

**CALIFORNIA COASTAL COMMISSION**

Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, California 95060-4508  
(831) 427-4863 FAX (831) 427-4877



# Th17

## **CENTRAL COAST DISTRICT DEPUTY DIRECTOR'S REPORT**

*For the  
March Meeting of the California Coastal Commission*

### **MEMORANDUM**

Date: March 12, 2014

**TO:** Commissioners and Interested Parties  
**FROM:** Dan Carl, Central Coast District Deputy Director  
**SUBJECT:** *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the March 2014 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

**DETAIL OF ATTACHED MATERIALS**

**REPORT OF DE MINIMIS WAIVERS**

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p><b>3-13-1175-W</b> City of Pacific Grove, Attn: Mike Zimmer</p>	<p>Installation of (temporary) symbolic fencing (low post and cable) and educational signage to prevent harm/harassment of harbor seals during the 2014 pupping season (February through May 2014 only).</p>	<p>at various locations along the Pacific Grove shoreline immediately adjacent to the Pacific Grove Recreation Trail, Pacific Grove, Monterey County</p>
<p><b>3-13-1295-W</b> San Jose State University Research Foundation</p>	<p>Two-year extension of a temporary 720 square foot mobile office building located immediately adjacent to an existing Moss Landing Marine Laboratories' (MLML) building.</p>	<p>7532 Sandholdt Road, Moss Landing, Monterey County</p>
<p><b>3-14-0444-W</b> City of Monterey</p>	<p>Installation of a fat, oil and grease (FOG) treatment system, including additional decking to support three 250 gallon hydro-mechanical grease interceptors, a secondary containment system with alarm, and related plumbing.</p>	<p>at Wharf No. 1, Monterey</p>

***REPORT OF IMMATERIAL AMENDMENTS***

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<b><i>Applicant</i></b>	<b><i>Project Description</i></b>	<b><i>Project Location</i></b>
<p><b>3-08-038-A1</b></p> <p>Port San Luis Harbor District, Attn: Steve McGrath, Harbor Manager</p>	<p>CDP 3-08-038 was originally approved by the Coastal Commission on December 10, 2008 and authorized Port San Luis to dredge and use for beach nourishment up to 250,000 cubic yards of sediment annually for five years at the Port San Luis Harbor in the unincorporated coastal community of Avila Beach in San Luis Obispo County. CDP 3-08-038 would be amended to allow dredging operations to continue for an additional 5 years, until December 10, 2018.</p>	<p>Port San Luis Harbor, Avila Beach, San Luis Obispo County</p>
<p><b>3-90-031-A2</b></p> <p>City of Santa Cruz Public Works Department, Attn: Steve Wolfman</p>	<p>CDP 3-90-031 was approved by the Coastal Commission on November 15, 1990, and was amended on April 10, 1992 (CDP Amendment 3-90-031-A1). CDP 3-90-031 provided for the construction of Neary Lagoon drainage improvements, including a 66" storm drain pipeline under Beach Street and an outfall structure at Cowell Beach. CDP 3-90-031-A1 provided for the replacement and minor realignment of a 50-foot section of existing damaged seawall located between the storm drain outlet and the Municipal Wharf. The project site is located on Cowell Beach, which is adjacent to the Municipal Wharf, in the City of Santa Cruz. CDP 3-90-031 would be amended to include the placement of a temporary steel plate directly in front of the outfall structure at Cowell Beach. The 11' x 11' steel plate would be placed over the outfall's opening following cessation of the winter rains and before Memorial Day, and would be removed prior to the rainy season in preparation for winter flows from Neary Lagoon through the pipeline to the ocean.</p>	<p>Beach Street, Santa Cruz</p>

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** February 28, 2014  
**To:** All Interested Parties  
**From:** Madeline Cavalieri, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject: Coastal Development Permit (CDP) Waiver 3-13-1175-W**  
Applicant: City of Pacific Grove

### Proposed Development

Installation of (temporary) symbolic fencing (low post and cable) and educational signage to prevent harm / harassment of harbor seals during the 2014 pupping season (February through May 2014 only) at various locations along the Pacific Grove shoreline immediately adjacent to the Pacific Grove Recreation Trail, Pacific Grove, Monterey County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The requested symbolic fencing and educational signing is necessary to educate the public on the presence and activities of a federally protected marine mammal – the spotted harbor seal. The harbor seals return to the Pacific Grove shoreline each year between February and May to give birth and “pup” the newborn seals on one area beach and in adjacent rocky coves. The proposed educational program is intended to prevent harm and harassment of the mother seals and their pups, consistent with the Marine Mammal Protection Act. The proposed fencing is also intended to manage access in order to minimize conflicts with the mammals and to prevent “flushing” of the seals during pupping, which could lead to mortality. The fencing will be removed at the end of May 2014 when the pupping season is complete. In sum, the proposed project will safeguard a federally protected marine mammal during pupping season, will not adversely impact coastal resources, and thus is consistent with the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, March 13, 2014, in Long Beach. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.**

**Watson, Michael@Coastal**

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**From:** Bill Kampe <bkampe@mindspring.com>  
**Sent:** Monday, March 03, 2014 11:23 AM  
**To:** 'Deirdre Whalen - NOAA Federal'; 'Paul Michel - NOAA Federal'; 'Bridget Hoover - NOAA Federal'; 'Karen Grimmer - NOAA Federal'; 'Lisa Emanuelson - NOAA Affiliate'; Watson, Michael@Coastal  
**Cc:** Carl, Dan@Coastal; 'Thom Akeman'; 'Thomas Frutchey'  
**Subject:** RE: MBNMS Support of Harbor Seal Protection Efforts

Hello Deirdre,

Thanks to you and to NOAA for sending this letter of support. While the focus of the dialog so far has been on how open we can maintain a very short section of the Pacific Grove shoreline, there are other aspects that I believe are important:

- Our interest is to act as good stewards for the natural resources of our shoreline, not only the scenic values
- The section in question is only about 3% of the publicly accessible shoreline in PG. The other 97% remains open to the public, and remains in our minds the finest shoreline among all California cities and parking is abundant there.
- From our experience last year, we actually see a heightened public awareness, increased visitation, and appreciation of the harbor seal pupping season and the importance of seal protection. On balance between maintaining access and increasing visitation and appreciation, the necessary fencing and protection measures actually improve the coastal experience.
- One of the original objectives of the Pacific Grove seal policy of 2007, and now the seal ordinance of 2013, was to protect and preserve access to Lovers Point beach. That beach is by far the most visited part of our coast. If seals are forced to try out that beach, we could lose the very segment of our coast that is most suitable for public use. That's why we are vigorous about protecting the much smaller beaches at 5<sup>th</sup> Street and 8<sup>th</sup> Street.
- While our BayNet volunteers can help protect pupping mothers, it is simply not possible to manage the vulnerable section without physical barriers. Even a very small number of intruders can completely disrupt the pupping and the care that the pups must receive from their mothers.
- The citizens of Pacific Grove, and the thousands of visitors that our BayNet volunteers encounter overwhelming support the measures we are taking.

Thanks again Deirdre. I know you are more than familiar with all of these aspects. I simply want to spell them out as broader context for our application.

Best regards,  
Bill Kampe  
Mayor, City of Pacific Grove  
831-521-7936

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**From:** Deirdre Whalen - NOAA Federal [<mailto:deirdre.whalen@noaa.gov>]  
**Sent:** Sunday, March 02, 2014 1:46 PM  
**To:** Paul Michel - NOAA Federal; Bridget Hoover - NOAA Federal; Karen Grimmer - NOAA Federal; Lisa Emanuelson - NOAA Affiliate; Michael Watson; Mayor Bill Kampe  
**Cc:** Dan Carl  
**Subject:** Fwd: MBNMS Support of Harbor Seal Protection Efforts

Paul, Bridget, Karen, Lisa, Mike Watson & Mayor Kampe:

Good afternoon. You'll remember I sent a letter of support for the PG seal project in November after a conference call with the CCC and a site visit with City staff. During those meetings, the CCC indicated that based upon the Coastal Act, there could be a mix of permanent & temporary fencing. My letter is attached here again, should you need it for your files.

I understand Sanctuary Staff had conversations with both CCC and the City late Friday afternoon to get an update on the permitting process. Dan, when we last spoke you indicated a De Minimus approval may be possible. For the sake of expediency, and to alleviate multiple side-conversations, could you please give us an update on the timing and path of CCC approval?

Thanks much,  
Deirdre

----- Forwarded message -----

From: **Deirdre Whalen - NOAA Federal** <[deirdre.whalen@noaa.gov](mailto:deirdre.whalen@noaa.gov)>

Date: Thu, Nov 7, 2013 at 6:08 PM

Subject: MBNMS Support of Harbor Seal Protection Efforts

To: Dan Carl <[dcarl@coastal.ca.gov](mailto:dcarl@coastal.ca.gov)>, Mayor Bill Kampe <[bkampe@mindspring.com](mailto:bkampe@mindspring.com)>

Cc: Sarah Hardgrave <[shardgrave@ci.pg.ca.us](mailto:shardgrave@ci.pg.ca.us)>, Michael Watson <[mwatson@coastal.ca.gov](mailto:mwatson@coastal.ca.gov)>

Dear Dan,

Attached here is a letter outlining MBNMS support of the City of Pacific Grove's efforts to improve Harbor Seal protections in their community. Should you want to chat about it, please give me a call.

Best,  
Deirdre

Deirdre Whalen  
Government and Community Relations Coordinator  
NOAA- Monterey Bay National Marine Sanctuary  
P: [831.647.4207](tel:831.647.4207)  
E: [deirdre.whalen@noaa.gov](mailto:deirdre.whalen@noaa.gov)

Would you like to see more of "Your Sanctuary"?  
<https://www.youtube.com/playlist?list=PL22D067D179395D12>



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
Monterey Bay National Marine Sanctuary  
99 Pacific Blvd. 455  
Monterey, California 93940

November 7, 2013

Dan Carl  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, California 95060

**SUBJECT: Support for City of Pacific Grove Protection of Natural Resources Under Newly-codified Harbor Seal Ordinance.**

Dear Mr. Carl:

NOAA's Monterey Bay National Marine Sanctuary (MBNMS) has been coordinating with the City of Pacific Grove over the past year to develop an improved plan for addressing negative interactions between the general public and Harbor Seals in sensitive locations and pupping areas. MBNMS staff have offered guidance, direction, and input to the City's plan.

I understand the City will be submitting an application to your office shortly for review. The City adopted an ordinance in October 2013 to protect harbor seals at beaches during the springtime pupping season. In order to accomplish this goal, City improvements will include both temporary and permanent fencing adjacent to pupping beaches, as well as educational signage posted at appropriate locations along the shoreline trail.

The necessary signage will outline information about harbor seals; including the importance of protecting birthing harbor seals mothers, and preventing harassment or disturbance—as mandated by the Marine Mammal Protection Act.

MBNMS staff realize the importance and challenges of providing educational messages to the public. We anticipate the elements included in the City's Plan will alleviate unfortunate interactions, and will facilitate local community education while resulting in necessary protection of these marine mammals at local beaches. Prudent resource management and stewardship of Sanctuary resources is good for protected species; is good for sustainable tourism; and improves the quality of life for those who live here.

Thank you for taking our comments into consideration as you formulate recommendations and policy decisions. Should you have any questions regarding this matter, please contact Ms. Lisa Emanuelson ([lisa.emmanuelson@noaa.gov](mailto:lisa.emmanuelson@noaa.gov)) or myself via email at [deirdre.whalen@noaa.gov](mailto:deirdre.whalen@noaa.gov). Thank you for your continued cooperation with the Monterey Bay National Marine Sanctuary.

Sincerely,

DEIRDRE WHALEN  
Government & Community Relations  
Coordinator



OBJECTION to  
Item 17 of March 13, 2014

Waiver provision in Central Coast  
District Manager's report for  
CDP 3-13-1175-W

From Thom Akeman

Please consider this an objection to a waiver included in the Central Coast District Manager's report to the Coastal Commission scheduled as Item 17 on March 13, 2014. The waiver for Pacific Grove's CDP 3-13-1175-W calls for "symbolic fencing," defined as low posts and cable, to be used as protection for harbor seal pups born on otherwise unprotected beaches this spring.

As a longtime Bay Net docent for the Monterey Bay National Marine Sanctuary, I believe such "symbolic fencing" would be useless in this case and could result in the needless deaths of many helpless pups.

I am one of the docents who have been watching these seals – and people along the adjacent coastal recreation trail – closely during the past 8 springs when harbor seals have chosen to give birth on the pocket beaches of a cove at the bottom of Pacific Grove's 5<sup>th</sup> Street. The cove stretches from the side of Stanford's Hopkins Marine Station to the side of the city's Berwick Park.

For the first 7 of those springs, city public works crews put up temporary fencing – the waist-high, white plastic, mesh fencing used for temporary traffic restrictions, event boundaries etc. – for a month or 2 to keep people away from the helpless seal pups nursing on the beach. It was effective and I'm not aware of anyone objecting to such temporary closures.

Last year city administrators decided to try something "prettier" and put up redwood railings with signs instead of the mesh fencing. Consequently, hundreds of people stooped through or walked around and went down to the beaches. The human intrusions scared away nursing mothers and, I believe, caused most of the record deaths of newborn seals. I personally saw 26 baby carcasses on the PG shoreline, compared to 7 the year before. Other docents saw more – and photographed the lifeless remains for documentation.

Our Bay Net docents tried to prevent as much intrusion as we could and we talked to 26,211 people in the pupping area last year. But there were never enough of us to keep up with the crowds that gather to watch the adorable seal pups. Since we tend not to be young athletes, 4 of us suffered medical problems from the excessive hours we put in last year and 2 had to go in for surgeries (knee & hip).

**RECEIVED**

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CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Because of last year's calamity, the city adopted an ordinance calling for mesh fencing to protect seal pups from now on. Unfortunately, city staff didn't get through Coastal Commission application processes in time for this year so a waiver was requested. There have been 2 live seal births so far and we expect about 100 more to start any day now.

But the waiver as written overrules mesh fencing and allows only low posts and cable. As a docent very familiar with the situation, I believe low cable would be useless in this case and allow another disastrous year.

Fortunately, most seals give birth on a beach at Hopkins Marine Station that is permanently separated from the recreation trail by a 6-foot tall chain link fence that protects the campus. But that beach gets so crowded during the pupping season that many pregnant seals head west to the little beaches in the 5<sup>th</sup> Street cove to give birth. The pups nurse and learn to swim for about 3 weeks, when they are totally dependent on their mothers to survive.

Our Bay Net docents met over the weekend and started getting ready for this year's pupping season. Notably, the 4 who were sidetracked by injuries last year were all back and ready to do it all again. But we will never have enough docents to saturate the area from sunup to sundown, so we really need effective fencing to help protect the seal pups while we explain the natural history to onlookers watching harmlessly from the shoreline.

As I understand it, it takes 4 coastal commissioners to pull this item for a full consideration of waiver terms that might protect helpless animals, not kill them. We hope there will be at least 4 willing to do that.

--Thom Akeman  
[thomakeman@sbcglobal.net](mailto:thomakeman@sbcglobal.net)  
831-649-0187  
228 18<sup>TH</sup> St., Pacific Grove, CA 93950

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** February 27, 2014  
**To:** All Interested Parties  
**From:** Madeline Cavalieri, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject: Coastal Development Permit (CDP) Waiver 3-13-1295-W**  
Applicant: San Jose State University Foundation

### Proposed Development

Two-year extension of a temporary 720-square foot mobile office building located immediately adjacent to an existing Moss Landing Marine Laboratories' (MLML) building at 7539 Sandholdt Road, at the Moss Landing Harbor in unincorporated North Monterey County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

On November 4, 2009, the Commission authorized the placement of a temporary mobile office building on a vacant disturbed lot at MLML, finding that the project would not adversely impact coastal resources. The temporary building has no sewer or water hookups and is utilized by MLML employees. The November 2009 authorization was valid for a period of two years, and included a provision that would allow extensions of the authorization period for good cause. The Commission extended the project's authorization period in 2011 to November 2013. The current proposal would extend the authorization period for an additional two years, i.e. until March 13, 2016. Consistent with the Commission's prior action, the temporary building will be removed after two years unless extended for good cause by the Executive Director. In sum, the proposed project will not adversely impact coastal resources and is consistent with the Coastal Act and the certified Monterey Local Coastal Program.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, March 13, 2014, in Long Beach. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** February 27, 2014  
**To:** All Interested Parties  
**From:** Madeline Cavalieri, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-14-0444-W-Corrected**  
Applicant: City of Monterey

### Proposed Development

Installation of a fat, oil, and grease (FOG) treatment system, including additional decking to support three 250 gallon hydro-mechanical grease interceptors, a secondary containment system with alarm, and related plumbing at Wharf #1 in the City of Monterey, Monterey County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The proposed FOG treatment system will bring the City into compliance with Clean Water Act requirements regarding the collection, treatment, and disposal of fats, oils and grease generated at Monterey's Wharf #1 restaurants and eateries. The treatment system will be constructed below the main deck of the wharf and in the approximate location of similar existing facilities. The containment area will be expanded to facilitate additional infrastructure and to ensure adequate containment in the event of a spill. Removal of grease from the sanitary sewer system is intended to prevent clogging and accidental spills / overflow of waste water pipes and infrastructure, thereby enhancing coastal water quality. The Applicant has proposed best management practices and construction measures to prevent spills and/or construction debris from entering marine waters during construction. Disruptions to public access during construction will be minimized by maintaining access to the boat launch facilities and by restricting access only in the immediate area of construction. Accordingly, the project will not have any significant adverse impacts on coastal resources, including public access to the shoreline.

### Coastal Commission Review Procedure

This waiver is not valid until it has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, March 13, 2014, in Long Beach. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.**

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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** February 27, 2014  
**To:** All Interested Parties  
**From:** Madeline Cavalieri, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-08-038**  
Applicant: Port San Luis Harbor District

### Original CDP Approval

CDP 3-08-038 was originally approved by the Coastal Commission on December 10, 2008 and authorized Port San Luis to dredge and use for beach nourishment up to 250,000 cubic yards of sediment annually for five years at the Port San Luis Harbor in the unincorporated coastal community of Avila Beach in San Luis Obispo County.

### Proposed CDP Amendment

CDP 3-08-038 would be amended to allow dredging operations to continue for an additional 5 years, until December 10, 2018. The Commission's reference number for this proposed amendment is **3-08-038-A1**.

### Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The Coastal Commission has historically permitted dredging activities within Port San Luis Harbor since 1994, and the Applicant has successfully undertaken dredging activities in accordance with approved permits. The Applicant has proposed to continue dredging operations subject to the conditions of approval of CDP 3-08-038 (e.g. sediment sampling and testing, submittal of a dredge operations plan prior to each dredge episode, evidence of other agency approvals, etc.). This amendment incorporates those conditions of approval and revises them accordingly, and also extends the dredging expiration date for an additional five years until December 10, 2018 (see Attachment A).

The Dredge Materials Management Team (DMMT) is comprised of regulatory agencies, including the Coastal Commission, Regional Water Quality Control Board (RWQCB), U.S. Army Corps of Engineers (USACE), and the Environmental Protection Agency (EPA). The DMMT reviewed and approved the Applicant's Sediment Sampling Analysis Plan (SAP) and lab results on February 25, 2014. Based on this, the USACE has authorized a provisional permit and will issue its required permit once the Commission has approved this CDP amendment. On December 17, 2013, the RWQCB issued its 401 certification letter authorizing continued dredging activities.

In short, the proposed amendment will allow dredging to continue for five additional years under the



## NOTICE OF PROPOSED PERMIT AMENDMENT

CDP 3-08-038 (Port San Luis Harbor Dredging)

Proposed Amendment 3-08-038-A1

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conditions of CDP 3-08-038, as modified in Attachment A, thereby ensuring that the dredging activities are accomplished in a manner that is most protective of marine resources and public access, consistent with the Coastal Act.

### Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on March 13, 2014, in Long Beach. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

**If you have any questions about the proposal or wish to register an objection, please contact Daniel Robinson in the Central Coast District office.**



3-08-038 Coastal Development Permit Conditions of Approval  
(As Amended by CDP 3-08-038-A1)

A. 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

B. Special Conditions

1. **Maximum Dredge Volume.** Dredging and disposal shall not exceed 250,000 cubic yards of materials per year.
2. **Permit Expiration.** This coastal development permit shall be valid ~~for 5 years from the date of Commission approval (i.e., until December 10, 20183),~~ or until ACOE permit number ~~200201383-LM~~ SPL-2014-00063-CLH for the authorized activities expires, whichever comes first.
3. **Initial Sediment Sampling and Testing Required.** PRIOR TO THE COMMENCEMENT OF THE FIRST DREDGING EPISODE ALLOWED UNDER ~~THIS PERMIT CDP AMENDMENT 3-08-038-A1,~~ the Permittee shall submit to the Executive Director for review and approval two copies of each of the following:
  - (a) **Sampling Analysis Plan.** A sampling analysis plan (SAP) that clearly describes and delineates sediment sampling locations and applicable testing protocols. The SAP shall ensure that representative sample locations applicable to authorized dredging areas are tested.
  - (b) **Sediment Testing.** An analysis of all sediment samples identified by the SAP (i.e., chemical, physical, and biological analyses) using the most current ACOE and EPA testing methods and procedures. If any such samples do not meet ACOE, EPA, and RWQCB dredge disposal standards, then the materials from the sampled area shall not be allowed to be deposited on beaches or in the nearshore environment, but rather shall be properly disposed of at an inland location (i.e., landfill or equivalent). All other dredge

materials shall be deposited in the six locations identified by the Port District (see Exhibit C).

**4. Dredge Operations Plan.** PRIOR TO THE COMMENCEMENT OF EACH DREDGING EPISODE, the Permittee shall submit for Executive Director review and approval two copies of a detailed dredge operations plan (DOP) that clearly identifies all dredge operations (including, at a minimum, identification of areas to be dredged, dredging depths, overdredge depths, quantity of materials to be dredged, specific location of dredge spoils disposal, all methods for spreading/grooming beach nourishment areas, all timing (including dredge start and stop days, hours of operations, etc.), all pipeline locations, all measures to be taken to define and delineate dredge activity areas, equipment to be used, etc.). All such DOPs shall, at a minimum, incorporate the following provisions:

**(a) Dredge Prohibition Areas.** Dredging operations shall not occur in sensitive rocky substrate and kelp forest areas as identified in Exhibit D. Prior to the commencement of dredging activities, all such areas to be avoided shall be clearly demarcated with floatable buoys, or other devices which are clearly visible on surface waters, so as to allow dredge equipment operators to easily identify dredge prohibition areas.

**(b) Grunion Spawning Protection.** If disposal and/or grooming of dredge spoils will be conducted on beaches during the California grunion spawning season (i.e., from March 1st through September 1st), the affected beach area shall be monitored during all such activities by a qualified professional biologist, approved by the Executive Director, to determine if grunion runs are occurring. If grunion runs are observed, the Permittee shall cease all such beach disposal and grooming operations during any forecasted spawning period, and if any eggs are found, all activities on the beach shall cease until grunion eggs have hatched.

**(c) Public Recreational Access Protection.** Dredging operations shall be conducted in such a manner as to avoid, to the greatest extent possible, interference with public recreational access in the Port San Luis Harbor area. At a minimum, all measures to be implemented to avoid public recreational access impacts due to dredge pipelines shall be identified (such measures may include, but are not limited to, uncoupling segments to allow unimpaired pedestrian movement, building small-scale sand ramps over pipelines, pipeline removal during times of peak beach use, etc.).

**(d) Equipment Maintenance.** All dredging equipment (e.g. pipelines, pumps, etc.) shall be maintained and inspected by Port District staff on a regular schedule to ensure proper operation and to eliminate any potential for spills, waterway or beach access conflicts.

The Permittee shall undertake development in accordance with the approved DOPs.

**5. Other Agency Approvals.** PRIOR TO THE COMMENCEMENT OF THE FIRST DREDGING EPISODE ALLOWED UNDER ~~THIS PERMIT~~ CDP AMENDMENT 3-08-038-A1, the Permittee shall submit to the Executive Director for review a copy of a valid permit, letter of permission, or evidence that no permit is necessary for the project authorized by this CDP from the following agencies: ACOE, EPA, and RWQCB.

# CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** February 27, 2014  
**To:** All Interested Parties  
**From:** Madeline Cavalieri, Central Coast District Manager  
Karen Geisler, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) 3-90-031**  
Applicant: City of Santa Cruz Department of Public Works

### Original CDP Approval

CDP 3-90-031 was approved by the Coastal Commission on November 15, 1990, and was amended on April 10, 1992 (CDP Amendment 3-90-031-A1). CDP 3-90-031 provided for the construction of Neary Lagoon drainage improvements, including a 66" storm drain pipeline under Beach Street and an outfall structure at Cowell Beach. CDP 3-90-031-A1 provided for the replacement and minor realignment of a 50-foot section of existing damaged seawall located between the storm drain outlet and the Municipal Wharf. The project site is located on Cowell Beach, which is adjacent to the Municipal Wharf, in the City of Santa Cruz.

### Proposed CDP Amendment

CDP 3-90-031 would be amended to include the placement of a temporary steel plate directly in front of the outfall structure at Cowell Beach. The 11' x 11' steel plate would be placed over the outfall's opening following cessation of the winter rains and before Memorial Day, and would be removed prior to the rainy season in preparation for winter flows from Neary Lagoon through the pipeline to the ocean. The Commission's reference number for this proposed amendment is **3-90-031-A2**.

### Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The installation of a temporary steel plate at the opening of the existing outfall, which will remain in place during the non-rainy season, will prevent sand, kelp, and debris from entering the pipeline during periods of high wave run-up. By ensuring that such material does not enter the pipeline, the proposed project will reduce or eliminate bacterial growth in the pipeline that has led to water quality impacts on Cowell Beach, and will also prevent obstructions of water flow from Neary Lagoon to the ocean during the winter months. The project is designed to allow water to seep past the plate and into the sand as needed and the plate will be removed prior to the first significant winter rains each year to allow the City to open up drainage from Neary Lagoon to the ocean. The proposed project includes best management practices designed to protect water quality and beach access during installation and removal of the plate. In addition, the plate would be located within the existing pipe, and would not in any way obstruct public access. In sum, the proposed amendment protects public access and recreational opportunities

NOTICE OF PROPOSED PERMIT AMENDMENT  
CDP 3-90-031 (City of Santa Cruz Department of Public Works)  
Proposed Amendment 3-90-031-A2 (Nearby Lagoon Outfall Plate)  
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consistent with the Commission's original coastal development permit approval, will not have any significant adverse impacts on the environment, and is consistent with the Coastal Act.

Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on March 13, 2014 in Long Beach. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

**If you have any questions about the proposal or wish to register an objection, please contact Karen Geisler in the Central Coast District office.**