

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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HEARING IMPAIRED: (415) 904-5200

W13a



Filed: 07/30/97
49th day: 09/17/97
180th day: 01/26/98
Staff: SM-SC
Staff Report: 02/22/96
Hearing Date: 09/9-12/97
Commission Action:

STAFF REPORT CDP AMENDMENT

APPLICATION NUMBER: 3-96-010-A1 Avila Beach Enhancement
APPLICANT: PORT SAN LUIS HARBOR DISTRICT
PROJECT LOCATION: Avila Beach, San Luis Obispo County
PROJECT DESCRIPTION: Request by Port San Luis Harbor District to amend permit to extend authorization for sand moving activities at Avila beach until May 9, 2001. Previously permitted sand moving activities involve using a bulldozer to relocate up to 30,000 cubic yards of sand per year from the mean lower low water to above the mean high tide line.
LOCAL APPROVALS: San Luis Obispo County Coastal Development Permit Exemption letter dated 12/13/95.
FILE DOCUMENTS: Coastal Development Permit File No. 3-96-010; Emergency Permits E-95-16-G and E-96-22; San Luis Obispo County LCP

SUMMARY OF STAFF RECOMMENDATION

Staff recommends conditional approval of the amendment, which would extend the time period under which the Port San Luis Harbor District is permitted to undertake the sand moving activities at Avila beach previously authorized by Coastal Development Permit 3-96-010. The purpose of this project is to enhance recreation opportunities at Avila beach by replenishing sand lost during winter storms, as well as to maintain the structural integrity of a seawall along the inland extent of the beach, which can be threatened by a lack of sand at its base. Sand moving activities have also been utilized to maintain adequate sand cover over an underground petroleum hydrocarbon plume.

The recommended conditions limit this extension to July 5, 2000 (rather than the requested May 9, 2001) in order to coordinate the timing of this permit with the permit required by the U.S. Army Corps of Engineers. In addition, the recommended conditions supplement the conditions of the original permit to reflect the longer authorization period; in particular, an updated operations plan, with additional provisions, is recommended to be required prior to each sand moving event in order to ensure that any changed circumstances which may affect sand moving activities and potential exposure of the underground hydrocarbon plume, are appropriately addressed.

I. STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following resolution:

Approval with Conditions

The Commission hereby **grants**, subject to the conditions below, an amendment to the permit on the grounds that the proposed development with the proposed amendment, as conditioned, will be in conformity with the Chapter 3 policies of the Coastal Act, and will not have any significant adverse impacts on the environment with in the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS (Attached as Exhibit 1.)

III. SPECIAL CONDITIONS

1. **Scope of Amended Permit.** Permittee may undertake the sand moving activities authorized by Coastal Development Permit No. 3-96-010 (Attachment A) until July 5, 2000. In addition to this revised date of expiration, Special Conditions 3, 4, and 5 of Coastal Development Permit No. 3-96-010 have been changed to reflect the longer authorization period (see below). Special Condition 2 remains unchanged and continues to apply to the amended permit.

2. **Avoidance of Grunion Spawning Season.** Sand moving operations shall not be undertaken when spawning grunion are present in the intertidal area of the project vicinity. **PRIOR TO THE COMMENCEMENT OF SAND MOVING ACTIVITIES, AND ON A DAILY BASIS DURING SAND MOVING OPERATIONS,** the permittee shall monitor the site for evidence of grunion spawning (see Special Condition 4 for grunion monitoring requirements). If evidence of grunion spawning is found prior to or during sand moving operations, the permittee shall immediately stop all sand moving operations, which shall not continue until grunion spawning has ceased.

3. **Regional Water Quality Control Board Review and Approval.** **PRIOR TO THE COMMENCEMENT OF EACH SAND MOVING EVENT,** the permittee shall submit, for Executive Director review and approval, written evidence that the Regional Water Quality Control Board has reviewed and approved the proposed sand moving activities.

4. **Environmental Monitor.** The permittee shall retain the environmental monitor required by Special Condition 4 of Coastal Development Permit No. 3-96-010. The monitor shall be responsible for performing the duties required by that condition. **PRIOR TO ANY CHANGE IN THE PERSONNEL PERFORMING THESE DUTIES,** the permittee shall provide, for Executive Director review and approval, the name and qualifications of the replacement environmental monitor.

5. **Updated Operations Plans.** **PRIOR TO THE COMMENCEMENT OF EACH SAND MOVING EVENT,** the permittee shall submit, for Executive Director review and approval, an updated Operations Plan which contains the information required by Special Condition 5 of

Coastal Development Permit No. 3-96-010. To ensure that NO SAND SHALL BE MOVED FROM BEACH AREAS UNDERLAIN BY THE PETROLEUM HYDROCARBON PLUME, the Operations Plans shall also:

- (a) include an up-to-date map identifying the location of the underground petroleum hydrocarbon plume within the designated borrow area;
- (b) provide for the daily delineation of the underground hydrocarbon plume during sand moving operations with temporary fencing, markers, or stakes, which shall be removed prior to being inundated by the tide; and
- (c) require the use of an Oxygen Vapor Analyzer on an ongoing basis during sand moving activities as an additional tool to avoid removing sand from areas underlain by hydrocarbons.

IV. FINDINGS AND DECLARATIONS

A. Project Background

In May 1996, the Coastal Commission approved Coastal Development Permit (CDP) 3-96-010, authorizing the Port San Luis Harbor District to move approximately 30,000 cubic yards of sand from the mean lower low water to above the mean high tide line. The purpose of this project was to replenish sand at Avila beach lost during the previous winter, which exposed cobble stones on the beach, reducing its recreational value, and increased the risk to the structural integrity of a seawall along the inland extent of the beach due to the extensive sand scour at the base.

The primary issue raised by the proposed project was the potential for sand moving activities to result in the exposure of an underground petroleum hydrocarbon plume. This plume, first discovered in 1989, has been attributed to leaks in pipelines used to transport petroleum hydrocarbons, and extends into the intertidal areas at Avila Beach (current plume map attached as Exhibit 3). Cleanup of this contamination is currently at the site characterization and assessment stage; an Environmental Impact Report for the cleanup has recently been released. Some emergency cleanup work and precautionary measures have been undertaken under as Emergency Permits E-95-16-G and E-96-22. Special Condition 15 of E-95-16-G requires that a minimum of 4 feet of sand be maintained over the plume at all times.

Subsequent to the Commission's approval of CDP 3-96-010, the Unocal Corporation requested that the Port San Luis Harbor District use this permit to move sand to an eastern portion of the beach which had less than 4 feet of sand covering the underground plume. This was determined by the Commission staff to be within the parameters of CDP 3-96-010, and was undertaken without incident.

The Commission acknowledges that the sand moving activities authorized by CDP 3-96-010 (as amended) may be used to ensure adequate sand coverage over the underground petroleum hydrocarbons plume. However, the primary purpose of sand moving activities continues to be beach enhancement (personal communications with Kim Tullidge, applicant's agent). Unocal

is authorized under Emergency CDP E-96-22 to import and spread sand on the east side of the beach; this permit will be amended at the September, 1997 to authorize such activities during the 1997-1998 storm season. Thus, CDP 3-96-010 serves only as a backup to off-site sand import for the purposes of maintaining a 4 foot sand cover above the underground petroleum hydrocarbon plume.

B. Proposed Amendment

The Port San Luis Harbor District is proposing to amend CDP 3-96-010 to extend the time period under which it may undertake sand moving activities at Avila Beach. The Commission approved that permit on May 9, 1996, with a condition limiting its validity to a one year period unless authorized by subsequent coastal development permit review or an amendment to the permit. The purpose of this condition was to ensure that the proposed sand moving activities would not result in the exposure of underground petroleum hydrocarbons over the long term.

Specifically, the applicant has requested that CDP 3-96-010 be extended until May 9, 2001. The U.S. Army Corps of Engineers permit for this project, however, expires July 5, 2000, and the lease granted by the State Lands Commission expires February 28, 2001. In order to ensure that the Commission's approval is coordinated with the other permits required for this project, Special Condition 1 establishes July 5, 2000 as the date on which CDP 3-96-010 will expire. Sand Moving activities beyond that date would be subject to subsequent coastal permit review, or another permit amendment.

C. Standard of Review

This project is located in an intertidal area within the Commission's jurisdiction, and therefore must conform with the Chapter 3 policies of the Coastal Act. The portion of the project involving the deposit of sands above the mean high tide line has been determined to be a repair and maintenance activity exempt from San Luis Obispo County permit requirements by the County Planning Department.

D. Coastal Act Consistency

As detailed in the findings of CDP 3-96-010, the project has the potential to expose underground hydrocarbons, adversely impact grunion spawning, diminish water quality, and cause conflict with coastal access and recreation opportunities. Thus, the Coastal Act issues raised by this project include the protection of marine resources, the maintenance of the biological productivity and quality of coastal waters, avoidance of hazardous substance spills, and the preservation of coastal access and recreation opportunities.

These issues were resolved in CDP 3-96-010 through the adoption of conditions which required: Regional Water Quality Control Board review and approval of the proposed sand moving activities; the presence of an environmental monitor; avoidance of grunion spawning events; and an operations plan including, among other things, project timing to avoid conflicts with access and recreation opportunities. (See Attachment A).

Sand moving activities undertaken in 1996 conformed with the Commission's terms of approval and the Operations Plan approved by the Executive Director (Exhibit 2). There were no incidents of hydrocarbon exposure. At one point, sand moving operations temporarily ceased

along the east side of the beach in order to avoid moving sand during a grunion spawning event in that area. In its amendment application, the Port San Luis Harbor District states that the successful completion of the 1996 project and consistent beach conditions (i.e., the configuration of the underlying hydrocarbon plume) warrant the five year permit duration being requested.

To ensure that a longer term approval will maintain the same degree of marine resource protection as the original permit, and account for any migration of the underground plume, this amendment maintains the same conditions of the original permit, with the following revisions:

- Special Condition 3 requires each sand moving event to be reviewed and approved by the Regional Water Quality Control Board; and
- Special Condition 5 requires an updated operations plan, which contains provisions necessary to ensure that sand will not be removed from areas underlain by hydrocarbons, prior to each sand moving event. This includes providing an up-to-date map which delineates plume location, in recognition of the fact that site characterization work is ongoing.

The prohibition from moving sand underlain by the petroleum underground hydrocarbon plume will ensure that sand coverage above the plume will not be reduced, thereby reducing the potential for the exposure of hydrocarbons. This was not a requirement of the original permit because it was not known at that time that contamination extended into the intertidal zone. Operational requirements necessary to avoid removing sand from such areas are required by Special Condition 5, including the daily delineation of the plume area with temporary fencing or stakes, and the use of an Oxygen Vapor Analyzer to assist in accurate delineations.

D. California Environmental Quality Act (CEQA)

The California Coastal Commission's regulatory program has been certified by the Secretary of Resources to be the functional equivalent of CEQA review pursuant to PRC Section 21080.5 (CEQA Guidelines 15251(c)). Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of CEQA.

The State Lands Commission, acting as the CEQA lead agency when it approved a lease for this project on February 27, 1996, determined that the project was exempt from CEQA requirements pursuant to Section 15061(B)(3) as a project that does not have the potential for having a significant impact on the environment.

However, in reviewing this permit and the subject amendment, the Coastal Commission identified the potential for adverse impacts to the environment. These include potential impacts to water quality, marine resources, and public access and recreation opportunities from the use of heavy machinery in the intertidal area and the possible exposure of underground petroleum hydrocarbons. The Commission has therefore attached Special Conditions to the original permit and this amendment that will reduce such impacts to a less than significant level. Therefore, as conditioned, the project will not have a significant impact on the environment within the meaning of CEQA.

CALIFORNIA COASTAL COMMISSION

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXHIBIT NO. 1
APPLICATION NO. 3-96-010-A1
Avila Beach
Enhancement

BOARD OF COMMISSIONERS

JOHN BRINCKERHOFF President
JIM BLECHA Vice President
PAT FARRIS Secretary
CAROLYN MOFFATT Commissioner
BRITT PHILLIPS Commissioner



P.O. BOX 249 AVILA BEACH
CALIFORNIA 93424
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JAY K. ELDER Harbor Manager
K. ROBIN BAGGETT Legal Counsel
PHILLIP J. SEXTON, CPA Treasurer

June 6, 1996

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CENTRAL COAST AREA

**Avila Beach Enhancement Project
PRE-DREDGE NOTIFICATION / OPERATIONS PLAN**

1. General

Port San Luis Harbor District is authorized to move and spread a maximum of 30,000 cubic yards of sand annually at Avila Beach, CA. This work is being done to replenish sand lost during winter storms, thus improving the recreational value of the beach and ensuring the structural stability of the seawall along Front Street in the town of Avila Beach. Sand will not be imported or removed from the site -- just redistributed on the beach. This Operations Plan has been prepared as a requirement of numerous federal and state permit conditions.

2. References

- a. US Army Corps of Engineers Permit 95-50204-TAW (Special Condition 5)
- b. California Coastal Commission Permit 3-96-010 (Special Condition 5)
- c. State Lands Commission Lease W 25033 / PRC 7881.

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COASTAL COMMISSION

3. Schedule

- a. The first sand relocation project under this permit is scheduled for June 10 through July 31.
- b. Sand moving activities will be conducted on weekdays during periods of low beach use (generally 4:30 a.m. - 12:00 p.m.). If there are relatively few people on the beach, the Harbor District may expand times for sand moving operations. Good judgment and common sense will be used.
- c. Sand will be excavated during low tides from areas two feet deep and sixty feet wide. During high tides, sand moving will be limited to leveling sand on the upper part of the beach. Equipment will not be in direct contact with the surf any time.

4. Equipment

Initially, a Caterpillar D5H dozer will be used for this project. Additional equipment such as a scoop loader may be used later. There are two equipment storage and staging areas: one next to the base of Avila Pier, and one next to the concrete ramp on the far west end of the beach.

EXHIBIT NO. 2
APPLICATION NO. 3-96-010-A1
1996 Operations Plan

Both are above the mean high tide line (7.2 feet). Preventive maintenance will be performed on equipment at the end of each day's operations with emphasis to ensure there are no fluid leaks.

5. Fencing

Plastic delineators and *caution* tape will be used to keep beach users separated from sand moving equipment. The delineators are a reflective orange color, four feet high. They will be placed approximately 25 feet apart. On-site personnel will keep onlookers a safe distance away from equipment operations.

6. Monitoring (Hydrocarbons)

a. There have been two separate soils investigations conducted on site, both with the intent of locating the horizontal and vertical extent of "plumes" of contaminants. Unocal's consultants, Fluor Daniel-Groundwater Technology Inc., and Cannon Associates (John Evans), findings are consistent with the recent independent site investigation by the County of San Luis Obispo and the California Regional Water Quality Control Board's consultant, Fugro West, Inc.. Two separate site investigations have confirmed the extent of the contamination (on the seaward edge).

(1) Step one is to locate the extent of the plume based on the above-mentioned data. Review of this data (plume map) shows that the borrow site (below the low water mark) is 90-200 feet south of the contaminated soils. (May 10, 1996 Survey: Avila Beach Unocal/Cannon Associates Map)

(2) The second step is to establish survey markers (grading stakes and color ribbons) at the known seaward plume line. Daily confirmation of survey stakes will be done and heavy equipment operators will be briefed daily on these locations.

b. Equipment operator, with monitor (or his designated representative), shall borrow material in the low tide area and deposit it on high tide area. Excavation occurs 90-200 feet away from contaminated soils and disposal occurs on top of contaminated soils.

c. By permit restriction (USACE) excavation may not exceed two feet in depth. Current (May/June 1996) soils borings indicate contamination is between 3.5 and 8.7 feet below the surface and away from the borrow site. It is remotely possible that hydrocarbons could migrate the 90+ feet to the excavation pit (M. Boggs, Department of Fish & Game). Due to this concern the Harbor District shall use an "Oxygen Vapor Analyzer" (OVA) and this will be on-site at all times during excavation. Monitoring shall be done continuously during excavation. To supplement this, a visual inspection shall also be done by all construction and monitoring personnel while on site, and during excavation.

7. *Monitoring (Grunion)*

a. Before sand moving begins (trenching survey). The beach will be surveyed by a team of two biologists. Biologists will excavate several sampling trenches perpendicular to the shoreline to look for grunion eggs which may have been buried during the previous run. Trenches approximately 30 cm wide by 15 cm deep will extend from the high water mark for 10 m to encompass the possible range of preferred spawning habitat. The orange/yellow eggs are most easily seen shortly after the spawning period but gradually become transparent as yolk is absorbed during the 10-day developmental period. In addition, biologists will systematically look for spawning depressions in suitable habitat along the beach and excavate potential nest sites.

b. During four-day spawning periods (beach surveys). Two biologists will observe the beach area, starting at on-half hour before the predicted high tide, for three hours per night during predicted runs. Two observers are necessary to adequately survey the proposed area and also ensure safety. The abundance of grunion, time observed, and locations will be recorded.

8. *Project Staff*

a. Project Manager / Environmental Monitor

John W. Evans P.E., Associate Civil Engineer *(or his designated representative)*
Cannon Associates
364 Pacific Street
San Luis Obispo, CA 93401
(805) 544-7407

b. Port San Luis Harbor District Project Coordinator

Joe Barget, Facilities Manager *(Primary)*
Jay Elder, Harbor Manager *(Alternate)*

PO Box 249
Avila Beach, CA 93424
(805) 595-5400
(805) 595-5404 (Fax)

c. Equipment and Operator - Provided by

John Madonna Construction
PO Box 518
San Luis Obispo, CA 93403
(805) 543-7751

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Exhibit 2, p. 3

d. Grunion Specialist

John Steinbeck, Senior Scientist/Project Manager (or his designated representative)
Tenera Environmental Services
PO Box 400
Avila Beach, CA 93424
(805) 545-3305

9. *Emergencies / Contingencies*

a. Archeological Remains. If historic or archeological remains are found, the area will be fenced off and the Harbor District will notify the Army Corps of Engineers, local authorities, and, if deemed necessary, local Indian representatives. The Army Corps of Engineers will initiate federal and state coordination.

b. Grunion. Tenera Environmental Services will perform surveys to check for evidence of grunion spawning in the intertidal area of the project. A *trenching survey* will be done on June 7. *Beach surveys* will be performed daily during spawning runs (June 17-20, July 2-5, July 17-20). If there is evidence of grunion spawning, sand moving operations will cease until eggs have hatched.

c. Hydrocarbons. If hydrocarbons are uncovered, sand moving activities will cease. The Project Manager / Environmental Monitor (Cannon & Associates) will notify the individuals listed below. Unocal and County Health representatives will determine the nature of the contamination and initiate action as necessary. Unocal has taken the responsibility for all clean-up efforts in the event of an incident. Port San Luis Harbor District will submit full report of the occurrence to the Executive Director, California Coastal Commission.

(1) Unocal Corporation

Kevin McNichol
Senior Geologist, Environmental Remediation Services
3201 Airpark Drive, Suite 104
Santa Maria, CA 93455
(805) 348-3100 / 3125

(2) San Luis Obispo County Division of Environmental Health

Charles Tenborg
Environmental Health Specialist
2156 Sierra Way
San Luis Obispo, CA 93401
(805) 781-5555

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Exhibit 2, p. 4

(3) Regional Water Quality Control Board

Roger Briggs, Director
81 Higuera Street, Suite 200
San Luis Obispo, CA 93401-5414
(805) 549-3147

(4) Department of Fish and Game

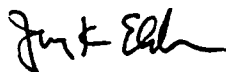
Bob Hardy / Melissa Boggs
213 Beach Street
Morro Bay, CA 93442
(805) 773-1261

(5) California Coastal Commission

Lee Otter, Chief Planner
Central Coast Area Office
725 Front Street, Suite 300
Santa Cruz, CA 95060
(408) 427-4863

(6) U.S. Coast Guard

Eleventh Coast Guard District
501 West Ocean Boulevard
Long Beach, CA 90802
(310) 980-4300



Jay K. Elder
Harbor Manager

Exhibits

- A - John Evans (Statement of Qualifications)
- B - John Steinbeck (Statement of Qualifications)
- C - Beach profiles (May 10, 1996)

3-96-010-A1
Exhibit 2, p. 5

LEGEND

- PROPERTY LINE
- VEGETATION (VAPOR EXTRACTION)
- VAPOR EXTRACTION
- WATERING WELL
- ABANDONED WELL
- WELL
- CONCRETE PILE/FOUNDATION
- VAPOR PILE
- FOUND. EXCAVATION

DATE	DESCRIPTION

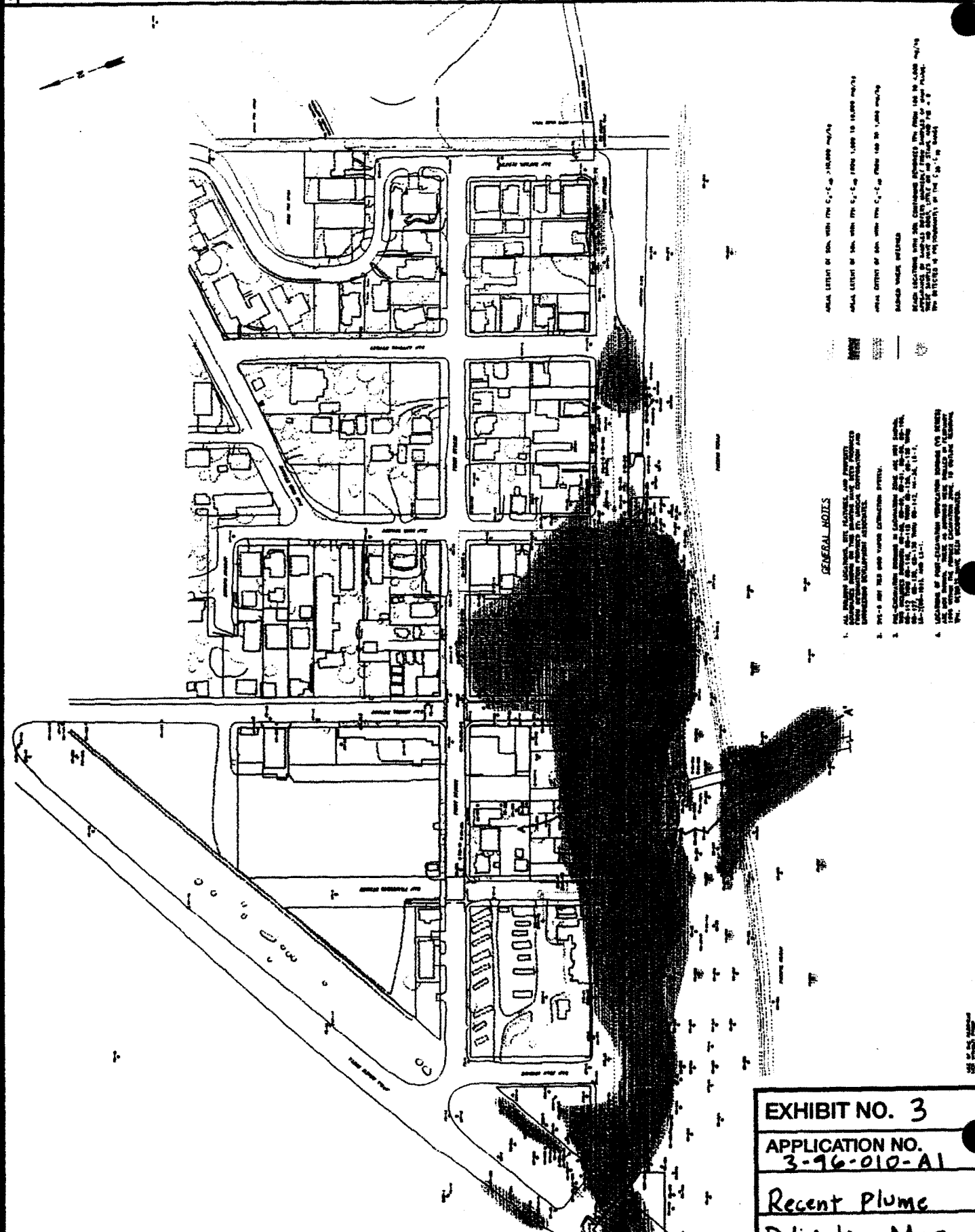


FLUOR DANIEL
 1000 WEST 10TH STREET, SUITE 100
 OAKLAND, CALIFORNIA 94612 (415) 764-1000

URUCKAL CORPORATION
 1105 AUGUSTUS, SAN FRANCISCO, CA 94108
 AVILA BEACH PROJECT

SITE MAP SHOWING AREAL EXTENT OF TPH APRIL 1987

DATE	BY
4/1/87	[unintelligible]
PROJECT NO.	001280 0114
DATE	



AREA LISTED OF SOIL WITH THE C₁-C₂ ...
 AREA LISTED OF SOIL WITH THE C₁-C₂ ...
 AREA LISTED OF SOIL WITH THE C₁-C₂ ...
 SANDY WASTE DEPOSIT

- GENERAL NOTES**
- ALL REMEDIATION ACTIVITIES ARE SUBJECT TO THE APPROVAL OF THE CALIFORNIA DEPARTMENT OF PESTICIDE REGULATION AND THE CALIFORNIA DEPARTMENT OF WATER RESOURCES.
 - THE C₁-C₂ SOIL WITH VAPOR EXTRACTION SYSTEMS.
 - THE VAPOR EXTRACTION SYSTEMS ARE LOCATED AT THE FOLLOWING COORDINATES: ...
 - LOCATIONS OF VAPOR EXTRACTION SYSTEMS ARE SHOWN ON THIS MAP. THE VAPOR EXTRACTION SYSTEMS ARE TO BE OPERATED AT ALL TIMES.

EXHIBIT NO. 3
APPLICATION NO.
3-96-010-A1
Recent Plume
Delineation Map

CALIFORNIA COASTAL COMMISSION

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ADOPTED

Filed: 04/19/96
 49th day: 05/07/96
 180th day: 09/15/96
 Staff: SM-SC
 Staff Report: 04/18/96
 Hearing Date: 05/09/96

STAFF REPORT
 REGULAR CALENDAR

APPROVED ON CONSENT 10-0

APPLICATION NUMBER: 3-96-010

APPLICANT: PORT SAN LUIS HARBOR DISTRICT

PROJECT LOCATION: Avila Beach, San Luis Obispo County

PROJECT DESCRIPTION: Use bulldozer with sand moving blade to relocate 30,000 cubic yards of sand from mean lower low water to above the mean high tide line

LOCAL APPROVALS RECEIVED: San Luis Obispo County Coastal Development Permit Exemption dated 12/13/95

SUBSTANTIVE FILE DOCUMENTS: Coastal Development Permit File No. 3-96-010; San Luis Obispo County Local Coastal Program; "Potential for Daylighting: Hydrocarbon Contamination Plume at Avila Beach California", prepared by Everts Coastal for Unocal Corporation, 2/13/96; "Effectiveness of Beach Scraping as a Method of Erosion Control", prepared by Jesse E. McNinch and John T. Wells, Shore and Beach, January 1992

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the coastal development permit, subject to special conditions designed to protect water quality and intertidal habitat in the project vicinity, on the basis that as conditioned, the project is consistent with Chapter 3 policies of the Coastal Act, as it will enhance public recreation opportunities at Avila Beach.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

Approval with Conditions. The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformance with the provisions of Chapter 3 of the California Coastal

Act of 1976, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS

Attached as Exhibit A.

III. SPECIAL CONDITIONS

1. Scope of Permit. This permit authorizes the permittee to relocate up to 30,000 cubic yards of sand from the Mean Low Lower Water area to above the Mean High Tide line, as illustrated in the plans attached to this staff report (Exhibits E - H), subject to the conditions below. This permit shall be valid for a period of one year from the date of the Commission's action. Subsequent sand moving activities shall be subject to further coastal development permit review or an amendment to this permit.

2. Avoidance of Grunion Spawning Season. Sand moving operations shall not be undertaken when spawning grunions are present in the intertidal area of the project vicinity. PRIOR TO THE COMMENCEMENT OF SAND MOVING ACTIVITIES, AND ON A DAILY BASIS DURING SAND MOVING OPERATIONS, the permittee shall monitor the site for evidence of grunion spawning (see Special Condition 4 for grunion monitoring requirements). If evidence of grunion spawning is found prior to or during sand moving operations, the permittee shall immediately stop all sand moving operations, which shall not continue until grunion spawning has ceased.

3. Regional Water Quality Control Board Review and Approval. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, written evidence that the Regional Water Quality Control Board has been notified of the proposed sand moving operations, and found that such activities will not pose an immediate risk of exposing the underground hydrocarbon contamination plume to the intertidal or marine environment. (See Special Condition 4 for hydrocarbon monitoring requirements).

4. Environmental Monitor. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, the name and qualifications of an environmental monitor who will be responsible for ensuring that sand moving activities do not expose underground hydrocarbons, and do not take place during grunion spawning. The environmental monitor shall be on site during all sand moving activities, and shall immediately stop such activities if hydrocarbons are exposed or if spawning grunions are discovered. In the event that sand moving activities must cease as a result of exposed underground hydrocarbons, the permittee shall submit to the Executive Director, at the earliest possible opportunity, a full report of the occurrence, including the location of the exposure, an estimate of the quantity of contaminants released, a full description of the corrective actions taken, and evidence that the exposure of contaminants has ceased.

5. Operations Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit, for Executive Director review and approval, an operations plan which contains the following information:

a. Timing: Sand moving activities shall not take place during periods of high beach usage. The operations plan shall specify dates and times which sand moving activities will be limited to, in order to avoid disrupting public use of the beach. The timing of sand moving activities in the mean low lower water area shall be further limited to being undertaken

during low tides only, in order to minimize equipment from entering the marine environment.

b. **Equipment:** The operations plan shall specify the type of equipment to be used, and identify any equipment staging or storage areas. Sand moving equipment shall be clean and maintained on a regular basis to avoid pollution of the beach area and marine environment. Sand moving equipment shall not be allowed to enter the marine environment.

c. **Fencing/Signs:** The operations plan shall provide a means of preventing conflicts between sand moving equipment, beach users, and shoreline access. Alternatives available to accomplish this include, but are not limited to, temporary fencing of the sand moving area; or, providing signs which warn beach users of the sand moving operations. Sand moving activities shall not take place during weekends and holidays.

d. **Monitoring:** The operations plan shall detail the methods of monitoring required to comply with Conditions 2 and 4 above.

e. **Emergency Contingencies:** The operations plan shall contain a plan of action for cleaning up and containing any hydrocarbons which may be exposed as a result of sand moving activities, including a notification list of responsible agencies and parties.

IV. FINDINGS AND DECLARATIONS

A. Project Description:

The subject project has been proposed in order to replenish sand at Avila Beach lost during winter storms. This lost of sand has exposed cobble stone on Avila Beach, reducing its recreational value, and threatens the structural stability of the seawall at the inland extent of the beach, which supports Front Street, a County road adjacent to Avila Beach.

Approximately 30,000 cubic yards of sand are proposed to be moved by a single piece of heavy earth moving equipment, such as a bulldozer with a sand moving blade, from mean lower low water to above the mean high tide in accordance with the site's natural grade. Sand will be moved during low tide, and will be deposited and groomed at elevations above the mean high tide to cover cobble stone and replenish sand supporting the existing seawall.

It is estimated that the sand replenishment project will take three to four weeks performed throughout the year. It will be undertaken in sections so that public disturbance will be minimized and to ensure that each section is properly groomed. Earth moving equipment will access the beach via cemented driveway at the northwestern end of Front Street, which leads directly onto the beach.

B. Project Location:

Avila Beach is one of the most popular beaches within San Luis Obispo County, and is considered one of the best in the County for swimming. It is located just north of Pismo Beach, on the north and south sides of the Avila Pier, within the San Luis Bay Planning Area of the San Luis Obispo County certified Local Coastal Program (Exhibits A - D). The LCP policies for this area emphasize the recreational importance of this area, and call for the maintenance of an attractive and usable beach and pier.

The subject project will be undertaken in an area of Avila Beach approximately 450 yards long and 60 yards wide (Exhibit E). The proposed sand moving operations will take place on both sides of the pier, although a greater amount of cut and fill will take place on the north side of the pier.

This project requires a permit from the California Coastal Commission because it proposes development activities, i.e., removal of sand, in an area below the mean high tide line, which is within the Commission's original permit jurisdiction. The Port San Luis Harbor District has received a lease for this activity from the State Lands Commission, and the County of San Luis Obispo has issued a Coastal Development Permit Exemption for the sand moving activities that will take place above the mean high tide line, within the County's permit jurisdiction.

Department of Fish and Game comments regarding the proposed project indicate that the only habitat consideration at the project site is the potential for grunion spawning. Another consideration regarding the proposed project's location is its proximity to soils containing hydrocarbons, which has resulted from leaking pipelines owned by the Unocal corporation. A map showing the extent of this contamination is attached to this report as exhibit I. It is estimated that in some areas of the beach, sand coverage over the plume may be as little as 4.5 feet thick.

Due to the potential for the contamination to be exposed as a result of the proposed sand moving activities, special consideration must be given to the preventing exposure of these contaminants to the marine environment and public beach users. Conversely, the proposed project may help prevent the exposure of these chemicals in beach areas above the mean high tide line by increasing the coverage of the contaminated soils with clean sand. This issue is further addressed in the following findings.

C. Marine Resources:

1. Coastal Act Policies.

The following coastal act policies protecting marine resources apply to the proposed project:

Section 30230.

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 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water

reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232.

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

2. Analysis.

The subject project poses impacts to the marine resources, protected by the above policies, in the following ways:

- potential exposure of underground contaminants in the intertidal area would degrade water quality and marine habitat values;
- scraping of sand in the intertidal area during grunion spawning could adversely effect the health and populations of this marine organisms; and,
- improper use and/or maintenance of sand moving equipment could degrade water quality and marine habitat values.

As a result of the potential impacts to marine resources posed by the subject project, special conditions have been attached to this permit which avoid such impacts, summarized below.

- Special Condition 1 limits the effectiveness of this permit to a one year period, and requires subsequent sand moving activities to obtain either a new coastal development permit or an amendment to this permit. This will provide the Commission with an opportunity to review the impacts of the project on marine resources, and its consistency with the above Coastal Act requirements, prior to approving long term sand moving operations.
- Special Condition 2 prohibits sand moving activities during grunion spawning. This condition will avoid adverse impacts to this marine organism, as required by Coastal Act Sections 30230 and 30231.
- Special Condition 3 requires the permittee to submit written evidence that the Regional Water Quality Control Board has been notified of the proposed sand moving operations, and found that such activities will not pose an immediate risk of exposing the underground hydrocarbon contamination plume to the intertidal or marine environment. This condition is necessary to ensure that the project will not result in the spillage of underground petroleum products, and will maintain the biological productivity and water quality of the marine environment. These requirements provide project consistency with Coastal Act Section 30231 and 30232.
- Special Condition 4 requires an environmental monitor to supervise all sand moving operations, and ensure that such activities do not take place during grunion spawning, or result in the exposure of hydrocarbons. This condition requires all sand moving activities to immediately stop if hydrocarbons are exposed or if spawning grunions are discovered, in order to ensure consistency with the Coastal Act policies previously identified. In addition, this condition requires that, in the event that sand moving activities must cease as a result

of exposed underground hydrocarbons, the permittee submit a full report of the occurrence, including the location of the exposure, an estimate of the quantity of contaminants released, a full description of the corrective actions taken, and evidence that the exposure of contaminants has ceased. This requirement is necessary to ensure that appropriate corrective actions take place if a situation arises which could threaten water quality and marine habitats, pursuant to Coastal Act Section 30232.

- Special Condition 5 requires the permittee to develop and submit, for Executive Director review and approval, an operations plan which includes the following elements necessary to ensure protection of marine resources: equipment details, monitoring methods, and emergency contingencies. This plan will provide the detailed information regarding project operations, necessary to ensure compliance with Coastal Act policies protecting marine resources.

3. Conclusion.

As conditioned, the subject project is consistent with Coastal Act policies protecting marine resources. Safeguards protecting spawning grunion, and avoiding the discharge of hazardous materials during project implementation, have been attached to this permit in order to achieve project consistency with these Coastal Act sections.

D. Public Access and Recreation:

1. Coastal Act Policies.

The following Coastal Act policies protecting public access and recreation opportunities along the coast apply to the subject project:

Section 30210.

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

(Amended by Ch. 1075, Stats. 1978.)

Section 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

2. Analysis.

Although the primary purpose of the subject project is to enhance coastal access and recreation opportunities available to the public by covering up cobble stones exposed as a result of sand loss during winter storms, the project has the potential to adversely effect public coastal access and recreation opportunities by causing conflicts between beach users and sand moving activities.

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Attachment A, p.6

As a result, the operations plan called for by Special Condition 5 requires the permittee to submit specific information intended to avoid conflicts between beach users and sand moving activities, summarized below.

- Sand moving activities are prohibited from taking place during periods of high beach usage. The operations plan must specify dates and times which sand moving activities will occur, in order to avoid disrupting public use of the beach.
- The operations plan must provide a means of preventing conflicts between sand moving equipment, beach users, and shoreline access. Suggested alternatives include temporary fencing of the sand moving area, or providing signs which warn beach users of the sand moving operations. Sand moving activities are prohibited from taking place during weekends and holidays.

The conditions summarized above are needed to protect a significant disruption of coastal access and recreation opportunities available to the public as a result of project implementation. Such precautions are necessary to achieve project consistency with Coastal Act Sections 30210 and 30211.

3. Conclusion.

As conditioned, the subject project is consistent with Coastal Act policies protecting public access and recreation opportunities. These conditions ensure that implementation of the project will not result in significant disruptions to public access and recreation by limiting the times during which sand moving can take place, and by requiring temporary fencing or signing to warn beach users of the sand moving activities.

V. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The State Land Commission, in approving a lease for the subject project on February 27, 1996, determined that the project was exempt from the requirements of the California Environmental Quality Act as a project which will not have the potential for causing a significant effect on the environment, pursuant to 14 Cal. Code Regs. 15061(B)(3).

As detailed in the previous findings of this staff report, special conditions have been attached to this permit which will prevent the project from resulting in significant adverse impacts to marine resources, or to public access and recreation opportunities. As a result, the project, as conditioned, will not have a significant effect on environmental resources within the meaning of the California Environmental Quality Act.

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Attachment A, p. 7

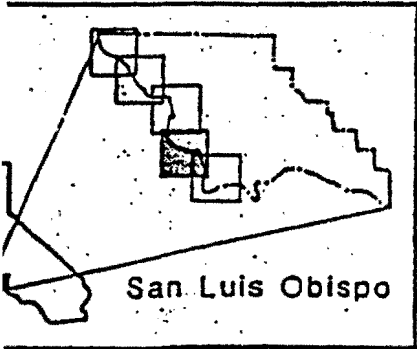
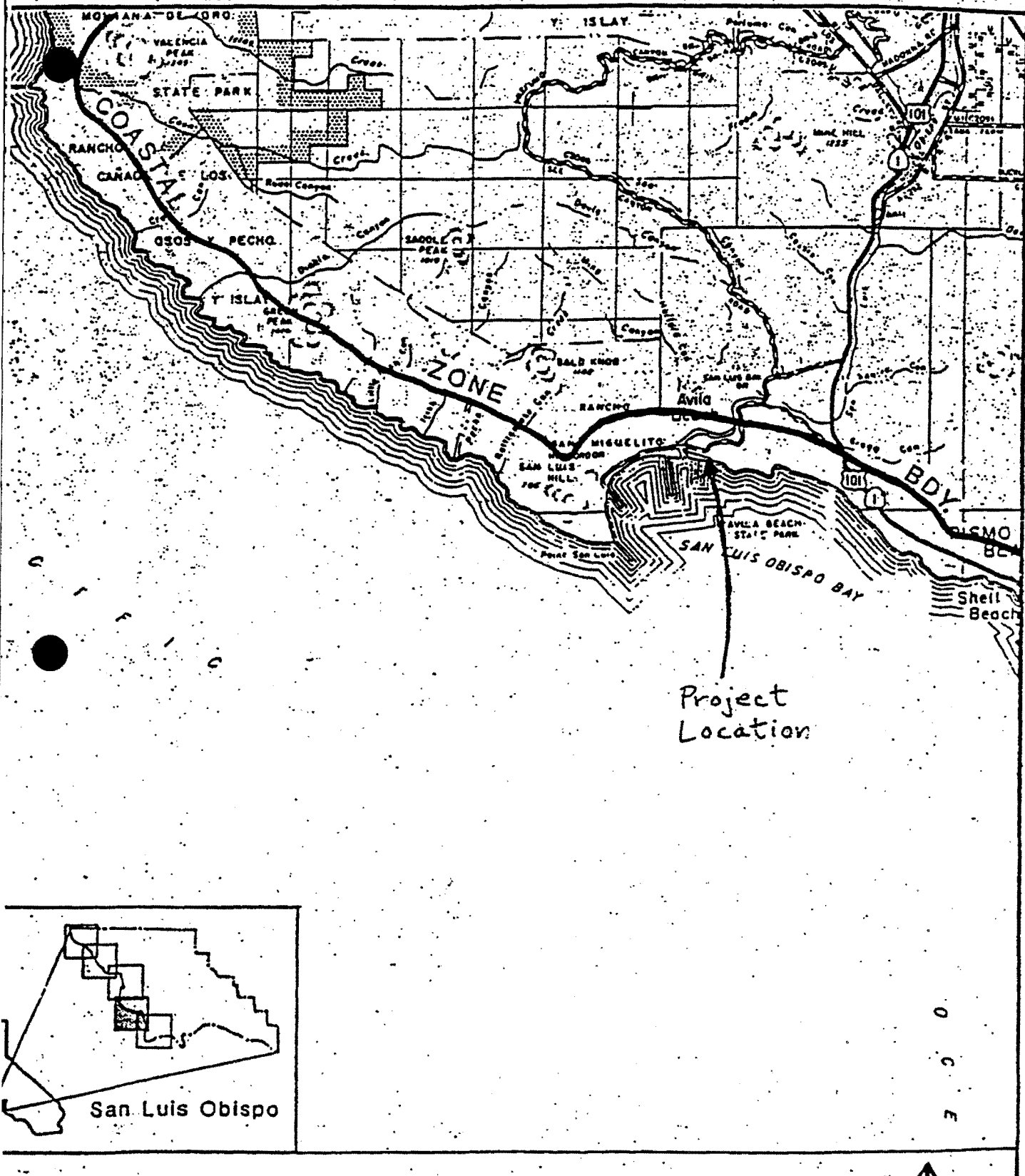
COASTAL DEVELOPMENT PERMIT

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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Attachment A, p. 8

EXHIBIT NO.-A
APPLICATION NO. 3-96-010
Avila Beach Scraping Standard Conditions



Project
Location

LOCATION MAP

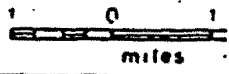


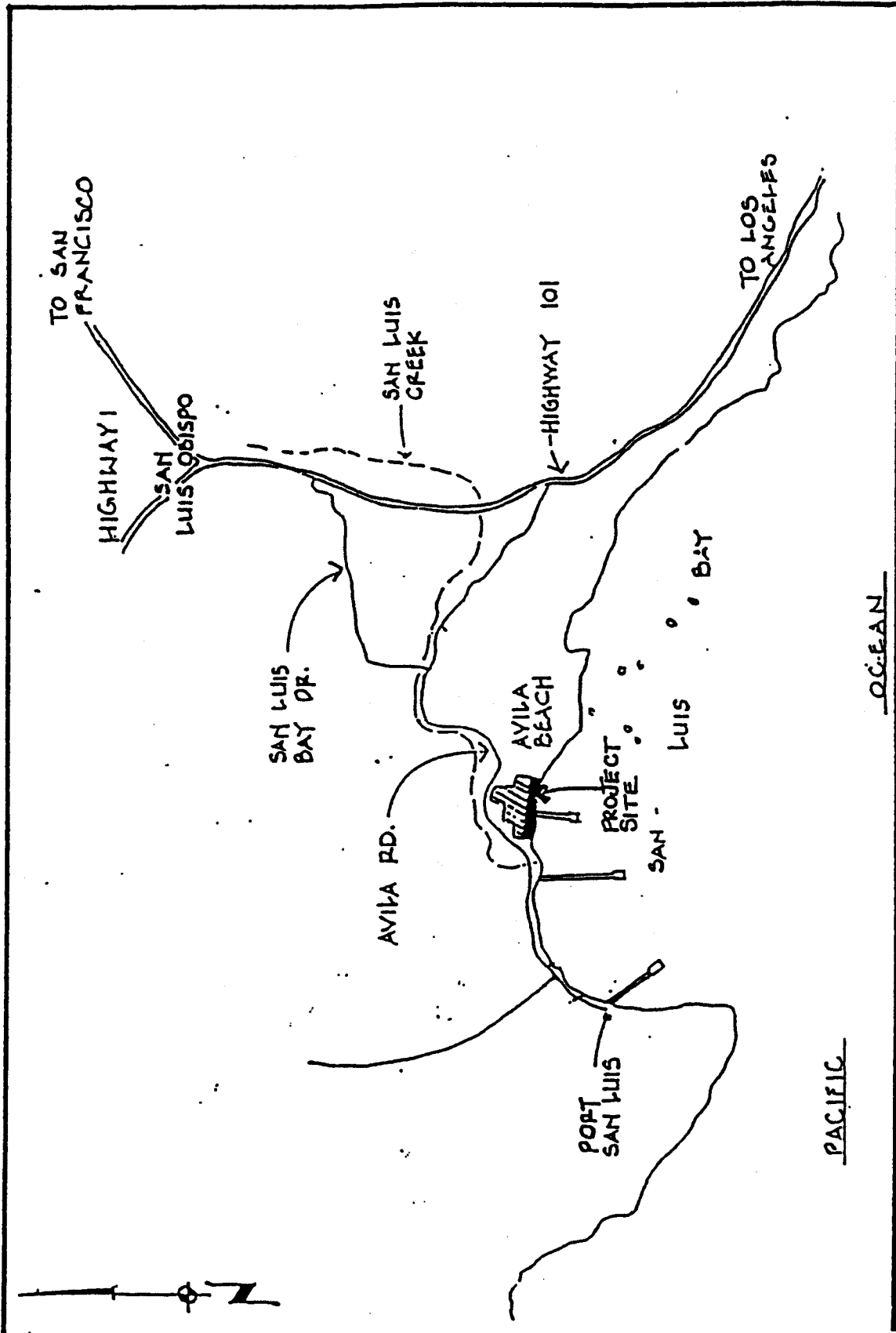
EXHIBIT NO. B
APPLICATION NO. 3-96-010
Avila Beach Scraping Location Map

County of San Luis Obispo

County of San Luis Obispo

3-96-010-A1 Sh
Attachment A, p. 8

Vicinity Map



3-96-010-A)
Attachment A, p. 9

EXHIBIT NO. C
APPLICATION NO. 3-96-010
Avila Beach Scraping Vicinity Map

PORT SAN LUIS HARBOR DISTRICT

HARBOR DISTRICT
PROPERTY LINES (app.)

IMPROVEMENT AREA

ACCESS STAIRS

BBQ / Play
& Picnic Area

BEACH FACILITIES

Rest Rooms &
Lifeguard Station

Yacht Club

Rest Rooms

AVILA PIER

Rest Rooms &
Shower Bldg.

BEACH FACILITIES

EXHIBIT I



AVILA BEACH RD.

SAN JUAN AVE

SAN FRANCISCO ST.

PIER BASE

SAN MIGUEL ST.

SAN LUIS ST.

FRONT ST.

SAN RAFAEL ST.

PAID PARKING LOT

SECOND ST.

FIRST ST.

SAN ANTONIO ST.

SAN LUIS ST.

LAUREL ST.

AVILA BEACH RD.

Scale: 1" = 320'

PACIFIC OCEAN
Attachment A, P. 10

EXHIBIT NO. D
APPLICATION NO. 3-96-010
Avila Beach Striping
Beach Map

AVILA BEACH

PROPOSED ENHANCEMENT AREA/EXISTING USES

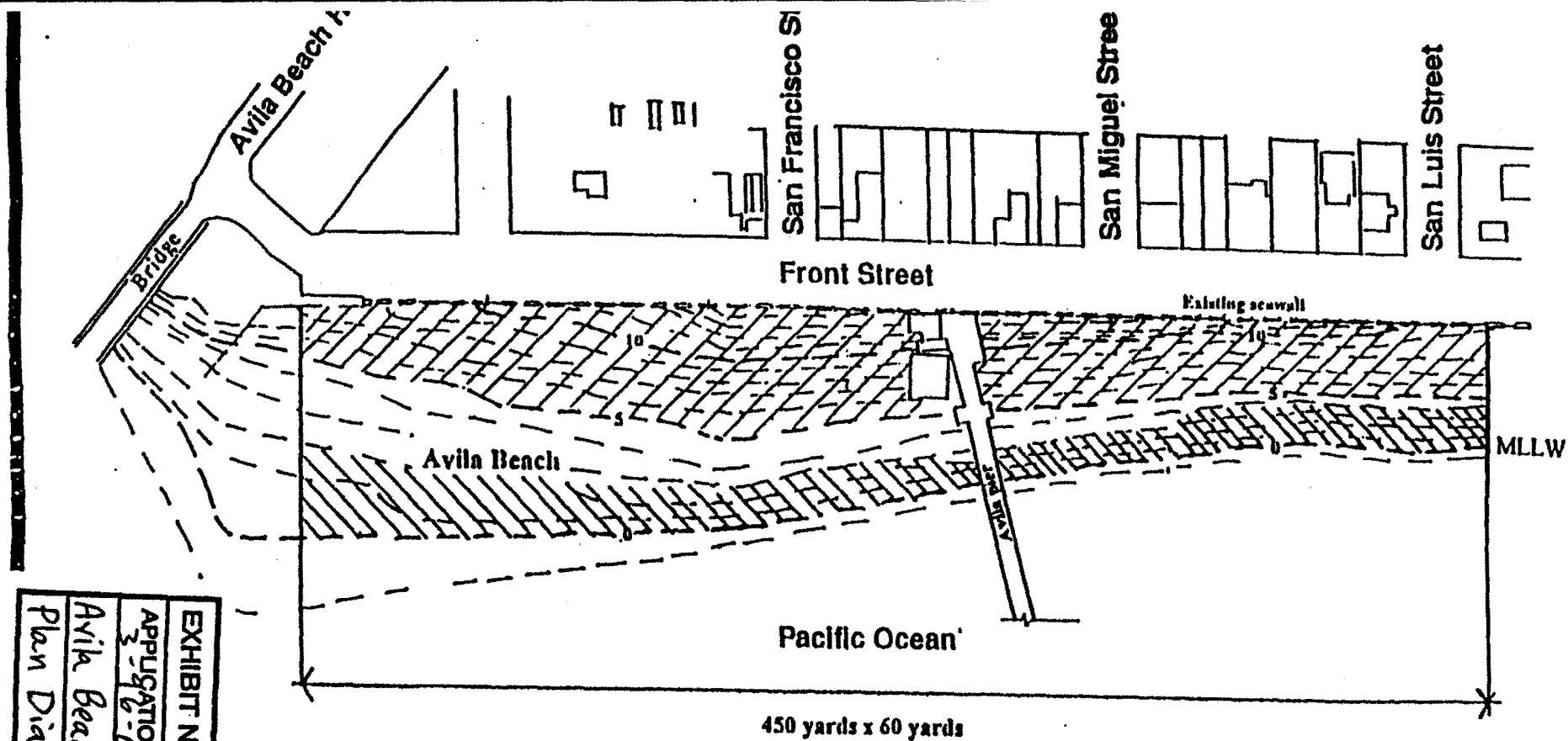
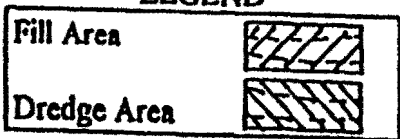


EXHIBIT NO. E
 APPLICATION NO.
 3-96-010
 Avila Beach Striping
 Plan Diagram

LEGEND



AVILA BEACH ENHANCEMENT
 PLAN DIAGRAM

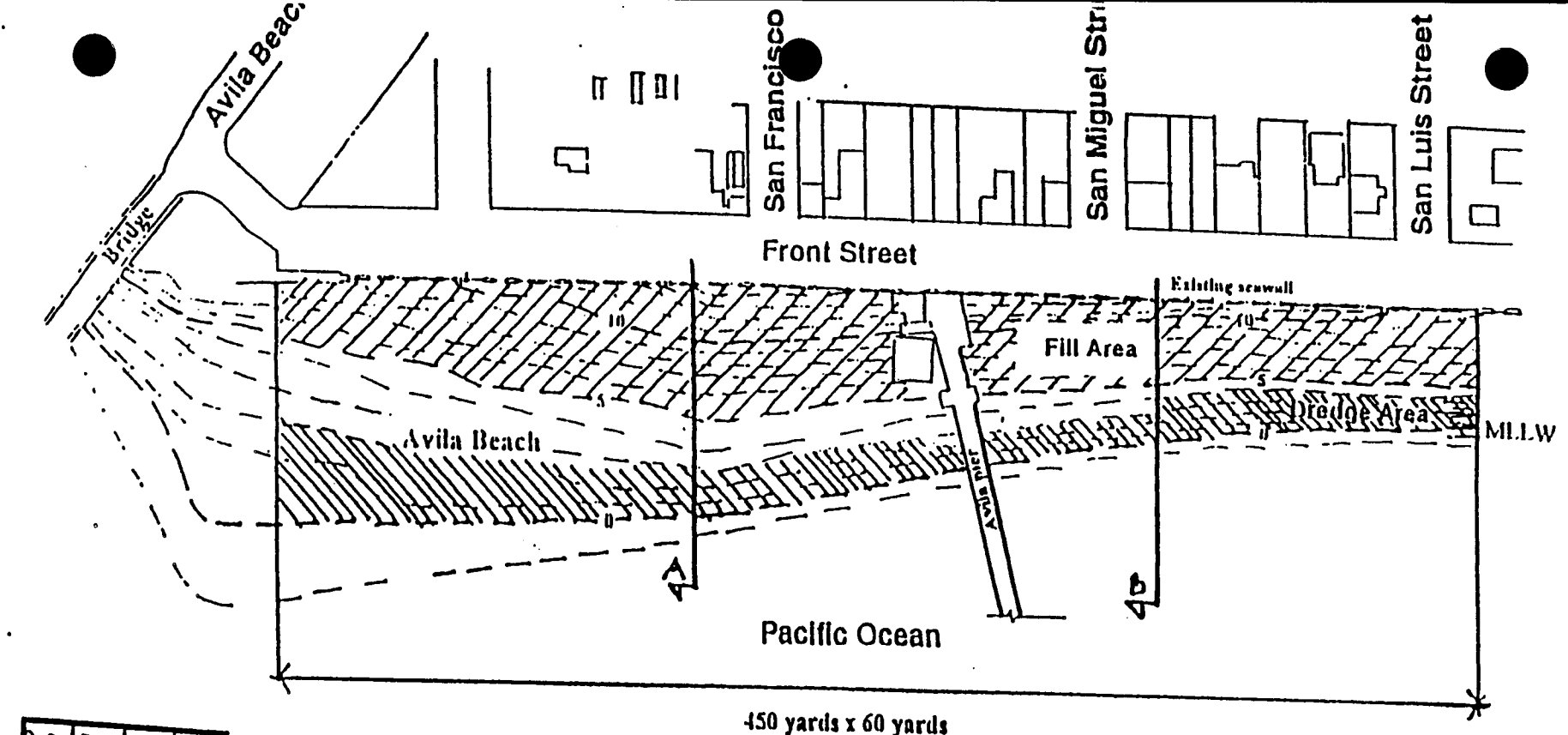


Existing
 Conditions
 March 1995

3-96-010-A1
 Attachment A,
 P. 11

Map A

Port San Luis
 Harbor District
 Avila Beach, CA



450 yards x 60 yards

AVILA BEACH ENHANCEMENT
SECTION DIAGRAM

EXHIBIT NO. F
APPLICATION NO. 3-96-010
Avila Beach Seapring Section Diagram

3-96-010-A1
Attachment A,
P. 12

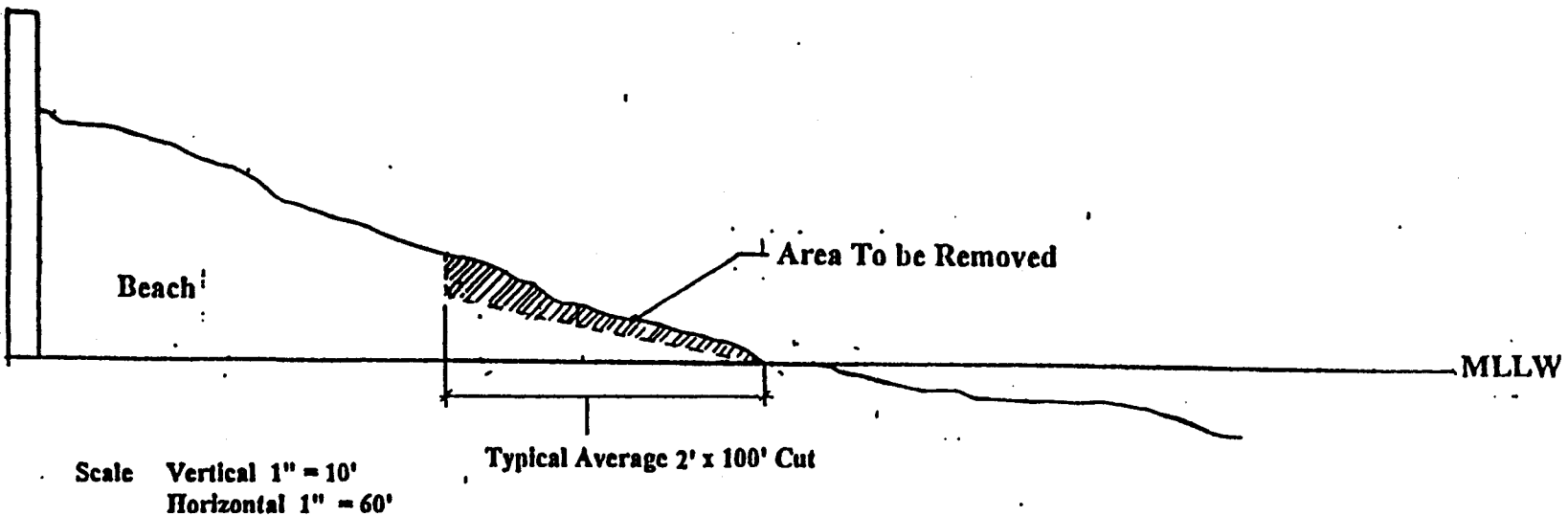
LEGEND

Fill Area	
Dredge Area	

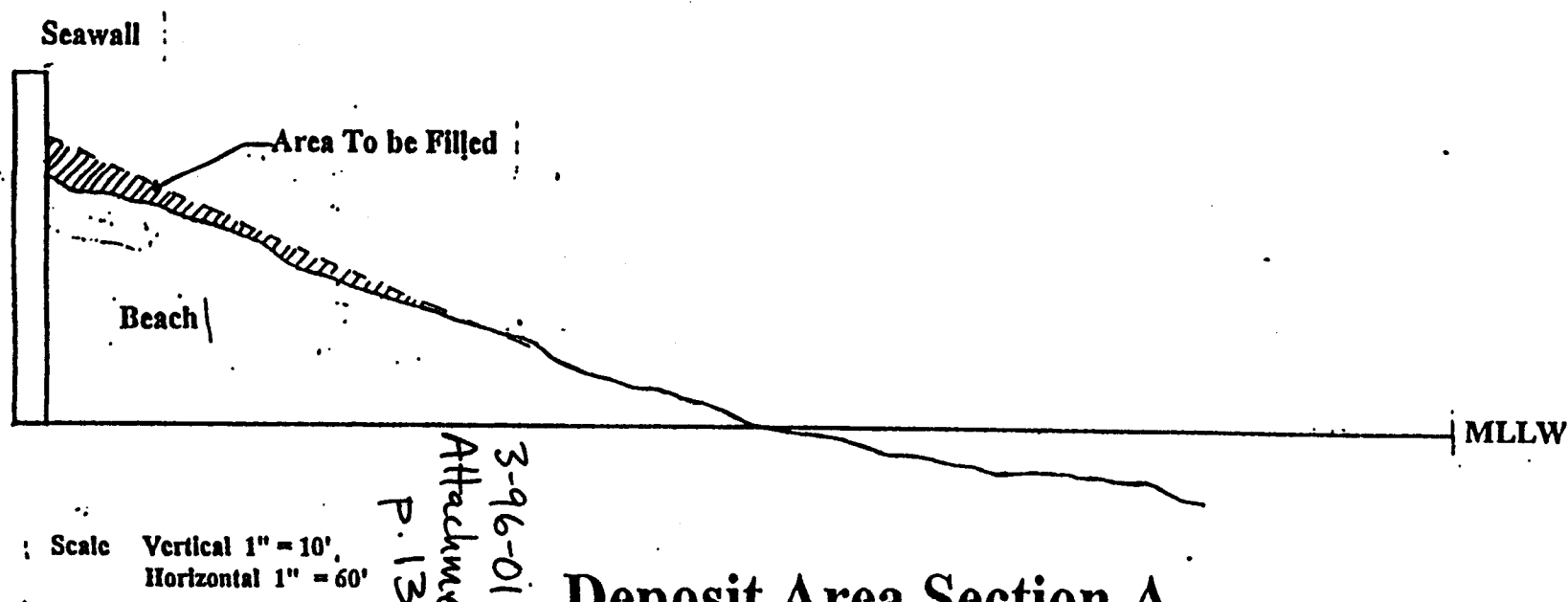


Port San Luis
Harbor District
Avila Beach, CA

Map B



Dredge Area Section A



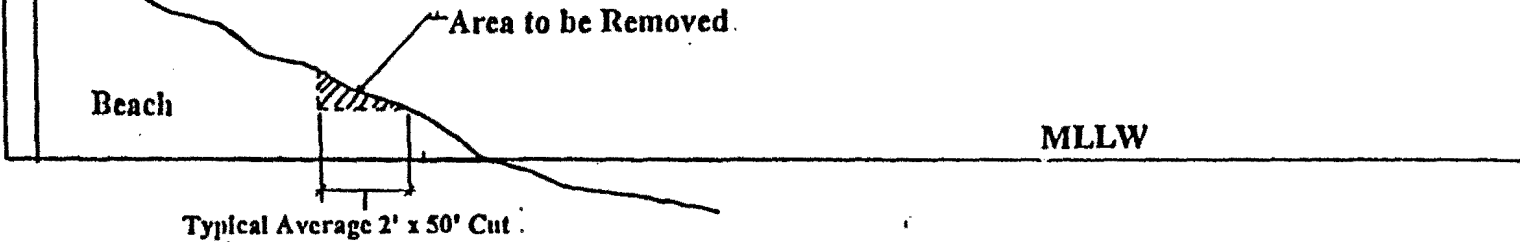
Deposit Area Section A

Map C

EXHIBIT NO. 4
APPLICATION NO. 3-96-010
Avila Beach Strapping Section A Diagram

3-96-010-A1
Attachment A,
P. 13

Exhibit G 3-96-010



Scale Vertical 1" = 10'
Horizontal 1" = 60'

Dredge Area Section B

Seawall



Scale Vertical 1" = 10'
Horizontal 1" = 60'

Deposit Area Section B

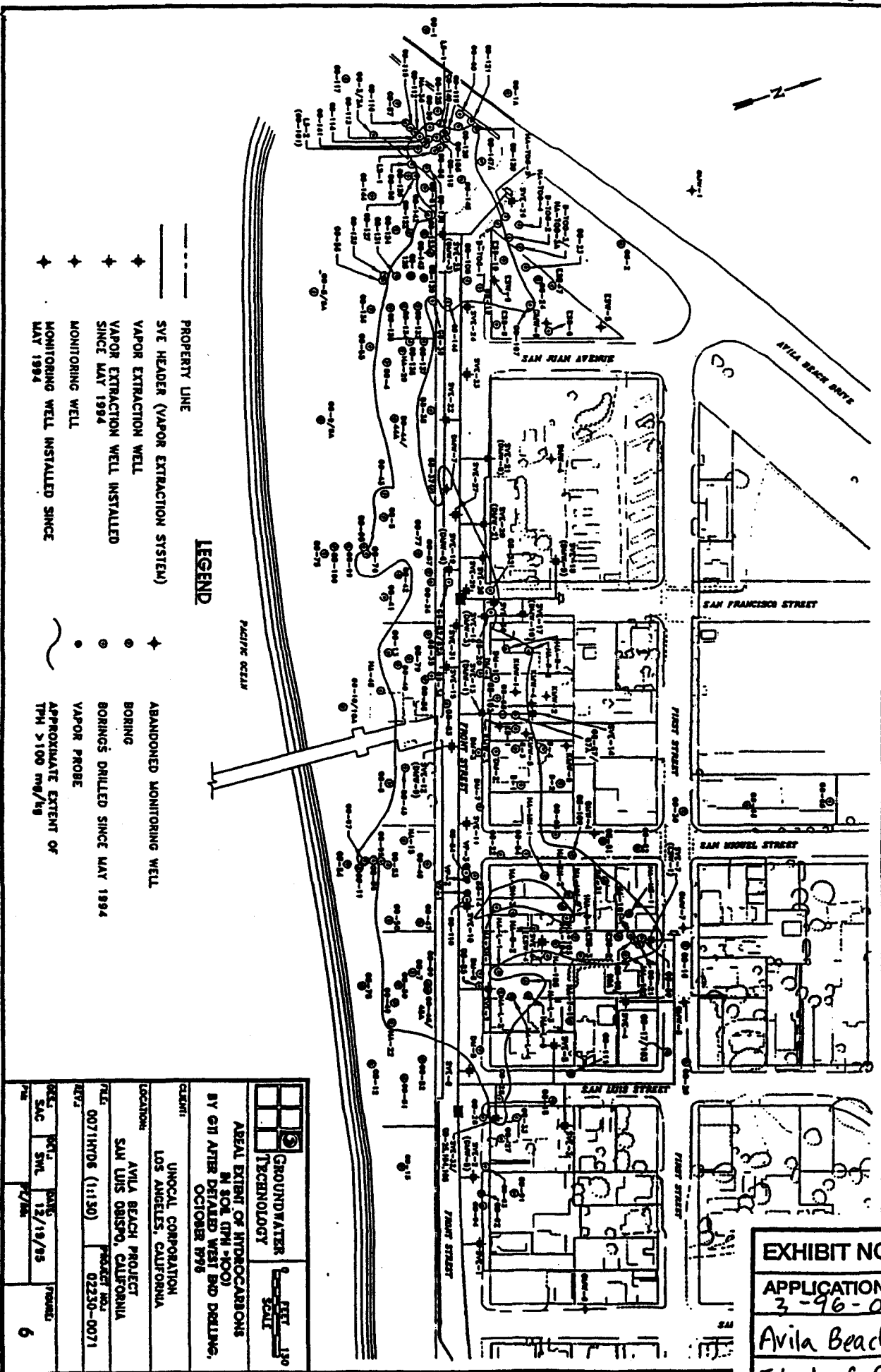
EXHIBIT NO. 4
APPLICATION NO. 3-96-010
Avila Beach Scraping Section B Diagram

Port San Luis
Harbor District
Avila Beach, CA

Map D

Exhibit H, 3-96-010

3-96-010-A
Attachment A,
P. 14



3-96-010-A1
Attachment A,
P.15

EXHIBIT NO. I
APPLICATION NO.
3-96-010
Avila Beach Plume
Extent of Contamination

LEGEND

- PROPERTY LINE
- SVE HEADER (VAPOR EXTRACTION SYSTEM)
- ◆ VAPOR EXTRACTION WELL
- ◆ VAPOR EXTRACTION WELL INSTALLED SINCE MAY 1994
- ◆ MONITORING WELL
- ◆ MONITORING WELL INSTALLED SINCE MAY 1994
- ABANDONED MONITORING WELL
- BORING
- BORINGS DRILLED SINCE MAY 1994
- VAPOR PROBE
- ~ APPROXIMATE EXTENT OF TPH >100 mg/kg

GROUNDWATER TECHNOLOGY		SCALE 1"=10'	
AREAL EXTENT OF HYDROCARBONS IN SOIL (TPH <100) BY G1 AFTER DEELED WEST BLD DRILLING, OCTOBER 1995			
CLIENT:	UNOCAL CORPORATION	LOCATION:	LOS ANGELES, CALIFORNIA
PROJECT NO.:	02330-0071	FILE:	0071HTDS (1:130)
DATE:	12/19/95	BY:	6