

COASTAL CONSERVANCY

Staff Recommendation
September 23, 2021

Santa Ana River Mouth Monitoring Project

Project No. 21-059-01

Project Manager: Meghan Martinez

RECOMMENDED ACTION: Authorization to disburse up to \$35,780 to Orange County Coastkeeper to conduct monitoring and outreach to protect endangered bird species and associated habitat located near the Santa Ana River Mouth in the cities of Newport Beach and Huntington Beach.

LOCATION: Santa Ana River Mouth, City of Newport Beach, City of Huntington Beach, Orange County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
- Exhibit 2: [Project Location Site Scale Maps](#)
- Exhibit 3: [Site Photos](#)
- Exhibit 4: [Letters of Support](#)

RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed thirty-five thousand seven hundred eighty dollars (\$35,780) to the Orange County Coastkeeper (“the grantee”) to conduct monitoring and outreach to protect endangered species and associated habitat located at the Santa Ana River Mouth in the cities of Newport Beach and Huntington Beach.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.

3. A plan for acknowledgement of Conservancy and Coastal Commission funding.
4. Evidence that all permits and approval required to implement the project have been obtained.
5. Evidence that the grantee has entered into agreements sufficient to enable the grantee to implement, operate, and maintain the project.

Staff further recommends that the Conservancy adopt the following findings:

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

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding coastal resource enhancement.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Orange County Coastkeeper is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize the disbursement of up to \$35,780 to the Orange County Coastkeeper (OCC) to conduct monitoring and outreach to protect threatened and endangered bird species and habitat at the Santa Ana River Mouth in the cities of Newport Beach and Huntington Beach.

The Santa Ana River Mouth encompasses an area that is owned and managed by several public agencies, including the City of Newport Beach, the County of Orange, California State Parks, and the California State Lands Commission. The project site is a total of thirteen acres of sandy beach and granite riprap that reinforces the river mouth and directs water from the Santa Ana River to the Pacific Ocean. Work will be conducted on both sides of the Santa Ana River Mouth at publicly accessible portions of the beach (Exhibit 2).

Multiple jurisdictions and differing regulations have made enforcement of local laws in the area problematic. This has resulted in the area becoming popular for pet owners to take their dogs for daily off-leash recreation. The presence of off-leash dogs has a negative impact on the foraging and nesting success of nearby populations of threatened Western Snowy Plovers and endangered California Least Terns. Pet waste that is not properly disposed of also has a negative impact on the water quality of the Santa Ana River Mouth.

The proposed project is a continuation of a limited pilot program that was provided seed funding by a grant from the City of Newport Beach. Both public agencies and non-profits were involved in the development of and volunteer recruitment for the initial project. This funding allowed OCC to develop basic materials including field data sheets, volunteer training materials,

public outreach materials, and to provide staff hours to initiate and manage the volunteer monitoring program.

The proposed project will conduct passive monitoring surveys to understand how the area is being utilized including recreation, enforcement, and maintenance activities, and presence of birds and dogs. The data and observations gathered through surveys will be reported on a quarterly and annual basis, and will be posted on OCC's website and distributed to the City, the County of Orange, the California Coastal Commission, the Coastal Conservancy, and the public. In addition, a community outreach program will be implemented and led by Coastkeeper staff and trained volunteer docents to educate and provide resources for recreational beachgoers. This program will engage and educate members of the public on the jurisdictional regulations and actions that can be taken to protect and avoid negatively impacting water quality and sensitive species and habitat within the area.

The proposed project will engage and incorporate the priorities of the necessary public agencies in this monitoring effort. Property owners in the project area (County of Orange, the City of Newport Beach, and California State Parks) have already provided input on the project. The California Coastal Commission was also consulted due to their involvement with permitting and enforcement issues in the area. OCC coordinated efforts and recruited monitors for the project with various non-profit organizations in the area such as the Sea and Sage Audubon Society, and Orange County Habitats, Orange Coast River Park, and Huntington Beach Wildlife Care Center. Through this effort, much-needed information will be collected to identify recreational uses of the area with specific attention to negative impacts to the Western Snowy Plover and California Least Tern species and habitat.

Site Description: The project site straddles the boundary between the cities of Huntington Beach and Newport Beach, and its parts are owned and managed by the City of Newport Beach, the County of Orange, California State Parks, and the California State Lands Commission (Exhibit 2). The project site is approximately thirteen acres of sandy beach and granite riprap that reinforces the river mouth and directs water from the Santa Ana River to the Pacific Ocean. The western boundary of the site is a chain-link fence with barbed wire that denotes the beginning of the California Least Tern preserve on Huntington State Beach, the northern boundary is the Pacific Coast Highway bridge over the Santa Ana River, the eastern boundary is Olive Street and Lifeguard Tower 74 in the City of Newport Beach, and the southern boundary is the Pacific Ocean (Exhibit 3).

Grant Applicant Qualifications: Orange County Coastkeeper has twenty years of experience in running state-funded projects. These include 319(h) grants, Proposition 13 grants, and Coastal Conservancy grants for restoration and public access projects. OCC has the financial capacity to carry the costs of the project through the quarterly invoicing and reimbursement process, and a professional staff of twelve with the experience to carry out the project. OCC also has a record of success with similar projects including nine years of running their Marine Protected Area Watch human use monitoring program.

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 October 2, 2014, 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 below.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section below.
3. **Promotion and implementation of state plans and policies:**

California @ 50 Million: The Environmental Goals and Policy Report (2015). The proposed project furthers one of the overarching goals of California @50 Million: Stewarding natural resources...to ensure that they store carbon, are resilient, and enhance other environmental benefits. The project will further this goal by reducing the environmental impacts of recreation in the Santa Ana River Mouth by providing education to visitors about how best to use the area without degrading it. This is particularly important as annual visitation increases due to increasing population size in California.

California Water Action Plan. The proposed project will further the Plan's goal of restoring and enhancing coastal watersheds, by collecting data and conducting outreach along the California coast in a strategic coastal estuary to enhance ecological health and water quality.

CA Wildlife Action Plan. The proposed project will further the following conservation strategies called for by the 2015 State Wildlife Action Plan:

- Conduct research to design more effective conservation strategies.
- Analyze impacts of a particular pressure on a conservation target and explain correlations of human and abiotic effects on species distribution and demographics.
- Establish partnerships with other agencies, governments, organizations, and private landowners.
- Develop and implement education and outreach programs, including those for...outdoor recreation management.
- Engage urban and suburban residents about stewardship of natural resources.

Federal Species Recovery Plans. In the most recent U.S. Fish and Wildlife Service Western Snowy Plover (*Charadrius alexandrinus nivosus*) Recovery Plan (2007), the Pacific coast population of the western snowy plover is federally listed as threatened. The proposed project aligns with this recovery plan by monitoring breeding and wintering populations and habitats to maximize survival and productivity and conducting public information and education programs about the western snowy plover to help facilitate recovery. The project will further the following recommendations of 2007 Plan:

- Manage breeding and wintering habitat of the Pacific coast population of the western snowy plover to ameliorate or eliminate threats and maximize survival and productivity.
- Develop mechanisms for long-term management and protection of western snowy plovers and their breeding and wintering habitat.

Additionally, the proposed project is consistent with the U.S. Fish and Wildlife's revised California Least Tern (*Sterna antillarum browni*) Recovery Plan (1985), by implementing Action 7, which calls for a conservation education program related to Least Terns.

4. **Support of the public:** This project is supported by the City of Newport Beach, County of Orange, California State Parks, Orange County Coastkeeper, Sea and Sage Audubon Society, Orange County Habitats, Orange Coast River Park, Huntington Beach Wildlife Care Center, and a volunteer led docent program.
5. **Location:** See the "Project Summary".
6. **Need:** Orange County Coastkeeper was awarded \$4,800 by the City of Newport Beach for the 2021-2022 fiscal year through their community grants program. If Conservancy funds are not awarded, then the scope of the project would be substantially limited by the organization's ability to recruit volunteers, manage the data collected, and provide outreach at the Santa Ana River Mouth.
7. **Greater-than-local interest:** The project area is the endpoint of the Santa Ana River where it meets the Pacific Ocean and is significant due to its accessibility, drawing millions of visitors annually. The Santa Ana River bike trail ends at the project area (beach) and is bordered by the bike path alongside Pacific Coast Highway. It is a popular area used by the public for recreation and by endangered species for nesting and provisioning. The listed species that utilize the area for nesting and provisioning are the California Least Tern and Western Snowy Plover, both of which use the coastal dunes for nesting, which is an often-degraded coastal habitat.
8. **Sea level rise vulnerability:** The project is located at the Santa Ana River Mouth, where the river meets the Pacific Ocean and is subject to coastal flooding, storm surges, coastal erosion, and daily tidal changes, all of which could be exacerbated by climate change and sea-level rise in the future. The project does not involve planning or construction of infrastructure which could be vulnerable to sea level rise. Monitoring and outreach will be scheduled to avoid dangerous periods of potential flooding and storms.

Additional Criteria

9. **Resolution of more than one issue:** By educating the public on best practices, the proposed project aims to improve water quality as well as influence the behavior of beach users in the area to avoid negative impacts.
10. **Leverage:** See the "Project Financing" section below.

- 11. **Conflict resolution:** The project will inform public agencies of the area’s recreational uses and inform how best to enforce local laws and protect endangered species and associated habitat based on public access and activities.
- 12. **Readiness:** During the planning process, OCC involved many key stakeholders including property owners and public agencies to receive input on the project. In addition, OCC secured seed funding from the City of Newport Beach Community Grant Program that allowed them to fund a limited pilot program and develop basic materials including field data sheets, volunteer training materials, public outreach materials, and to provide staff hours to initiate and manage the volunteer monitoring program.
- 13. **Realization of prior Conservancy goals:** See the “Project Summary.”
- 14. **Cooperation:** All of the necessary property owners and various non-profit organizations in the area have been involved in the development of the pilot project, and support the extension and expansion of the project. Docent volunteers have also been trained and are ready to continue working with the public to effect change.

PROJECT FINANCING

Coastal Conservancy	\$35,780
Others	\$4,800
Project Total	\$40,580

The anticipated source of Conservancy funds for the project is the FY 2021/2022 appropriation to the Conservancy from the Violation Remediation Account (VRA). The Coastal Act establishes the VRA within the State Coastal Conservancy Fund to hold funds derived from Coastal Commission enforcement actions (See Public Resources Code Section 30823.) VRA funds must be expended for the purposes of the Coastal Act and use of those VRA funds are guided by a Memorandum of Understanding between the Coastal Commission and the Conservancy. The Coastal Commission has agreed to the use of VRA funds for this project.

The VRA funds for this project derive from three Consent Orders concerning private encroachments onto Newport Beach (Consent Cease and Desist Order CCC-20-CD-02, Consent Restoration Order CCC-20-RO-01 and Consent Administrative Penalty CCC-20-AP-02). The Commission’s Consent Orders require that these funds be used for the purpose of providing public access improvements or undertaking or maintaining habitat restoration in coastal Orange County, preferably in the City of Newport Beach, including, but not limited to, projects to protect the Western Snowy Plover and its habitat from disturbance.

Expected in-kind services for the proposed project includes volunteer time. OCC anticipates 20 hours/month of volunteer time to be donated, valued at approximately \$34,954 per year of in-kind services.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The project will be undertaken pursuant to Chapter 6 of the Conservancy's enabling legislation regarding resource enhancement (Public Resources Code Sections 31251-31270).

The Santa Ana River Mouth is a popular recreational area that includes adjacent beach and dune habitat. These coastal resources and associated species have been degraded and disturbed by recreational activities, specifically by the presence of off-leash dogs. Consistent with Section 31251, the project will provide funding to a nonprofit organization to enhance coastal resources that have suffered a loss of natural and scenic values. Collecting data on recreational impacts to sensitive habitat and species at the Santa Ana River Mouth will facilitate improvements to the management of these coastal resources and the wildlife that utilize them, and educating beachgoers will directly protect the coastal resources and wildlife.

Consistent with Section 31252, the proposed project is being undertaken in an area that is identified by two Local Coastal Programs (LCPs): 1) City of Newport Beach's LCP (1976)- the proposed project is consistent with the stated LCP because it will conduct a monitoring effort to avoid and/or minimize the loss of dune habitat and potential impacts to this coastal resource (Chapter 4, Section 4.1.5); 2) City of Huntington Beach's LCP (2001; amended 2011)- the proposed project is consistent with this LCP because it will educate the public on the prohibited uses within the least tern nesting sites on Huntington State Beach (Goal C 7.2.5).

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 factor. In determining the amount of Conservancy funding for this proposed project, the factors identified in Section 31253 were considered and applied, as described in detail in the section "Consistency with Conservancy's Project Selection Criteria & Guidelines" above.

CONSISTENCY WITH CONSERVANCY'S [2018-2022 STRATEGIC PLAN](#) GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 4, Objective 4A** of the Conservancy's 2018-2022 Strategic Plan, the proposed project will implement a community outreach program led by trained volunteer docents and Orange County Coastkeeper staff that will improve public understanding and promote stewardship of coastal resources.

CEQA COMPLIANCE:

The proposed project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations, section 15306, which exempts basic data collection, research, and resource evaluation that will not result in a serious or major disturbance to an environmental resource. The proposed project will conduct passive monitoring surveys to collect data pertaining to human activities and nesting bird populations and will not result in a serious or major disturbance to an environmental resource.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.