

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

1 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8036Staff: DL-SD  
Staff Report: February 20, 1996  
Hearing Date: March 11-14, 1996AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION**Fr 156**

Application No.: 6-95-129-A2

Applicant: Teledyne Ryan Aeronautical Agent: Gregory P. Lorton

Original Description: Dredging approximately 30,000 cubic yards of sand from a 9.2 acre site to a maximum depth of -50 MLLW for transport to Convair Lagoon for use as a sand cap to cover existing contaminated sediment. The sand capping portion of the project has been permitted by the SD Port District.

First Amendment: Revise Special Condition to extend dredging completion date beyond February 1 to April 1, 1997.

Proposed Amendment: Revise Special Condition to extend dredging completion date beyond April 1, 1997 into the least tern nesting season subject to mitigation measures approved by the U.S. Fish and Wildlife Service.

Site: San Diego Bay located 700 feet northwest of Pier J/K at North Island Naval Air Station, San Diego, San Diego County.

Substantive File Documents: San Diego Port Master Plan Amendment #23 (Convair Lagoon); U.S. Department of the Navy, Final Environmental Impact Statement for the Homeporting of NIMITZ Aircraft Carrier, October 1995; Ogden Environmental and Energy Services, Final Environmental Impact Report/Final Remedial Action Plan Convair Lagoon Remediation, October 1993, Addendum #1, November 19, 1993, Addendum #2, October 25, 1995.STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed amendment request subject to special conditions requiring that the applicant provide evidence that the proposed mitigation plan is supported by the California Department of Fish and Game. The plan has already been approved by the U.S. Fish and Wildlife Service. With the consensus of the appropriate resource agencies, the amendment is not expected to have any adverse impact on the environment. The proposed amendment will not lessen or avoid the intended effect of the previously approved permit as the biological resources of San Diego Bay will be protected through implementation of the proposed mitigation plan.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

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**1217**  
I. Approval with Conditions.

The Commission hereby grants a permit amendment for the proposed development, subject to the conditions below, on the grounds that the development as amended, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Special Conditions.

The amendment is subject to the following conditions:

1. Department of Fish and Game Approval. Prior to the issuance of the coastal development permit amendment, the applicant shall submit for the review and written approval of the Executive Director, evidence that the California Department of Fish and Game has reviewed the proposed amendment and supports the proposed mitigation plan. Any additional mitigation measures or other changes to the project required through said Department shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

2. Prior Conditions of Approval. All special conditions of the original permit, except those modified/deleted herein, remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Original Project Description. On December 14, 1995, the Commission approved an application for dredging of approximately 30,000 cubic yards of sand from a 9.2 acre site in San Diego Bay located 700 feet northwest of Pier J/K at North Island Naval Air Station, on the northeast side of Coronado Island. The project involved lowering the existing depth of the dredge site from a depth range of approximately -38 feet Mean Lower Low Water (MLLW) to -48 MLLW, to a maximum depth of -50 feet MLLW, with one additional foot of overdredge allowed.

The sand will be dredged by a clamshell dredge and transported to Convair Lagoon by barge. Convair Lagoon is located in the northeastern portion of San Diego Bay, immediately west of the U.S. Coast Guard Facility and immediately south of Harbor Drive. The disposal site, where a sand cap project will be constructed, is located in the eastern portion of the lagoon, within the coastal development permit jurisdiction of the San Diego Unified Port

District. Only the dredging and transport of the material is within the Commission's permit jurisdiction.

The project will provide material for a sand cap project in Convair Lagoon. On October 17, 1986, the Regional Water Quality Control Board (RWQCB) issued "Cleanup and Abatement Order No. 86-92 for Teledyne Ryan Aeronautical near Lindbergh Field, San Diego County" for alleged violations of the "Comprehensive Water Quality Control Plan for the San Diego Basin," and for allegedly contributing to pollution in the Convair Lagoon portion of San Diego Bay. These violations pertained to the alleged discharge of waste containing polychlorinated biphenyls (PCBs), several trace metals, and volatile organic compounds to the storm drains on Teledyne Ryan Aeronautical property.

An Environmental Impact Report/Remedial Action Plan concluded that the environmentally superior method of remediating Convair Lagoon was construction of a sand cap to cover the existing contaminated sediment in Convair Lagoon with a layer of uncontaminated, "clean" material consisting of sand, crushed rock material, geo-textile liner, and riprap or small quarry rock. Approximately 5 acres of water area will be capped with the 30,000 cubic yards of sand atop 10,000 cubic yards of gravel, and contained by approximately 7,000 cubic yards of quarry stone used to create a perimeter berm to envelope and stabilize the site. The sand cap will be replanted with eel grass to provide a biological "armor" and to offset eelgrass lost through capping.

Special Conditions placed on the project by the Commission required the applicant to prepare a water quality control plan and obtain approval from the State Lands Commission and the Army Corps of Engineers. Dredging was originally scheduled to begin mid-December 1995 and be completed by February 1, 1996. As conditioned, the project was found not to have significant biological impacts, as dredging would end well before the least tern nesting season, generally considered to begin in early April.

3. First Amendment Request. Subsequent to the Commission's approval, delays in the project extended the projected start date of construction to early 1997. The applicant indicated that the new schedule would require dredging to occur up to April 1, 1997. The U.S. Fish and Wildlife Service was consulted and confirmed that extending the dredging date to April 1 would not have any adverse impact on the biological resources of San Diego Bay, including least terns. Therefore, on September 9, 1996, the Commission issued a non-material amendment to the subject permit to replace Special Condition #1b to revise the construction schedule to extend the dredging end date to April 1, 1997.

4. Proposed Amendment Request. Prior to construction of the sand cap, various clean-up activities and debris removal was required in Convair Lagoon. These preliminary preparations proved more extensive than originally anticipated, and thus, additional delays in the project start date have occurred. Dredging is now proposed to begin on or near February 20, 1997. As currently proposed, in-water activities are expected to be completed between April 30 and May 30. During the period of April 1 through the end of construction, in-water activities will involve the placement of sand on the

cap, the final placement of rock to connect the perimeter berm and the installation of pilings as navigational aids. The placement of sand and rock will be performed using the a derrick barge and a pocket barge. Although the capping site itself is outside the permit authority of the Commission, during this time period daily trips will be made by the barges between the capping site and the dredging site.

In order to mitigate any adverse impacts to least terns during the nesting season from turbidity in the water (where the terns forage), the project includes a mitigation plan. The plan involves installation of an additional silt curtain in the immediate work area if significant turbidity is observed, and the planting of .25 acres of eel grass if in-water construction activities continue until April 30, 1997 and an additional .5 acres of eel grass if in-water construction activities continue until May 30, 1997.

5. Sensitive Resources. Section 30230 of the Act states:

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 of the Act states 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:

(7) Restoration purposes...

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

In addition, Section 30240 of the Act states:

(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.

The purpose of the dredging is to restore a contaminated portion of San Diego Bay by providing "clean" material to cap PCB contaminated sediments currently located in Convair Lagoon, to prevent exposure of the marine biota to the

contaminated sediment. Thus, the dredging project in San Diego Bay will achieve significant restoration of San Diego Bay and is allowable under Section 30233 (a)(7) of the Act.

Extending the dredging past April 1 has the potential to impact least terns during the nesting season when it is most critical that the terns be able to forage for food for their young. The California least tern is a state and federal endangered migratory bird species which occurs in San Diego Bay from early April to the end of September. The nearest nesting sites to the proposed project site are at the Naval Air Station North Island, the Naval Training Center, and historically at the southeast corner of Lindbergh airfield. The least tern feeds on small fish captured at the surface of usually shallow waters. Dredge-caused turbidity that reaches the surface can impact the tern's ability to see and capture fish within its foraging areas, which can be within a radius of up to five miles from a nesting site.

However, as originally approved, a silt curtain is required to be placed around the capping site and will remain in place during all construction activities. The proposed mitigation plan requires that an additional silt curtain be installed in the immediate work area if significant turbidity is generated during the placement of sand. Significant turbidity is defined as visible turbidity resulting from the capping activities observed at a distance of 100 feet or more from the location where the sand is placed.

In addition, the plan requires that additional eel grass be planted beyond the amount proposed in the previously approved eelgrass mitigation plan. The original plan required that 3.46 acres of eelgrass be planted to mitigate for the 2.88 acres lost during construction of the cap. Under the proposed plan, an additional .25 acres will be planted if in-water construction activities continue until April 30, 1997 and an additional .5 acres will be planted if in-water construction activities continue until May 30, 1997. Planting eelgrass provides mitigation for impacts to the terns because eelgrass is an attractive habitat for small fish, which are the predominant food for the least tern.

The U.S. Fish and Wildlife Service has reviewed the proposed amendment and the mitigation plan and determined that it will provide adequate mitigation for the impacts that extending the dredging period will have on least terns. In order to insure that there is a consensus among the resource agencies that the mitigation is adequate, Special Condition #1 requires that the applicant also provide evidence that the plan is acceptable to the California Department of Fish and Game. Special Condition #2 notifies the applicant that all prior conditions of approval, except as modified herein, remain in effect.

Given the mitigation plan and the special condition, the existing environmentally sensitive habitat area will be afforded an appropriate level of protection. Therefore, the Commission finds that the subject amendment proposal as conditioned is consistent with Sections 30230, 30233 and 30240 of the Coastal Act.

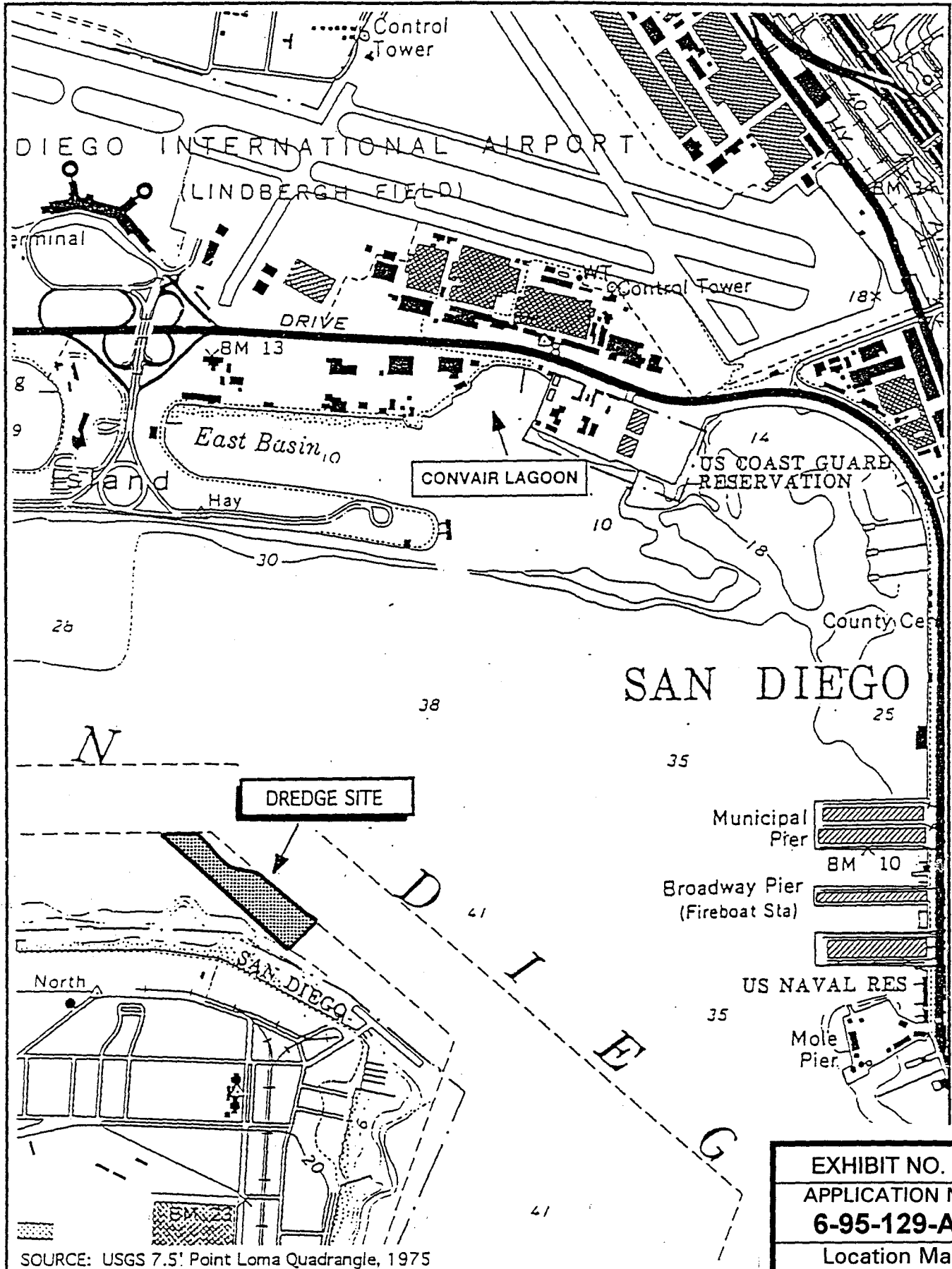
6. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit amendment shall be issued only if the Commission finds that the permitted development as amended will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The project site is located within San Diego Bay and is seaward of the mean high tide line; thus, it is an area of the Commission's original permit jurisdiction. The standard of review is Chapter 3 of the Coastal Act. However, the dredging and disposal project as amended is consistent with the Port Master Plan, and the Port District has approved a coastal development permit for the portion of the project within its jurisdiction. As conditioned, the proposed amendment is consistent with the applicable Chapter 3 policies of the Coastal Act, which is the controlling factor in the permit review process.

7. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit or amendment to be supported by a finding showing the permit or permit amendment, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the biological resource policies of the Coastal Act. Mitigation measures, including planting of eelgrass and approval of the Department of Fish and Game will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed amendment, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

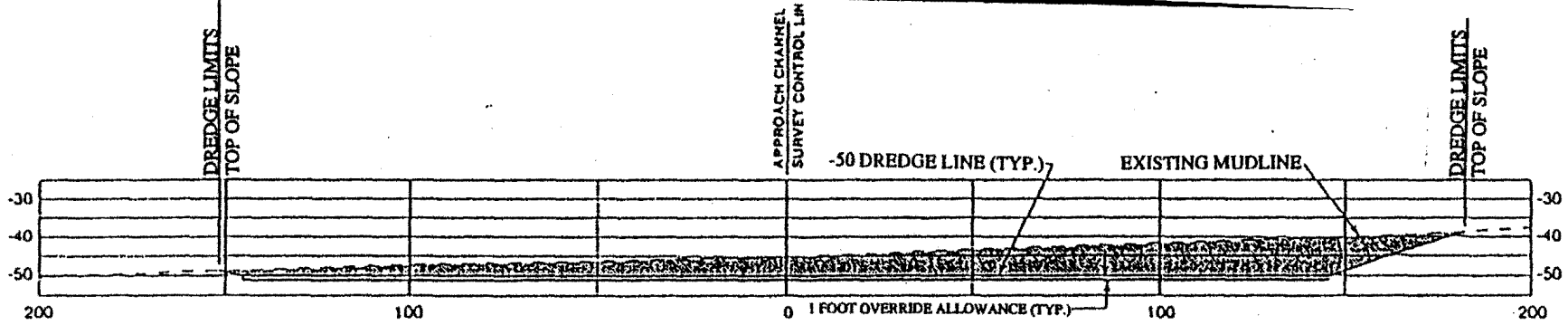
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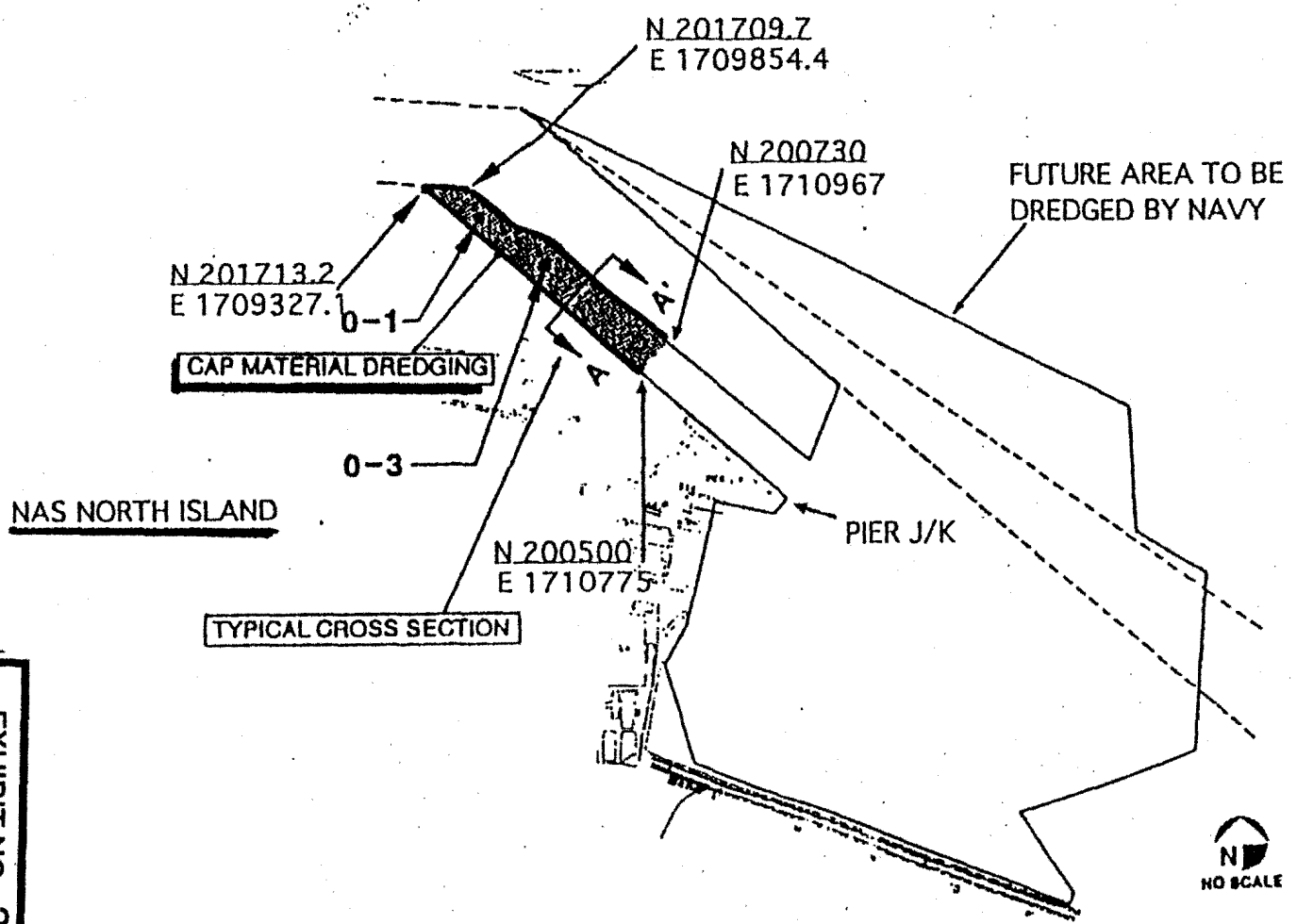
SOURCE: USGS 7.5' Point Loma Quadrangle, 1975

# PROJECT VICINITY

EXHIBIT NO. 1
APPLICATION NO.
<b>6-95-129-A2</b>
Location Map
California Coastal Commission



Typical Cross Section A - A'



California Coastal Commission	EXHIBIT NO. 2
	APPLICATION NO.
	6-95-129-A2
Dredging Site Plan	

# DREDGE PLAN

FIGURE