix E) with Vintage indicates ". . . approximately 408 boat slips of various lengths depending on *perceived* (italics mine) market demand and the maximum number of slips that can be achieved."

   The Agreement also states that 25% of the new slips be at least 30 feet and under.

My tally shows 65 proposed slips at the "30-feet and under" size. This figure is 18% of the total number of slips , not 25% required by the County, 25 slips short of the goal. I believe Vintage needs to adequately justify and backup its claim that the boating market trends in Ventura County justifies this action against small boat owners.

In comparison with the current number of slips at CIHM, the numbers are even worse for small boats 30-feet and under seeking to remain in the Marina. In this case, 25% of the current 540 slips is 135 total, an even larger displacement of small boats.

A 2001 study of sailboat manufacturers in the U.S. (162 in 1999, 98%) by the Sailing Company of Newport, Rhode Island concluded that in the year 2000, 79% of the sailboat marketplace was for boats under 19 feet. While large boat manufacturers would like to convince boaters that only larger boats are the way to go, there are indications that the average owner is still operating a much smaller vessel.

Data presented in this 2001 study showed that 85% of all new sailboats, in all lengths, manufactured from 1988 to 1999 (165, 728 boats), with the exception of 11-foot and under boats listed from 1995 to 1999 instead of going back to 1988) were in the 29-feet and under category.

2. California Environmental Quality Act (CEQA): The rationale for the recommendation to exempt this Marina project from the CEQA should be explained in much more detail by the Harbor Department Director, including County Council Analysis.

3. I am concerned that Vintage, in asking for a 20-foot extension outward into the Harbor, may unfairly take advantage of the County's property rights. I would like to note that with the extension, large boats on the end ties could extend, perhaps 14 feet or more into the open Harbor fairway. This would increase the potential to obstruct the flow of boating traffic.

4. If such a move is deemed appropriate, the action should be handled with full knowledge and consent of the Board of Supervisors. While it may be tempting to give the Harbor Director full authority to execute amendments to the Lease with Vintage, I urge the Board of Supervisors to retain its proper role in overseeing the major issues and problems that will invariable occur.

5. I urge the Board of Supervisors to carefully evaluate the impact of the Vintage Plan to pack small boats, particularly 20-footers in places that will be very difficult to maneuver, such as Docks A (on the side ties) and G.

To conclude,

a. I urge the Board of Supervisors to not approve amendments, such as Amendment 1 as requested by the Harbor Director, where many small boat owners in the 30-foot and under category will be essentially thrown out of CIHM for lack of space. It would be particularly tragic for many boat owners who would be asked to leave their spaces in the Harbor to find no other slips available nearby, certainly in Channel Islands Harbor.
b. I encourage the Board of Supervisors to keep in mind its oversight responsibilities for the large, important decisions related to this project. The start of a new project is the time for the County to assure that all terms and conditions for the Lease Contract are clearly defined. I would not like to see Vintage or any other business organization run away with a project for excessive financial gain. I like to think of our county government officials as there to assure a fair shake for the individual when confronted with big money interests and power.

Thank you for your interest in the Marina Rebuilding Project and my thoughts on the matter.

Cordially,

Carlos Valencia
Cvalenci@mail.csuchico.edu

530.893.5325

PO Box 383
Forest Ranch, CA 95942

TO: Meg Caldwell
Director, The California Coastal Commission

The California Coastal Commission, South Central District

The Ventura County Board of Supervisors

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JAN 03 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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   The Agreement also states that 25% of the new slips be at least 30 feet and under.

My tally shows 65 proposed slips at the "30-feet and under" size. This figure is 18% of the total number of slips , not 25% required by the County, 25 slips short of the goal. I believe Vintage needs to adequately justify and backup its claim that the boating market trends in Ventura County justifies this action against small boat owners.

In comparison with the current number of slips at CIHM, the numbers are even worse for small boats 30-feet and under seeking to remain in the Marina. In this case, 25% of the current 540 slips is 135 total, an even larger displacement of small boats.

A 2001 study of sailboat manufacturers in the U.S. (162 in 1999, 98%) by the Sailing Company of Newport, Rhode Island concluded that in the year 2000, 79% of the sailboat marketplace was for boats under 19 feet. While large boat manufacturers would like to convince boaters that only larger boats are the way to go, there are indications that the average owner is still operating a much smaller vessel.

Data presented in this 2001 study showed that 85% of all new sailboats, in all lengths, manufactured from 1988 to 1999 (165, 728 boats), with the exception of 11-foot and under boats listed from 1995 to 1999 instead of going back to 1988) were in the 29-feet and under category.

2. California Environmental Quality Act (CEQA): The rationale for the recommendation to exempt this Marina project from the CEQA should be explained in much more detail by the Harbor Department Director, including County Council Analysis.

3. I am concerned that Vintage, in asking for a 20-foot extension outward into the Harbor, may unfairly take advantage of the County's property rights. I would like to note that with the extension, large boats on the end ties could extend, perhaps 14 feet or more into the open Harbor fairway. This would increase the potential to obstruct the flow of boating traffic.

4. If such a move is deemed appropriate, the action should be handled with full knowledge and consent of the Board of Supervisors. While it may be tempting to give the Harbor Director full authority to execute amendments to the Lease with Vintage, I urge the Board of Supervisors to retain its proper role in overseeing the major issues and problems that will invariable occur.

5. I urge the Board of Supervisors to carefully evaluate the impact of the Vintage Plan to pack small boats, particularly 20-footers in places that will be very difficult to maneuver, such as Docks A (on the side ties) and G.

To conclude,

a. I urge the Board of Supervisors to not approve amendments, such as Amendment 1 as requested by the Harbor Director, where many small boat owners in the 30-foot and under category will be essentially thrown out of CIHM for lack of space. It would be particularly tragic for many boat owners who would be asked to leave their spaces in the Harbor to find no other slips available nearby, certainly in Channel Islands Harbor.
b. I encourage the Board of Supervisors to keep in mind its oversight responsibilities for the large, important decisions related to this project. The start of a new project is the time for the County to assure that all terms and conditions for the Lease Contract are clearly defined. I would not like to see Vintage or any other business organization run away with a project for excessive financial gain. I like to think of our county government officials as there to assure a fair shake for the individual when confronted with big money interests and power.

Thank you for your interest in the Marina Rebuilding Project and my thoughts on the matter.

Cordially,

Carlos Valencia
Cvalencia@mail.csuchico.edu

530.893.5325

PO Box 383
Forest Ranch, CA 95942

Tracy
File

2831 Harbor Blvd.
Oxnard, CA 93035
Dec. 17, 2005

Re: Vintage Marina Public Works Plan Amendment

RECEIVED
DEC 2 1 2005
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Mr. Gary Timm
District Manager, Coastal Commission
89 S.California St. Suite 200
Ventura, CA 93001

Dear Mr. Timm:

I am writing in my capacity as liaison for the Harbors West Owners Association located in the Channel Islands Harbor area. Our owners are very supportive of the harbor, at least half of our owners berthing their small boats in harbor slips. We count on those county slips to enable us to maintain our boats for weekend recreation, fishing and short overnight trips to the islands. We are talking about small sail or power boats. None of us own large or even medium size yachts.

Although several of the members of the Ventura County Board of Supervisors often refer to us as "those rich people in the harbor," the fact of the matter is that most of us bought our homes more than ten-fifteen years ago when prices were very different from what they are today and when this area was not considered all that desirable. Our homes are actually condominiums that would by no means be considered luxury houses. Most of our owners are retired city, county, military or private employees of local firms such as Amgen or are presently still working at those kinds of jobs at the naval base, local schools or in the private sector. Some are self employed as painting contractors or in other maintenance areas. We are middle income taxpayers who had the foresight to plan to live where we could pursue the hobbies and recreation we most appreciate.

Therefore, it of great concern to us that the county of Ventura has seemingly reversed its public works plan for the harbor, defining the harbor now as a predominately tourist area to serve larger boats and yachts from outside our local area in lieu of the original purpose of being a small boat harbor for (mainly) local boat owners. In fact, this in quite puzzling since the county has pulled out all

the stops to get the boating center built in order to allow local children to learn to sail and recreate on our waters. If they do create more demand for boating services, where will these new boaters berth their boats since the county seems hell bent on curtailing the number of available slips. We are distressed by this turn of events.

It just seem to us that the county harbor department and board of supervisors is dissatisfied with its own demographics, wants to displace the people it has in favor of some it might like better: namely rich ones We have no quarrel with bringing tourists to the area. We have made many suggestions for visiting serving facilities such as a pedestrian bridge to bring the pieces of the harbor together, public transportation into the area (which was discontinued by the county several years ago) a harbor front walkway and bike path around the whole harbor instead of forcing people to walk among the cars or ride their bikes into traffic. We have repeatedly suggested market research and focus groups to determine why, in fact, more people do not already come to the harbor and what kinds of activities might bring them here, but all these suggestions have met with stubborn refusals. The county thinks it already knows what is best for Channel Islands Harbor despite the fact that the various components in the harbor are far more deteriorated and under utilized now than they were when most of us first moved here.

Please consider this when the coastal commission makes its determination on the latest public works plan amendment that the county is going to submit. They have already taken public parkland. Let them not do away with slips for small boats and "live-aboards" in favor of those for large yachts. Thank you for your consideration.

Sincerely,

Lauraine Effress,
Harbors West Owners Association

EXHIBIT 21

PWPA 1-05 & NOID 1-06

LETTERS IN SUPPORT OF & IN OPPOSITION TO OR CONCERNING VINTAGE MARINA RECONSTRUCTION PROJECT

From the Desk of **STEVE BENNETT**
SUPERVISOR, FIRST DISTRICT
(805) 654-2703
FAX: (805) 654-2226
E-mail:steve.bennett@ventura.org

MEMBERS OF THE BOARD
LINDA PARKS, CHAIR
STEVE BENNETT
KATHY I. LONG
JUDY MIKELS
JOHN K. FLYNN

RECEIVED
APR 05 2006
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

March 31, 2006

Jack Ainsworth, South Central Coast District Director
California Coastal Commission
89 S. California Street, Ste. 200
Ventura, CA 93001

Re: Support for Channel Islands Harbor Marina Public Works Plan Amendment & Coastal Permit

Dear Mr. Ainsworth:

I am writing to express my support for approval of the necessary approvals for renovation of Channel Islands Harbor Marina. Renovation of this aged and deteriorating marina is essential to providing the public with long-term boating facilities. Without the planned renovation, the existing docks will become completely unusable in the near future. Additionally, the renovation will bring the marina into compliance with the Americans with Disabilities Act, thereby equalizing public access for all. This $12-million project will deliver to the public modern, high-quality boating facilities and supporting infrastructure.

This full marina replacement will be the first in Channel Islands Harbor, and ensuring timely permit approval is critical to the county's ability to successfully attract the substantial private sector investment that is needed to maintain access to boating in the harbor. Private investment of many tens of millions of dollars will be needed through the next decade to replace, renovate, and bring up to current standards the many public-private partnership facilities that together comprise the visitor-serving elements of Channel Islands Harbor.

Cordially,

Steve Bennett
Supervisor, First District

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MEMBERS OF THE BOARD
LINDA PARKS
Chair
STEVE BENNETT
KATHY LONG
JUDY MIKELS
JOHN K. FLYNN

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APR 10 2006
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

KATHY I. LONG
SUPERVISOR, THIRD DISTRICT
(805) 654-2276
FAX: (805) 654-2226
(800) 660-5474 EXT. 6542276
E-mail: kathy.long@ventura.org

April 6, 2006

Meg Caldwell, Chair
And Commissioners
California Coastal Commission
C/o South Central Coast Area Office
89 So. California Street, Suite 200
Ventura, CA 93001

SUBJECT: (1) Proposed Major Amendment (1-05) to the Channel Islands Harbor Public Works Plan and; (2) Notice of Impending Development 1-06, Pursuant to the Channel Islands Harbor Certified Public Works Plan (PWP as amended by the proposed PWP amendment 1-05.

Dear Chair Caldwell and Commissioners:

In January 2004, the majority of the Ventura County Board of Supervisors awarded Vintage Marina Partners the lease to operate Channel Islands Harbor Marina (CIHM). The lease committed to a rebuilding of the marina, insuring the safety and security of the boaters, installing ADA compliant gangways and access, and an initial investment of over $12M to replace the docks, floats and pilings in this deteriorated marina. With your affirmative vote on this application, construction and renovation can begin.

As one Supervisor, having read your staff's report and suggested Modifications to gain approval, I believe they are reasonably acceptable with the exception of Modification Nos. 6 and 8. Modification No. 6 calls for a slip configuration that I believe is not necessary. The Board of Supervisors spent two meetings discussing the slip configuration and agreed upon a dedication of 25% of the slips to range between 24ft.-32ft., which then puts over 50% of the slips 38ft. and under. The management and market rates of the remainder of the marina slips will then balance the overall performance of the marina to keep it viable and an investment for all taxpayers.

Recycled Paper

Modification No. 8 calls for a donation of two slips for recreational boating clubs. CIHM has already dedicated 23 slips to the Boating Instruction Safety Center project, along with boats, youth scholarships, and transportation for inner city youth to enjoy the harbor. The precedence to be set by Modification No. 8 should be weighed, along with the potential taxpayers' perspective of gifting these slips. I believe CIHM has gone above the usual community benefit with the noted dedications for the BISC and through the Pacific Youth Foundation commitments.

Overall, this project certainly fits within our Public Works Plan and our goals to reinvest and reinvigorate the Channel Islands Harbor. I appreciate your consideration of the above and your affirmative vote in support of the amendment and Vintage Marina development.

Sincerely,

Kathy Long

Kathy I. Long
Supervisor, Third District