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STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 3-95-71

APPLICANT: MONTEREY COUNTY WATER RESOURCES AGENCY
AGENT: Art Abella, Associate Civil Engineer

PROJECT LOCATION: Salinas River Lagoon, Monterey County

PROJECT DESCRIPTION: Salinas River Lagoon Levee and Bank Stabilization Project

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

SUBSTANTIVE FILE DOCUMENTS: Draft Salinas River Lagoon Management and Enhancement Plan, Habitat Restoration Group, October 1992; U.S.Army Corps of Engineers Public Notice 16548 S45, 9/6/94; Salinas River Lagoon Levee and Bank Stabilization Preliminary Wetland Delineation, Habitat Restoration Group, July 30, 1993; Erosion Control and Revegetation Plan, MCWRA, May 16, 1994; Negative Declaration Salinas River Lagoon Levee and Bank Stabilization, MCWRA, March 9, 1995.

SUMMARY OF STAFF RECOMMENDATION:

During the 1982-3 storms the MCWRA and private property owners reinforced with rubble the north bank of the Salinas River Lagoon and areas of the Old Salinas River inlet channel banks, including filling a section of wetland, without obtaining federal or state permits. This permit will provide for the removal of fill in the wetland and the concrete and metal rubble and the reinforcement/reconstruction of the levee and revegetation consistent with the Salinas River Lagoon Management and Enhancement plan which was developed, in part, to settle the environmental and legal/regulatory issues that resulted from the 1983 activities. Recommendation 8 of the draft Salinas River Lagoon Management and Enhancement Plan (SRLMEP) states "Engineer, reconstruct and revegetate where necessary rip-rap/concreted north bank slopes considering resource values, flood protection, and bank erosion concerns, as feasible and as permitted.

The proposed development is a "restoration project", a type of use allowed under Section 30233 (a)(7) and a "flood control project", a use allowed under Section 30236 of the Coastal Act. The proposed project will restore wetland areas previously filled without benefits of permits and provide for revegetation where appropriate and will not, as conditioned, fill or impact wetlands. The proposed reconstruction/restoration will improve the "functional capacity" of the wetland and is the least environmentally damaging alternative (Section 30233 (a) and 30233 (c).

The permit has been conditioned, among others, to require final plans, final California Department of Fish and Game 1601 Agreement including the final Erosion Control and Revegatation Plan, and evidence of California State Lands Commission, Monterey Bay National Marine Sanctuary, U.S. Army Corps of Engineers, and U.S. Coast Guard approval. The permit is also conditioned to require notification of project completion and a joint review by the California Department of Fish and Game and the California Coastal Commission to assure compliance with the permit and the success of the project prior to settlement of the violation.

The staff recommends approval of the project as conditioned.

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

(a) Final Plans. Final plans including but not limited to grading plan, engineered construction plan, staging area, construction limits of work, and construction schedule.

(b) California State Department of Fish and Game Final Section 1601 Notification #1121-94 Agreement. All plans, reports, and test results required shall be submitted for Executive Director review and approval.

(c) Final Erosion Control and Revegetation Plan. All documents which constitute the final Erosion Control and Revegetation Plan approved by the Department of Fish and Game shall be submitted. Prior to commencement of construction, the permittee shall submit for Executive Director review and approval, the name and qualification of the biologist who will monitor protection of wetlands during construction and annual monitoring for restored wetland.

(d) Private Property Encroachment Agreements. The permittee shall map property boundaries on the site plan to clarify encroachment on private lands and shall submit the map and legal documentation that the land owners will permit further encroachment if needed to complete the project as approved.

2. 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 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.

(c) Monterey Bay National Marine Sanctuary Approval: The permittee shall provide written evidence of approval from the Monterey Bay National Marine Sanctuary or documentation that no such approval is necessary.

3. 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.

4. COMPLETION OF WORK: The permittee shall complete the debris removal and bank stabilization and levee reconstruction within the project area by October 15, 1996 or as provided by the California Department of Fish and Game. UPON COMPLETION OF THE CONSTRUCTION/REVEGETATION, the permittee shall notify the Executive Director. A joint field review by the California Department of Fish and Game and the California Coastal Commission shall be undertaken to assess compliance with the permit and the success of the project prior to settlement of the violation. The permittee shall submit a post-construction certification by a registered engineer that the final project conforms to all plans approved.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Location and Description

Historically, the Salinas River joined with the mouth of Elkhorn Slough and emptied into Monterey Bay north of Moss Landing harbor. 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. (Coastal Development Permit 3-95-58 MCWRA for a replacement slidegate/culvert was approved by the Coastal Commission in August 1995.) When the river flow decreases in the summer, a sand berm builds across the rivermouth and the Salinas River Lagoon forms and river flows run north through OSR.

In 1983, the applicant placed an unquantified amount, but estimated to be approx. 3,000 cu. yds., of reinforced concrete and other rubble on the flood control levee bordering the northeast side of the Salinas River Lagoon and on portions of the east and west banks of the old Salinas River inlet channel. Prior to 1983, the flood control levee consisted of unarmored, earthen fill. The proposed Salinas River Lagoon levee and bank stabilization project will remove the existing broken concrete rebar, metal debris, and concrete septic tanks and replace them with a large class of rock designed to withstand wave erosion and peak flood flows. The reconstructed levee will provide the same level of flood and erosion protection provided prior to the 1983 storms.

The proposed project will construct a new levee face using 1/4 ton class rock (approximately 2,500 cubic yards) placed over a layer of semi-pervious fill and filter fabric. The existing levee face will be cut back an average of four feet to accommodate the new 1/4 tone rock facing. The overall dimensions of the repaired levee will remain approximately the same as the existing levee. The dimensions will be as follows: 1,100 feet length, average height of 12 feet above the lagoon bottom, a width of 15 feet at the top and 50 feet at the base, and the slope varies from 2:1 to 1.5:1. The top levee elevation will be graded to a uniform 12.5 feet.

The 100-year flood elevation at the site is 9.6 feet NGVD. Grading the top of levee to elevation 12.5 feet NGVD will provide adequate allowance for settlement, freeboard, and localized wave action. A geotechnical investigation was conducted at the site and is discussed in Finding 5.

Another component of the project is the removal of the existing broken concrete, rock, and debris on slope banks east of the levee and along the inlet to the Old Salinas River Channel (see Exhibit 3) and bank stabilization. These bank slopes will not receive new structural protection but will be revegetated with native wetlands and dune scrub vegetation to provide increased habitat value and slope stability.

The following construction equipment will be used at the site: 1 water truck, 1 excavator/crane, 1 bulldozer, a mudcat, and 1 grader. Two dump trucks with trailers will haul concrete debris from the site and deliver the new rock. Approximately 3,000 cubic yards of concrete/debris will be removed before the new rock slope is placed. The concrete/debris will be loaded on the transport trucks as the material is removed and will not be stockpiled. The concrete/debris will be transported to the Marina landfill.

The adjacent levee and farm road will be used as the equipment staging area during construction and existing farm roads to the east of the site will be used for equipment access.

The estimated time to complete constuction of the levee and bank stabilization project is 90 days.

2. Ownership and Jurisdiction Status

1. Private Property: The proposed bank stabilization encroaches on the property of Marie King and the property of Gloria Cole. The property owners have conveyed an easement to the MCWRA for purposes of constructing et al., flood control improvements and appurtenances thereto. However, it is not clear that the easements coincide with the full extent of the project area or future maintenance/management needs, and the permit has been conditioned to provide clarification and legal documentation that the land owners will permit further encroachment as needed to complete the project as approved.

2. Commission Jurisdiction: As identified by the California State Lands Commission the area is public trust lands -- Old Salinas River/wetlands -- and falls within the Coastal Commission's original permit jurisdiction on the certified Monterey County Post Certification Permits and Appeal Map.

3. Monterey County: The coastal development permit is conditioned to require evidence of the County's grading permit.

4. U.S. Army Corps of Engineers: Corps Public Notice 16548 S45, revised, was circulated pursuant to Section 404 of the Clean Water Act and Section 10 of the River and Harbors Act of 1899. The permit has been conditioned to require submittal of the final approved Corps permit prior to commencement of construction.

5. Regional Water Quality Control Board: The RWQCB has indicated that they will take no action (letter to MCWRA 7/17/95) under Section 401 of Clean Water Act.

6. California Department of Fish and Game: A Preliminary Section 1601 Notification #1121-94, June 5, 1995, has been issued and is attached as Exhibit B. Condition 1 requires submittal of and compliance with the Department's Final 1601 Agreement.

7. Monterey Bay National Marine Sanctuary: The MBNMS is reviewing its jurisdiction and the permit has been conditioned to require documentation of approval or that no approval is required.

8. State Lands Commission: The permit is conditioned with the standard State Lands Commission condition requiring compliance with State Lands Commission authority.

3. Background, Unpermitted Dredging and Dumping, and the Salinas River Lagoon Management and Enhancement Plan

The Salinas River watershed is approximately 150 miles long and averages 20-40 miles in width. Situated between the Santa Lucia and Diablo mountain ranges, it drains 4,231 square miles, making it one of the larger California river systems. The hydrologic regime has been modified by the construction of two major and one minor reservoirs. Nacimiento Reservoir (constructed on the Nacimiento River, a major tributary) was completed in 1956; San Antonio Reservoir, damming a second major tributary, was completed in 1965. A third smaller dam (Salinas Dam and Reservoir) was built in 1941.

The local hydrologic elements include the Salinas River channel and lagoon, the Old Salinas River channel (between the lagoon and Moss Landing Harbor), Tembladero Slough, Moss Landing Harbor, and Monterey Bay. In addition, two wastewater treatment plants and the Blanco agricultural drain have significantly influenced the low-flow conditions in the River in recent years.

Since 1909 when the river changed course and the original channel was diked, artificial breaching of the dunes has been used to discharge the majority of flow to the bay. Agricultural land surrounds the lagoon area. High water levels in the lagoon during spring and summer can cause flooding of adjacent cropland. As a result, the Monterey County Water Resources Agency has

historically breached the sandbar between the ocean and the Salinas River Lagoon to prevent flooding of surrounding land. In recent decades, the OSR culvert and gate have been used to control dry season and pre-breach water elevations.

Unpermitted Dumping, Breaching and Dredging

In 1983, the applicant placed an unquantified amount of reinforced concrete rubble on the flood control levee bordering the northeast side of the Salinas River Lagoon and on portions of the east and west banks of the old Salinas River inlet channel. Prior to 1983, the flood control levee consisted of unarmored, earthen fill. The unregulated breaching of the sandbar at the river mouth and unpermitted dumping and dredging by the Water Resources Agency and private landowners resulted in adverse impacts to lagoon water quality conditions and habitat for fish and wildlife, including rare and endangered plants and animals. As a mechanism to settle the environmental and legal issues that resulted, the Monterey County Board of Supervisors in May of 1989 requested the California Coastal Commission to assist in the establishment of a task force of Federal, State and local agencies as well as private property owners to develop a plan for the preservation of agriculture in the Castroville area and the protection of environmental resources in and near the Salinas River lagoon.

In addition, the certified North Monterey County Local Coastal Program provides for 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, including the resources which were impacted by this unpermitted work. The Salinas River Lagoon Management and Enhancement Plan (SRLMEP), funded in large part by the State Coastal Conservancy, is a component of this larger planning effort.

The plan confirmed that the Salinas River Lagoon is a valuable natural resource supporting a diversity of habitats and a great variety of aquatic and terrestrial biological resources. Habitats of the lagoon area include freshwater aquatic, salt marsh, freshwater marsh, riparian, coastal dune scrub, beach, littoral, and upland terrestrial habitats. Numerous species of fish and wildlife occur in the vicinity of the lagoon, including threatened, endangered, and sensitive species. The boundary of the Salinas River Wildlife Refuge runs lengthwise down the middle of the Lagoon. (See Exhibit 2 attached.)

The MCWRA Board of Directors has recommended a draft Management Plan to the Monterey County Board of Supervisors. The draft SRLMEP was heard by the County Planning Commission September 13, 1995. The Planning Commission recommended to the Board that there was insufficient information to make a recommendation on the plan itself and that an Environmental Impact Report should be prepared. The SRLMEP is tentatively scheduled to be heard by the Board at the end of November.

The proposed levee and bank stabalization project is a key and preferred alternative recommendation in the Salinas River Lagoon Management and Enhancement Plan. Recommendation 8 of the draft plan states "Engineer, reconstruct and revegetate where necessary rip-rap/concreted north bank slopes considering resource values, flood protection, and bank erosion concerns, as feasible and as permitted." The project will remove the broken concrete, metal debris and septic tanks that were placed at that time and restore 0.05 acre of wetland filled during the 1983 unpermitted levee reinforcement project. Another .08 acre on the OSR inlet channel will be cleared of debris and replanted with native vegetation.

After-The-Fact Permit: Although this development abates the dumping of materials and filling of a wetland to reinforce the levee which took place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Review of this permit does not constitute a waiver of any legal action with regard to any violation of the Coastal Act that may have occurred; nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

The permit is conditioned to require completion of the project before the beginning of the 1996 rainy season and field review by the California Department of Fish and Game and the Coastal Commission staff to assure compliance with the permit prior to settlement of the violation.

4. Natural Resource Values: Wetlands and Water Quality

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. Specifically, Section 30233 provides, in part, that:

> (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 ...
>
> (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
>
> (7) Restoration purposes.
>
> (8) Nature study, aquaculture, or similar resource dependent activities.

(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.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary ...

Section 30230 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.

Wetland Resources and Delineation

Prior to human intervention, the Lower Salinas River and Lagoon was a freshwater system which extended north of the existing Moss Landing Harbor. A reach of the river 5-7 miles long was a tidally influenced, fresh and brackish water marsh. The system experienced higher volumes and higher quality of inflows. During the past 100 years, the river has been increasingly managed for agricultural drainage, irrigation, and flood protection. The lagoon now receives inflow from agricultural drainage water or occasional river flows when upstream reservoirs cannot store excess flood waters.

Nevertheless, as documented in the SRLMEP, the Salinas River Lagoon area is a valuable resource to a great variety of wildlife species and is of regional significance for wildlife. The lagoon area vegetation is comprised of several plant communities: cental coast arroyo willow riparian forest, central coast

riparian scrub, ruderal, northern foredunes, central dune scrub, northern coastal salt marsh, and costal brackish marsh. There are 276 species of vertebrates in the SRLMEP area. Though little systematic sampling of fish populations has been undertaken, one sampling in August 1990 collected 320 fish of 9 species including starry flounder, threespine stickleback, prickly sculpin et al. The Tidewater goby, a federally listed endangered species, was formerly a resident fish but is no longer found.

To protect and improve the lagoon resources the draft SRLMEP recommends, among other things, to increase freshwater inflow, particularly during the dry season, improve the dry-season management of the lagoon to maintain desired salinity levels, manage the breaching procedure to minimize adverse water quality impacts, improve the water quality in the lagoon and provide on-going monitoring and maintenance, engineer, reconstruct and revegetate north bank slopes, remove/control invasive non native species, manage for native plants, enhance riparian habitat values and dune habitat in northern foredunes and dune scrub area and refine management practices to ensure that the system is maintained.

The Salinas River Lagoon Levee and Bank Stabilization Preliminary Wetland Delineation prepared for the Monterey County Water Resources Agency by the Habitat Restoration Group (July 30, 1993) documents the extent of jurisdictional waters of the U.S. and wetlands in the vicinity of the bank stabilization and levee repair project. The jurisdictional wetlands on the project site occur within the brackish marsh community. Indicator species include pickleweed (Salicornia virginica), jaumea (Jaumea carnosa), salt grass (Distichlis spicata), fat hen (Atriplex patula var. hastata), and coastal gum plant (Grindelia latifolia). Exhibit 3, attached, identifies the jurisdictional wetlands.

Other plant communities in the wetland delineation study area include coastal dune scrub habitat adjacent to the wetlands along the western portion of the lagoon, and upland vegetaiton on the higher levee slopes. The coastal dune scrub and brackish marsh habitat have large clumps of two invasive non-native species: giant cane (Arundo donax) and iceplant (Carpobrotus sp.).

Impacts from Proposed Project:

The proposed project reconstructs an existing flood control structure located on historic wetland and affecting existing wetland and restores wetland areas filled in 1983. According to the Preliminary Wetland Delineation beneficial impacts will result from the removal of the broken concrete and the levee and bank stabilization project.

At the flood control levee 0.05 acres of jurisdictional wetland had been filled. The proposed project includes the realignment of the levee to remove the unauthorized 0.05 acres of fill and allow the site to revert to "natural" conditions, i.e., shallow, open water. Most construction activity for the levee reconstruction will occur from the access road above the levee, although

smaller equipment will be used to finish minor contours. No unique, rare or endangered species were identified in this area in the Salinas River Lagoon Management and Enhancement Plan. A temporary construction fence was proposed to be located at the levee toe to prevent equipment incursion into native dune and wetland areas. The California Department of Fish and Game has required in their Preliminary 1601 Agreement that no mechanical equipment be used below the High Tide mark unless absolutely necessary. The California Department of Fish and Game will also monitor site work and believes that the fencing will not be necessary.

On the Old Salinas River inlet channel 0.08 acres of wetland were filled in 1983. This is a shallow surface layer of debris. This fill will be removed. These bank slopes will not receive new structural protection. Existing vegetation in these areas consists of native wetland species (pickleweed, jaumea, saltgrass and fat hen) growing through the voids in the borken concrete, and non-native grasses and annuals (wild radish, mallow, New Zealand spinach). The native coast gum plant (Grindelia latifolia) is also interspersed through these upland areas. The bank stabilization work will be conducted entirely from access roads. Native and non native plants that have grown over the debris will be disturbed by the bank stabilization project. The Erosion Control and Revegetation Plan, MCWRA, May 16, 1994, recommends natural recolonization of the site since wetland vegetation will remain interspersed on the slope. The Initial Study, Habitat Restoration Group, June 27, 1994, indicates that wetland plants and low elevation dune plants will be replanted where debris is removed including pickleweed (Salicornia virginica), saltgrass (Distichlis spicata), alkali heath (Frankenia grandifolia), beach bur (Franseria chamissonia), and coastal gum plant (Grindelia latifolia). The California Department of Fish and Game will determine the appropriate revegetation for the area.

The Corps (Public Notice 16548 S45 revised) Preliminary Environmental Assessment indicated that no monitoring or success criteria was proposed for the restoration sites and that successful implementation could not be guaranteed. Comments on the Corps Public Notice from the U. S. Fish and Wildlife Service expressed concerns regarding impacts on the brown pelican, tidewater goby, and lack of monitoring and success criteria.

The coastal permit has been conditioned to require submittal of all documents which constitute the final Erosion Control and Revegetation Plan including provisions for monitoring approved by the California Department of Fish and Game before transmittal of the permit and final approval from the U.S. Army Corps of Engineers before commencement of construction to assure that the restoration of the wetland has the best opportunity for success.

While equipment and access are available, MCWRA will also remove giant cane (Arundo doinax) and ice plant (Carpobrotus sp.), two highly invasive non-native species which have become stabilized in dune areas near the levee. The resulting bare areas will be replanted with beach pea (Lathyrus littoralis), sand verbena (Abronia sp.), and beach primrose (Oenothera sp.).

Water Quality: According to the SRLMEP the water quality of the Salinas River 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 of the Salinas River 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 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 approximately 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. These system wide problems cannot be resolved wholly within the context of the SRLMEP. Nevertheless, projects involving disturbance of sediments in the drainage area including the Salinas River Lagoon are potential contributors of contaminants to Moss Landing Harbor and to Monterey Bay.

The California Department of Fish and Game, Notification #1121-94, 1601 Agreement with the MCWRA, required contaminant sampling pursuant to a Salinas River Lagoon Levee Repair and Slidegate Replacement Sediment Contaminant Investigation Plan, Kinnetic Lab. Inc., September 19, 1995 found pesticides were not present in any samples at or above reporting limits for the levee repair project. In addition the Department has recommended several other actions to prevent siltation and inadvertent contamination of lagoon waters, e.g., silt fences, weekly monitoring during rainy season, daily monitoring when rain persists for 24-hour periods. The permit has been conditioned to require submittal and compliance with the final 1601 agreement.

The permit has been conditioned to require (1) submittal of the final plans for review and approval of the Executive Director, (2) submittal of and compliance with the final DFG 1601 Agreement, (3) a final erosion and revegetation plan approved by the California Department of Fish and Game.

The proposed project is a "flood control project", a development permitted under Coastal Act Section 30236, and is for "restoration purposes" consistent with Section 30233 of the Coastal Act. The proposed improvements also will allow for the improvement of the existing "functional capacity" of the wetland (Section 30233 (c).

Therefore, as conditioned, proposed project is consistent with Section 30230 and 30231 which provide for the protection of marine resources and the biological productivity and quality of coastal waters.

5. Flooding Hazards

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.

A Geotechnical Investigation, Salinas River Levee, MCWRA, Art Abella, August 4, 1986 was prepared. The investigation offered three alternatives, two to retain all or part of the levee and to increase the footprint by adding additional protection. According to the Initial Study neither alternative was satisfactory from an engineering standpoint due to the poor condition of the

underlying fill and both alternatives would add additional fill in wetlands and on dune vegetation. The third alternative modified to remove the fill at the "point" was found to be the least environmentally damaging and is the project before the Commission.

The proposed reconstruction/restoration is one of the major components of a management system developed in the Salinas River Lagoon Management and Enhancement Plan to enhance natural resource values and to manage flooding of the adjacent agricultural fields. The reconstructed levee will be designed to provide 100 year flood protection. The new levee will provide better protection of the adjacent farmlands from a major flood event and ocean wave erosion. Because the bank slope east of the levee will not be armored some erosion can be expected during a major storm event such as occurred in the winter of 1983. However, according to the CEQA Negative Declaration, the location of the bank slope, out of the direct path of ocean and flood waters and buffered with intervening upland areas, should protect it somewhat from severe erosion. If this slope does fail, there is little concern that farmlands or the Old Salinas River culvert will be affected.

Therefore, as conditioned, for Executive Director review of final plans, the proposed development is consistent with the Hazard policies of the Coastal Act.

6. 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 project is located within the study area of the Salinas River Lagoon Management and Enhancement Plan area. The area includes the Salinas River National Wildlife Refuge, portions of the Salinas River State Beach and the adjacent river, lagoon and levees, public or private. A number of different public uses occur primarily focused along the beach and river mouth. These include fishing (in the surf and river), bird-watching and other nature

observation, hunting, hiking, sunbathing, swimming, surfing, horseback riding, off road vehicle use, and scientific research. In general, the level of public use of the study area is limited by available access, and thus the number of users is often relatively low when compared to other coastal access points in the Monterey Bay area. Public use in portions of the lagoon and dunes is officially limited to certain seasons (e.g., hunting).

The project site is accessed via a farm road owned by Sea Mist Farms. A locked gate prevents public access to the site. The Salinas River Lagoon Management and Enhancement Plan does not recommend access in this area. The certified North Monterey County Land Use Plan recommends that the Department of Parks and Recreation investigate purchase of the larger area including Mulligan Hill and land around the mouth and lower course of the Salinas River. The site might be included in such a purchase and could within that context provide access. However, pending such an opportunity public access would not be appropriate.

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

7. CEQA/LCP

The project location is within the Commission's original jurisdiction and the Coastal Act is the ultimate standard of review. The site is in the North Monterey County segment Land Use Plan certified by the Commission in June 1982. It is designated Resource Conservation, Wetlands and Coastal strand. The LUP emphasizes protection of sensitive resources, plant communities, and animal habitats. Low intensity uses compatible with the protection of the resource are allowed. The certified North Monterey County Local Coastal Program provides for 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. The Salinas River Lagoon Management and Enhancement Plan (SRLMEP), funded in large part by the State Coastal Conservancy, is a component of this larger planning effort.

The LUP provides for preservation of the surrounding agricultural lands to the fullest extent possible consistent with the protection of sensitive habitats. The proposed levee stabilization/reconstruction has the dual purpose of controlling flooding of agricultural lands and restoring the resource values of the Salinas River Lagoon. As conditioned the project is consistent with the provisions of the Local Coastal Program.

The MCWRA has issued a mitigated Negative Declaration for the project. As conditioned the proposed project, will not create any significant adverse environmental impacts within the meaning of the California Environmental Quality 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. 3-95-71
Standard Conditions
California Coastal Commission

STATE OF CALIFORNIA—THE RESOURCES AGENCY PETE WILSON, Governor

DEPARTMENT OF FISH AND GAME
20 LOWER RAGSDALE DRIVE, SUITE 100
MONTEREY, CA 93940
(408) 649-2870

June 5, 1995

Monterey County Water Resources Agency
855 E. Laurel Drive (Bldg. G)
Salinas CA. 93905

Subject: Salinas River Lagoon Levee and Bank Restoration

Mr. Koehn;

Below are listed the preliminary recommendations for 1601 Notification No. 1121-94:

A. A formal C.E.S.A. consultation shall be conducted prior to the start of any construction.

B. No earth work shall be started until contaminant sampling is performed as per contaminant sampling plan dated 5-5-95.

C. Any contaminated soil removed from the project site shall be taken to and disposed of in a proper facility.

D. Revegetation shall be conducted as per the revegetation plan submitted to the Department.

E. Vegetation to remain shall be marked on site

F. All concrete to be removed shall be marked by the County and approved by the Department.

G. All staging and storage areas shall be at least 100 feet from any waters of the State.

H. Any changes in work operations after signing this agreement shall be submitted in writing to the Department at least one week prior to the work being done.

I. Lagoon turbidity shall not be increased by greater than 25% over background levels.

J. No mechanical equipment shall be used below the High Tide mark unless absolutely necessary.

K. All mechanical equipment shall be checked for leaks (oil, diesel, trans. oil, coolant, etc.) prior to being used in the construction zone.

DFG PRELIMINARY 1601

The above listed recommendations are strictly preliminary and are subject to negotiation and change. I hope this will help in continuing the permit review process. If you have any questions or wish to discuss the preposed recommendations, please do not hesitate to call me at (408) 649-2870 or (408) 647-8538.

Sincerely,

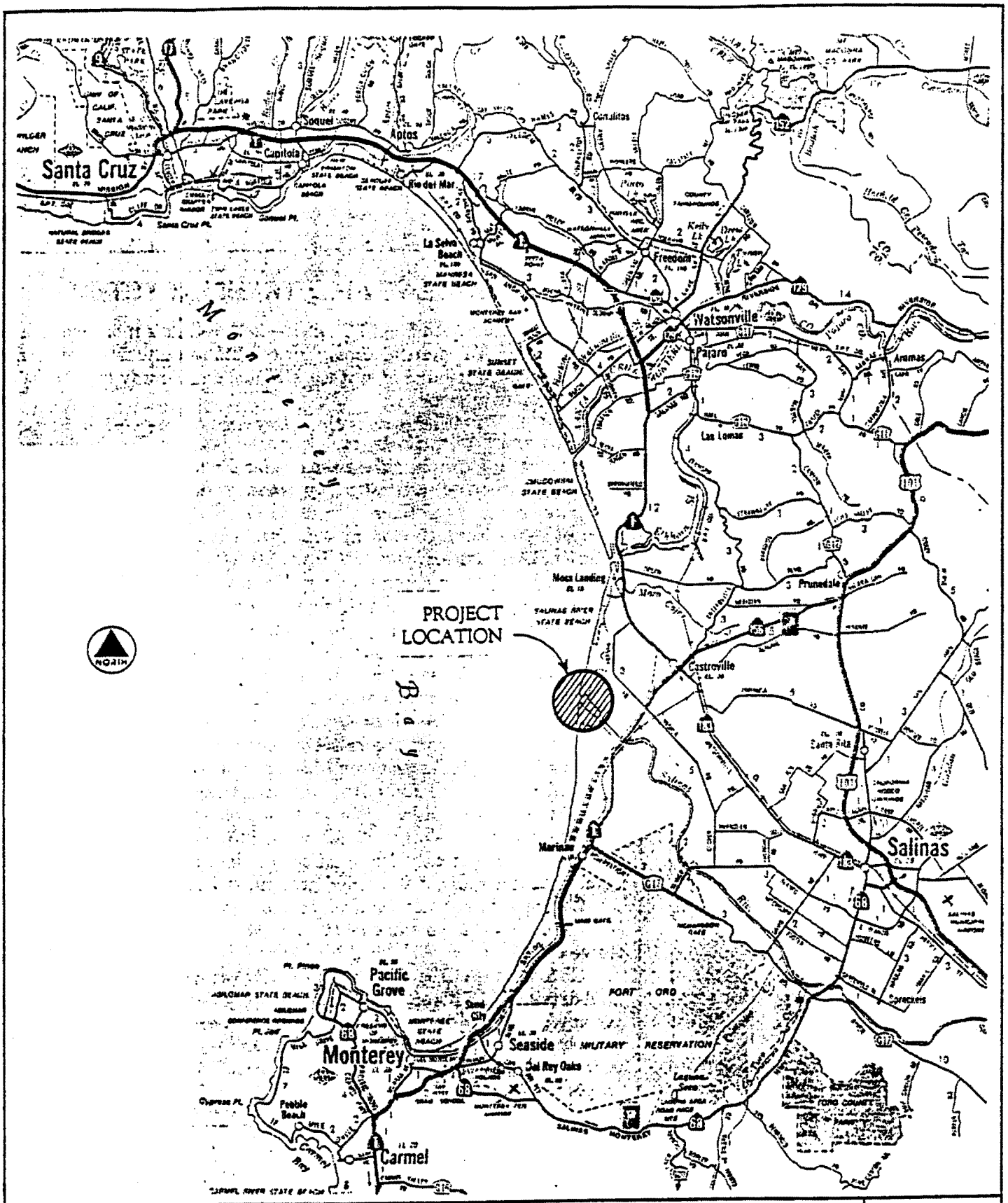
Robert Paul Gaske

R. Paul Gaske
Game Warden

3-95-71

CALIFORNIA COASTAL COMMISSION

EXHIBIT B



The Habitat Restoration Group

P.O. Box 4006 • 6180 Highway 9 • Felton, CA 95018
Telephone (408) 335-6800 • Fax (408) 335-6810
California Landscape Contractors License #571037

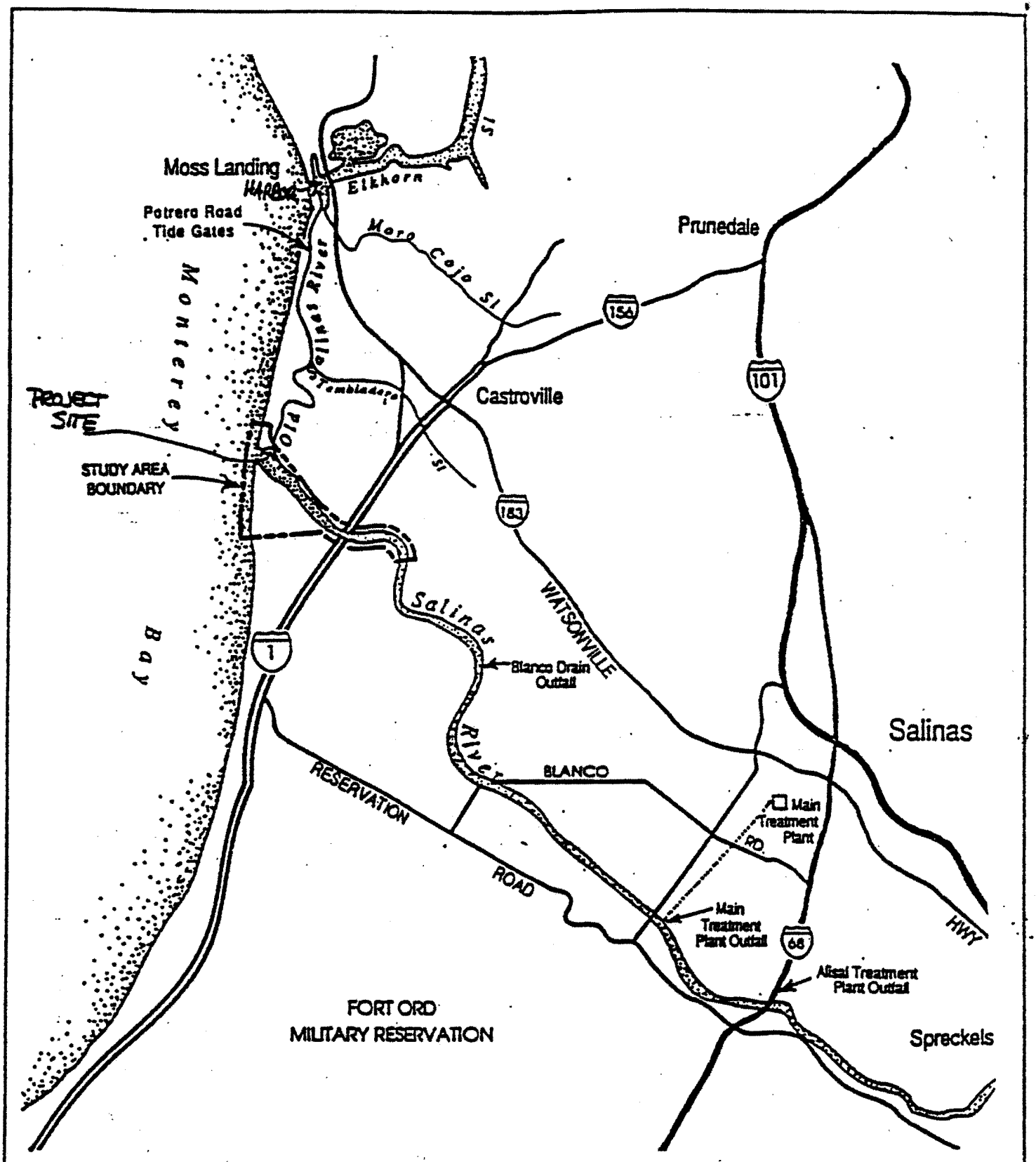
SALINAS RIVER LAGOON
Levee and Bank Stabilization
Vicinity Map

Figure 1
6/94
608-02

3-95-71

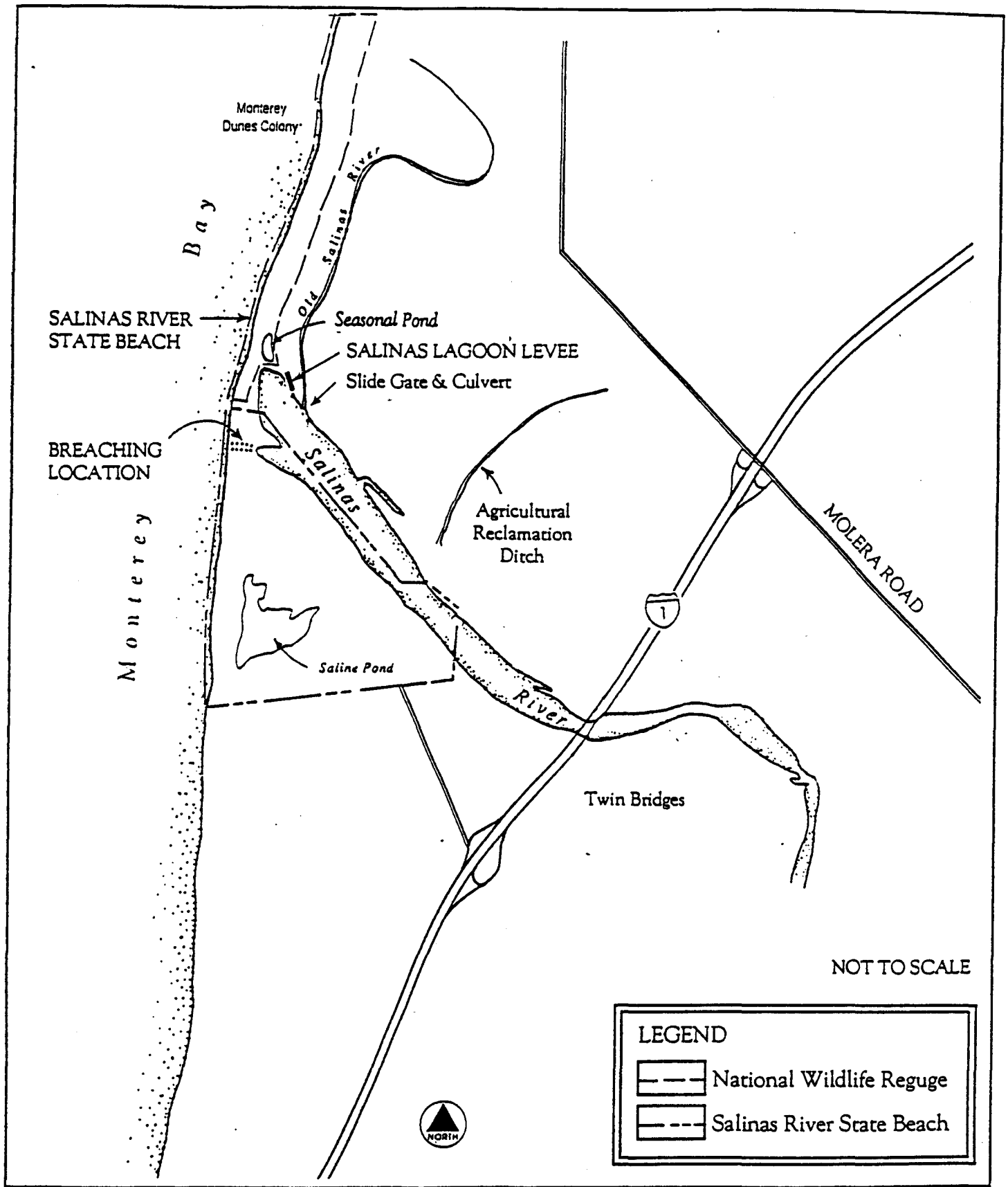
CALIFORNIA COASTAL COMMISSION

EXHIBIT 1a



The Habitat Restoration Group JOHN STANLEY & ASSOCIATES, INC. Philip Williams & Associates, Ltd. Wetlands Research, Inc.	3-95-71 SALINAS RIVER LAGOON ENHANCEMENT PLAN Local Setting of the Study Area CALIFORNIA COASTAL COMMISSION	Fig. 1 9/92 362-06

EXHIBIT 16



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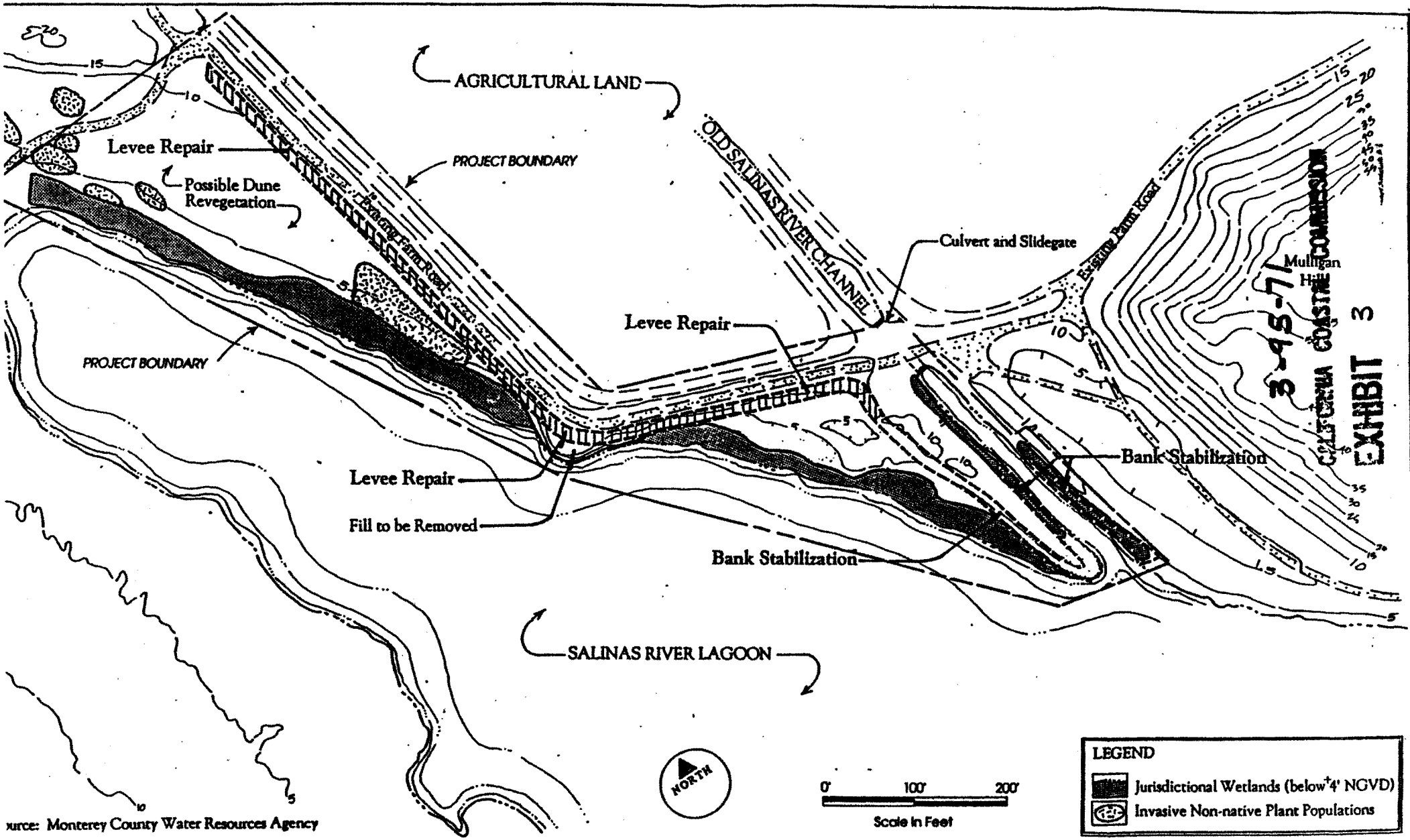
SALINAS RIVER LAGOON
Levee and Bank Stabilization
Location Map

Figure 2
6/94
608-02

3-95-71

CALIFORNIA COASTAL COMMISSION

EXHIBIT 2



urce: Monterey County Water Resources Agency

The Habitat Restoration Group
6001 Butler Lane, Suite 1 • Scotts Valley, California 95066
Telephone (408) 439-5500 • Fax (408) 438-1142

Salinas River Lagoon Levee and Bank Stabilization
Proposed Project Plan

FIGURE 3
6/94
608-02