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CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

Fr 6c

Application No.: 6-95-129

Applicant: Teledyne Ryan Aeronautical Agent: Gregory P. Lorton

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 will be permitted by the SD Port District.

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

Substantive File Documents: 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 dredging project subject to special conditions requiring the dredging to be completed by February 1 to avoid any impacts to least tern nesting, that approval from the Army Corps of Engineers and the State Lands Commission be obtained, and that a water quality monitoring plan approved by the Regional Water Quality Control Board be submitted.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development 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. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans/Timing of Dredging. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final dredging plans in substantial conformance with the submitted plans contained in Addendum #2 to the FEIR/RAP for the project dated 10/25/95, which incorporate the following:

a. Final plans for the project including surveyed maps of the dredge locations, barge anchoring points, and method used to ensure dredging is within the proposed limits.

b. A detailed final construction schedule, incorporated into construction bid documents, indicating that construction (dredging and transport) shall be completed prior to February 1, 1996.

2. U.S. Army Corps of Engineers Permit. Prior to the issuance of the coastal development permit, the permittee shall provide to the Executive Director a copy of a U.S. Army Corps of Engineers permit or letter of permission for the dredging and transportation of the dredged material. Any mitigation measures or other changes to the project required by the Corps shall become part of the project, and shall be reported to the Executive Director. These changes may require an amendment to this permit or a separate coastal development permit.

3. State Lands Commission Review. Prior to the issuance of the coastal development permit, the applicant shall obtain a written determination from the State Lands Commission that:

a) No state lands are involved in the development; or

b) State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or

c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

4. Water Quality. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a water quality monitoring program for the dredging operation approved by the Regional Water Quality Control Board. Any mitigation measures or other changes to the project required through this program 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.

5. Public Rights. By acceptance of this permit, the applicant acknowledges, on behalf of itself and its successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/History. Proposed is the 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 entire site is under the property jurisdiction of the State Lands Commission. The existing depth of the dredge site ranges from a depth of approximately -38 feet Mean Lower Low Water (MLLW) to -48 MLLW. The site will be dredged 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. The Port District is currently processing a coastal development permit for the disposal/sand cap portion of the project. Only the dredging and transport of the material is within the Commission's jurisdiction.

The staging area for dredging and construction will be the R.E. Staite Engineering, Inc. yard at 505 West Harbor Drive, which is within the San Diego Unified Port District's coastal development permit jurisdiction. In order to avoid conflict with the least tern nesting season, the dredging must be completed by February 1, 1996. Dredging is anticipated to begin on or prior to December 1, 1996.

The proposed dredging project requires a permit because it is not maintenance dredging and because it involves the placement of dredged spoils within 20 feet of coastal waters. The dredging and transport is located in San Diego

Bay in an area of original jurisdiction; thus, the standard of review is Chapter 3 of the Coastal Act.

The proposed 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 PCBs, several trace metals, and volatile organic compounds to the storm drains on Teledyne Ryan Aeronautical property. An Environmental Impact Report/Remedial Action Plan (EIR/RAP) was prepared to evaluate the potential environmental effects of Teledyne Ryan's proposed remediation project to remove PCB-contaminated sediments in Convair Lagoon.

The EIR/RAP 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. The layer of clean material will vary according to the concentrates of contaminants, potential wave action, and the depths at which elevated concentrates of PCBs occur; however, it is anticipated that a layer of sand approximately three feet deep will be required for capping. Based on the findings of the FEIR/RAP, the RWQCB issued Addendum No. 8 to its Cleanup and Abatement Order No. 86-92 on January 27, 1995, directing Teledyne Ryan Aeronautical to implement the sand cap alternative.

Because the project is under the jurisdiction of the State Lands Commission, Special Condition #3 requires the applicant to obtain approval from the State Lands Commission for the project. In addition, Special Condition #5 notifies the applicant that issuance of this permit may not be used to interfere with any public rights that may exist on the dredging site.

2. Water Quality. Section 30231 of the Act states in part:

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...

A major water quality concern for dredging projects is the re-suspension and spread of contaminants contained in dredged material. Approximately 30,000 cubic yards of sand would be removed from the dredge site for use in capping at Convair Lagoon.

The proposed dredge site was originally considered as part of the area to be dredged for the Navy's Homeporting project. Samples were collected for

chemical analyses and grain size analysis in January 1994. The purpose of this sampling was to determine whether the material was suitable for open water disposal. When the site was identified as a potential source of capping sediment for the Convair Lagoon capping project, additional core samples were collected on July 31, 1995 to determine grain size distributions and to determine whether PCBs were present in the sediment. The Port District conducted confirmation sampling of the dredge area on October 17, 1995.

The PCB analyses revealed one sample with a PCB concentrate of 0.047 mg/kg. This concentration is approximately two orders of magnitude below the action level in Convair Lagoon, and is not considered to be significant. No other samples revealed detectable PCBs. Of the material available for dredging, coarser material is preferred for placement on the cap in order to avoid erosion. The grain size data indicated that the material at this site is suitable for capping of Convair Lagoon.

The EIR/RAP (second amendment) indicated that there will be a temporary increase in suspended particulates and turbidity in bay waters in the proposed dredge area, until the particulates re-suspended during the dredging process settle out. The exact spatial and temporal extent of this increase will depend on currents, waves caused by vessel wakes, and weather conditions at the time of dredging. However, water quality monitoring will be conducted at the dredge site and the Convair Lagoon site. Turbidity and dissolved oxygen will be monitored at both sites using "real-time" conductivity, temperature and density (CTD) probes. These probes can be used to track any dredge plume that may be created. A computer on board the monitoring vessel will show the real-time, or instantaneous data collection. If excessive turbidity were to occur, silt curtains would be employed.

In addition, since the production rate of this particular dredging operation will be controlled by the rate of disposal, it is likely that the dredging will be conducted at a slower rate than most routine dredging projects. This slower production will further minimize short-term turbidity impacts. To ensure that no significant increases or spread of turbidity occurs at the site, the applicant has been required to implement a water quality monitoring program issued by the San Diego Regional Water Quality Control Board. Special Condition #4 requires the applicant to submit a water quality monitoring program approved by the Board, and that any requirements of the program be incorporated into the project.

In addition, the Army Corps of Engineers is currently reviewing the proposed project. Special Condition #2 requires that the applicant submit final approval for the project from the Army Corps of Engineers, and that any requirements of the Corps be incorporated into the project. Therefore, based on the results of testing at the dredge site, and as conditioned to incorporate the requirements of the RWQCB and the Corps, water quality impacts are expected to be temporary and less than significant. Thus, the project can be found consistent with Section 30231 of the Coastal Act.

3. 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.

Section 30240 of the Act states in part:

(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 proposed dredging project will provide material for a sand capping project in Convair Lagoon to contain and prevent exposure of the marine biota to contaminated sediment currently existing in the Lagoon environment. As noted above, the project is in response to a cleanup and abatement order issued by the Regional Water Quality Control Board. Successful implementation of this project will result in a significant restoration and improvement of the sediment and water quality in Convair Lagoon and the contiguous areas of San Diego Bay. Specifically, the capping and containment of contaminants will reduce the potential for resuspension or remobilization of contaminants and redistribution of these contaminants to other areas of north San Diego Bay. The project will also reduce the potential for bioaccumulation of contaminants to resident biota and the potential transfer of contaminants to higher levels in the food chain, including humans. Therefore, the proposed dredging can be found consistent with Section 30233 of the Act.

Surveys done in the area of the project site indicate that eelgrass is located in the vicinity of the proposed dredge footprint near Pier J/K. Eelgrass is a valuable resource in southern California bays and estuaries. It provides

habitat for numerous species of algae, invertebrates and fish, a nursery area for juvenile fish, foraging habitat for the endangered California least tern, and may act as a buffer to shoreline erosion that results from both natural and vessel generated waves. The majority of eelgrass occurs at depths of 0 to -10 feet Mean Lower Low Water (MLLW), with the highest densities in the shallow areas at approximately -5 feet or shallower. The outer depth limit of the eelgrass mapped in this area is approximately -15 MLLW. As noted above, the existing depth of the dredge site ranges from approximately -38 to -48 MLLW. No eelgrass was located within the dredge footprint. At these depths, little light filters down to the ocean bottom, and vegetation is scarce or non-existent. Therefore, no significant impacts to vegetation will result from the dredging.

Direct mortality of macroinvertebrates living on and in the sediment and burrowing fish within the dredge area would result from the removal of sediment at the site. Resuspension and potential remobilization of chemical contaminants in the sediment into the water column could also result in short-term impacts to benthic biota. The EIS for the Homeporting project examined the impact of dredging this site and other locations in San Diego Bay. The study found that benthic and intertidal assemblages characterizing the area are dominated by species that are usually able to rapidly recolonize areas following severe physical disruptions such as the proposed dredging, within 6 to 18 months. In addition, as noted above, no contaminants were identified at the dredge site. After dredging is completed, the same general type of deep subtidal bay habitat will be available for fish and benthic infauna to re-establish themselves. This cycle of impact and re-establishment of biota is typical of all areas dredged, and given the relatively small scope of the proposed dredging, this impact is considered less than significant. Thus, no significant long-term reduction of habitat for these organisms is expected.

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 sites 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, the measures described above under Water Quality will minimize turbidity. In addition, the affected area is relatively small (9.2 acres), the impact will be temporary, and alternative foraging areas are available elsewhere in the bay and ocean. The project has been scheduled, and Special Condition #1 requires that the applicant submit final plans for the dredging indicating that dredging will be completed prior to February 1, 1996, in order to avoid the least tern nesting season, when impacts would be highest.

There are no sensitive invertebrate, amphibian, reptile, or land mammal species expected at the project site due its highly developed nature. Thus, as conditioned, no long-term significant impacts to sensitive biological

resources are expected to result from the project, and the proposed project can be found consistent with Sections 30230, 30233, and 30240 of the Coastal Act.

4. Recreation. Section 30213 of the Act states in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 states in part:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30224 states in part:

Increased recreational boating use of coastal waters shall be encouraged...

Section 30233 states in part:

(b) ...Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

Providing additional useable beach area is providing a lower cost visitor and public recreational facility. Generally speaking, dredge spoils suitable for beach replenishment should be transported for such purposes. Creation of additional coastal areas, such as beaches, suited for water-oriented recreational activities, is also consistent with Section 30220. As noted earlier, testing of the dredge material at this site was first done for the purpose of open water disposal, then further testing was conducted to determine if the material was suitable for sand capping. The material has not been specifically tested for suitability as beach replenishment material. In the case of the proposed project, the dredging is being conducted not to deepen a channel for navigational reasons, or to open a lagoon mouth, but for the specific purpose of using the dredge material for sand capping in Convair Lagoon, in compliance with the RWQCB order. The project could not proceed if the dredge spoils were to be used for any purpose other than the sand cap. Thus, in this particular case, use of the dredge material for beach replenishment is not possible.

San Diego Bay is actively used for commercial, military and recreational boating activities. Transporting the dredged material will generate approximately 9 round trips from the staging area to Convair Lagoon, and 22 round trips between the dredge site and the lagoon. Given the amount of traffic in San Diego Bay, this project will generate a relatively small number of trips, and the impacts to shipping and boating will be very low. To ensure no adverse impacts to commercial, military or recreational boat traffic will occur, the dredging operations will be coordinated with the U.S. Coast Guard

and the Naval Air Station, North Island. Therefore, no significant impacts to recreational facilities will occur, and the project can be found consistent with the appropriate sections of the Coastal Act.

5. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development 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. Such a finding can be made for the proposed project.

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 would not be inconsistent with the Port Master Plan, and the Port District is processing a coastal development permit for the portion of the project within their jurisdiction. As conditioned, the proposed project is consistent with the applicable Chapter 3 policies of the Coastal Act, which is the controlling factor in the permit review process.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's 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 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.

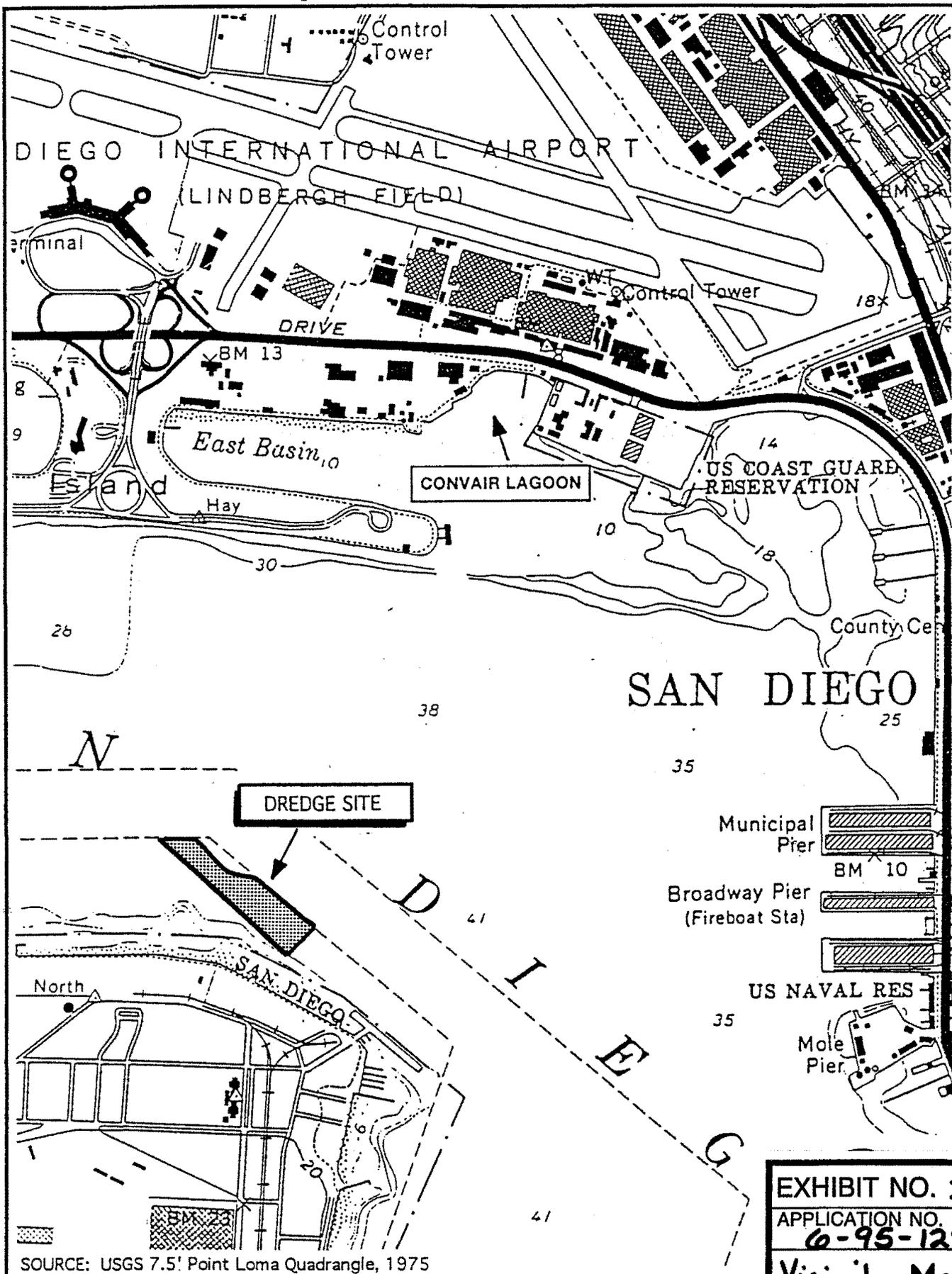
The proposed project has been conditioned in order to be found consistent with the sensitive biological resource and water resource policies of the Coastal Act. Mitigation measures, including conditions addressing the timing of construction and submittal of a water quality control plan, will minimize 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 project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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 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 development during construction, 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.

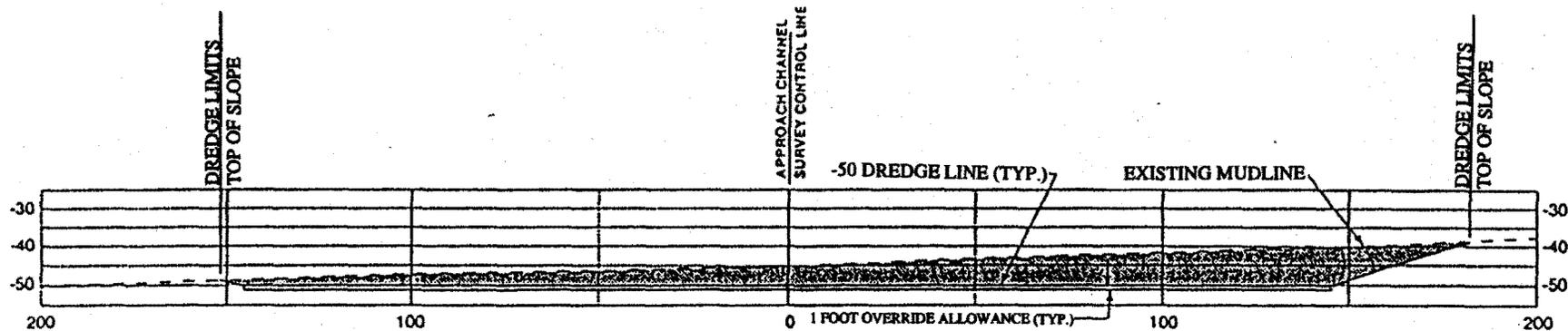
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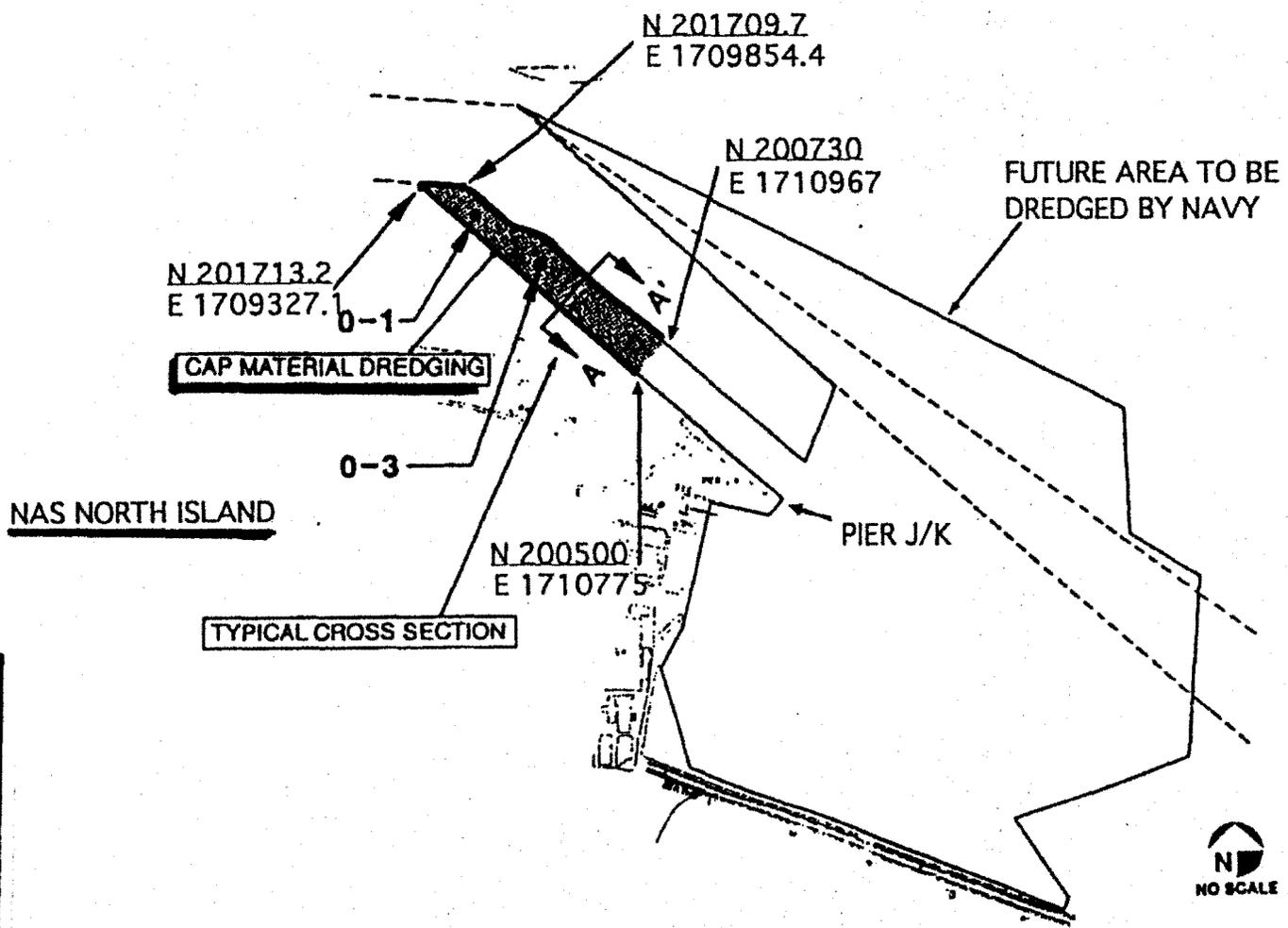
SOURCE: USGS 7.5' Point Loma Quadrangle, 1975

PROJECT VICINITY

EXHIBIT NO. 1
APPLICATION NO. 6-95-129
Vicinity Map
California Coastal Commission



Typical Cross Section A - A'



 California Coastal Commission	EXHIBIT NO. 2
	APPLICATION NO 6-95-129
	SITE PLAN

DREDGE PLAN