



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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COMMENT LETTER B

May 6, 2025

Emiko Innes
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**SAND COMPATIBILITY AND OPPORTUNISTIC USE PROGRAM
MITIGATED NEGATIVE DECLARATION
SCH #2025040385**

Dear Ms. Innes:

The California Department of Fish and Wildlife (Department) received a Mitigated Negative Declaration (MND) from the Los Angeles County Department of Beaches and Harbors (LACDBH) for the Sand Compatibility and Opportunistic Use Program (Project), pursuant 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

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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.

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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.

B-1

PROJECT DESCRIPTION SUMMARY

Proponent: LACDBH

Objective: The objective of the Project is to reduce coastal erosion and prepare for future challenges associated with climate change in Los Angeles County through the beneficial reuse of opportunistically available beach quality sediment as beach nourishment. The Project includes five sites (Zuma Beach, Will Rogers State Beach, Dockweiler State Beach, Manhattan Beach, and Redondo Beach) for beach nourishment that were selected by LACDBH based on a variety of criteria that include present and future coastal erosion and flooding vulnerabilities, presence of existing resources, presence of critical public infrastructure and amenities, recreational and economic benefits, and avoidance of adverse effects on coastal resources. The details of each beach nourishment project will be formulated at the time of the project based on the quantity and quality of the source material available and the condition of the shoreline.

The Project's primary construction activities include transporting the sediment placement material to each beach and placing no more than 150,000 cubic yards of material with a fines content less than or equal to 15% and 50,000 cubic yards of material with a fines content between 16% and 25% at each site annually using the following earthmoving equipment: dozers, loaders, scrapers, and a sweeper. The method used to deliver source material to each beach will vary depending on when or what material becomes available, but potential delivery methods may include trucking and marine vessels, spreading material using earthmoving equipment, using slurry lines from the beach to the nearshore, or using a bottom-dump barge or scow to dump material into the nearshore. Potential sand sources include reservoirs and debris basins managed by Los Angeles County, dams, local watercourses (rivers, creeks, streams, and lagoons), harbor maintenance dredging, transportation projects, upland development and redevelopment projects, and landslides. Beach nourishment is expected to occur in the fall and winter months to avoid disturbing beach users, California grunion (*Leuresthes tenuis*) runs, and nesting of relevant avian species.

B-2

Location: The Project site is located at five County-operated beaches in the Cities of Malibu, Los Angeles, Manhattan Beach, and Redondo Beach. The five receiver sites for sediment placement are Zuma Beach, Will Rogers State Beach, Dockweiler State Beach, Manhattan Beach, and Redondo Beach.

BIOLOGICAL SIGNIFICANCE

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

B-3

COMMENTS AND RECOMMENDATIONS

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

Beach Nourishment

Comments: Beach nourishment, or beach and/or nearshore sediment placement, may cause increased turbidity, decreased light availability, and/or potential burial of sensitive marine species and their habitats via direct sediment placement or subsequent littoral drift causing substantial adverse effects. Habitat Areas of Particular Concern (HAPC), a subset of Essential Fish Habitat, are habitats of special importance to fish populations due to their rarity, vulnerability to development and anthropogenic degradation, and/or ability to provide key ecological functions. Rocky reefs, canopy kelp, and seagrass beds are several habitats that have been designated as groundfish HAPC by the Pacific Fisheries Management Council under the Magnuson-Stevens Fishery Conservation and Management Act. These habitats may occur at the potential sediment placement sites. Additionally, commercially and recreationally important fish and invertebrate species may be impacted by nearshore sediment placement activities via direct burial/smothering, increased turbidity, and/or decreased light availability.

B-4

The Department understands that the MND is intended to guide the implementation of individual sand compatibility and opportunistic use program projects and that the details of each project will be based on the quantity and quality of the source material available and the condition of the shoreline. LACDBH anticipates that source material will be placed as an extension of the existing berm on each beach. However, the MND notes that source material may be placed in a mound near the mean high tide line or in the nearshore waters when the fines content of the source material is between 15% and 25%. While the Department appreciates that the MND has mitigation measures for grunion surveys (Mitigation Measure BIO-3), nesting and special-status bird monitoring (Mitigation Measure BIO-04), and marine mammal and sea turtle avoidance (Mitigation Measure BIO-5), the Department is concerned that the MND does not address any impacts or propose mitigation measures for the potential placement of materials nearshore.

B-5

Recommendations: If nearshore sediment placement is proposed, the Department recommends that the MND quantify the amount of HAPC that could be lost due to the Project and potential alternatives for nearshore sediment placement. Potential HAPCs for this Project area may include rocky reef, canopy kelp, and seagrass bed habitats. Project plans should be developed to avoid and minimize potential impacts to the nearshore marine environment, including HAPCs, to the maximum extent feasible. This includes avoiding and minimizing direct burial/smothering, vessel anchoring, turbidity, and/or decreased light availability within the nearshore environment. The Department also recommends that post-construction monitoring of any nearshore sediment placement should occur to ensure HAPCs and the commercially and recreationally important species that inhabit the HAPCs are not impacted. The Department recommends consulting with the Department and National Marine Fisheries Service (NMFS), on the Project's impact analysis and all proposed mitigation measures for HAPC and other sensitive marine habitats.

B-6

Additionally, 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, NMFS, and the Department), and responsible for managing dredging activities and reviewing technical issues associated with proposed dredging and dredged material disposal projects.

B-7

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>.

B-8

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.)

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CONCLUSION

The Department appreciates the opportunity to comment on the MND to assist the LACDBH 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.

} B-6

Sincerely,



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Marine Regional Manager

ec: Claire Waggoner, Environmental Program Manager
Department of Fish and Wildlife

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RESPONSES TO COMMENT LETTER B – CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Response B-1

This comment is introductory and summarizes the role of the California Department of Fish and Wildlife. This comment does not contain a substantive comment on the analysis or conclusions of the IS-MND. No response is required.

Response B-2

The commenter provides a summary of the project description evaluated within the Draft IS-MND. The commenter's summary of the project description is adequate. This comment does not contain a substantive comment on the analysis or conclusions of the IS-MND. No response is required.

Response B-3

The commenter describes the importance of Los Angeles County to biological resources, including resident and migratory fish, special-status species wildlife, commercially and recreationally important fish and invertebrate species. This comment does not contain a substantive comment on the analysis or conclusions of the IS-MND. No response is required.

Response B-4

The commenter states that beach nourishment activities can lead to increased turbidity, decreased light availability, and burial of special-status marine species and habitats, causing substantial adverse effects. The commenter states there is potential for Habitat Areas of Particular Concern (HAPC) to occur at the potential sediment placement sites, along with commercially and recreationally important fish and invertebrate species.

The Biological Resources Technical Report prepared for the project and provided as Appendix B to the IS-MND identifies HAPC proximate to the potential sediment placement sites. As described in the Biological Resources Technical Report, there is rocky reef mapped offshore of Will Rogers State Beach classified as a HAPC. HAPC is also present within the estuaries of Marina Del Rey Harbor, which borders Dockweiler State Beach. Based on the Predicted Nearshore Benthic Substrates of California dataset created by the California Department of Fish and Wildlife (2023), rocky outcrops are present at Will Rogers State Beach but are outside the depth of closure where project-derived sediment is expected to be transported. In addition, project-derived sediment is not expected to be transported into the Marina Del Rey Harbor. Accordingly, no direct impacts associated with burial of special-status marine species in HAPC are anticipated. As described on page 3-20 of the Draft IS-MND, project activities would not have direct impacts on marine mammals given that activities do not extend far enough into the ocean to result in species mortality. Additionally, project activities are not expected to have direct impact on fish or marine invertebrate species, their habitat, and/or populations of the fisheries that depend on them, because of the temporary nature of project activities. The offshore portion of the project area is composed of sand substrate and exposed to high surf and runoff which can temporarily alter water quality and movement in which these species are naturally accustomed to temporary and seasonal increases in turbidity.

The Draft IS-MND acknowledges that indirect impacts to marine special-status species and their habitats could occur due to increased turbidity during project activities and the potential for placement of sediment to alter or disturb habitat. The Draft IS-MND includes implementation of Mitigation Measures BIO-2 and BIO-7 to reduce indirect impacts to marine species, including special-status species, and commercially and recreationally important species. Mitigation Measure BIO-2 limits work below Mean Lower Low Water to times

when tidal waters have receded from the authorized work area. Mitigation Measure BIO-7 requires water quality monitoring, including for increased turbidity (and subsequently, light availability), throughout project activities and a stop-work order if water quality thresholds in the Ocean Plan are exceeded. As turbidity during project activities would be monitored in accordance with Mitigation Measures Bio-7, LACDBH has minimized the potential for substantial turbidity and/or decreased light availability to substantially affect marine species.

Based on the facts provided above, the Draft IS-MND and Biological Resources Technical Report, included as Appendix B of the Draft IS-MND, address the potential for direct and indirect impacts to HAPC, special-status marine species, and commercially and recreationally important fish and invertebrate species. Impacts on biological resources were determined to be Less Than Significant with Mitigation Incorporated. No changes to the Draft IS-MND are required as a result of this comment.

Response B-5

The commenter states that the Draft IS-MND does not address impacts for the potential placement of materials nearshore.

Refer to Response B-4. The Draft IS-MND includes mitigation measures to address potential indirect impacts of the project, including placement of materials during project activities. No direct impacts to marine species in the HAPC or marine mammals would occur. LACDBH will prioritize beach placement and if nearshore placement is required, the project will incorporate design features to reduce potential impacts to the nearshore marine environment including pre-construction surveys and water quality protection measures. Impacts to biological resources were determined to be Less Than Significant with Mitigation Incorporated. No changes to the Draft IS-MND are required as a result of this comment.

Response B-6

The commenter recommends the IS-MND quantify the amount of HAPC that could be lost due to the project and potential alternatives for nearshore replacement to avoid HAPC loss. The commenter recommends that the project be developed to avoid and minimize potential impacts to nearshore marine environment and HAPCs to the maximum extent feasible, including avoiding and minimizing direct burial/smothering, vessel anchoring, turbidity, and/or decreased light availability within the nearshore environment. The commenter recommends post-construction monitoring of nearshore placement to ensure HAPCs and the commercially and recreationally important species that inhabit HAPCs are not impacted and consultation with the California Department of Fish and Wildlife and National Marine Fisheries Service on the project's impact analysis and mitigation.

The project will incorporate design features to reduce potential impacts to the nearshore marine environment and HAPCs when conducting nearshore placement including pre-construction surveys and water quality protection measures. The LACDBH will prioritize beach placement and if nearshore placement is required, the project will conduct a pre-construction marine habitat survey to ensure any areas of rocky reef are avoided during vessel anchoring and pipeline placement. Therefore, no direct impacts are expected to occur to rocky reefs.

Please also refer to Response B-4. Based on the Biological Resources Technical Report, no direct impacts to HAPCs would occur. Project activities would not have direct impacts on marine mammals given that activities do not extend far enough into the ocean to result in species mortality. The Draft IS-MND includes mitigation measures to address potential indirect impacts of the project, including water quality monitoring and a stop-work order if water quality thresholds from the Ocean Plan are exceeded. Additionally, the project will place fill in Waters of the U.S., and a Clean Water Act (CWA) Permit will achieve compliance with Section 10 Rivers

and Harbors Act and Section 404 of the Clean Water Act. The USACE will be the lead agency for purposes of federal agency consultations and the permit application will be accompanied by enough information to initiate or explain why formal consultations are not needed for Section 106 NHPA, Section 7(a)(2) of the Endangered Species Act (ESA), and Essential Fish Habitat (EFH) consultation, as designated by the Pacific Fishery Management Council. Additionally, an Individual Water Quality Certification pursuant to CWA Section 401 will be acquired. Any resource agency permit conditions will be adhered to during project implementation. No changes to the Draft IS-MND are required as a result of this comment.

Response B-7

The commenter recommends proposals for sediment placement be reviewed by the Southern California Dredged Material Management Team prior to placement, which includes the United States Army Corps of Engineers, United States Environmental Protection Agency, Regional Water Quality Control Boards, California Coastal Commission, National Marine Fisheries Service, and the California Department of Fish and Wildlife.

As described on Page 3-1 of the Draft IS-MND, the project requires approvals from the California Coastal Commission, the United States Army Corps of Engineers, and the Los Angeles Regional Water Quality Control Board to satisfy permitting requirements. Any resource agency permit conditions will be adhered to during project implementation. No changes to the Draft IS-MND are required as a result of this comment.

Response B-8

The commenter requests LACDBH report any special-status species and natural communities detected during project surveys to the California Natural Diversity Database.

Information regarding special-status species and natural communities detected during project pre-activity surveys will be uploaded to the California Natural Diversity Database.

Response B-9

The commenter states environmental document filing fees are necessary and can be paid upon filing the Notice of Determination for the project.

All necessary environmental filing fees will be paid in accordance with Public Resources Code Section 21089.

Response B-10

This comment concludes the letter. This comment does not contain a substantive comment on the analysis or conclusions of the IS-MND. No response is required.