



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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December 9, 2024

Bob Greenlaw, PE
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**SOUTH BEACH RESTORATION AND SHORELINE ACCESS ENHANCEMENT
PROJECT
MITIGATED NEGATIVE DECLARATION
SCH #2024101329**

Dear Mr. Greenlaw:

The California Department of Fish and Wildlife (Department) received a Mitigated Negative Declaration (MND) from the City of Avalon (City) for the South Beach Restoration and Shoreline Access Enhancement Project (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that the Department, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

DEPARTMENT ROLE

The Department is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, section 711.7, subd. (a) & 1802; Pub. Resources Code, section 21070; CEQA Guidelines section 15386, subd. (a).) The Department, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, section 1802.) Similarly for purposes of CEQA, the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. The Department is also responsible for

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

marine biodiversity protection under the Marine Life Protection Act in coastal marine waters of California, and ensuring fisheries are sustainably managed under the Marine Life Management Act.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Avalon

Objective: The objective of the proposed Project is to address the erosive effects of currents within Avalon Harbor and avoid future erosion of South Beach by constructing groin wall/wingwall improvements, restoring 100 linear feet of the existing seawall, repairing/enhancing existing shoreline access including the launch ramp and beach access stairway surfaces, and replacing the beach sand with approximately 6,000 cubic yards of imported sand.

Primary Project activities include the following:

- **Groin Wall Replacement:** Construction activities include demolition of the current groin wall, the placement and interlocking of sheet piles into the bedrock using vibratory and/or impact hammer pile driving methods, installation of rebar or other reinforcement material and placement of concrete. The placement of sheet piles may involve pouring and curing concrete in the water if steel sheet piles with a concrete cap are used. Nearshore construction will take place by landside vehicles and machinery and there is a potential need for water vessels for offshore portions of the groin.
- **Seawall Restoration:** Construction activities include restoring the majority of the eastern surface of the wall by repairing cracks and other defects and refinishing the surface. Approximately 80 feet of the seawall would be removed and replaced with a new section and access stairs. The new seawall will be placed using sheet piles that will be interlocked into the bedrock using vibratory and/or impact hammer pile driving methods. Construction will be completed by landside vehicles and machinery.
- **Launch Ramp and Stairway Restoration:** Construction activities include repairing/restoring the surface of the existing launch ramp for small watercraft at the south end of the beach adjacent to the groin wall and the stairway down to the beach near the north end of South Beach.
- **Beach Nourishment:** Construction activities include transporting sand via barge from the mainland to place approximately 6,000 cubic yards of sand to restore the beach surface. The barge will either directly travel to South Beach to offload the sand, or alternatively, the sand will be transported to the Avalon Freight Terminal and transported via truck to the beach (approximately 1 mile in distance) where it would be dumped from the shoreline access point and distributed around the beach using heavy equipment.

Location: The Project site is located at South Beach in the city of Avalon on Santa Catalina Island in Los Angeles County. The Project construction would be limited to the segment of South Beach located between Green Pleasure Pier to the north and the existing revetment along Pebbly Beach Road to the south.

Timeframe: Construction of the proposed Project is anticipated to begin in early 2025 and be completed by mid-2025.

BIOLOGICAL SIGNIFICANCE

Discussion and Comment: The Avalon Bay waters support many resident and migratory fish and special status wildlife such as seabirds, marine mammals, and sea turtles. The Avalon Bay waters also support commercially and recreationally important fish and invertebrate species such as California halibut (*Paralichthys californicus*), California spiny lobster (*Panulirus interruptus*), and Northern anchovy (*Engraulis mordax*), which is an important forage fish.

COMMENTS AND RECOMMENDATIONS

The Department offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife resources.

I. Project Level Impacts and Other Considerations

Pile Driving and Sound Criteria

Comments: The Project proposed to use large equipment for vibratory and pile driving methods for the installation of sheet pile during the groin wall replacement and seawall restoration activities. Underwater noise associated with pile driving activities may cause temporary or permanent impacts to fish, such as temporary movement out of the Project area, barotrauma injury, or mortality. The Department relies on guidance from the Fisheries Hydroacoustic Working Group to set safe sound pressure level (SPL) criteria for pile driving and pulling activities (Fisheries Hydroacoustic Working Group 2008, Attachment 1). The SPL dual criteria include a peak level of 206 dB and a cumulative sound exposure level (SEL) of 187 dB for fish 2 grams and heavier or a cumulative SEL of 183 dB for fish less than 2 grams. Additionally, if hydraulic jetting or an impact hammer is used for pile driving, this may impact water quality, releasing contaminants from sediments into the water and/or creating turbidity that could harm marine life.

Recommendations: The Department recommends that the MND include a model of the expected SPL and SELs for the Project's casing drilling and/or pile driving activities. The Department appreciates the mitigation measures BIO-1, BIO-2, BIO-3, and BIO-4 that address some noise impacts to sensitive marine species. The

Department further recommends using a vibratory hammer for pile driving to the greatest extent feasible, or an alternative technology that produces the least amount of in water sound level impacts. If an impact hammer must be used (e.g., due to pile material, refusal at bedrock), multiple minimization measures should be used to reduce sound levels. The Department recommends the following:

- A sound attenuation and monitoring plan should be submitted to the resource agencies for review prior to initiating pile driving activities;
- A wood, or similar material, cushion block should be used between the pile and hammer during all pile driving using an impact hammer;
- A bubble curtain should be used, where feasible, during all impact pile driving to further reduce sound below levels that have been shown to cause injury and/or mortality to fish and marine mammals; and
- Underwater sound level monitoring should be conducted during pile driving. If SPLs and SELs exceed agreed upon levels as per the Interim Criteria for Injury to Fish, additional steps should be taken to reduce the underwater noise to acceptable levels.

The Department appreciates mitigation measure BIO-5, which confirms the use of a silt curtain to control turbidity during high turbidity generating activities. Additionally, the Department recommends that high turbidity generating activities should be conducted when there are no strong outgoing tides since this could exacerbate turbid conditions and negatively impact marine life.

Beach Nourishment

Comments: The proposed Project identifies the need for approximately 6,000 cubic yards of sand to restore the beach surface. The MND notes that the sand will be transported to Avalon via a barge from the mainland, but the potential sand borrow sites are not detailed in the MND.

Additionally, contaminated or high silt and organic content sediments should not be placed in the marine environment that are not compatible with existing native sediment. High silt content sediments may cause marine soft substrates to be compacted and unsuitable for subtidal benthic and epibenthic invertebrates. Compatible sediments are required for healthy marine invertebrate habitat needed for forage of the higher trophic levels such as fish and shorebirds.

Recommendation: The Department recommends that all sediment used for placement for this Project is compatible with the beach placement site, and that the MND include the location of any potential sand borrow sites for the Project's proposed beach sediment placement.

The Department recommends that all proposals for sediment placement be reviewed by the Southern California Dredged Material Management Team (DMMT) prior to placement. The DMMT is comprised of regulatory and trustee agencies (i.e., United

States Army Corps of Engineers, United States Environmental Protection Agency, Regional Water Quality Control Boards, California Coastal Commission, National Marine Fisheries Service (NMFS), and the Department), and responsible for managing dredging activities and reviewing technical issues associated with proposed dredging and dredged material disposal projects.

California Grunion

Comments: California grunion (*Leuresthes tenuis*) leave the water at night to spawn on beaches during the spring and summer months. For four consecutive nights, beginning on the nights of the full and new moons, spawning occurs after high tides and continues for several hours. Spawning occurs from March 1st through August 31st, and occasionally in February and September, with peak spawning in late March through June. Eggs are deposited during the highest tides of the month and incubate in the sand during the lower tides where they are kept moist by residual water in the sand. Eggs hatch after approximately 10-14 days, during the next high tide series, when they are inundated by water and agitated by surf; however, eggs can remain viable for over a month in the sand. The Department is concerned that the Project's beach nourishment/sediment placement construction activities may impact grunion spawning and hatching.

Recommendation: The Department recommends all beach nourishment construction activities, including the use of heavy equipment, occur outside of the grunion spawning season (March 1st through August 31st). If avoiding the grunion spawning season is not feasible during sediment placement, the Department recommends that all activity related to sediment placement be restricted to above the kelp wrack line or the Higher High Water line from March 1st to August 31st. Furthermore, the locations of the spawning run should be marked physically and/or by Global Positioning System (GPS) locations. The density of the grunion throughout the area should be noted using the Walker Scale. The Project should ensure that maintenance workers avoid the spawning area and that a 50-foot buffer is used to avoid impacting any spawning areas adjacent to the sediment placement sites. If grunion spawning occurs within the Project area, work in that area below the mean high tide line should not be conducted until after the grunion eggs have hatched (2 weeks). The expected run schedule and further information about grunion can be found on CDFW's website: <https://wildlife.ca.gov/Fishing/Ocean/Grunion>.

Marine Mammal and Sea Turtle Monitoring

Comments: Harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), other species of marine mammals, and sea turtles may be present or occur within the Project area. Construction activities, such as pile driving, within the Project area have the potential to impact these animals if they are present.

Recommendations: The Department recommends that the City prepare and implement a marine mammal and sea turtle monitoring plan that includes, but is not limited to:

- Establishment of an underwater exclusion zone as a designated focus area for species protection to allow animals to evacuate the area prior to commencement of construction activities;
- Pile driving activities should not occur while marine mammals or sea turtles are present within the exclusion zone;
- Pre-construction monitoring to update the occurrence and use of the area by marine mammals and turtles; and
- Monitoring of marine mammals and sea turtles by an experienced observer immediately prior to and during all construction activities.

The Department recommends that the City consult with the National Marine Fisheries Service and U.S. Fish and Wildlife Service regarding the above recommendation and any other necessary avoidance and mitigation measures to reduce impacts to marine mammals and sea turtles.

Invasive Species Impacts

Comments: Disturbance of the bottom sediments from pile construction and anchoring may redistribute non-native species that compete with native species. This could cause widespread adverse impacts to eelgrass and marine ecology. The invasive alga *Caulerpa taxifolia* is listed as a federal noxious weed under the U.S. Plant Protection Act and while deemed eradicated in 2006 is monitored for potential future emergence. Another invasive alga species found recently in Newport Bay and San Diego Bay is *Caulerpa prolifera*, which is also a potential threat to growth and expansion of native eelgrass beds and other native algae. *Caulerpa prolifera* can grow as deep as 50 meters and appears to be more tolerant of low light environments than most other macroalgae. Additionally, since all *Caulerpa* species pose a serious risk in harming native marine life, Fish and Game Code Section 2300 was amended in 2023 so that no person shall sell, possess, import, transport, transfer, release alive in the state, or give away without consideration all species of the genus *Caulerpa*, with the exception of bona fide scientific research upon authorization by the Department.

Recommendations: The Department recommends conducting pre-construction *Caulerpa spp.* surveys to identify potential existence of invasive *Caulerpa spp.* in accordance with the Caulerpa Control Protocol <https://media.fisheries.noaa.gov/2021-12/caulerpa-control-protocol-v5.pdf> (October 2021). Any sightings of *Caulerpa spp.* should be reported within 24 hours to the Department (Caulerpa@wildlife.ca.gov), and NMFS at 562-980-4037 (nmfs.wcr.caulerpa@noaa.gov).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, section 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by the Department. Payment of the environmental document filing fee is required for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, section 753.5; Fish & G. Code, section 711.4; Pub. Resources Code, section 21089.)

CONCLUSION

The Department appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Leslie Hart, Environmental Scientist at R7CEQA@wildlife.ca.gov.

Sincerely,



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Marine Regional Manager

ec: Claire Waggoner, Environmental Program Manager
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ATTACHMENT

Attachment 1: Fisheries Hydroacoustic Working Group. 2008. Interim Criteria for Injury of Fish Exposed to Pile Driving Operations: Memorandum. Washington: Federal Highway Administration.