

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT AND RECOMMENDATION
ON CONSISTENCY DETERMINATION

Consistency Determination
 No. CD-112-95 (Army Corps, Los Osos)
 Staff: MPD-SF
 Date Filed: 11/8/95
 45th Day: 12/23/95
 60th Day: 1/7/96
 Commission Meeting: 12/14/95

FEDERAL AGENCY: **U.S. Army Corps of Engineers.**

DEVELOPMENT

LOCATION: Montana de Oro State Park, south of the City of Morro Bay in the Baywood Park/Los Osos area, San Luis Obispo County (Exhibits 1-3)

DEVELOPMENT

DESCRIPTION: Removal of unexploded ordnance and ordnance waste (Exhibits 2 & 4)

EXECUTIVE SUMMARY

The U.S. Army Corps of Engineers (Corps) has submitted a consistency determination for the removal of the unexploded ordnance at the Baywood Park Training Area in Montana de Oro State Park. The area was used during World War II for a variety of types of training exercises, and recent surveys have revealed that the area contains unexploded ordnance, which is a clear public safety hazard that must be removed.

The project raises habitat issues, which have been addressed by the Corps through coordination with the U.S. Fish and Wildlife Service and the California Dept. of Parks Recreation and adoption of a number of avoidance, minimization, and restoration measures, including: (1) monitoring the effects of ordnance removal on environmentally sensitive habitats, with particular emphasis on the endangered Morro Bay kangaroo rat and the banded dune snail; (2) measures to protect Morro manzanita and other sensitive plants; (3) limiting vehicles and other mechanized equipment to existing roads in the park; (4) avoiding vehicles on the beach during snowy plover nesting season; and (5) restoration of disturbed areas after completion. With these measures, combined with continuing coordination with resource agency biologists, the project is consistent with the environmentally sensitive habitat protection policy (Section 30240) of the Coastal Act.

Public access and recreation will be temporarily affected. Where necessary, work areas will be fenced temporarily and signs will be posted warning the public against unexploded ordnance danger. The Coastal Act allows access limitations due to public safety needs. In addition, by eliminating the safety hazard in the State Park, the project will benefit long term access and recreation. The project is therefore consistent with the public access and recreation policies (Sections 30210-30212) of the Coastal Act.

STAFF SUMMARY AND RECOMMENDATION:

I. Staff Summary:

A. Project Description. The Corps proposes to remove existing unexploded ordnance at Baywood Park Training Area (BPTA) in Montana de Oro State Park, south of the City of Morro Bay in the Baywood Park/Los Osos area of San Luis Obispo County. The U.S. Army acquired about 8,800 acres of land for the Baywood Park Training Area (BPTA) during World War II. The area was used for a variety of military training exercises, including artillery, rocket and mortar range exercises. The Corps recently identified the presence of ordnance and explosive waste at the training area, and determined that the area needed to be cleaned up as quickly as possible in the interest of public safety.

The project is being conducted in two phases. Although the extent of area affected is different, the Corps states that the techniques and their anticipated effects used in both phases are nearly identical. The activities consist of field technicians, trained in ordnance removal methods, detecting subsurface metal objects using sensitive magnetometers. When a magnetic anomaly is located, it is uncovered manually, using only hand tools. No mechanized equipment is used, and all vehicle use is limited to the two existing dirt roads in the park. The removal activities consist of the Corps destroying all ordnance encountered "by detonation or other approved means."

Phase I, which has already occurred, was an "emergency" operation which the Commission staff authorized in October 1994, contingent on the Corps' agreement to: (1) coordinate its activities with the Department of Parks and Recreation, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game; and (2) submit an after-the-fact consistency determination for this phase. Phase I consisted of the removal of the unexploded ordnance immediately within the 168 acre portion of the project area identified as "Area A" (Exhibits 2 & 3).

Phase II, scheduled to commence in January 1996 and last approximately four months, will entail a statistical analysis of ordnance dispersion over a larger area of Baywood Park (Exhibit 2), to assess the remaining risk to the public. One hundred rectangular quadrants, each 100 ft. by 200 ft. (approximately 1/2 acre) will be examined, and any unexploded ordnance discovered will be destroyed. Eighty such quadrants will be sampled as random locations, while 20 others will be chosen based on archival records of target ranges and historic discovery of unexploded ordnance.

B. Status of Local Coastal Program. The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the LCP has been certified by the Commission and incorporated into the CCMP, it can provide guidance in applying Chapter 3 policies in light of local circumstances. If the LCP has not been incorporated into the CCMP, it cannot be used to guide the Commission's decision, but it can be used as background information. The San Luis Obispo County LCP has been certified by the Commission but has not been incorporated into the CCMP.

C. Federal Agency's Consistency Determination. The Corps has determined the project consistent to the maximum extent practicable with the California Coastal Management Program.

II. Staff Recommendation:

The staff recommends that the Commission adopt the following resolution:

Concurrence

The Commission hereby concurs with the consistency determination made by the Corps for the proposed project, finding that the project is consistent to the maximum extent practicable with the California Coastal Management Program (CCMP).

III. Findings and Declarations:

The Commission finds and declares as follows:

A. Environmentally Sensitive Habitat. Section 30240 of the Coastal Act provides:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

The project area includes critical habitat for federally and state listed endangered and threatened species. The primary species of concern include the endangered Morro Bay kangaroo rat, Banded Dune snail, and Indian Knob mountainbalm, and the threatened Morro manzanita. To address impacts to these and other sensitive species the Corps coordinated with biologists from the California Department of Parks and Recreation, which manages the project site, and the U.S. Fish and Wildlife Service, which has authority under the Endangered Species Act (ESA, Section 7). As a result of this coordination, a number of avoidance, minimization, and restoration measures were incorporated into the project to protect sensitive wildlife species. This coordination has included issuance of a final biological and conference opinion by the U.S.

Fish and Wildlife Service under the ESA (dated January 4, 1995), which concluded that, with the measures agreed to, Phase I of the project was not likely to jeopardize the continued existence of these species. The Corps has continued to involve the Department of Parks and Recreation and the U.S. Fish and Wildlife Service for ongoing activities and for Phase II, including the commitment that the Phase I mitigation and restoration measures will be maintained through all Phase II activities. These mitigation measures include the following¹:

1. A qualified ecologist will monitor the effects of ordnance removal on dune habitats, especially habitat critical to Morro Bay Kangaroo rat (MBKR) or banded dune snail (BDS).
2. A list of species and samples of vegetation that are not to be removed will be provided to the ordnance removal specialist, and ordnance removal will occur in a manner minimizing damage to adjacent habitat.
3. Surveying and trapping for MBKR will be performed just prior to removal of ordnance and explosive waste. (Note: Phase I surveying and trapping results established that no MBKR were found within the project area.)
4. A qualified biologist will perform survey/trapping/relocation of BDS prior to excavation of ordnance and explosive waste. All live BDS found will be placed under suitable nearby shrubs or returned to the original location.
5. The Corps biologist will coordinate with concerned resource agencies regarding restoring disturbed areas. The seed mix/species to be planted, methods and seasons have been identified. Seeds have been collected from the native plants, and cuttings from the native vegetation have been rooted for planting. Restoration will be initiated during winter 1995/1996 and spring 1996.
6. In tracts where Morro manzanita flourishes, unexploded ordnance technicians will first sweep interstitial areas between plants. Depending on what is found, no search closer than the dripline of the plants may be necessary, and thus impacts will be minimized by avoidance. Where necessary for access to the interior of large bushes, Morro manzanitas will be pruned with sharp tools and wound dressing applied to the cut ends of larger branches.
7. When working among seablights, the magnetometer will be inserted carefully beneath the drooping branches. Only if a magnetic anomaly lies at the roots of a plant will it be disturbed by partial pruning or excavation near it. Pits dug to disclose ferrous objects will be backfilled immediately.
8. Between January 1 and March 15, technicians will drive along the sand spit on the windward side to expedite work in grids at the northern limit of the park. Driving will be confined to the wet, hard sections of the beach. Because snowy plovers begin nesting in the park by late March, no vehicles will be permitted on the beach after mid-March.

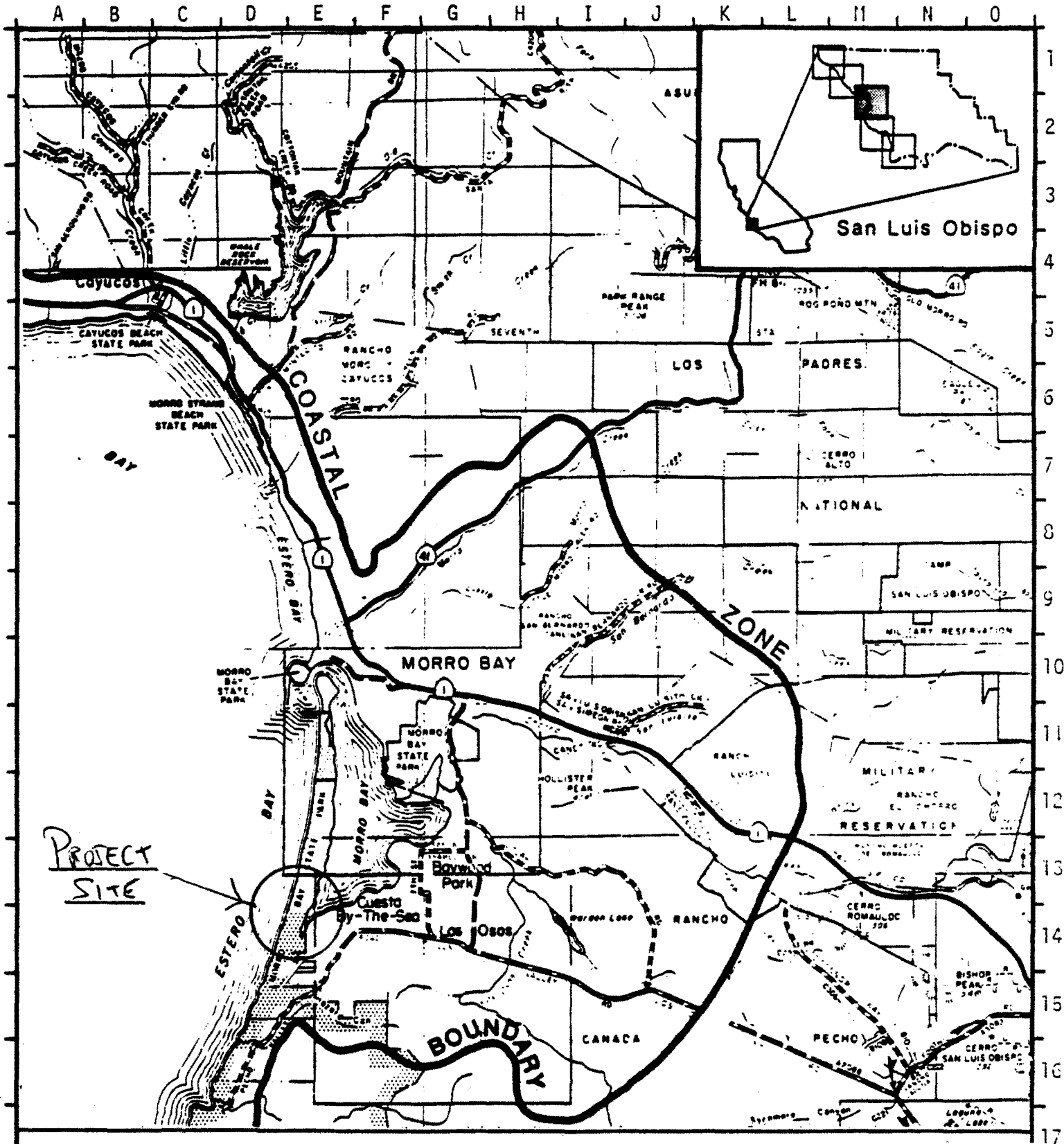
¹ Note: measures should be considered in the past tense for Phase I activities.

With these measures, the Corps has minimized adverse habitat effects to the extent feasible. Where areas will be disturbed, the Corps has incorporated restoration provisions into its proposal. Overall, through removal of the hazardous substances, the project will benefit environmentally sensitive habitat. With the measures incorporated into the project, the Commission concludes that the project will not adversely affect environmentally sensitive habitat and is consistent with Section 30240 of the Coastal Act.

B. Public Access and Recreation. Sections 30210 through 30212 of the Coastal Act require the maximization and maintenance of public access and recreation opportunities, consistent with public safety and fragile coastal resource protection needs.

The project is located within Montana de Oro State Park, one of the largest state parks in California. About 600,000 people visit the park every year. The park offers many diverse recreational activities, including camping, hiking, jogging, horseback riding, sightseeing and surfing. Removal of ordnance and explosive wastes constitutes a potentially hazardous activity that could temporarily affect public safety. To protect public safety, the public was denied access to Area A area during Phase I activities, which occurred over a four month period. However, only about 2% of the total Park area was closed to public access during Phase I, and once the area was cleared, this area of the park was reopened to the public prior to the peak summer recreation season.

Phase II will begin during winter and is scheduled to occur over a 4 month period of January through April, 1996, again avoiding the peak summer recreation period. Signs will be posted at the major entry point along Pecho Road to warn the public against unexploded ordnance danger, and security personnel will monitor the entire project area perimeter. As directed by the Dept. of Parks and Recreation, signs will be posted where necessary declaring areas off limits to the public for habitat restoration purposes. Immediately after planting, areas will be fenced off. While Phase II activities will occur over a much broader area than Phase I, access closures during ordnance removal will be limited to a 2400 ft. radius area around each activity, so that only a relatively small area will be off limits at any one time. The Corps will continue to work with the Dept. of Parks and Recreation to minimize, to the extent feasible, reductions in access and recreation opportunities. The access reductions would be short term and temporary and are consistent with the Coastal Act allowances for access limitations due to public safety and fragile resource protection needs. Furthermore, by removing the existing safety hazard, the project benefits access in the long term. The Commission therefore concludes that the project is consistent with Sections 30210-30212 of the Coastal Act.



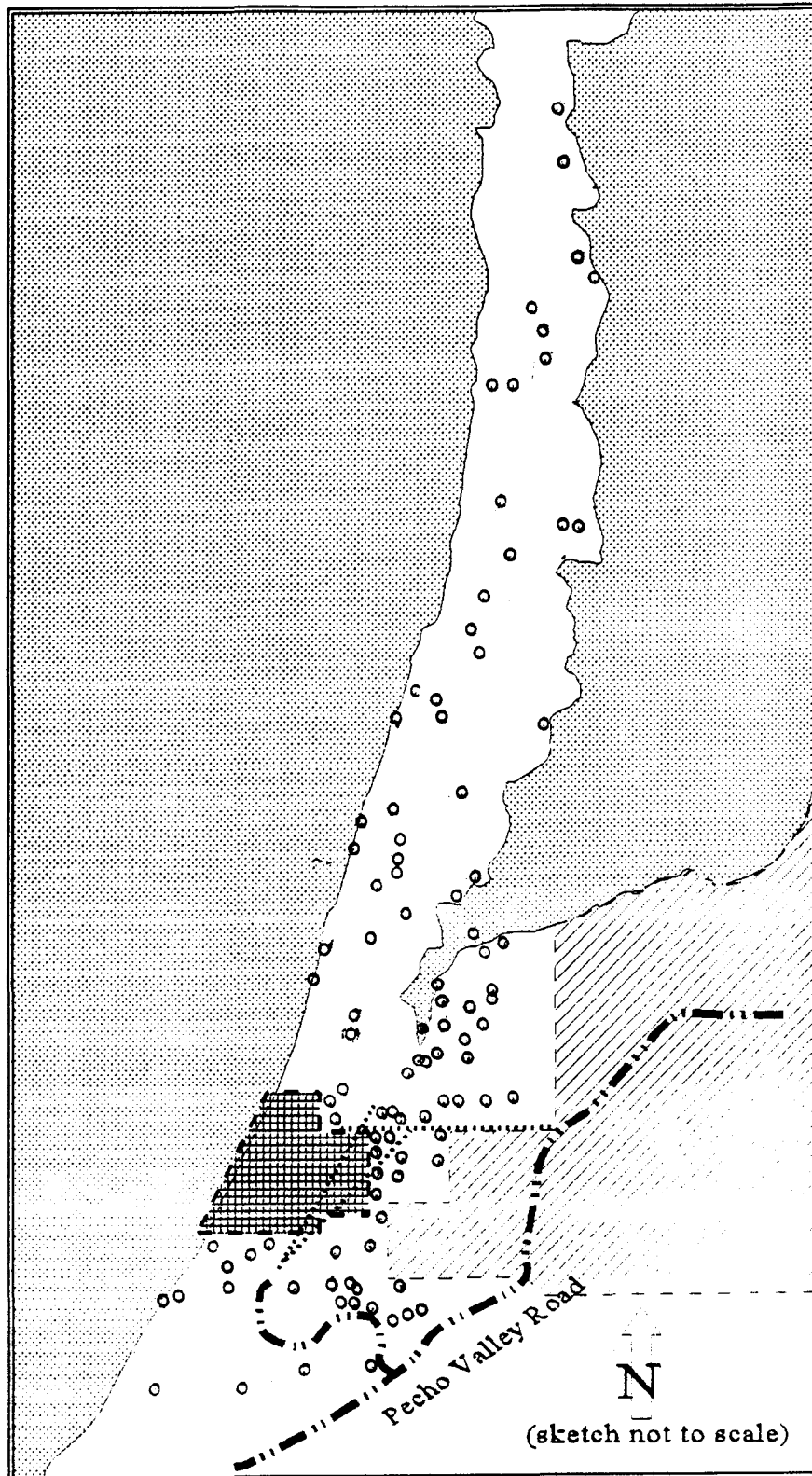


Figure 2. Sand Spit and parking lot areas of Montaña de Oro State Park. Open circles show approximate location of EE/CA grids. Crosshatching shows area "A" (phase 1) and hatching delineates approximate private property boundaries.

EXHIBIT NO. 2

APPLICATION NO.

CD-112-95

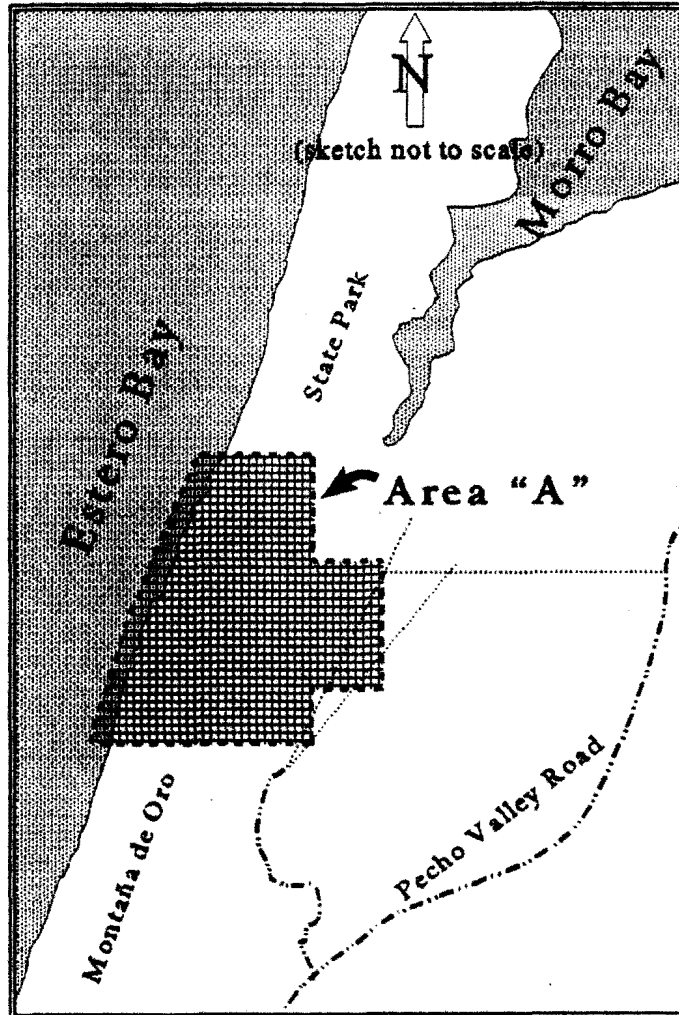

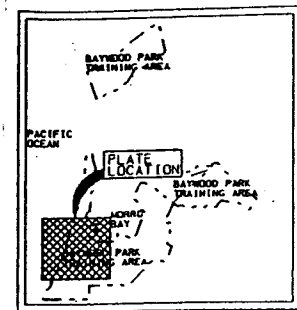
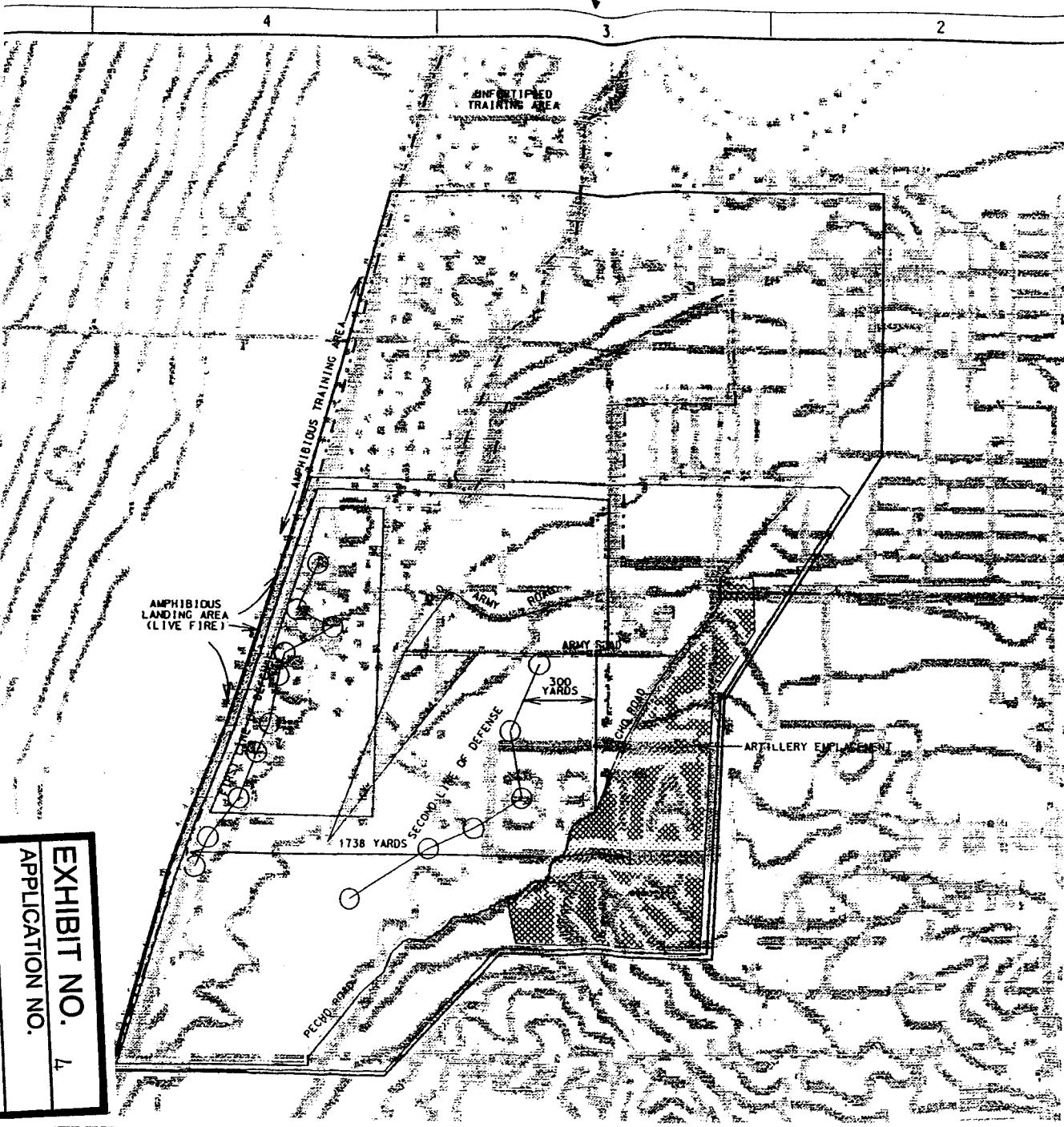


Figure 1. Approximate area within Montaña de Oro state park cleared of unexploded ordnance in phase 1.

EXHIBIT NO. 3
APPLICATION NO.
CD-112-95
 California Coastal Commission



LOCATION MAP

DEV CLEARANCE SWEEPS	
—————	1140 ACRES CLEARED NOV. 1950
—————	740 ACRES CLEARED MAR. 1951 AUG. 1951
—————	487 ACRES CLEARED 1953 1955 AUG. 1958
—————	483 (LESS 102) ACRES CLEARED 1958
—————	102 ACRES (SUO)

LEGEND

----- SITE BOUNDARY

○ PILL BOX AREA

▨ ARTILLERY EMPLACEMENT

NOTES : INFORMATION ABSTRACTED FROM DOCUMENTS E-6, F-2, F-3, F-6, F-7, F-12, AND L-2.

ADDITIONAL 40 ACRE CLEARANCE ON PLATE 3 (NOV. 1958)



Revisions		
Symbol	Description	Date Approved

U.S. ARMY ENGINEER DISTRICT CORPS OF ENGINEERS ROCK ISLAND, ILLINOIS			
Designed by: MJC		BAYWOOD PARK TRAINING AREA BAYWOOD, CALIFORNIA	
Drawn by: HLW		AMPHIBIOUS TRAINING AREA 1946	
Checked by: DJH	Scale:	Sheet (Reference Number)	
Reviewed by: DJH	Date:		
Approved by: ALBERT J. BAIRD COL., CORPS OF ENGINEERS	Drawing Code:		

EXHIBIT NO. 4
APPLICATION NO.
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