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STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

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W12a

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Hearing Date: 11/15/95
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 3-95-74

APPLICANT: MONTEREY COUNTY WATER RESOURCES AGENCY (APN 229-041-008)
SCATTINI AND SONS
MARIE KING ESTATE (APN 0229-041-012)
SEA MIST FARMS
HUGO BRUNO TOTTINO (APN 229-041-007; 135-053-003)
DAVID TOTTINO (APN 135-021-001)
GLORIA COLE/HUGO TOTTINO (APN 035-021-004)
HENRY BELLONE/GLORIA COLE (APN 135-011-004)

REP: Michael Armstrong, MCWRA
Art Barrientos, Sea Mist Farms

PROJECT LOCATION: Old Salinas River Channel, Monterey County

PROJECT DESCRIPTION: Remove silt deposits in the Old Salinas River channel for an average depth of 1.5 feet and width of 25 feet; approximately 22,000 cu.yds.

Zoning: Resource Conservation
Plan designation: Resource Conservation Wetlands and Coastal Strand

SUBSTANTIVE FILE DOCUMENTS: U.S.Army Corps of Engineers Old Salinas River 404 Permit Application, Lee & Pierce, 10/3/95 and Corps Public Notice 21313 S45 7/24/95; Salinas River Lagoon Management and Enhancement Plan, October 1992.

CEQA: Exempted by Monterey County Planning Dept. as an emergency project under Section 15269 (A) and (C).

SUMMARY OF STAFF RECOMMENDATION: TO FOLLOW

Exhibits: A - Standard Conditions; B - DFG Stream Alteration Agreeement; 1 - Vicinity Map; 2 - Work Site; 3a-b - Site Plan Photos; 4 - River Sections; 5 - RWQCB Water Quality Comments; 6 - Soil Sample Lab Results; 7 - LCP Post Cert Map showing Public Trust.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development 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, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies 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 Exhibit A attached

III. Special Conditions.

1. This coastal development permit is for the one time dredging and dredge spoil disposal of up to 22,000 cy of the Old Salinas River Channel from the area of the slidegate/culvert at the Salinas River Lagoon to just south of the Tembladero Slough confluence with the Old Salinas River Channel as shown on Exhibit 1.

2. WITHIN NINETY (90) DAYS OF COASTAL COMMISSION APPROVAL OF THIS PERMIT, the permittees shall submit for Executive Director review and approval, an outline of a restoration, management and maintenance plan for the Old Salinas River Channel from the slidegate/culvert at the Salinas River Lagoon to the confluence with Tembladero Slough. The purpose of the plan is to provide for ongoing maintenance dredging and resource management of the Old Salinas River to prevent flooding of farmland and which will be consistent with restoration and enhancement of the resource values of the river system. The plan shall be coordinated with the Salinas River Lagoon Management and Enhancement policies and the Old Salinas River and Tembladero Slough Channel Cleaning project plans to assure compatiblity with resources and coordination of hydrology.

The plan shall identify the wetlands and all public trust lands. It will identify actions to control erosion and sedimentation, improve water quality through the use of non-structural and structural Best Management Practices (BMP's), enhance wetland viability, management flood control and agricultural practices to maximize compatibility with natural resources. The plan will identify specific wetland enhancement areas and restoration designs for selected sites along the Old Salinas River.

Within two years (2) of Coastal Commission approval of this permit, the permittees shall submit the Restoration, Management and Maintenance Plan for the Old Salinas River as an amendment to this permit for Coastal Commission review and approval.

2. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and approval

(a) a preliminary wetland delineation for the project area.

(b) a hydrology report which describes the depth and width of the channel to be graded; estimates field drainage flows and Salinas River Lagoon slidegate flows and reports on capacity of proposed dredging to accommodate the combined hydrolic flows.

(c) final plans including but not limited to the grading plan and to disposal sites which disposal sites shall not include any lands which are are identified as wetland. The final plan shall be approved by the Department of Fish and Game.

(d) no fill of the defined channel is allowed. The dredged channel shall be maintained at its current width at a minimum. The channel edges and the location of the silt dam/berm shall be staked in the field. If non erodible material is used for any berm it shall be covered with filter fabric and covered with clean fill to allow for natural revegetation pending completion of a long term management plan that may provide for future restoration.

(e) all plans, reports, and test results required by the State Department of Fish and Game Final Section 1601 Notification shall be submitted for Executive Director review and approval. Any modification to plans shall require review by the Executive Director prior to implementation.

(f) the name and qualifications of a designated on-site project monitor shall provide supervision during the entire project duration. Upon project completion the project engineer shall certify in writing compliance with all approved plans. Any changes to the construction plans during the project shall require review by the Executive Director prior to implementation and may require an amendment.

3. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, to assure consistency between the provisions of the coastal permit and the "agreement" between the Monterey County Water Resources Agency and the landowners, the permittee shall submit to the Executive Director for review and approval the "agreement".

4. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and approval:

(a) Monterey County Approval: The permittee shall provide evidence of Monterey County Planning and Building Department approval of associated project grading.

(b) State Lands Commission Review: The permittee shall obtain a written determination from the State Lands Commission that:

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

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

3) 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.

5. PRIOR TO COMMENCEMENT OF CONSTRUCTION, permittee shall submit to the Executive Director:

(a) U.S. Army Corps of Engineers Permit: A copy of a U.S. Army Corps of Engineers permit, or letter of permission, or evidence that no Corps permit is necessary.

(b) U. S. Coast Guard: Approval from the U. S. Coast Guard for construction in U. S. Navigable Waters or documentation that no such approval is necessary.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Location and Description

Description of Old Salinas River Channel: In March 1995 extensive flooding and siltation occurred along the Old Salinas River. According to the applicant 1000 acres of artichokes and other crops were lost as a direct result of the flood damage along the Old Salinas River and Tembladero Slough. Approximately 1 to 2 feet of silt was deposited in the channel thereby reducing the flood capacity of the historic waterway. In sections of the channel the silt has filled the channel to the point where it is almost indistinguishable from the farm lands on either side. The channel varies in width but is for most of its length approximately 20-25 feet wide. Wetland vegetation persists in pockets along the channel including large sections of bulrushes in the far northern project area.

Limited Environmental Review: The proposed dredging is proposed to restore the functional flood capacity to the Old Salinas River Channel in the project area. If the project can be completed before the rainy season, the risk of flooding the adjacent agricultural fields would be reduced. Monterey County exempted the project from CEQA review under emergency provisions. Hence there has been limited environmental assessment on which to draw findings. The U. S. Army Corps of Engineers undertook an Environmental Assessment and issued a Public Notice for the project. The comments received are discussed in the appropriate findings below. Given that the existing conditions produce a degraded natural resource and almost exclude the aquatic environment, the Commission finds that the dredging project can be undertaken on a one time basis subject to coastal permit conditions to provide adequate supplemental information to allow an assessment of potential impacts from the specific project and to prepare a resource management plan consistent with Monterey County's certified Local Coastal Program that will identify and implement measures to restore resource values and provide for standards for future maintenance dredging.

Description of Dredging Project: The applicant proposes to dredge approximately 22,000 cu.yds. of a 2.5 mile stretch of the Old Salinas River from the slidegate culvert at the Salinas River Lagoon to just south of the Tembladero Slough confluence with the Old Salinas River Channel. (See Exhibits 2 and 3a-b for the area of dredging.) A clamshell dredge would remove approximately 1 to 2 feet deep sediment from the channel. The dredged materials would be deposited in non wetland areas where return flow to the channel would be prevented. A final plan for disposal sites is being designed with the Department of Fish and Game. A silt dam will be located at each end of the work area to prevent flow into the Salinas River Lagoon or Tembladero Slough during dredging period. Exhibit 3 shows sectional plans for the river dredging. The dredging is proposed to restore the functional flood capacity and river gradient that existed in the Old Salinas River before the March 1995 floods although no hydrologic data has been submitted by the applicants. Additonally, in order to accommodate this activity the slidegate at the Salinas River Lagoon would have to remain closed until project completion.

2. Ownership and Jurisdiction Status

1. Property Ownership: The proposed dredging project takes place on and adjacent to the following properties (Assessor's Parcel Numbers): 229-041-012 Marie King Estate (LUIS SCATTINI); 229-041-007 Hugo Bruno Tottino; 229-041-008 Monterey County Water Resources Agency (MCWRA); 135-053-003 Hugo Bruno Tottino; 135-021-001 David Tottino; 035-021-004 Gloria Cole/Hugo Tottino; 135-011-004 Henry Bellone/Gloria Cole. The Monterey County Water Resources Agency, Luis Scattini and Sea Mist Farms are designated as applicants on the coastal development permit application. All property owners have signed the authorization of agent Section VIII authorizing representation by Art Barrientos (Sea Mist Farms) and Mike Armstrong (MCWRA). The MCWRA will, according to their September 20, 1995 letter to the Corps of Engineers, require that each property owner sign an agreement with the Agency specifying that all work will be completed in accordance with applicable approvals such as the California Fish and Game, Regional Water Quality Control Board and California Coastal Commission.

   To assure there are no inconsistencies between the coastal permit and the "agreement", the coastal permit has been conditioned to require review and approval of any "agreement" between the MCWRA and the land owners prior to transmittal of the permit.

2. State Lands Commission: The Coastal Commission Local Coastal Program Post Certification Maps for the area show the Old Salinas River channel as public trust lands and, hence, within the Commission's original jurisdiction. A rough calculation from the map would indicate that the approximate State Lands jurisdiction is 200 to 300 feet wide. No in field detailed survey has been undertaken. However, during a field inspection by Commission and Department of Fish and Game staff the channel was estimated to be only 20 feet in some areas with farm roads often enclosing the channel on either side.

The permit is conditioned with the standard State Lands Commission condition requiring compliance with State Lands authority. Previous correspondence (May 1989) from the State Lands indicated that a dredging permit was required.

3. Commission Jurisdiction: The project area falls within the Coastal Commission's original permit jurisdiction and requires a Coastal Permit from the Commission.

   The applicant has requested that the dredge project be processed as an emergency coastal permit. The proposed project does not meet the criteria for review as an emergency permit pursuant to California Code of Regulations Section 13009 which states that an emergency means "a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services". Major sedimentation of the river channel occurred in March 1995 flood. According to the applicant many landowners had waited for information regarding disaster assistance information from FEMA and COE since March and with winter approaching must move to protect their property.

   The project has not been processed as an emergency permit by other state and federal agencies.

   However, expedited processing is underway to assist the landowners in their efforts to reestablish the channel before the winter rains. The expedited processing has resulted in a project evaluation and application that does not include many standard application materials (i.e., wetlands delineation, hydrologic analysis, restoration, revegetation, management and monitoring plans, etc.)

4. Montery County CEQA determination. As lead agency for CEQA Monterey County Planning Department has determined that the project is an "Emergency Project" exempt from CEQA pursuant to Section 15269(A) and (C).

5. Monterey County Permit Jurisdiction: Monterey County has a certified Local Coastal Program. Areas outside of the public trust are within the County's coastal permit jurisdiction. The coastal permit is conditioned to require evidence of the County's grading permit for the proposed disposal sites and dredging/grading.

6. Regional Water Quality Control Board: The RWQCB has indicated that no action (letter to MCWRA 10/19/95) is required under Section 401 Water Quality Certification of Clean Water Act subject to compliance with four actions (attached as Exhibit 5).

7. California Department of Fish and Game: A Stream Alteration Agreement, Section 1601, Notification No. 1217-95, 9/29/95, has been issued with several special conditions. The conditions are attached as Exhibit B. Condition 2 requires submittal of and compliance with the Department's Final 1601 Agreement as amplified by the Commission's conditions.

8. Army Corps of Engineers: Corps Public Notice 21313 S45 was circulated pursuant to Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act of 1899. Several comments were received regarding water quality and resource concerns. These are discussed in the following findings.

   The Corps is not processing the project as an emergency permit (telecom Bob Smith, 10/27/95). The coastal permit is conditioned to require submittal of the Corps permit prior to commencement of construction.

3. Natural Resources/Hydrologic Setting

Historically, the Salinas River joined with the mouth of Elkhorn Slough and emptied into Monterey Bay north of Moss Landing. A reach of the river 5-7 miles long was tidally influenced fresh and brackish water marsh. The system experienced higher volumes and higher quality of inflows. Following a series of storms in 1909-1910 the river changed course, creating a river mouth at its present location (see Exhibit 2). The river was subsequently diked by farmers. The entrance to the Old Salinas River (OSR) Channel was blocked by the levee and flow controlled by a culvert which is equipped with a slidegate. In the summer a berm forms across the rivermouth and the Salinas River Lagoon forms behind it. The Old Salinas River channel connects the Salinas River Lagoon with the south end of Moss Landing Harbor approximately 5 miles downstream. Salt water still enters at both ends of the Old Salinas River Channel - from the Lagoon slidegate and from the tidal inflow through the Potrero tidegates at the Harbor.

Since the major river flows began discharging directly to the ocean, the Old Salinas River has been modified by agricultural activity, maintenance dredging and hydraulic structures. Outflow to Moss Landing Harbor from the Old Salinas River occurs through a series of 13 culverts at Potrero Road, equipped with flap gates on the harbor side to restrict tidal flows into the Old Salinas River. The major inflow occurs via Tembladero Slough (see Exhibit 1). In addition to the major inflows to Tembladero Slough and periodic flows from the Salinas River Lagoon, subdrains from the adjacent agricultural fields discharge into the OSR. At times the only water in the southern reaches of the OSR is agricultural drainage.

Because the project was exempted from CEQA and is being expedited to allow work before the rainy season, limited information on the hydrology of the specific river system and wetland resources were submitted with the application. Staff observation, however, reveals that the channel is almost completely silted in from the floods. The slidegate/culvert at the SRL is closed and the coastal permit (3-95-58) to replace it was issued in early November. Drainage pipes from the agricultural fields discharge into the channel.

The Department of Fish and Game (Deborah Johnston, telecon 10/27/95) did a preliminary field review of the southern one third of the project channel and identified marsh wrens, kildeer, marsh hawks, willets, sanderlings, and egrets. Plants found were salt grass, sedge, pickleweed, grass buttons, alkali heath, and tules. These plants and birds are typical of an estuarine habitat. The DFG did not survey for invertebrates or fish. However, last summer steelhead fish were identified by the DFG.

Though wetland species were identified in the project area, no wetland delineation has been done for this project. Though the banks of the channel are clearly identifiable for most of the project area, other sections are not and because the area may be sprayed wetland vegetation may not be present.

Historic areal photos (1980, 1986, 1994)) show that the OSR channel since 1980 has been maintained on the same course. The photos show varying widths of vegetation. In the past certain sections were vegetated which are now bare. Though the wet and inundated areas are clearly wetland, how far the wetland extends on each side of the channel and whether or not encroachment on wetlands has occurred since the inception of state coastal zone management cannot be determined without further analysis.

Commission staff has been unable to locate any written biotic assessments or wetland delineations for the specific stretch of river channel proposed for dredging. In conjunction with specific projects as discussed in finding 4 below, assessments have been done for the adjoining river/slough systems to both the north and south. A Biotic Assessment of the Old Salinas River and Tembladero Slough Channel Cleaning (Harvey and Stanley Assoc., November 1988) was undertaken for a proposed channel cleaning north of the project site, i.e., north of the Tembladero Slough confluence and including Tembladero Slough. A Preliminary Wetland Delineation for Old Salinas River Dredge Spoils, Habitat Restoration Group, July 1994, was also done for the same area. For the area south of the project area, the Salinas River Lagoon Management and Enhancement Plan was developed. The SRLMEP was the product of numerous research and evaluation projects. A wetland delineation was done for the Salinas River Lagoon Slidegate/Culvert, Habitat Restoration Group, July 1993, for both the lagoon inlet side and the Old Salinas River outlet side. The documents referenced above refer to this area and provide a picture of rich resource values in these adjoining areas.

Though the channel corridor is clearly degraded, it serves a valuable function as a wetland in itself and in the management of the upstream Salinas River Lagoon wetland and the downstream wetlands.

Section 30240 of the Coastal Act states:

> (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
>
> (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

By definition the Commission has determined that wetlands are environmentally sensitive habitat.

Section 30233 of the Coastal Act identifies eight allowable uses in wetlands, requires that the proposed project be the least environmentally damaging feasible alternative, and where applicable, requires feasible and appropriate mitigation. The allowable uses are, briefly, coastal dependent facilities, navigational channels, boating facilities, public recreational piers, incidental public services, mineral extraction except in environmentally sensitive areas, restoration purposes, resource dependent activities.

Section 30233 also requires that dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation and that in addition to its other provisions, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

Though the dredging project area is technically a navigational channel and subject to U.S.Coast Guard jurisdiction, it is also currently a wetland/river serving drainage and flood control purposes. The proposed project does not fall under any of the eight categories which basically identify new, expanded or resource dependent uses. However, as an existing erosion control and flood control facility it is subject to the environmental guidance of the policy.

In addition Section 30236 of the Coastal Act states:

> Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30241 of the Coastal Act states that "the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy..."

All of the farmlands on either side of the Old Salinas River Channel are identified in the North County Land Use Plan as Agricultural Preservation, 40 acre minimum. The Agriculture Preservation policy of the LUP states:

> Preservation of agricultural land for exclusive agricultural use is required. The designation is applied to the prime and productive agricultural lands ... Major importance is given to the preservation of large, continuous areas of agricultural land capable of long term productivity in order to protect its viability from encroaching conflicting land uses...

The LUP provides for preservation of the surrounding agricultural lands to the fullest extent possible consistent with the protection of sensitive habitats. Policy B.3 states the following activities shall be prohibited within intermittent and perennial stream channels: cultivated agriculture, pesticide applications, and installation of septic systems...

Discussion

The proposed dredging project raises several issues. The Coastal Act allows for dredging of channels for flood protection. However, Section 30236 also requires the incorporation of the best mitigation measures feasible when altering a river, and Section 30233 regarding wetlands requires that permitted development be the least environmentally damaging feasible alternative.

Though there is no immediate threat to life and property, the beginning of the rainy season and the unpredictability of weather patterns in conjunction with a channel that has no flood capacity indicates an expedited permit process is prudent. Prime agricultural land could be lost if the river floods impacting the agricultural economy of the area in conflict with Section 30241 of the Coastal Act.

Nevertheless, the proposed dredging and disposal will destroy wetland vegetation, animal species will be destroyed or dislocated, and the water quality will be impacted by turbidity and contaminated soils (see Finding 5 below).

In order to minimize impacts certain basic information is essential including a preliminary wetland delineation and hydrologic data.

The permit has been conditioned to require submittal of a report on wetland boundaries and a final dredge plan limiting the disturbance of wetlands to minimize impacts. The report is subject to the approval of the Department of Fish and Game and the Executive Director.

Clarification on the hydrologic components of the proposal need to be submitted. The effectiveness of the slidegate/culvert at the SRL in its role in managing resources and flood control is dependent on the OSR channel. An estimate of the volume of water generated by the agricultural drainage in conjunction with the flow from the slidegate/culvert must be reported and a clear description of the width and depth of the channel needed to accommmodate the combined flow.

Questions have also arisen regarding the effect of the change in gradient resulting from the proposed dredging and potential impacts on the adjoining downstream river segment that is not proposed for dredging. Will it impact wetland resources. Will the increased flow sweep the sediments to the harbor? The permit has been conditioned to require this additional information for review by the Department of Fish and Game and the Executive Director.

Therefore, the proposed project, as conditioned, to provide a wetland delineation and a final dredge plan that impacts the minimum area needed to accommodate the necessary flows to prevent flooding subject to the review and approval of the Executive Director and the Department of Fish and Game, is consistent with Coastal Act policies 30236 which allows for alteration of rivers for flood control purposes and 30233 which provides that existing flood control facilities in wetlands can be dredged if no feasible less environmentally damaging alternative exists.

Final mitigation and restoration can be worked out within the context of a management plan as discussed in Finding 4 below.

Regarding water quality, the applicant has worked with the staff and Department of Fish and Game to identify disposal sites for dredge spoils and mitigation of impacts on water quality. These issues are discussed in Finding 5 below.

The issues of mitigation measures are discussed in Finding 4 below.

4. Mitigation/Management Planning/Local Coastal Program

Previous Project Impacts and Benefits: The Monterey County Water Resources Agency (formerly known as the Monterey County Flood Control and Water Conservation District) has had a part in several of the projects that have affected the Old Salinas River's hydrology and hence its wetland resources. It received a coastal permit to replace the Portrero Road tide gates in 1982 (3-82-30) and an after-the-fact amendment to add more gates in 1984 after the original project did not function properly (3-82-30-A). The purpose of the gates is to prevent flooding of the upstream agricultural lands while maintaining adequate water in the channel to support wetland vegetation. Conditions of the permit required wetland restoration and a management plan. As part of that management plan, daily water flow measurements to ensure continued flow in the Tembladero Slough, were taken until the gauge broke in 1989.

Also, the MCWRA dredged the river channel from Portrero Road to Tembladero Slough and disposed the material on wetlands without benefit of a coastal permit in 1986. That project resulted in 1.3 acres of wetland impacted, plus an additional 4.8 acres of wetlands impacted by one of the co-applicants discing their land. The agency is currently working on a 4.3 acre mitigation plan to compensate for the wetland loss it caused. The co-applicant has not yet submitted a restoration plan to remedy his violation.

Finally, the MCWRA has also received a permit to install piping under the river channel as part of a reclaimed wastewater irrigation project (3-94-40); this project was not anticipated to affect the river hydrology.

North of Portrero Road the MCWRA has a pending application to install a flood control berm.

Several other projects have occurred or been proposed for this reach of the river channel above Portrero Road. As part of the Moss Landing Marine Lab proposal to rebuild along the river channel, a wetland restoration project is proposed (A-3-MCO-93-33). To the south the Moss Landing Harbor District has purchased the old Gaske property for possible restoration. (Portrero Road Wetlands Restoration Plan, 1991). The Harbor District has already constructed a wetland restoration project, as mitigation for both a permitted and an unpermitted activity along the Old Salinas River.

These many actitivites and planning efforts have had both negative and beneficial impacts. They can be characterized as a piecemeal approach to the restoration of the ecosystem. However, cumulatively the planning efforts will yield a comprehensive management plan if pursued and implemented. However, success requires that the hydrologic interconnections, i.e., wetland, surface and groundwater systems, are studied in an integrated way.

Planning Policies:

The section of the Old Salinas River Channel that is the subject of this permit is one small component of the Salinas River watershed. However, for hydrologic, ecologic and flood control purposes it cannot be separated from the system.

The North Monterey County segment Land Use Plan certified by the Commission in June 1982 designates the Old Salinas River Channel Resource Conservation, Wetlands and Coastal Strand in the LUP. The category is described (p. 69) as follows:

Resource Conservation

> Protection of sensitive resources, plant communities, and animal habitats is emphasized. This land use is applied to wetlands, dunes, and riparian corridors under the Wetlands and Coastal Strand Category, and to sensitive forest and upland habitats... Only very low intensity uses and supporting facilities compatible with protection of the resource are allowed. Uses would include low intensity recreation, education, and research, and where no feasible alternative exists, essential public utility lines outside of Elkhorn Slough... In appropriate wetland areas, aquaculture would also be encouraged, agricultural uses which would destroy or disrupt the habitat area are not allowed.

Though the standard of review for projects within the Commission's original jurisdiciton, the certified North Monterey County Local Coastal Program provides guidance. The LCP provides for the protection of the plant and wildlife values of all wetland areas, for development of a comprehensive natural resource and water basin management plan for North County and for wetland management plans for the sloughs and estuarine areas.

Specifically, Policy 2.3.4.2 states that a comprehensive wetland management plan should be completed for the Bennett Slough, Moro Coho Slough, Elkhorn slough, and the Old Salinas River estuarine areas.

In response to the U. S. Army Corps of Engineers Public Notice regarding this project, the U.S. Fish and Wildlife Service recommended a long term solution be developed to address the reoccurring problem including the need to restore the ecosystem functions of the river system.

The Association of Monterey Bay Area Governments is currently beginning a management plan for the Natividad/Gabilan/Alisal Creeks watershed which encompasses much of the Old Salinas River Channel but not including the section of channel subject of this permit. The Harbor District has begun an environmental management plan for its property including a portion of the Old Salinas River channel.

The Coastal Commission's ReCAP surveyed all the wetlands in the Monterey and Santa Cruz Counties' coastal zone. Eighteen of the twenty-five wetlands were subject to management plans; the Old Salinas River was one of the largest still lacking one. Thus, ReCAP recommends that management plans be prepared for those wetlands lacking them.

Discussion: Periodic dredging of the Old Salinas River Channel is needed to prevent flooding of the surrounding agricultural fields. The dredging and disposal have ongoing impacts on the wetland resources. The North Monterey County Land Use Plan, the U. S. Fish and Wildlife and the Commission's own ReCAP program, among others, have identified the need for comprehensive planning for the wetland resources. The Coastal Act encourages the protection, restoration and enhancement of wetlands. The Old Salinas River Channel in the project area is one of the few segments of the river and estuarine system which is not included in an existing or developing management plan.

Because of the limited data submitted by the applicant and currently available, the best feasible mitigation, enhancement and restoration provisions for the dredging of this section of the river cannot be determined at this time.

The permit has been conditioned to require an outline of a restoration, management and maintenance plan for the Old Salinas River Channel from the slidegate/culvert at the Salinas River Lagoon to the confluence with Tembladero Slough that will provide for the ongoing maintenance dredging of the Old Salinas River Channel to prevent flooding of farmland and which will be consistent with restoration and enhancement of the resource values of the channel. The plan shall be coordinated with the Salinas River Lagoon Management and Enhancement policies and the Old Salinas River and Tembladero Slough Channel Cleaning project plans to assure compatiblity with resources and coordination of hydrology.

The plan shall identify the wetlands and public trust. It will identify actions to control erosion and sedimentation, improve water quality, enhance wetland viability, management flood control and agricultural practices to maximize compatibility with natural resources. The plan will identify specific wetland enhancement areas and restoration designs for selected sites along the Old Salinas River.

Within two years (2) of Coastal Commission approval of this permit, the permittees shall submit the Restoration, Management and Maintenance Plan for the Old Salinas River as an amendment to this permit for Coastal Commission review and approval.

Therefore, as conditioned, to require the preparation of a management plan which implements the best management practices for dredging this section of river and coordinates them with plans for adjoining river segments, the proposed development is consistent with the Marine Environment policies of the Coastal Act which require (1) maintenance, enhancement and, where feasible, restoration of marine resources and the biological productivity and water quality of streams, wetlands and estuaries (Sections 30230, 30231); (2) that dredging of rivers provide the best feasible mitigation (30236) and (3) that to minimize adverse environmental effects that dredging and spoils disposal be carried out to avoid significant disruption to marine and wildlife habitats and water circulation (30233).

5. Water Quality

Section 30230 of the Coastal 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 30231 states:

> 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.

Monterey County Land Use Plan Policy B.2. under Riparian, Wetland, and Aquatic Habitats (p. 15) requires that

> All development, including dredging, filling, and grading within stream corridors, shall be limited to activities necessary for flood control purposes, water supply projects, improvement of fish and wildlife habitat or ....These activities shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution. When such activities require removal of riparian plant species, revegetation with native plants shall be required.

Major concerns have been raised throughout the years regarding pesticides, heavy metal, and other toxic material which may be present in the sediments of the river and slough channels. Disturbance of the sediments by dredging could degrade the water quality of the river system and ultimately the Monterey Bay National Marine Sanctuary.

Background

According to the Draft Salinas River Lagoon Management and Enhancement Plan October 1992) the water quality of the Salinas River and its hydrologic components has been altered by a variety of human activities. These include diversion of the river, diking and draining of wetlands, agricultural practices, point source discharges by industry, and reduction of groundwater supply. Primary threats to biological resources are due to increased nutrient input and persistent pesticide residue. It is unknown to what extent pesticides and eutrophication have impacted the biological resources of the Salinas River and/or terrestrial organisms that rely on the aquatic system for survival.

Nutrients enter the Salinas River primarily from agricultural runoff. Nutrient enrichment causes eutrophication (increased plant growth) which tends to clog waterways, decrease flow rates, produce unpleasant odors, and reduce oxygen availability for aquatic animals. Eutrophication has been a major periodic problem in the Salinas River.

DDT, toxaphene, dieldrin, endrin, aldrin, and endosulfan are major persistent pesticides which have been used throughout the Salinas Valley. With the exception of endosulfan these chemicals have now been banned for use in California. These pesticides enter the Salinas River by runoff, percolation, and wind transport. These pesticides are insoluble in water, but are highly soluble in lipids or animal fatty tissue where they tend to concentrate.

Chlorinated hydrocarbons persist in the soil for years and ultimately end up in the aquatic environment of the Salinas River due to runoff, where they are passed through the food chain via bioaccumulation.

Studies have been undertaken to examine water quality. A study was completed by AMBAG (1992) on the potential for pesticides from agricultural fields to migrate to ground and surface waters. Water samples from subsurface drains, surface soil and surface runoff were collected in two 30-acre fields located Opproximately 7 miles from the Salinas River Lagoon, but hydrologically connected to the Salinas River via agricultural ditches and the Blanco Reclamation Canal (M. Puckett, pers. comm.). Concentrations of pesticides currently used in production agriculture were below laboratory reporting limits; however, some surface water samples indicated presence of Dieldrin, DDT, DDD and DDE in parts-per-billion range. The study suggests that, though previously banned, these persistent organochlorine pesticides are still present in agricultural fields and are absorbed to suspended sediment leaving the fields, thereby finding their way into surface water bodies.(SRLMEP, p.107)

The issues concerning contaminated sediments and water quality are far reaching geographically and jurisdictionally and will need a broader planning context for resolution. Nevertheless, each project involving disturbance of sediments in the drainage area including the Salinas River Lagoon or the Old Salinas River Channel is a potential contributor of contaminants to Moss Landing Harbor and to Monterey Bay as well as the aquatic ecosystem of the river system itself.

Project Issues

Several agencies responded to USACOE Public Notice 21313 S45, 7/24/95, for the Old Salinas River dredging project with comments on water quality issues.

The Monterey Bay National Marine Sanctuary raised concerns regarding DDT/DDE contaminants reaching the waters of the Sanctuary and the need for predredge sediment analysis, silt fences, etc. The Department of Fish and Game also commented on the transport of persistent polluntants (such as DDT and DDE) from farm fields to the Salinas River to Moss Landing Harbor and recommended sediment chemistry and suspended bioassay. The U. S. Fish and Wildlife comments concerned the need for a survey for the tidewater goby (Eucyclobius newberryi), a federally endangered species and the impacts of release of contaminants into the water column and the need for soil and water chemistry analysis and mitigation.

In response to these and other comments the applicants undertook further soil sampling.

Initial soil sampling was conducted in September 1995 under the direction of the MCWRA at three locations along the Old Salinas River Channel. The MCWRA in reponse to USACOE Public Notice made the following comments. Low residual levels of less than 0.130 parts per million (PPM) of DDT and/or its breakdown constituents have been identified in the sediments of the Old Salinas River Channel and adjacent farm lands. These totals are below accepted regulatory levels for these constituents. Removal of sediments and increasing the depth of the channel will recreate an environment for aquatic species. DDT and its breakdown products are non soluble in water. According to the applicant's report based on past testing and experience with DDT, there are most likely no leachable analytes of concern remaining and any detectable amounts found are generally bound to soil. Proper placement of dredge spoils on prepared areas sloped to drain into adjacent fields will reduce the impact to the water column. Water filtering back through the field will be clear of soil and thus pose no threat to the environment. Additional mitigation beyond the careful placement of dredge spoils includes installation of silt dams at drainback points along the field drain or tail ditches and containment dams at each end of the channel with overflow weirs to allow for settling of disturbed silt.

The Department of Fish and Game issued Notification #1217-95, 1601 Agreement with the MCWRA (September 29, 1995) which required additional sampling and special conditions to protect water quality and prevent erosion. The depth of sampling was an important issue. Samples must be taken far enough below the actual level of dredging to assure that there is no potential for the dredge operation to disturb contaminated sediments and confidence that the post dredge river flow will not expose and suspend contaminated sediments.

Lee Pierce Inc., Consulting Engineers, undertook additional sampling for the applicants. The maximum depth of sediment removal was identified as three feet. Soils were analyed to 36 to 42 inch depth. There were no detectable levels of any pesticides at 36 to 42 inch depths. The Department of Fish and Game conditions are attached as Exhibit B. The Soil Sampling Laboratory Results are attached as Exhibit 6.

The Regional Water Quality Control Board found that "no action" would be required on their part if the applicant conformed to the Department of Fish and Game 1601 agreement and if deposition of spoils would not discharge or deposit sediment back to the channel; spoil areas would be sloped so that runoff would not discharge or drain to the channel and silt fences would control sediment at either end of work areas.

The Department of Fish and Game Agreement also provided that the newly constructed berm (to prevent return flow) shall utilize non erodible material or be vegetated to prevent sediment runoff into the Old Salinas River channel. The issue of restoration of the slopes of the river channel is discussed in finding 4.

The dredging and disposal plans are is subject to further review to incorporate Commission conditions regarding disposal sites and wetland areas and to meet any final conditions of the Department of Fish and Game and the Regional Water Quality Control Board to prevent flow back into the channel of contaminated materials and to contain sediment movement within the project area. The laboratory results from soil sampling indicate that the exposed channel bottom sediments at the depths analyzed are not contaminated with pesticides and bottom scour should not move additional contamination downstream from this area. However, if hydrologic information indicates a deeper channel is needed, additional sampling may be required.

Therefore, as conditioned, to require submittal of the final plans for review and approval of the Executive Director and compliance with RWQCB requirements and the DFG 1601 Agreement, the proposed project is consistent with Section 30230 and 30231 of the Coastal Act which provide for the protection of marine resources and the biological productivity and quality of coastal waters.

6. Flooding Hazards

Section 30236 of the Coastal Act states:

> Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30241 of the Coastal Act states that "the maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy..."

Section 30253 of the Coastal Act provides, in part, that:

> New development shall:
>
> (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
>
> (2) Assure stability and structural integrity, and neither create or contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

In recent years the Old Salinas River culvert and slidegate which manages the flow that enters from the Salinas River have been used to control dry season and prebreach water elevations. Under the provisions of the slidegate culvert coastal development permit (3-95-58) there will be a fixed maximum flow of 120 cfs through the culvert pending finalization of the Salinas River Lagoon Management and Enhancement Plan.

Agricultural fields abutt the Old Salinas River Channel in most of the project area. The agricultural fields are at relatively low elevations and the subdrain inverts are also low. In the northern reaches of the OSR the lowest agricultural fields are periodically flooded when high runoff in the Old Salinas River coincides with high tides in Moss Landing Harbor and water backs up behind the Potrero Road tidegates. Water also backs up the subdrains saturating the soils and raising the water table.

In the southern reaches the water level from the Salinas River Lagoon is controlled by the slidegate/culvert and flooding from this source can be managed.

The March 1995 flooding of the fields adjacent to the project area channel came not from the channel but across the fields where they topped the levee along the Salinas River itself. According to the Department of Fish and Game (letter to USACOE, July 26, 1995) no flood flows reached the Old Salinas River channel from the Salinas River tidegates since it was welded shut. The flows entered the OSR across the farm fields. The National Marine Fisheries Service also reported that the sedimentation resulted from runoff from the agricultural fields in the March 1995 flood and not from deposition from the Salinas River.

However, now that the Old Salinas River Channel is sedimented in, there is an increased risk that flow from the Salinas River Lagoon slidegate/culvert could flood across the agricultural fields. The dredging project is designed to increase the flood capacity of the channel and prevent this flooding. The new channel must accommodate the drainage from the agricultural fields and the 120 cfs from the slidegate culvert. No hydrologic data has been submitted with the application. The permit has been conditioned to require that the applicant submit the hydrologic data needed to correlate the expected water volume with the proposed channel capacity.

The proposed project is a "flood control project", a development permitted under Coastal Act Section 30236 when necessary to protect existing development. The protection of existing agricultural land has a high priority under Coastal Act Section 30241 and Section 30253 requires that development minimize risks to life and property in areas of flood hazard.

However, Section 30236 also requires best mitigation measures feasible when altering rivers. Because the project has been exempted from CEQA review in an effort to expedite the process and reduce the risk of flooding this winter, the current or historic resource values of the river have not been addressed and, hence, no mitgation is provided. Given that the existing conditions produce a degraded natural resource and almost exclude the aquatic environment and pose an increased risk of flooding, the Commission finds that as conditioned to require a preliminary wetland delineation and hydrologic information to determine the minimum area of impact needed to accommodate the flow before permit issuance and to require a resource management and enhancement plan with provisions for maintenance dredging and a monitoring and maintenance component to be completed within two years of the approval of this application, the dredging project can be undertaken on a one time basis.

Therefore, as conditioned, the proposed development is consistent with Section 30236 and Section 30253 of the Coastal Act.

7. Public Access

Coastal Act Section 30210 provides:

> 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.

Section 30211 protects existing access to the sea where acquired through use or legislative authorization. Section 30212 provides for establishment of public access from the nearest public roadway to the shoreline and along the coast in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, or where adequate access exists nearby, or, where agriculture would be adversely affected. The North County Land Use Plan identifies Monterey Dunes Way as an existing primary access route to Salins River State Beach. This accessway will not be affected by this project. No other existing or proposed accessways are identified in the project site area. The farm roads that will be created or developed by the dredge material are not considered public access routes and are not proposed to be developed as public access routes.

The proposed development will not impact existing or planned access and is consistent with the public access provisions of the Coastal Act.

EXHIBIT-A

RECOMMENDED CONDITIONS

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 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 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.

EXHIBIT NO. A
APPLICATION NO. 3-95-74
Standard Conditions

Notification No. 1217-95 THP No. _____

AGREEMENT REGARDING PROPOSED STREAM OR LAKE ALTERATION

THIS AGREEMENT, entered into between the State of California, Department of Fish and Game, hereinafter called the Department, and Joe Madruga, Monterey County Water Resources Agency of Salinas, State of California, hereinafter called the operator, is as follows:

WHEREAS, pursuant to Division 2, Chapter 6 of California Fish and Game Code, the operator, on the 22nd day of September 19 95, notified the Department that he intends to substantially divert or obstruct the natural flow of, or substantially change the bed, channel, or bank of, or use material from the streambed of, the following water: Salinas River, in the County of Monterey, State of California, S_____ T_____ R_____.

WHEREAS, the Department (represented by Ronald D. Hess and Deborah Johnston has made an inspection of subject area on the 25th day of September, 19 95, and) has determined that such operations may substantially adversely affect existing fish and wildlife resources including:

riparian habitat and fish and wildlife resources

THEREFORE, the Department hereby proposes measures to protect fish and wildlife during the operator's work. The operator hereby agrees to accept the following recommendations as part of his work: Numbers 1, 12, 19, 21, and 22 from the list of recommendations on the back of this page and the following special recommendations:

1. All work in or near the stream or lake shall be confined to the period September 29, 1995 to December 31, 1995

See Page 2 for Special Recommendations

All conditions listed under special recommendations shall be a part of thes agreement.

The operator, as designated by the signature on this agreement, shall be responsible for the execution of all elements of this agreement. A copy of this agreement must be provided to contractors and subcontractors and must be in their possession at the work site.

If the operator's work changes from that stated in the notification specified above, this agreement is no longer valid and a new notification shall be submitted to the Department of Fish and Game. Failure to comply with the provisions of this agreement and with other pertinent Code Sections, including but not limited to Fish and Game Code Sections 5650, 5652 and 5948, may result in prosecution.

Nothing in this agreement authorizes the operator to trespass on any land or property, nor does it relieve the operator of responsibility for compliance with applicable federal, state, or local laws or ordinances.

THIS AGREEMENT IS NOT INTENDED AS AN APPROVAL OF A PROJECT OR OF SPECIFIC PROJECT FEATURES BY THE DEPARTMENT OF FISH AND GAME. INDEPENDENT REVIEW AND RECOMMENDATIONS WILL BE PROVIDED BY THE DEPARTMENT AS APPROPRIATE ON THOSE PROJECTS WHERE LOCAL, STATE, OR FEDERAL PERMITS OR OTHER ENVIRONMENTAL REPORTS ARE REQUIRED.

This agreement becomes effective on date of signature

Operator _____ 3-95-74

Title CHIEF ENGINEER, DWM

Organization WATER RESOURCES

Department of Fish and Game

Title Lieutenant

Department of Fish and Game, State of California

SPECIAL RECOMMENDATIONS

1.) Since soil sampling only tested to 18 inches depth additional sampling will be required in all areas where dredging is proposed to go to 2 feet. Sampling should go to the depth of the project and allow for over dredge. Present sampling design to Deborah Johnston prior to collecting samples to ensure adequate project coverage.

2.) No dredge spoils shall be placed on tile drained farm fields where those drains enter State waters.

3.) The silt dam shall be constructed in such a manner to that no contaminated soil will be placed in State waters.

4.) The silt dam shall be constructed so that no increases in turbidity shall occur downstream of the terminus of the project.

5.) The newly constructed berm (to prevent return flow) shall utilize non-erodible materials or be vegetated to prevent sediment runoff into the Old Salinas River channel.

6.) Construction shall occur between April 15th and October 15th unless written notification is received from DFG and all erosion control measures are enacted.

7.) All mechanical equipment used shall be checked for leaks prior to working in construction areas (diesel, coolant, oil, hydraulic fluid etc.).

8.) Relocate downstream silt dam immediately adjacent to the culverts under Dunes Colony Road to minimize removal of tule habitat.

9.) Operator shall obtain a valid permit from the U.S. Army Corps of Engineers prior to initiating any work.

3-95-74

CALIFORNIA COASTAL COMMISSION

EXHIBIT B

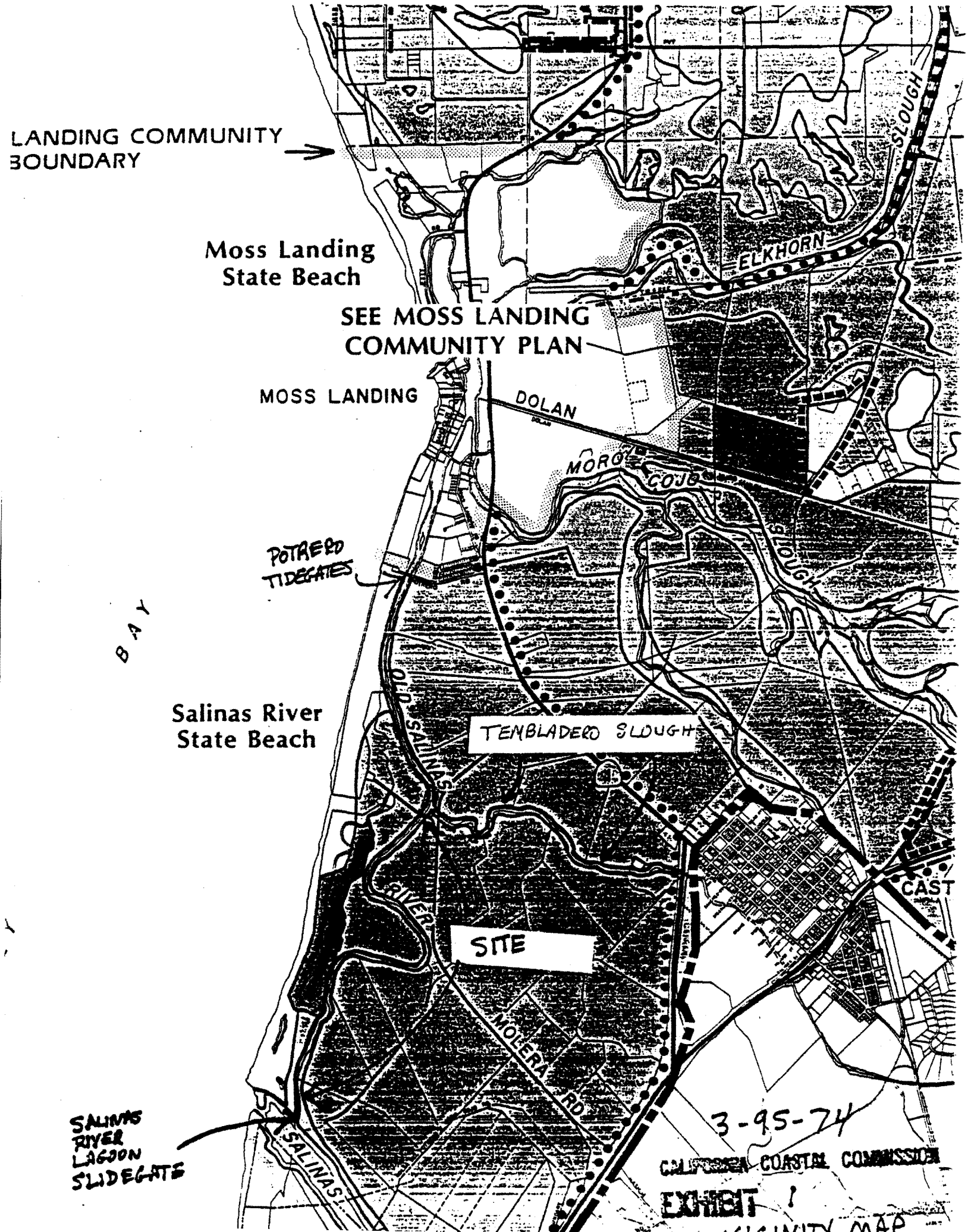
RECOMMENDATIONS

1. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portions of any stream channel or lake margin within the high water mark of the stream or lake shall be restored to as near their original condition as possible.
2. Restoration shall include the revegetation of stripped or exposed areas.
3. Rock, riprap, or other erosion protection shall be placed in areas where vegetation cannot reasonably be expected to become reestablished.
4. Installation of bridges, culverts, or other structures shall be such that water flow is not impaired and upstream or downstream passage of fish is assured at all times. Bottoms of temporary culverts shall be placed at or below stream channel grade. Bottoms of permanent culverts shall be placed below stream channel grade.
5. Plans for design of concrete sills and other features that could potentially impede fish migrations must be approved by Department engineers.
6. When any dam (any artificial obstruction) is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain fishlife below the dam.
7. An adequate fish passage facility must be incorporated into any barrier that obstructs fish passage.
8. Any temporary dam (any artificial obstruction) constructed shall only be built from material such as clean gravel which will cause little or no siltation.
9. No equipment will be operated in live stream channels.
10. Equipment shall not be operated in the stream channels of flowing live streams except as may be necessary to construct crossings or barriers and fills at channel changes.
11. When work in a flowing stream is unavoidable, the entire streamflow shall be diverted around the work area by a barrier, temporary culvert, and/or a new channel capable of permitting upstream and downstream fish movement. Construction of the barrier and/or the new channel shall normally begin in the downstream area and continue in an upstream direction, and the flow shall be diverted only when construction of the diversion is completed. Channel bank or barrier construction shall be adequate to prevent seepage into or from the work area. Channel banks or barriers shall not be made of earth or other substances subject to erosion unless first enclosed by sheet piling, rock riprap, or other protective material. The enclosure and the supportive material shall be removed when the work is completed and the removal shall normally proceed from downstream in an upstream direction.
12. Temporary fills shall be constructed of nonerodible materials and shall be removed immediately upon work completion.
13. Equipment shall not be operated in the lake or its margin except during excavation and as may be necessary to construct barriers or fills. If work in the lake is unavoidable, a curtain enclosure to prevent siltation of the lake beyond the immediate working area shall be installed. The enclosure and any supportive material shall be removed when the work is completed.
14. Silt settling basins shall be located away from the stream or lake to prevent discolored, silt-bearing water from reaching the stream or lake.
15. Preparation shall be made so that runoff from steep, erodible surfaces will be diverted into stable areas with little erosion potential. Frequent water checks shall be placed on dirt roads, cat tracks, or other work trails to control erosion.
16. Wash water containing mud or silt from aggregate washing or other operations shall not be allowed to enter a lake or flowing streams.
17. a) A silt catchment basin shall be constructed across the stream immediately below the project site. This catchment basin shall be constructed of gravel which is free from mud or silt.
    b) Upon completion of the project and after all flowing water in the area is clear of turbidity, the gravel along with the trapped sediment shall be removed from the stream.
18. If operations require moving of equipment across a flowing stream, such operations shall be conducted without substantially increasing stream turbidity. For repeated crossings, the operator shall install a bridge, culvert, or rock-fill crossing as specified in comments below.
19. If a stream channel has been altered during the operations, its low flow channel shall be returned as nearly as possible to its natural state without creating a possible future bank erosion problem, or a flat wide channel or sluice-like area. If a lake margin has been altered, it shall be returned as nearly as possible to its natural state without creating a future bank erosion problem. The gradient of the streambed or lake margin shall be as nearly as possible the same gradient as existed prior to disturbance.
20. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.
21. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into, waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.
22. The operator will notify the Department of Fish and Game of the date of commencement of operations and the date of completion of operations at least five days prior to such completion.

3-95-74

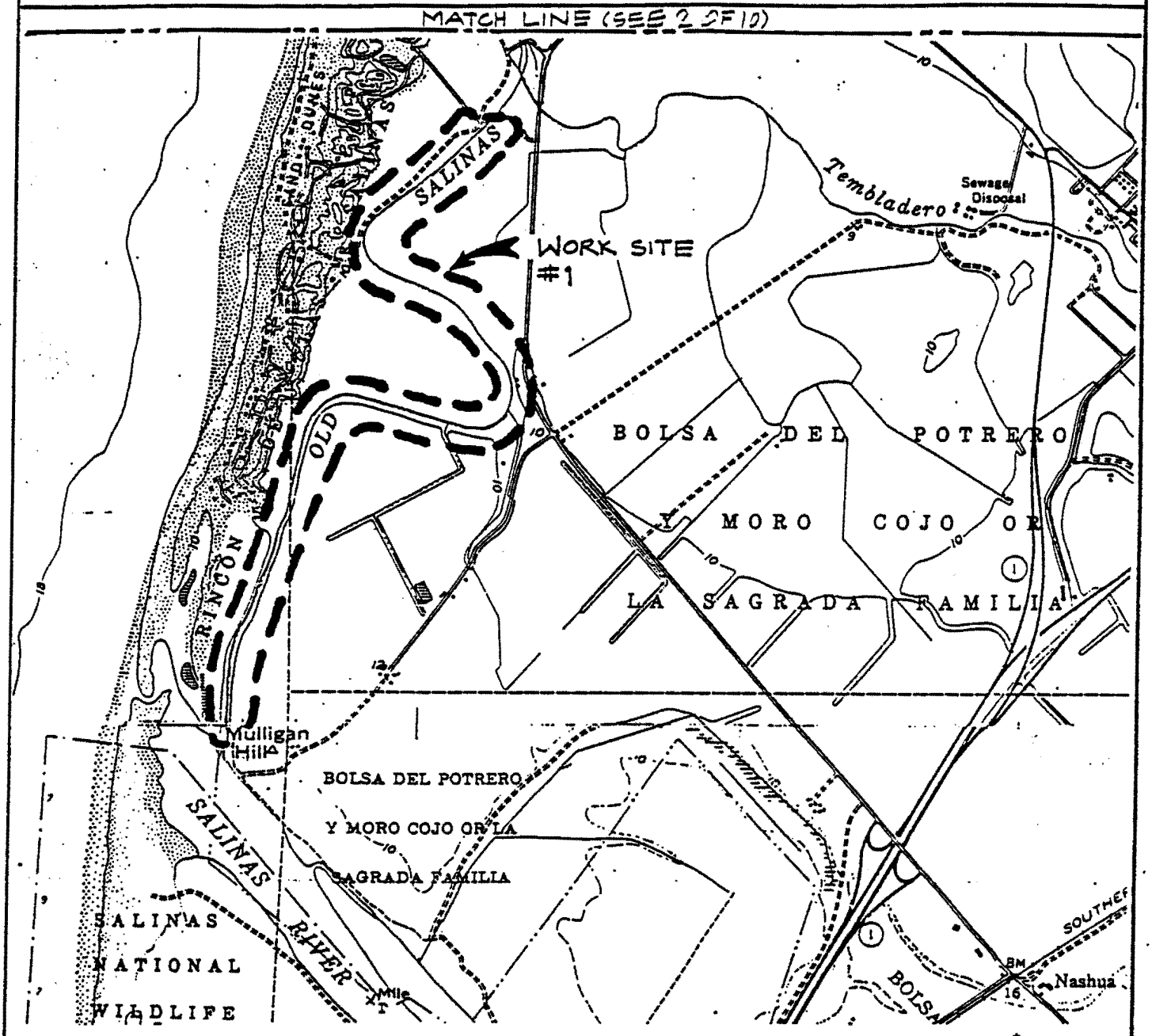
CALIFORNIA COASTAL COMMISSION

EXHIBIT B


LANDING COMMUNITY BOUNDARY
Moss Landing State Beach
SEE MOSS LANDING COMMUNITY PLAN
MOSS LANDING
DOLAN
MORO COJO
SLOUGH
ELKHORN
SLOUGH
POTRERO TIDEGATES
BAY
Salinas River State Beach
TEMBLADERO SLOUGH
OLD SALINAS
RIVER
SITE
MOLERA RD
SALINAS
CAST
SALINAS RIVER LAGOON SLIDEGATE
3-95-74
CALIFORNIA COASTAL COMMISSION
EXHIBIT

Monterey County Water Resources Agency	SALINAS RIVER EMERGENCY CHANNEL & LEVEE REPAIR APPLICATION	855 E. Laurel Drive - (408) 758-4860 Salinas, CA 93902

Purpose: Prevent erosion, clear flood debris and sandbars, vegetative obstructions repair levee and provide pilot channel where needed to protect property.



9-7-95
REVISED:

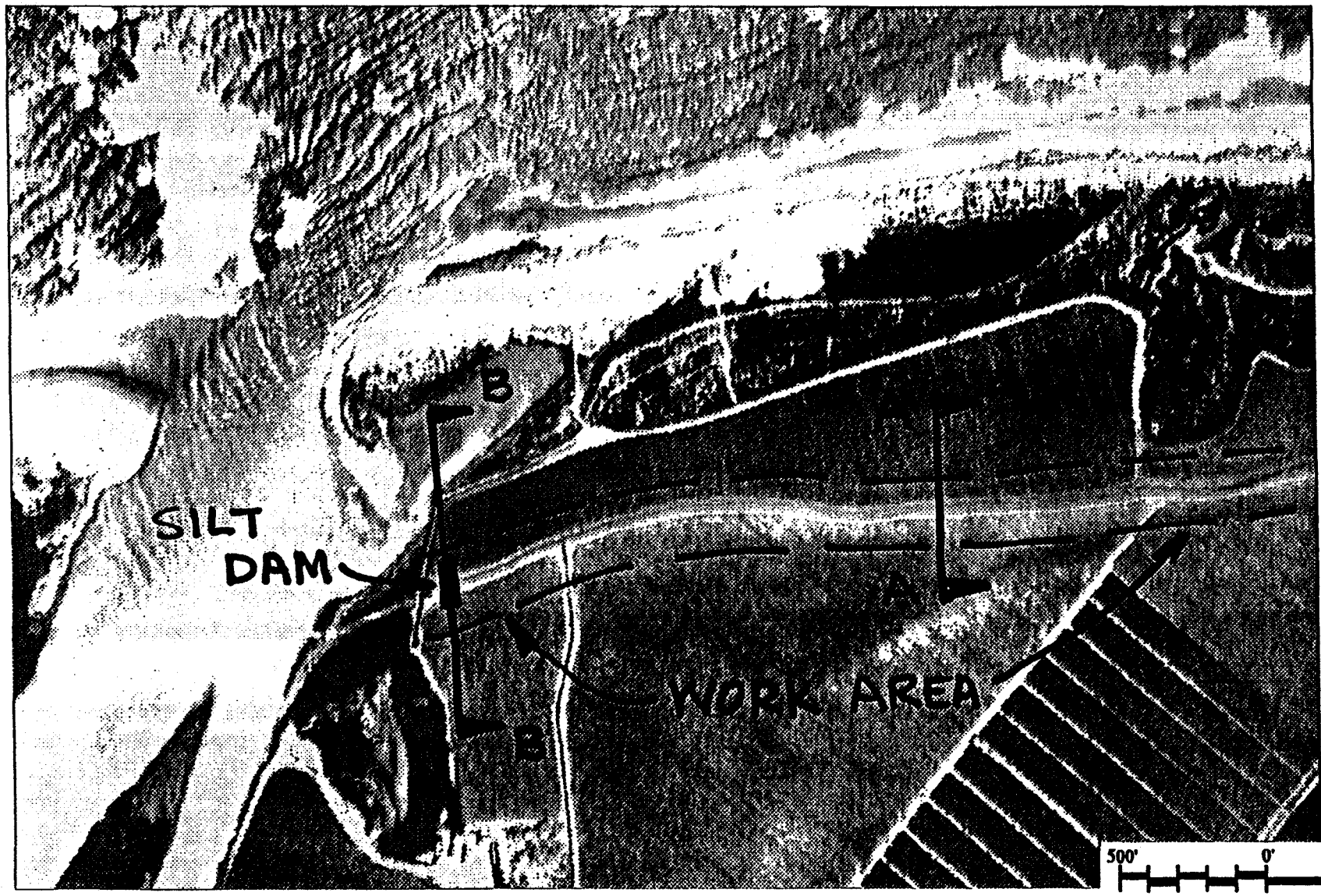
3-95-74
CALIFORNIA COASTAL COMMISSION
EXHIBIT 2

Prepared By: F.P. & D.P.	Date	Approved LRM	Date 7-01-95

U. S. G. S. 7.5 min Series Quadrangle Sheet CHUALAR & MOSS LANDING, CALIF. Ref: 003	LEE & PIERCE inc. consulting engineers 546 Abbott St #20 Salinas, CA93901 Phone (408) 758-0096	Sheet No. 3 of 10 Sheets AREA # 1

Date 06/24/95 Form file quadbord.ged

Monterey County Water Resources Agency	OLD SALINAS RIVER EMERGENCY CHANNEL CLEANING APPLICATION	855 E. Laurel Drive - (408) 755-4860 Salinas, CA 93902

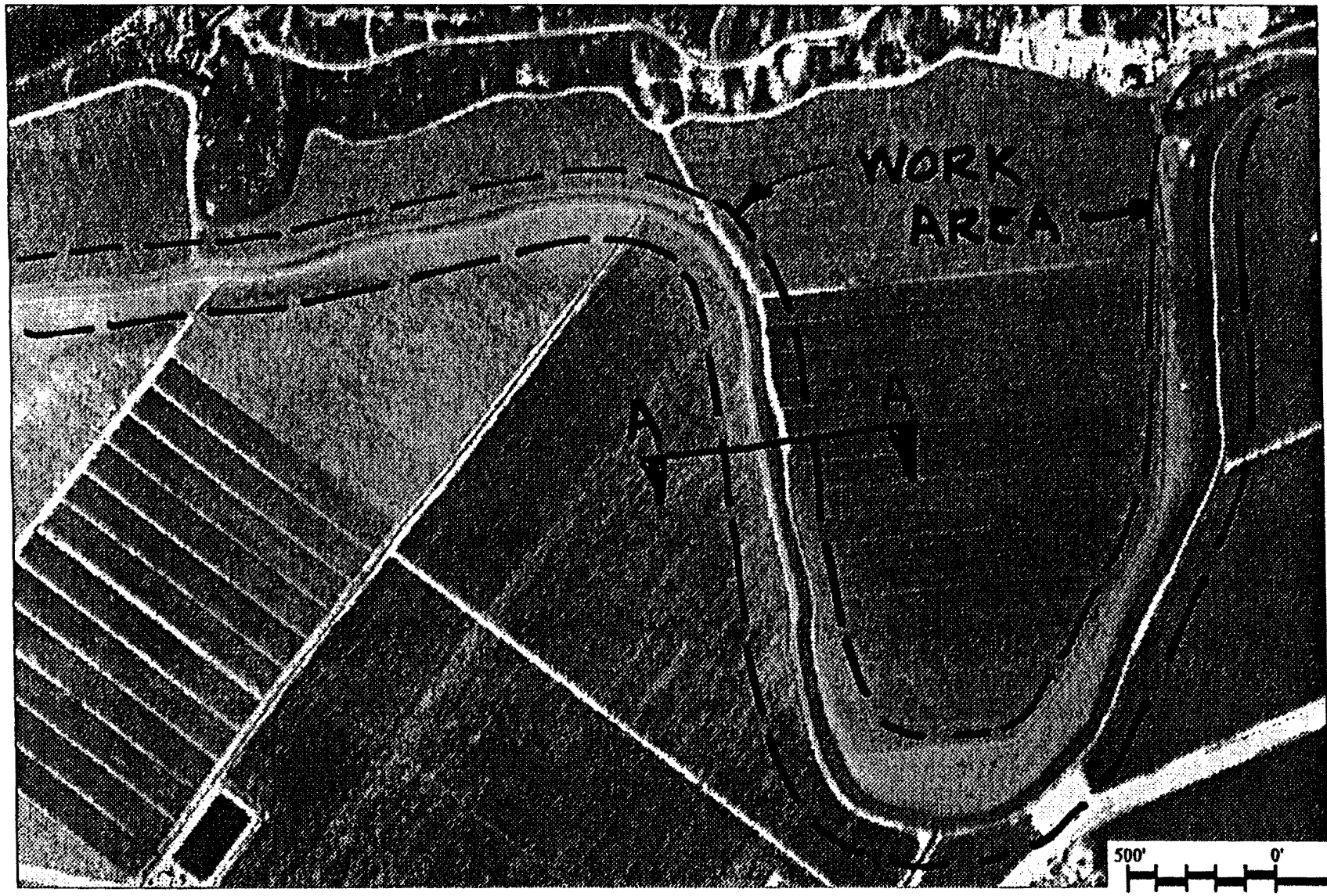


3-95-74
CALIFORNIA COASTAL COMMISSION
EXHIBIT 3a

Site Plan Photo APS95830- - 03/16/95 Purpose: Prevent erosion, clear flood debris and sandbars, vegetative obstructions repair levee and provide pilot channel	Drawn By: Pierce Checked By: Ref: 003 Date: 10-28-95	LEE & PIERCE Inc. consulting engineers 546 Abbott St #20 Salinas, CA93901 Phone (408) 758-0096	Sheet No. 1 of 4 Sheets AREA # 1

File 95171c.ged

Monterey County Water Resources Agency	OLD SALINAS RIVER EMERGENCY CHANNEL CLEANING APPLICATION	855 E. Laurel Drive - (408) 755-4860 Salinas, CA 93902



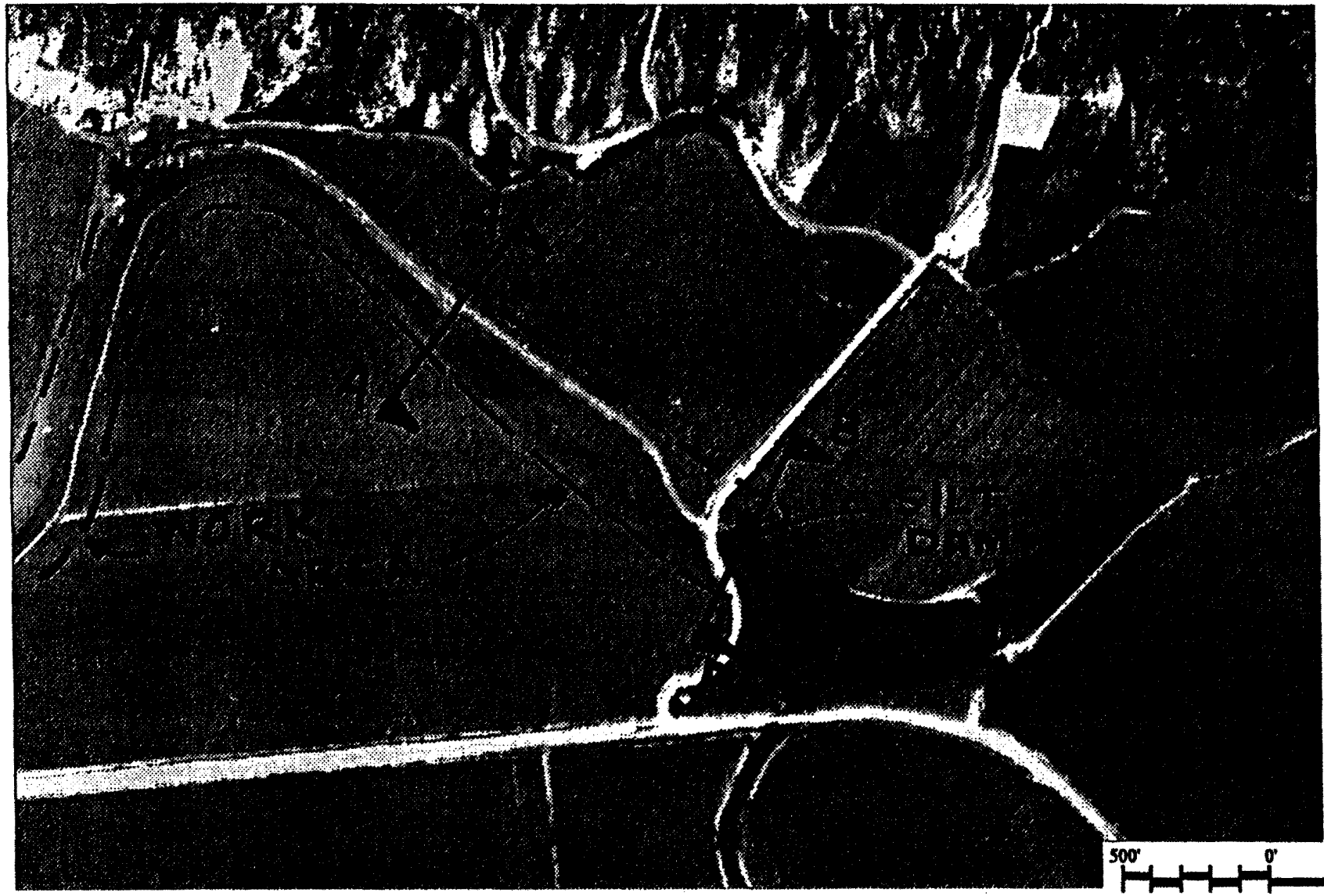
3-95-74

EXHIBIT 12

Site Plan Photo APS95830- - 03/16/95 Purpose: Prevent erosion, clear flood debris and sandbars, vegetative obstructions repair levee and provide pilot channel	Drawn By: Pierce Checked By: Ref: 003 Date: 10-28-95	LEE & PIERCE inc. consulting engineers 546 Abbott St #20 Salinas, CA93901 Phone (408) 758-0096
		Sheet No. 2 of 4 Sheets AREA # 1

File 95171a.gcd

Monterey County Water Resources Agency	OLD SALINAS RIVER EMERGENCY CHANNEL CLEANING APPLICATION	855 E Laurel Drive - (408) 755-4866 Salinas, CA 93906



3-95-74
CALIFORNIA COASTAL COMMISSION
EXHIBIT # 2

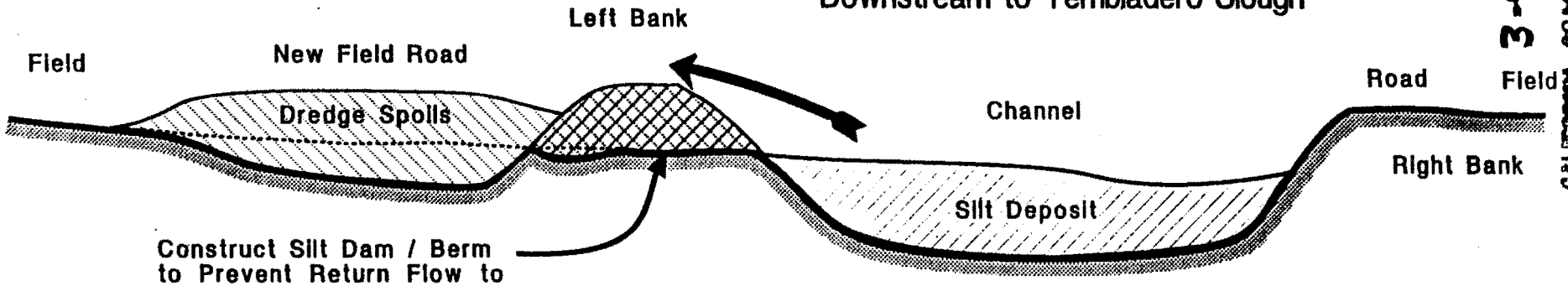
Site Plan Photo APS95830- - 03/16/95	Drawn By: Pierce	LEE & PIERCE inc. consulting engineers	Sheet No. 3 of 4 Sheets
Purpose: Prevent erosion, clear flood debris and sandbars, vegetative obstructions repair levee and provide pilot channel	Checked By:	546 Abbott St #20 Salinas, CA93901 Phone (408) 758-0096	AREA # 1
	Ref: 003 Date: 10-28-95		

File 95171b.ged

Monterey County Water Resources Agency	OLD SALINAS RIVER EMERGENCY CHANNEL CLEANING APPLICATION	855 E. Laurel Drive - (408) 758-486[illegible] Salinas, CA 9390[illegible]

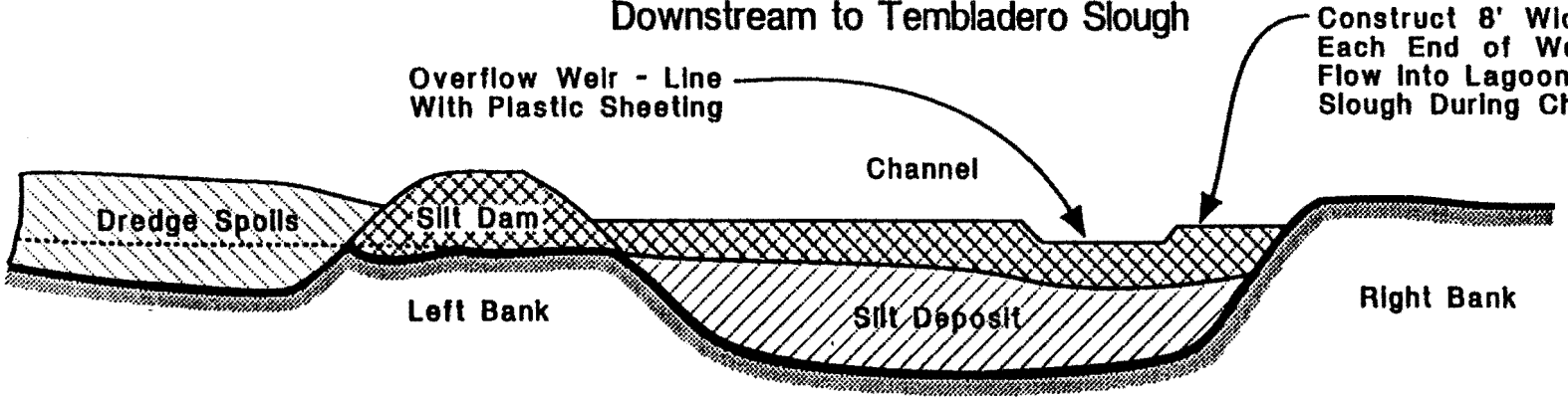
3-95-74 EXHIBIT 4

Old Salinas River Channel Looking Downstream to Tembladero Slough



SECTION A - A
(Revised 9/16/95)

Old Salinas River Channel Looking Downstream to Tembladero Slough



SECTION B - B
(Revised 9/16/95)

Drawn By: Pierce Date: 10-28-95 Checked By: Date:

River Channel Cleaning - River Sections

Purpose: Prevent erosion, clear flood debris and sandbars, vegetative obstructions repair levee and provide pilot channel

Reference: 003

LEE & PIERCE Inc.
consulting engineers
546 Abbott St #20 Salinas, CA93901
Phone (408) 758-0096

Sheet No. 4 of 4 Sheets

AREA #

File 003S-3A.gcd

STATE OF CALIFORNIA — PETE WILSON, Governor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD —
CENTRAL COAST REGION
81 HIGUERA STREET, SUITE 200
SAN LUIS OBISPO, CA 93401-5427
(805) 549-3147

October 19, 1995

Michael D. Armstrong, General Manager
Monterey County Water Resources Agency
P.O.Box 930
Salinas, CA 93902

Dear Mr. Armstrong:

CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION APPLICATION, OLD SALINAS RIVER CHANNEL CLEANING PROJECT, MONTEREY COUNTY

Your application describes activities, to be authorized by the U.S. Army Corps of Engineers (Permit No. 21313S45), within the Old Salinas River channel. Your project involves the removal of approximately 22,000 cubic yards of sediment and debris from 2.5 miles of channel. Sediment removed from the channel will be placed adjacent to the channel on land between the channel and the fields currently being farmed. Our understanding of the condition under which your project will be conducted include the following:

1. Deposition of spoils will not be to areas or fields which are tile drained or which may directly discharge or deposit sediment back to the channel;

2. Spoils placed in deposition areas will be sloped so that runoff will not discharge or drain to the channel;

3. The use of silt fences at either end of work areas will control sediment transfer during channel cleaning activity; and

4. Your agency will comply with all conditions of valid California Department of Fish and Game Stream Alteration Agreements issued for this project.

Based on our understanding of the project, its impacts, and associated mitigation measures, we find "no action" is required by the Regional Board at this time. However, should you find that your project will not be consistent with the above cited conditions, as specified, further consideration may be required. You must notify the Regional Board, pursuant to Section 13260 of the Water Code, if substantial project changes result in un-mitigated adverse impacts to water quality.

If you have any questions, please contact Adam White at 805-549-3694.

Sincerely,

Bradley E. Hagaman
For Roger W. Briggs
Executive Officer

AW/oldsal.ltr

cc: See Page Two

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CALIFORNIA COASTAL COMMISSION
EXHIBIT 5

TABLE 1 - SOIL SAMPLING LABORATORY RESULTS

Sample results are expressed Parts Per Million (PPM)

OLD SALINAS RIVER CHANNEL

SAMPLE ID	ANALYTE	FARM(F)	SLOUGH(S) 18-24 in.	SLOUGH(S) 36-42 in.	ACCEPTED LEVELS*
171-1- F=Farm S=Slough	DDE	0.048	0.069	ND	1.3
	DDD	0.022	0.022	ND	1.9
	DDT	0.052	ND	ND	1.3
	Endrin	0.017	ND	ND	20.0
	Endosulfan II	0.011	ND	ND	3.3
	Endosulfan Sulfate	0.025	ND	ND	--
171-2-	DDE	0.035	0.090	ND	1.3
	DDD	0.010	0.031	ND	1.9
	DDT	0.023	ND	ND	1.3
171-3-	DDE	0.027	0.130	ND	1.3
	DDD	0.011	0.067	ND	1.9
	DDT	0.031	0.077	ND	1.3
	Dieldrin	ND	0.009	ND	0.028
	Endosulfan Sulfate	0.013	ND	ND	--

ND - Non Detect
* EPA Region IX Preliminary Remediation Goals (02/01/95)

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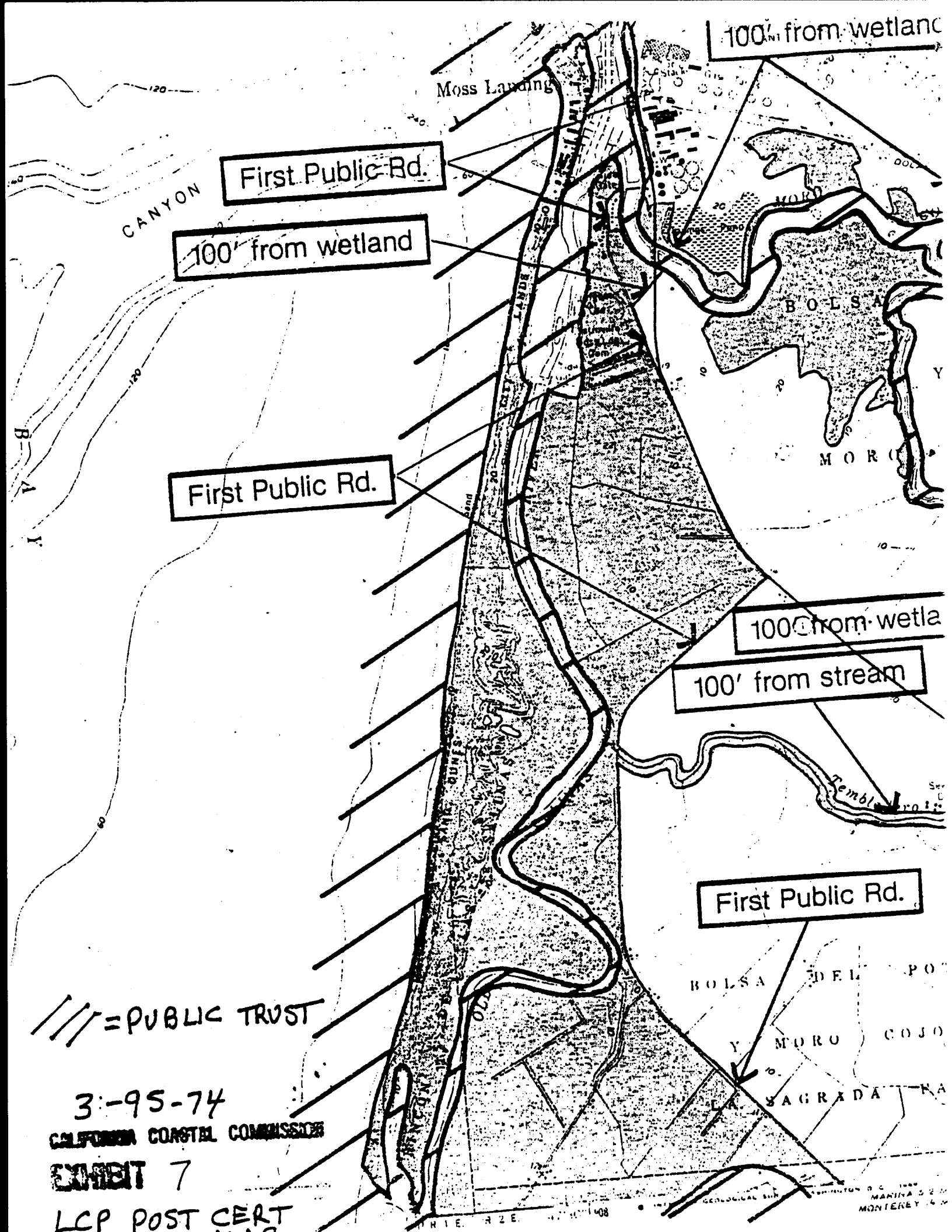

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CALIFORNIA COASTAL COMMISSION

EXHIBIT 7

LCP POST CERT