

COASTAL CONSERVANCY

Staff Recommendation

April 20, 2008

**LOS PEÑASQUITOS LAGOON MOUTH OPENING**

File No. 78-046-03

Project Manager: Megan Johnson

**RECOMMENDED ACTION:** Authorization to disburse an amount not to exceed \$297,000 to the Los Peñasquitos Lagoon Foundation to implement periodic openings of the Los Peñasquitos Lagoon mouth from 2008 to 2011.

**LOCATION:** Coastal Zone, Los Peñasquitos Lagoon, City of San Diego, County of San Diego

**PROGRAM CATEGORY:** Resource Enhancement

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**EXHIBITS**

Exhibit 1: [Project Location and Site Map](#)

Exhibit 2: [Previous staff recommendations](#)

Exhibit 3: [Letters of Support](#)

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**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31251 - 31270 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed two hundred ninety seven thousand dollars (\$297,000) to the Los Peñasquitos Lagoon Foundation (LPLF) for continued mechanical opening of the Los Peñasquitos Lagoon mouth.

Prior to the disbursement of any funds, the LPLF shall submit for the review and approval of the Conservancy’s Executive Officer:

1. A work program, including schedule, budget, and deliverables;
2. Written evidence that all permits and approvals necessary to the completion of the project under applicable local, state and federal laws and regulations have been obtained;
3. The names of any contractors it intends to use to conduct the project."

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code, Sections 31251 – 31270.
3. The proposed project is consistent with the Los Peñasquitos Lagoon Enhancement Plan approved by the Conservancy on October 30, 1985.
4. The periodic mouth opening of the Los Peñasquitos Lagoon is identified in the City of San Diego North City Local Coastal Program (LCP) as necessary for restoring and enhancing the environmental qualities of the lagoon.
5. The proposed disbursement is consistent with the purposes of the Los Peñasquitos Special Deposit Fund established to provide for management of the lagoon.
6. The Los Peñasquitos Lagoon is a nonprofit organization existing under Section 501(c)(3) of the U.S. Internal Revenue code, whose purposes are consistent with Division 21 of the Public Resources Code.”

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**PROJECT SUMMARY:**

Staff recommends that the Conservancy authorize the disbursement of up to two hundred ninety seven thousand (\$297,000) from the Los Peñasquitos Lagoon Enhancement Special Deposit Fund to the Los Peñasquitos Lagoon Foundation (LPLF) to continue periodic lagoon mouth openings from April 2008 to April 2011. The source of Coastal Conservancy funds, the Los Peñasquitos Lagoon Enhancement Fund, is a subaccount of the Coastal Trust Fund, which consists of fees assessed on development permits issued by the City of San Diego and the California Coastal Commission in the coastal zone portion of the Los Peñasquitos Lagoon enhancement area. These funds are held by the Conservancy and may be spent only for enhancement activities in Los Peñasquitos Lagoon. The proposed project would restore tidal action, enhance the resources of Los Peñasquitos Lagoon and implement recommendations from Los Peñasquitos Lagoon Enhancement Plan.

The monitoring program at Los Peñasquitos Lagoon (LPL) indicates that when the lagoon mouth is closed to tidal action, the water within the lagoon can become stagnate with low levels of dissolved oxygen, leading to extensive fish and invertebrate "die-offs." In the coastal development permit for the lagoon mouth opening, the Coastal Commission defined a threshold for dissolved oxygen levels below which the lagoon mouth can be mechanically opened. In addition, run-off accumulates within the lagoon during extended mouth closures, which lowers salinity and facilitates the invasion of brackish marsh species and damages salt marsh vegetation. Maintaining an open lagoon mouth at LPL has been a top management priority for the LPLF.

Mouth closures occur at the LPL during winter months. Sand and cobbles are deposited at the lagoon mouth during winter storms. Eventually, the natural tidal scouring and freshwater flows at LPL are not able to remove the volume of sand and cobble, and the mouth closes. The Los Peñasquitos Lagoon Enhancement Plan (Enhancement Plan) identifies lagoon mouth closures as one of the paramount concerns at LPL and concluded that continued periodic openings of the

mouth represent the most cost-effective and least environmentally damaging enhancement alternative.

The LPLF maintains an open lagoon mouth through the use of mechanical openings. These mechanical openings involve the excavation of cobbles and breaching of the sand berm that blocks ocean water from entering the Lagoon. Some mouth openings also involve excavating the lagoon channels, which increases tidal flushing and circulation. Excavation of lagoon channels stops at the deepwater mark, denoted by the change in bathymetry and sediment grain size. The amount of excavated material varies between 2,000 and 15,000 cubic yards. Sediment spoils created during the excavation will either be deposited on the southern bank of the excavated channel and washed out to the ocean or deposited on the beach, approximately 100 feet or more south of the lagoon mouth, along the median water line. Placement of sand will be coordinated with State Parks staff to insure maximum benefit for beach nourishment and public access. The LPLF will perform up to four mouth openings per year. The actual number and scale of mouth openings is determined by the amount of material to be excavated, which depends on wave activity, sand and cobble volumes, and freshwater input from the watershed. Work will be performed between November and May and the work period will vary between one and five days.

Founded in 1983, the LPLF is comprised of the major stakeholder groups and landowners operating in LPL and has been instrumental in its restoration and management. A pioneer of adaptive management, LPLF has a certified enhancement plan and has had the benefit of relying on almost 20 years of monitoring records to facilitate and guide management decisions. The LPLF is fortunate to have leading members of the scientific, engineering, development and environmental communities on its Board of Directors and Technical Advisory Committee. This group has informed the development of the project and will advise project implementation. The LPLF will sub-contract with Roberts Engineering for mouth openings due to their experience and performance over the past twenty years.

**Site Description:** The Los Peñasquitos Lagoon (LPL) is a relatively small estuary (395 acres) adjacent to the Torrey Pines State Reserve in northern San Diego County that receives drainage from a 98 square mile watershed (Exhibit 1). The LPL is recognized as an important coastal resource at local, state, national and international levels. It supports several endangered species (e.g. Least Bell's Vireo, Belding's Savannah Sparrow, Light Footed Clapper Rail, Salt Marsh Daisy), serves as a safe stopover for migratory birds traveling along the Pacific Flyway, and provides refuge for coastal marine species to feed and hide from predators. The LPL is the closest lagoon to the only two Areas of Special Biological Significance located within San Diego: the San Diego Marine Life Refuge and the San Diego-La Jolla Ecological Reserve. The Southern California Wetlands Recovery Project, a partnership of 18 federal and state agencies, non-profit partners, scientists, and elected officials, recognizes the LPL as an important coastal wetland in its Work Plan and Wetland Inventory. The State classifies the LPL as a Critical Coastal Area.

**Project History:**

In 1985 the Conservancy adopted the Los Peñasquitos Lagoon Enhancement Plan and Program (Enhancement Plan) to address the management needs for restoring and enhancing the natural

state of LPL. One of the key policies for implementing the Enhancement Plan was identified in element 3.3.2, Opening the Lagoon Mouth. This element recognized the need for an increased tidal prism in the lagoon to increased habitat functionality, but recommends the lost-cost method of mouth opening rather than more intensive and costly restoration projects. The Conservancy first funded enhancement activities at LPL in 1985, including lagoon mouth opening. The Conservancy has funded lagoon mouth opening at LPL twice since then, in 1991 and 1996 (Staff recommendations, Exhibit 2). The 1996 Conservancy grant provided funding to extend the mouth opening program through December 30, 2007. All of the projects funded by the Conservancy at LPL have been successfully managed by the LPLF.

The Conservancy is currently funding two projects at LPL, the Lagoon Monitoring Program and the Los Peñasquitos Creek Sediment Basin. The Lagoon Monitoring Program evaluates the success of the enhancement activities at the Lagoon, including Lagoon Mouth Opening, and also provides the scientific data required by the Coastal Development Permit to trigger the need for mouth opening. The Los Peñasquitos Creek Sediment Basin will reduce the sedimentation levels in the lagoon, reducing the encroachment of riparian and freshwater habitats, and increasing tidal circulation.

**PROJECT FINANCING:**

Coastal Conservancy	\$297,000
CA Department of Parks and Recreation	<u>\$24,000 (in-kind services)</u>
<b>Total Project Cost</b>	<b>\$321,000</b>

The source of Coastal Conservancy funds is the Los Peñasquitos Lagoon Enhancement Fund, a subaccount of the Coastal Trust Fund, which consists of fees assessed on development permits issued by the City of San Diego and the California Coastal Commission in the coastal zone portion of the Los Peñasquitos Lagoon enhancement area. These funds are held by the Conservancy and may be spent only for enhancement activities in Los Peñasquitos Lagoon. Projects that are funded by the LPL Enhancement fund must be approved by the Coastal Commission. The Enhancement Plan and the actions identified therein were approved by the Coastal Commission as appropriate activities for usage of the LPL Enhancement Fund. As maintaining an open lagoon mouth is an element of the Enhancement Plan approved by the Conservancy and Coastal Commission in 1985, the activities of the proposed project are consistent with the purposes of the LPL Enhancement Fund.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The proposed action is consistent with Chapter 6 of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code Sections 31251-70. Consistent with Section 31251, of the Public Resources Code, the proposed action would award a grant to a nonprofit organization to enhance the natural and scenic character of Los Peñasquitos Lagoon that has been impacted by human-induced events and incompatible land uses.

As required in Section 31252, the proposed project has been identified in the City of San Diego, North City Local Coastal Program as described in the “Consistency with Local Coastal Program Policies” section, below.

Section 31253 permits the Conservancy to provide up to the total cost of any coastal resource enhancement project, consistent with established project eligibility and priority factors. In determining the amount of Conservancy funding for this project, the factors identified in §31253 have been considered and applied, as described in detail below, under the heading “Consistency With Conservancy’s Project Selection Criteria & Guidelines

Pursuant to Section 31263, the Conservancy may authorize a nonprofit organization to undertake resource enhancement activities consistent with an approved resource enhancement plan for the area. In 1985 the Conservancy and the Coastal Commission adopted the Los Peñasquitos Lagoon Enhancement Plan and Program, which identifies lagoon mouth opening as one of the key goals.

**CONSISTENCY WITH CONSERVANCY’S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 5, Objective B** of the Conservancy’s 2007 Strategic Plan, the proposed project would enhance 395 acres of tidal wetland habitat by restoring tidal circulation.

Consistent with **Goal 6, Objective B** of the Conservancy’s Strategic Plan, by reducing improving the tidal circulation of the Los Peñasquitos Lagoon, the project would improve water quality for an important coastal resource.

**CONSISTENCY WITH CONSERVANCY’S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy’s Project Selection Criteria and Guidelines, last updated on September 20, 2007, in the following respects:

**Required Criteria**

1. **Promotion of the Conservancy’s statutory programs and purposes:** See the “Consistency with Conservancy’s Enabling Legislation” section above.
2. **Consistency with purposes of the funding source:** See the “Project Financing” section above.

**Support of the public:** Los Peñasquitos Lagoon remains a highly regarded natural area by the community. The community and public agencies concerned with the lagoon’s management support the mouth opening program as a key element of the enhancement program. Exhibit 3 provides letters of support from the Department of Parks and Recreation, the owners of the Lagoon, City of San Diego Councilman Peters, and County Supervisor Slater-Price.

3. **Location:** The proposed project would be located within the coastal zone of the City of San Diego, County of San Diego.
4. **Need:** Funds previously authorized for Los Peñasquitos Lagoon mouth opening activities have all been expended. The cost of the mouth opening program exceeds the financial capacity of the LPLF. Neither the City of San Diego nor the Department of Parks and

Recreation are able to fund the lagoon mouth opening. Therefore Conservancy funds are essential to completing the project.

5. **Greater-than-local interest:** Protecting and enhancing the Los Peñasquitos Lagoon is of regional interest because it supports federal and state listed species, serves as a stopover along the Pacific flyway, and is identified by the Southern California Wetlands Recovery Project as a top priority coastal wetland resource.

#### **Additional Criteria**

6. **Urgency:** The proposed authorization is urgently needed to enable the on-going maintenance activities to occur uninterrupted. Lagoon mouth opening needs to be done in the spring, after winter storms have blocked the mouth with sand, but before the summer tourist season begins.
7. **Leverage:** See the “Project Financing” section above.
8. **Readiness:** The Foundation has secured most of the required permits and has selected a contractor to begin work, contingent upon Conservancy authorization of the proposed disbursement of funds.
9. **Realization of prior Conservancy goals:** “See “Project History” above.”
10. **Cooperation:** The State Department of Parks and Recreation will also the Conservancy to undertake the project on its land and will contribute in-kind services to the project.

#### **CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

Lagoon mouth maintenance at Los Peñasquitos Lagoon is consistent with the policies contained in the City of San Diego North City Local Coastal Program (LCP) effectively certified by the Coastal Commission on February 8, 1996 as part of the Torrey Pines Community Plan. Specifically, the LCP states, “The lagoon mouth should be opened regularly (or as recommended in the Los Peñasquitos Lagoon Restoration and Enhancement Plan) to enhance the health and ecological value of the lagoon.” (Torrey Pines Community Plan, p. 34) Elsewhere, the LCP states, “The Plan [the LCP] concurs with the Los Peñasquitos Lagoon Enhancement Plan and Program, which has been developed to provide the measures necessary for restoring and enhancing the environmental qualities of the lagoon...” (Torrey Pines Community Plan, p. 33)

#### **COMPLIANCE WITH CEQA:**

This authorization involves maintenance of an existing wildlife facility, specifically the waterway to protect fish and wildlife resources and will not involve an expansion of the existing program. Therefore, this project is categorically exempt pursuant to Title 14 Cal. Code of Regulations, Section 15301(i). The project involves minor alteration for the purpose of maintenance dredging consistent with applicable state and federal permits, and is therefore categorically exempt pursuant to Title 14 Cal. Code of Regulations, Section 15304(g). The lead agency on the project, the State Department of Parks and Recreation also deemed this project categorically exempt from CEQA. Upon approval, staff will file a Notice of Determination.