

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT AND RECOMMENDATIONON CONSISTENCY DETERMINATION

Consistency Determination

No. CD-119-96 U.S. Navy

Staff: MPD-SF

Filed: 9/20/96

45th Day: 11/4/96

60th Day: 11/19/96

Commission Meeting: 11/15/96

FEDERAL AGENCY: U.S. NavyDEVELOPMENTLOCATION:

Entrance to the West Basin (Harbor Island), at the Naval Training Center in San Diego Bay (Exhibits 1 & 2)

DEVELOPMENTDESCRIPTION:

Construction of pier to provide ferry service between the Naval Training Center, San Diego, and the Naval Air Station North Island, Coronado (Exhibits 3-5)

SUBSTANTIVEFILE DOCUMENTS:

1. Consistency Determination No. CD-95-95 (Navy "Homeporting" project).
2. Negative Determination No. ND-79-95 (Navy, Pier 9 removal).

EXECUTIVE SUMMARY

The Navy has submitted a consistency determination for the construction of a passenger ferry pier, which will provide ferry service between the Naval Training Center (NTC), on the north side of San Diego Bay, and the Naval Air Station North Island (NASNI) in Coronado. The pier supports coastal dependent boating (the ferry) and is thus an allowable use under Section 30233 of the Coastal Act. The project is the least damaging feasible alternative and would avoid or, where appropriate, including mitigation measures for adverse effects on environmentally sensitive habitat and marine resources. The project is therefore consistent with Sections 30230, 30233, and 30240 of the Coastal Act. Finally, the project will decrease vehicular traffic congestion and will pose no burdens on public access. 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 Navy proposes to construct a passenger ferry pier adjacent to Building 497 at the Naval Training Center (NTC), San Diego. The project includes construction of a floating dock and connecting trestle to serve as the landing for a passenger ferry. The project is located along the entrance to the West Basin at Harbor Island in San Diego Bay (Exhibits 1 and 2). The purpose of this project is to provide peak period ferry service for commuters from north San Diego Bay to the Naval Air Station North Island (NASNI). The ferry service is being provided as a result of an agreement between the City of Coronado and the Navy. This agreement was developed through the Environmental Impact Statement review process as partial mitigation relating to traffic impacts from the homeporting of one Nimitz-class, nuclear aircraft carrier (see Navy "Homeporting" project - Consistency Determination No. CD-95-95).

A trestle will be constructed using existing, 70-75 ft. long Navy gangways, which will be supported at the shore by an existing concrete abutment and offshore by driven concrete piles. The floating landing will extend approximately 170 feet offshore and will be held in place by piles. The project will cover a maximum total area of 2,230 sq. ft. Eroded areas adjacent to the existing abutment will be filled with about 20 cubic yards of gravel and 10 cubic yards of rip rap. The majority of this work will be done above the area of normal tidal influence, and no dredging is proposed. The Navy will provide up to 300 parking spaces at the NTC to support the ferry service.

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) or the Port Master Plan (PMP) of the affected area. If the LCP or the PMP 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 or PMP 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 City of San Diego LCP and Port of San Diego PMP have been certified by the Commission and incorporated into the CCMP.

C. Federal Agency's Consistency Determination. The Navy has determined that the proposed activity is 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 Navy for the proposed project, finding that the project is consistent to the maximum extent practicable with the California Coastal Management Program.

III. Findings and Declarations:

The Commission finds and declares as follows:

A. Habitat and Marine Resources. Section 30230 of the Coastal Act provides:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30233(a) provides:

(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:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

...

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

...

Section 30240 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 ... 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 pier project includes filling of open coastal waters due to pile placement, and therefore triggers the three-part test of Section 30233: (1) the project must be one of the eight allowable uses under Section 30233; (2) the project must be the least damaging feasible alternative; and (3) the project must include feasible mitigation measures to minimize adverse environmental effects.

1. Allowable Use. The first (allowable use) test is met because the project is a coastal-dependent boating facility. The project therefore qualifies as the first and/or fourth of the eight enumerated uses listed under Section 30233.

2. Alternatives. The Commission has traditionally determined that replacement of in-kind facilities in the same location represents the least damaging alternative in most situations. A Navy pier formerly existed at the site, such that the project could be considered a replacement facility. In reviewing Negative Determination No. ND-79-95, approximately one year ago the Executive Director concurred with the Navy's proposal to remove Pier 9 at the NTC, which was in the same location as the proposed pier (Exhibit 6). Even if the proposed pier is not considered a replacement facility, given that habitat impacts will be mitigated (see next paragraph), no less damaging feasible alternatives are available. The Commission therefore finds that there is no less damaging feasible alternative that the project meets the second (alternatives) test of Section 30233.

3. Mitigation. The third (mitigation) test involves minimizing, and where appropriate, providing mitigation measures for adverse effects. Where pier replacement projects are of a comparable size to piers being replaced, the Commission has not normally required mitigation measures for a pier's impacts (including shading). As stated in the previous paragraph, this project could be considered a replacement pier, and the amounts of fill and shading are less than the historic "Pier 9" which previously existed at the site. The shading effects would be mitigated in any event, through the Navy's proposed eelgrass mitigation. The Navy states:

A healthy continuous eelgrass bed was mapped in the project area. Eelgrass density averaged between 250 and 300 shoots per square meter. Although no fill will occur in the project area, shading will potentially have a long term indirect effect along the gangway and below the landing. In some cases this effect may not result in a direct loss of eelgrass, but a reduction of shoot density. The other indirect effect is boat operations in the project area. At tides of +2 MLLW or less, propeller scarring and scouring may affect shoot density or even remove large areas of the bed. Due to the overall lack of direct effects to the eelgrass bed and inability to quantify actual eelgrass habitat loss as a result of the project, the following mitigation is proposed.

- a. Validate eelgrass impacts as a result of the project by implementing a 1 year monitoring program to accurately assess eelgrass loss. The monitoring program shall include a post construction, 3 month, 6 month, and 1 year assessment in compliance with the Southern California Eelgrass Mitigation Policy (SCEMP). At the conclusion of the monitoring period, the actual cumulative area of effect will be determined.
- b. Provide monitoring reports to appropriate regulatory agencies
- c. Provide a minimum of 410 sq. m. of eelgrass transplant material at the site of assess 410 sq. m. plus any additional area required under the "Mitigation Delay" section of the SCEMP to the CVN eelgrass mitigation site.

The Navy has coordinated the above monitoring and mitigation plan with the National Marine Fisheries Service, and the plan is consistent with eelgrass monitoring and mitigation measures the Navy has provided in other San Diego Bay in-water construction projects, projects which the Commission has found consistent with Coastal Act habitat policies. In addition, the Navy has also addressed project scheduling and the need to minimize least tern impacts. The Navy states:

The project site exists within the foraging habitat for the endangered California least tern. Construction activities would produce loud noise from pile driving, however, the project site is over one kilometer away from the least tern nesting site at Naval Training Center, San Diego. Since construction shall not be conducted during the least tern nesting season (April 1 through September 15), impacts to that species are non-existent.

With the above mitigation (eelgrass) and avoidance (least tern) measures, the Commission finds that no further mitigation is warranted for shading, pile fill, rock placement, or other project impacts. The Commission concludes that the project: (1) is an allowable use under Section 30233(a); (2) is the least environmentally damaging feasible alternative; and (3) provides for avoidance, monitoring, and mitigation measures to protect marine resources and environmentally sensitive habitat. The Commission therefore finds the project consistent with the marine resources and environmentally sensitive habitat policies (Sections 30230, 30233 and 30240) of the Coastal Act.

B. Shoreline Structures. Section 30235 of the Coastal Act provides in part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

This section sets out a two-part test for shoreline structures, which the project raises due to the proposed revetment repair. The first test, which relates to project need, is not particularly applicable, given that the Navy is only proposing to repair an existing revetment. Regarding the second test, which relates to sand supply effects, the Navy states:

The additional rip rap will straighten the shoreline to its original configuration. The addition of rip rap will absorb wave energy generated by boats and local storm winds out on the San Diego Bay. Work will be done above the Mean Higher High Water (MHHW) mark. The rip rap will have little if any effect on sediment transport. Likewise, the piles supporting the pier will have little effect on sediment transport.

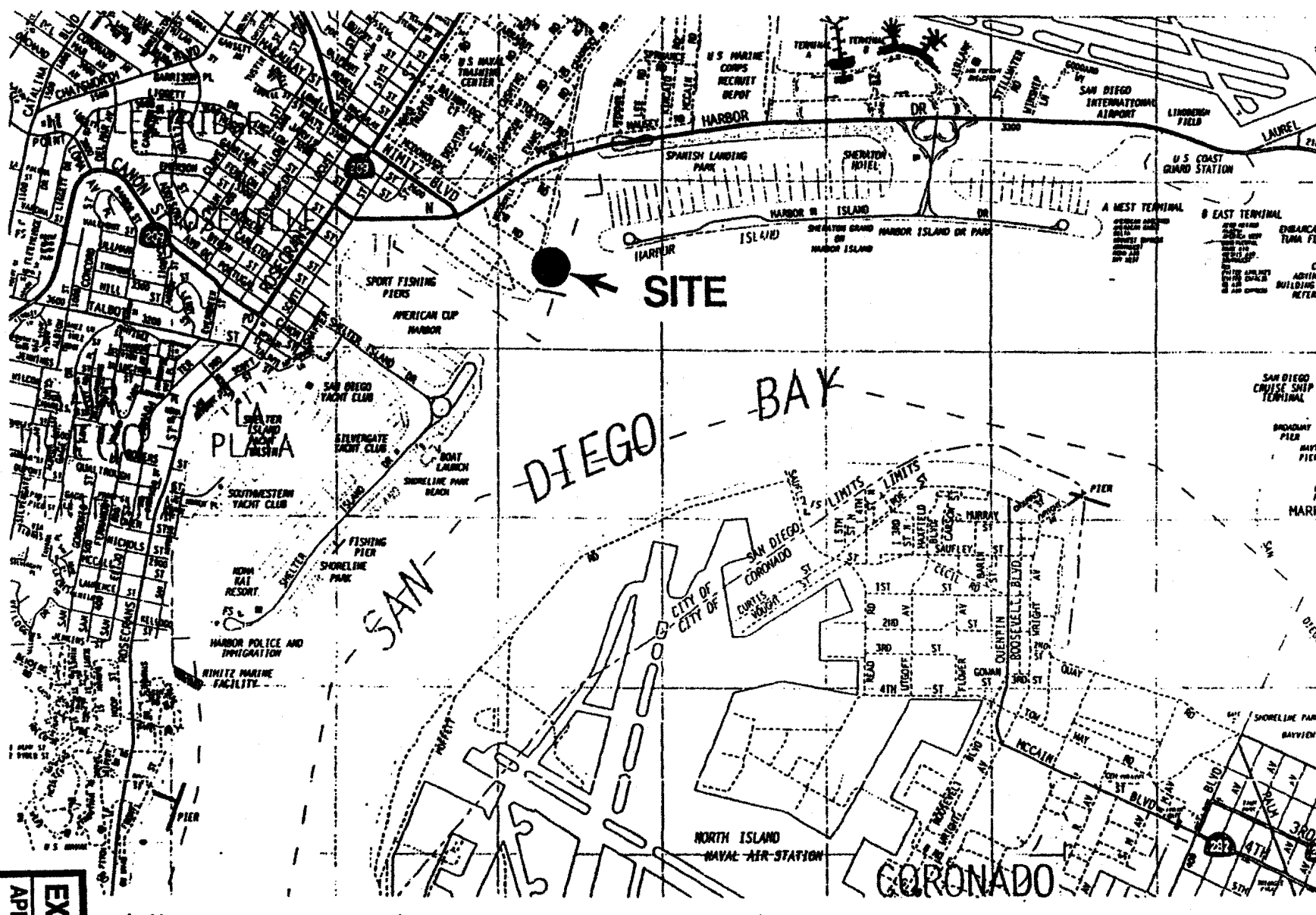
The Commission agrees and finds that the proposed revetment repair will not increase sand losses in the project area. The Commission therefore concludes that the revetment repair is necessary to protect a coastal dependent use, would not cause adverse impacts on local shoreline sand supply, and is consistent with the requirements of Section 30235 of the Coastal Act.

C. Public Access and Recreation. Sections 30210 through 30212 of the Coastal Act require the maximization and maintenance of public access and recreation opportunities. Section 30210 provides that:

... maximum access ... 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 30212 requires the provision of public access to be provided in new development projects located between the first public road and sea, consistent with, among other considerations, military security and public safety needs, or the protection of fragile coastal resources.

In reviewing past consistency determinations for Navy activities on the east side of the Point Loma peninsula in San Diego, the Commission has traditionally determined that military security needs, and a lack of public access burdens generated by such projects, means that no additional public access need be provided in these projects. In this case the project is being proposed to reduce Navy vehicular traffic, which should benefit overall recreational traffic in the area to some degree. The Commission finds in this case that no public access burdens would be generated, and that the project is consistent with the public access and recreation policies (Sections 30210-30212) of the Coastal Act.



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 or part thereof, whether for personal use or resale, without permission.

VICINITY MAP FERRY LANDING

FN: -

DRAWN BY: sf

CHECKED BY: *Ymc*

PROJECT NO: 9351143H-SI02

DATE: 7-24-96

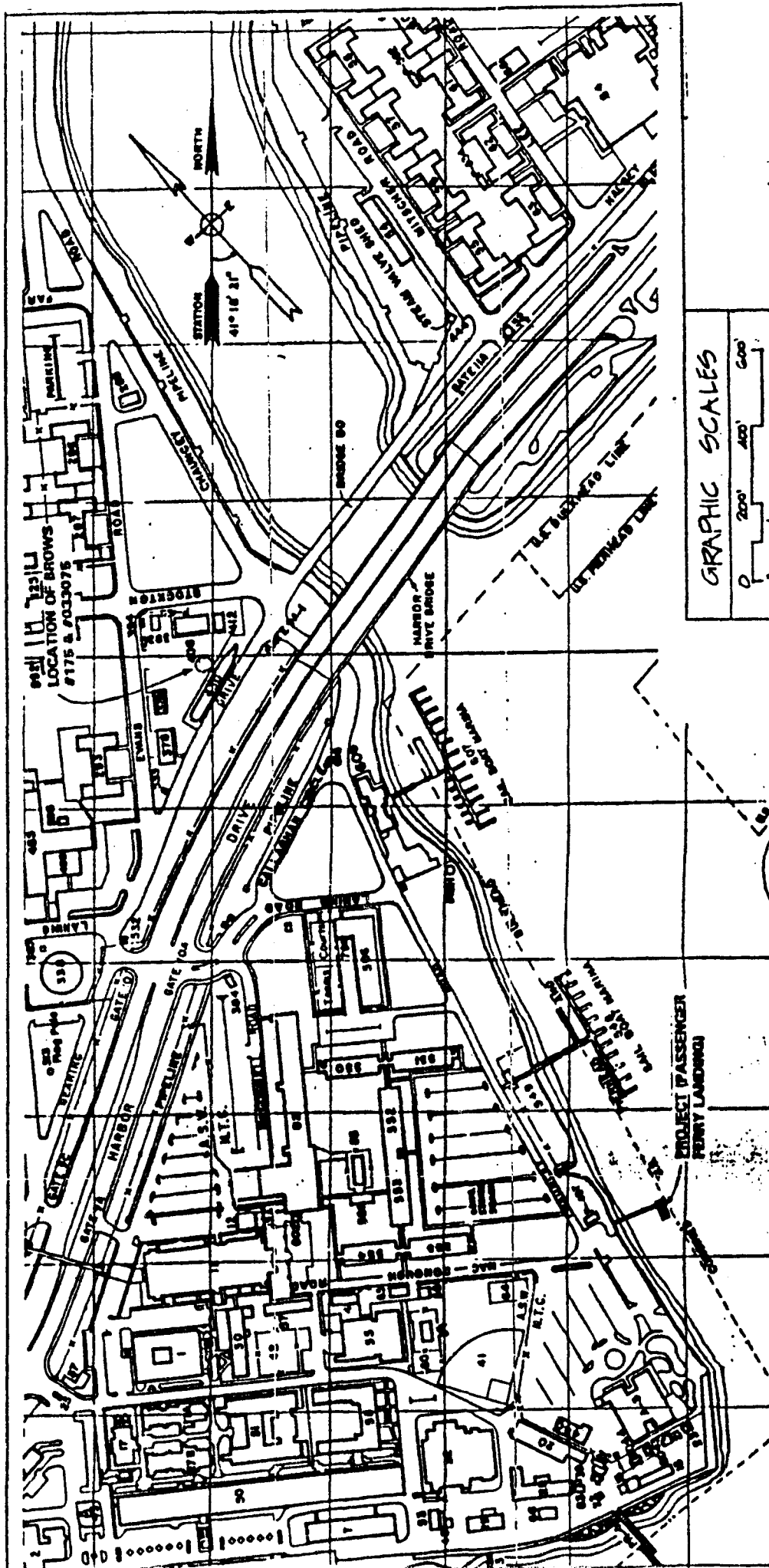
FIGURE NO: 1

WOODWARD-CLYDE CONSULTANTS

EXHIBIT NO. 2

APPLICATION NO.

CD-119-96



GRAPHIC SCALES

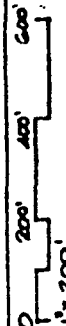


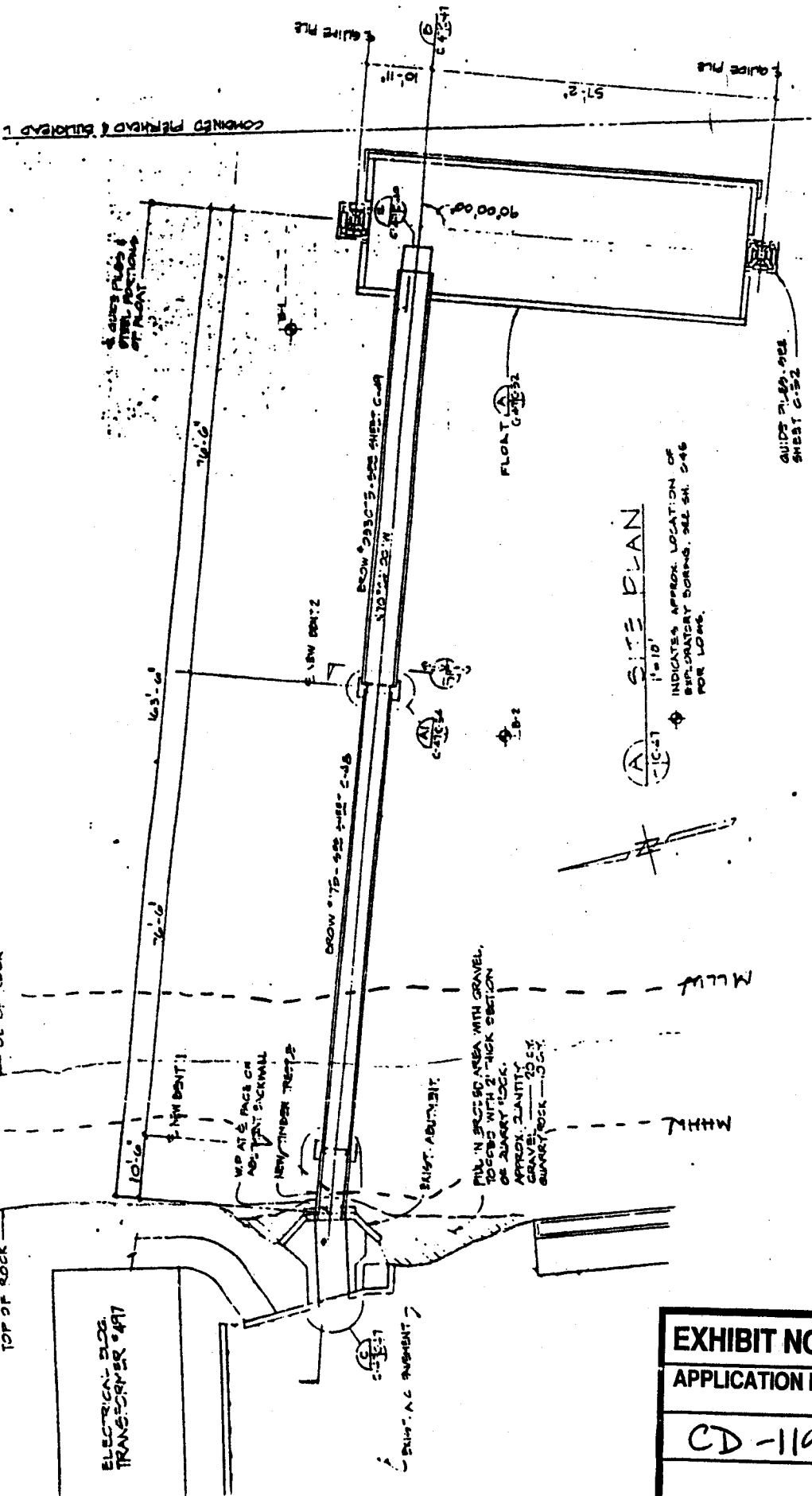
FIGURE 2

AIRIAL BASE PLAN

TC & FASWTC
2200'

EXHIBIT NO. 3
APPLICATION NO.

CD-119-96



SITE PLAN

1" = 10'
INDICATES APPROX. LOCATION OF EXPLORATORY BORING. SEE SH. 046 FOR LOGS.

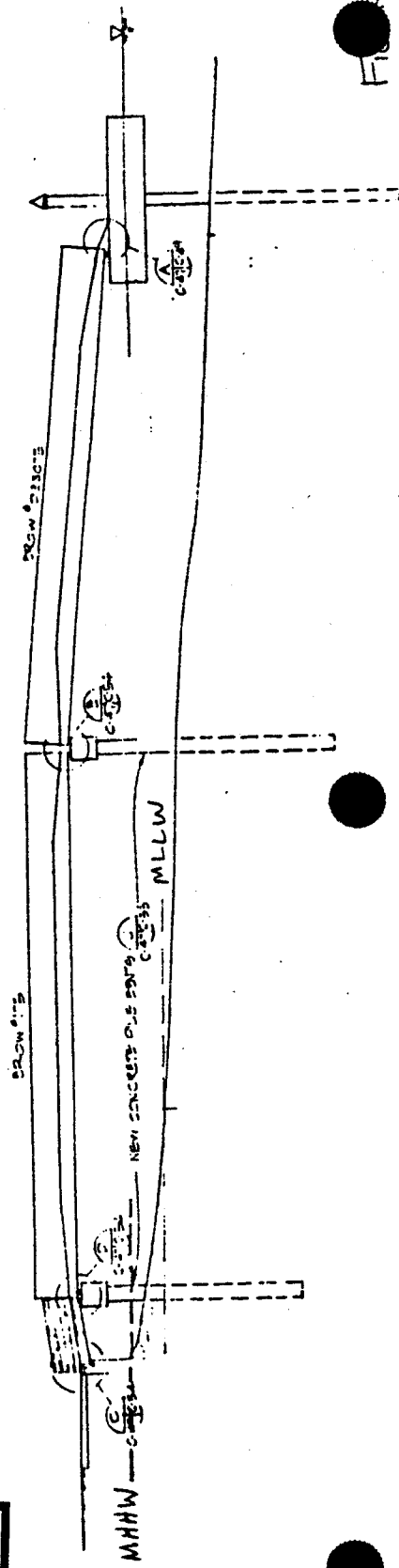
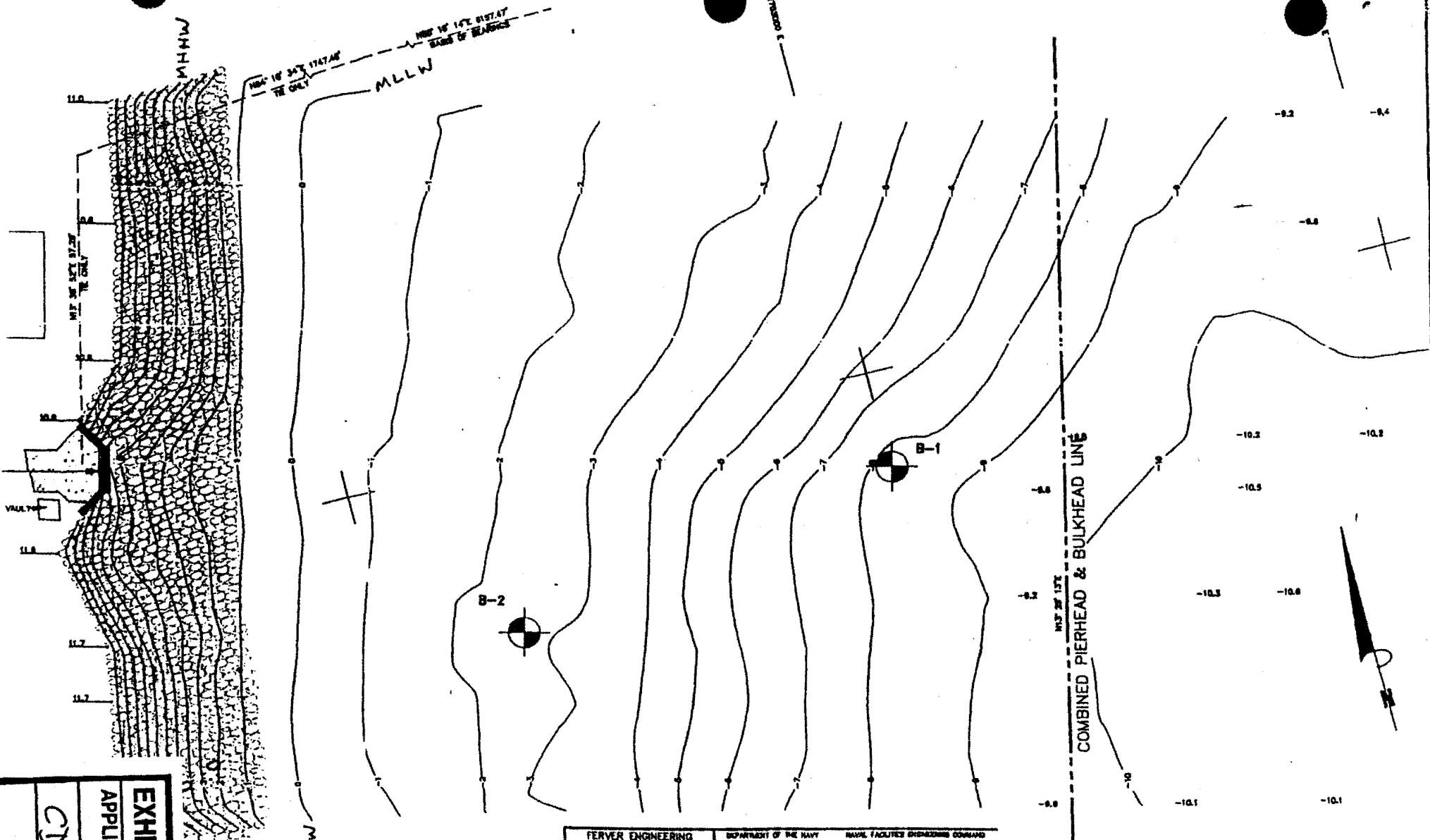
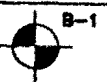


EXHIBIT NO.	4
APPLICATION NO.	
CD-119-96	



LEGEND



APPROXIMATE LOCATION OF WOODWARD-CLYDE EXPLORATORY BORING

FERVER ENGINEERING COMPANY SAN DIEGO, CALIFORNIA		DEPARTMENT OF THE NAVY NAVAL FACILITIES ENGINEERING COMMAND SOUTHWEST DIVISION SAN DIEGO, CALIFORNIA	
DESIGN NO.	80091	NAVAL AIR STATION NORTH ISLAND	SAN DIEGO, CA
DATE	7-29-98		
BY	cb		
CHECKED BY	SF		
DATE	7-29-98		
PROJECT NO.	9351143H-S102		
FIG. NO.	4		
SCALE	1" = 50'		

SITE PLAN FERRY LANDING	
DRAWN BY: cb	CHECKED BY: SF
DATE: 7-29-98	FIGURE NO: 4
PROJECT NO: 9351143H-S102	

WOODWARD-CLYDE CONSULTANTS

EXHIBIT NO. 5
APPLICATION NO. CD-119-96

PLAN FILES
ENGINEERING OFFICE, NAVAL TRAINING CENTER

MAP OF NAVAL TRAINING CENTER; GENERAL DEVELOPMENT MAP
CONDITIONS AS OF 1964

MAP SHOWS LOCATION OF PIER #9, LOCATION OF PUMP DOCK NO. 3

SCALE 1" = 200'

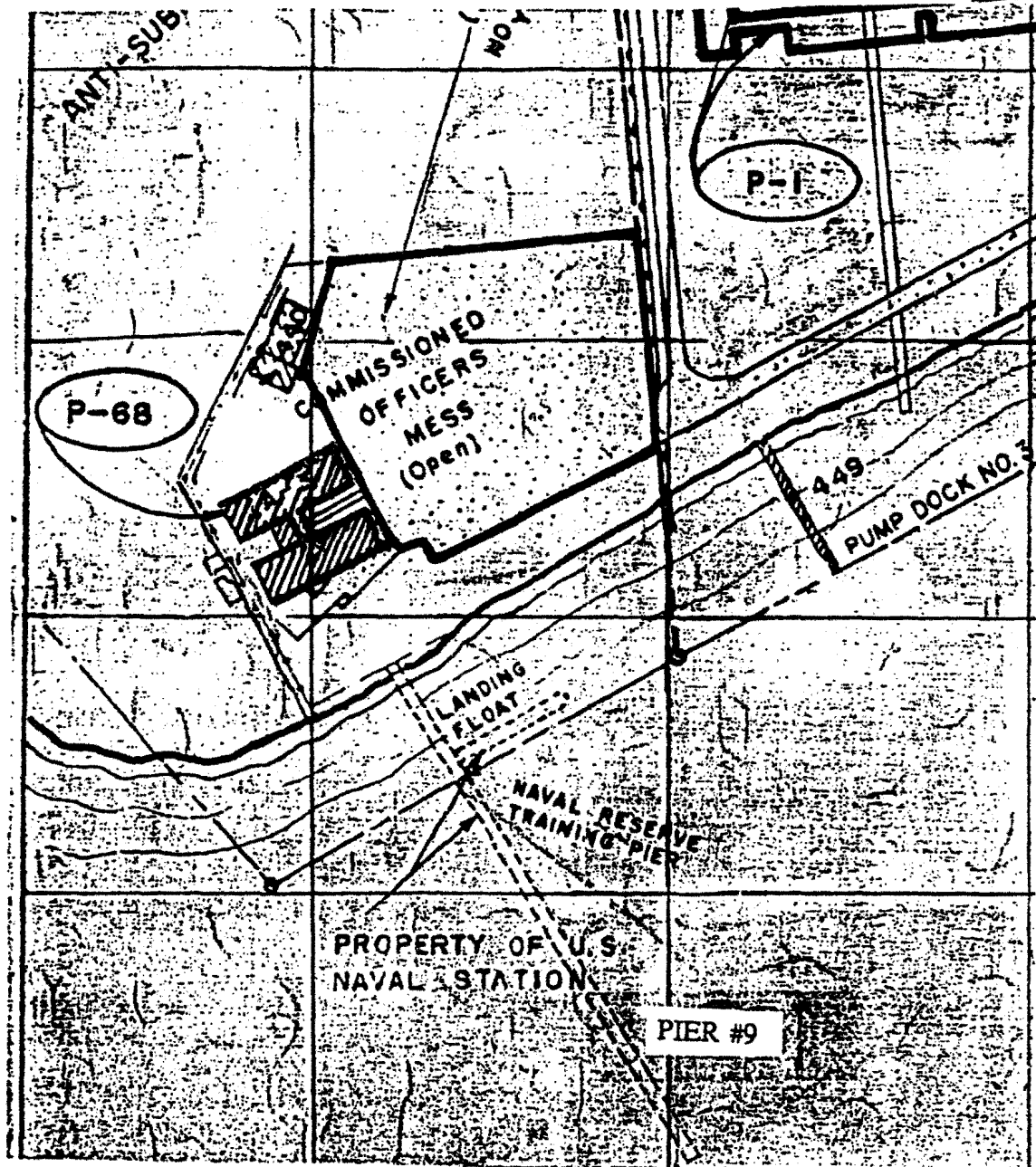


EXHIBIT NO. 6

APPLICATION NO.

CD-119-96