

4/21/96

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
 725 FRONT STREET, STE. 300
 SANTA CRUZ, CA 95060
 (408) 437-4883
 HEARING IMPAIRED: (415) 904-8200

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 Staff: J. Chase
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REGULAR CALENDAR**STAFF REPORT****PROJECT INFORMATION****APPLICANT:** Moss Landing Harbor District

Agent: Larry Steffen

APPLICATION NO. 3-96-020

PROJECT LOCATION: South Harbor Channel and Docking Areas and Moss Landing Harbor District properties North and South of 7881 Sandholdt Road, Moss Landing, Monterey County

PROJECT DESCRIPTION: Disposal of approximately 31,000 cy of dredge material from South Harbor channel and dock areas to various disposal sites: offshore, on beach, or at two upland disposal sites for dewatering and transport to the Marina Landfill.

ZONING: RC (CZ) Resource Conservation
 PQP (CZ) Public Quasi Public

LCP JURISDICTION: North Monterey County

LOCAL APPROVALS RECEIVED: Moss Landing Harbor District Commission Construction Permit 4/11/96. **CEQA:** Negative Declaration 4/11/96

LOCAL APPROVALS REQUIRED: Monterey County Planning/Public Works Department; Monterey County Environmental Health Department; Monterey Bay Unified Air Pollution Control District

STATE PERMITS REQUIRED: RWQCB**FEDERAL PERMITS REQUIRED:** USACOE, MBNMS

SUBSTANTIVE FILE DOCUMENTS: Moss Landing Harbor District Maintenance Dredging Project, 1996, Biotic Assessment, Assegued and Associates, Ecological Consulting Services, February 12, 1996; Hydrologic Assessment of Upland Disposal Sites for MLHD 1996 Maintenance Dredging, Balance Hydrologics, Include., January 1996.

SUMMARY OF STAFF RECOMMENDATIONS

The proposed development is for the disposal of approximately 31,000 cy of dredge spoils from the MLHD berthing areas at four disposal sites. Currently commercial and recreational boaters have limited access to Moss Landing Harbor because of the sediment buildup. Two thousand cubic yards (2000 cy) of the dredge spoils are contaminated with heavy metals and will be dredged directly to trucks and hauled to the Marina Landfill. Twenty-four thousand cubic yards (24,000 cy) are contaminated with DDT and would be dredged directly to two upland settling ponds, dewatered, and the sediments hauled to the Marina Landfill. The ponds have limited capacity (17,000 cy) and the cycling process for dewatering is lengthy. With limitations required by the Harbor District Board and the Air Pollution Control Agency processing of the entire 24,000 cy may require approximately 20 months.

The staff recommends that the Commission approve the dredge disposal project for the non federal channel subject to conditions including (1) limitation of use of the dry storage Boatyard disposal site to six months or evidence of a Monterey County coastal permit (see Staff Comments on Procedural Issues below), (2) approval of the U.S. Army Corps of Engineers, Monterey Bay National Marine Sanctuary, State Lands Commission, Regional Water Quality Control Board, Department of Fish and Game, Air Pollution Control District, and Monterey County Environmental Health Department, (3) provisions to mitigate impacts on traffic congestion.

The proposed dredge disposal program is not the optimum solution to the ongoing problem of sedimentation of the harbor. Staff has worked to expedite a first phase of the dredge program to clear the channel and boating areas to allow safe navigational boating access to the harbor.

STAFF COMMENTS ON PROCEDURAL ISSUES

Monterey County: The MLHD had initially described the project as short term, requiring only six months use of the upland sites followed by the restoration of each site. It had been assumed that most of the dredge spoils would be disposed of on the beach for beach replenishment or offshore or that large permanent or transfer upland disposal sites would be found. Based on the temporary nature of the project and the limited construction required, i.e., the grading and formation of one of the two settling ponds, the Commission staff had agreed with Monterey County to include the construction of dry storage Boatyard Site in its coastal permit though that site is within the Monterey County coastal permit jurisdiction. The complexity of the project unfolded when resampling of sediments required by the EPA and the C.O.E. showed that almost all of the material would need to be disposed of at upland sites. The result was approximately 24,000 cy of sediments would need to be decanted at two relatively small upland sites and that completion of the dredge program would require approximately 20 months. On April 17, 1996 the U.S. Army Corps of

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Engineers, Moss Landing Harbor District, Monterey Bay National Marine Sanctuary, and Environmental Protection Agency agreed that upland disposal was, in fact, necessary for most of the Harbor District spoils.

To allow the dredge project to continue on schedule, the Commission staff in cooperation with Monterey County staff has continued processing of the application but has conditioned the permit for temporary use of the dry storage Boatyard disposal pond for six months. In effect the Commission would be approving the first phase of the dredge program to facilitate rapid restoration of the channels to provide safe navigational access for commercial and recreational boating. This will give Moss Landing Harbor District the time to process a coastal permit from Monterey County for the permanent use of the site or to find other long term disposal options.

U. S. Army Corps of Engineers: In addition to dredging of the MLHD berthing areas, the federal channels in the harbor also require dredging.. Initially the Corps intended to dredge all of the federal channel itself. However, sediments were found to be contaminated and require upland disposal. Because preparations for upland disposal would delay entrance channel dredging, the Corps has recently (April 22, 1996) identified the Harbor District as the responsible agency for dredge and disposal of those channel areas with contaminated spoils. The Corps will begin dredging of the clean sand/sediment in the federal channel in May under Federal Consistency authority with most disposal on the shoreline for beach nourishment.

At one point Moss Landing Harbor District made coastal application for the dredge disposal of Harbor District harbor areas and for the contaminated portions of the federal navigation channel in the South Harbor. However the addition of the contaminated federal channel areas to the Moss Landing Harbor District Corps application will require the Corps to recirculate the Public Notice for Moss Landing Harbor District to include the additional dredge and disposal at the upland sites. Since the original Public Notice (February 19, 1996) addressed the MLHD dredge areas and since a Negative Declaration pursuant to the California Environmental Quality Act was also processed for those areas, the Commission staff has concluded it is appropriate to proceed with Commission review of the Harbor District project areas. The permittee will need to apply for an amendment or new coastal development permit following completion of Corps environmental review of the areas in the federal channel.

STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following Resolution:

Approval

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 carry out its Local Coastal Program in conformance with the provisions of

Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline or is located in coastal waters 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.

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 this permit is reported to the Commission. 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 the 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 conditions will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, 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.

Special Conditions

1. This permit is for the development of the Dredge Disposal Site APN 133-221-09 (South Sandholdt) and for the temporary development and use of Dredge Disposal Site APN 133-173-01 (dry storage Boatyard Site). The dry storage Boatyard Site is a temporary upland disposal site for the first phase of this dredging program and must be restored to preuse condition six (6) months from the beginning date of the first batch cycle. The permittee shall

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notify the Executive Director at the initiation of the first batch cycle. Alternatively, the permittee may submit evidence that the County of Monterey has issued a coastal development permit for the continued use of the Boatyard Site.

This permit does not provide for the disposal of dredge spoils from the federal channel. The permittee may submit an application for a coastal development permit/amendment following completion of the U. S. Army Corps of Engineers processing pursuant to Section 10 of Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

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

a. Final plans for the upland disposal sites and all new or modified pipelines to any of the disposal sites. The grading and construction plans shall be reviewed and approved by the consulting engineers before submittal. The permittee shall comply with the recommendations of the Geotechnical Investigation for Moss Landing Harbor Dredging Project (9603-M203-A51), Steven Rass & Associates, January 1996. Any modifications following Executive Director review and approval must be submitted for review by the Executive Director prior to implementation.

b. Estimated dredge and haul schedule and program. The schedule should include consideration of all limitations and potential limitations on operations, e.g., hours of hauling, size of trucks, restrictions of Air Pollution Control Agency, et al. plus a factor for loss of work time due to weather etc. To mitigate impacts on access and assure public safety, the dredge haul program shall provide for direction of vehicular and pedestrian traffic as needed and shall be approved by the Monterey County Planning/Public Works Department.

c. Identify the equipment to be used for dredge and disposal of the Gravelle Boat Repair Facility site spoils contaminated with metals. These spoils shall be dredged with water tight dredge equipment and shall be hauled in water tight transport trucks.

3. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, for all discharges not covered under RWQCB Order 90-21, the permittee shall submit to the Executive Director for review and approval a Waste Discharge Permit or a Waiver of waste discharge requirements or other evidence of the review and approval by the Regional Water Quality Control Board of the discharge generated by the dredge project. All monitoring requirements/programs shall be submitted.

In accordance with RWQCB Order No. 90-21 any dredging discharges that take place outside of the September 1 to June 1 period are prohibited unless authorized by the Executive Officer of the Regional Water Quality Control Board. Evidence of this authorization must be received and reviewed by the Executive Director of the Coastal Commission prior to June 1.

4. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, (as recommended in the Biotic Assessment) the permittee shall submit to the Executive Director for review and approval, confirmation from the Department of Fish and Game that the following have occurred and that no additional action is required:

- a. A qualified biologist or botanist shall survey the project construction site including all required pipeline locations and associated staging areas for special status species prior to clearing the area for construction.
- b. A qualified biologist or revegetation specialist shall mark areas of native vegetation to be protected prior to initiation of work (of primary importance shall be the area of salt marsh vegetation bordering the shoreline of the south Sandholdt Road site.) Native vegetation shall be protected by constructing temporary fencing and flagging.

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

A. State Lands:

- a. Evidence that no State Lands are involved in the development; or
- b. State Lands are involved in the development and all permits, including dredging, required by the State Lands Commission have been obtained, or
- c. State Lands are involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

B. Monterey County. Evidence that the dredge program has been reviewed and approved by the Monterey County Environmental Health Division, Hazardous Materials Branch and the Planning/Public Works Department.

C. Monterey Bay Unified Air Pollution Control District Air Pollution Control District. All conditions of the MBUAPCD shall be submitted for the Commission file and must be complied with. Any limitations on hours of the dredge program shall be indicated.

6. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for review:

A. Army Corps of Engineers. A copy of the U. S. Army Corps of Engineers Permit, letter of permission, or evidence that no Corps permit is necessary and concurrence by the Environmental Protection Agency for disposal of dredge spoils.

B. Monterey Bay National Marine Sanctuary. Written authorization or permit from the Monterey Bay National Marine Sanctuary for disposal of spoils or tailing waters to the Sanctuary receiving waters.

7. **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the permittee shall submit the name, address, telephone number, and qualifications of an environmental and condition monitor to the Executive Director for review and approval. The environmental and conditions monitor shall be funded and provided by the permittee and may be a regular Harbor District employee. The environmental and condition monitor shall submit a twice annual report to the Executive Director describing the permittee's conformance with permit requirements, beginning six months after Commission action on this permit and continuing during construction and until completion of the dredge project. The environmental and condition monitor shall be empowered to halt construction, after consultation with the Executive Director, if it is necessary to ensure that permittee is complying with all conditions of this permit. Disputes between the monitor and the permittee shall be settled by the Executive Director.

RECOMMENDED FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. Description of Area and Project

Project Area

Moss Landing Harbor is one of four harbors located along the Central Coast. It is sited near the center of Monterey Bay about 80 miles south of San Francisco. The harbor occupies a portion of the Old Salinas River channel paralleling the coast and separated from the ocean by sand dunes. Approximately 175 recreational boats and 200 commercial boats are berthed in the Harbor including the Monterey Bay Aquarium Research Institutes ocean-going research vessel. Upland uses include marine research facilities, commercial fishing and recreational boating operations, manufacturing and various visitor serving uses. Periodic winter flows continue to reach the harbor through the Old Salinas River channel from the south. Inland is the Elkhorn Slough National Estuarine Reserve whose tidal exchange flows through the Harbor.

The Harbor has not been dredged since 1993 and major storms have washed sediment from the the Old Salinas River and nearby slough systems into the harbor. Littoral sand has been trapped in the entrance channel forming shoals. Boats are seriously impeded and sometimes prevented from maneuvering in the harbor particularly at low tide. Commercial fishing, recreational boating, and marine research are being impacted by the shoaling problem.

Section 30234 of the Coastal Act provides facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Sections

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30234.5 states that the economic, commercial, and recreational importance of fishing activities shall be recognized and protected. Commercial and recreational boating and fishing are Coastal Act priority uses.

Hence, the maintenance of adequate water depth in the harbor is a high priority under the Coastal Act and has been provided expedited review by the Commission staff.

Project Description

The proposed development is for the disposal of approximately 31,000 cy (actual 24,000 cy) of dredge materials, at four locations. Recognizing that there are many unknowns, the Harbor District has made application for a worse case scenario, i.e., the greatest amount of dredge spoils needing upland disposal. Following are the six identifiable areas and estimated volumes to be dredged.

1. Gravell, 7,700 cy, depth of -11 ft. MLLW
2. MBARI, 2,963 cy, depth of -13 ft. MLLW
3. "A" Dock, 6,649 cy, depth of -9 ft. MLLW
4. "A" Dock, 8,941 cy, depth of 11 ft. MLLW
5. Bay Fresh, 980 cy, -12 ft. MLLW
6. Sea Products, 3,520 cy, depth of -12 MLLW.

Proposed Disposal Sites: Disposal of dredged material depends on the chemical and physical qualities determined through sample analysis. Areas that are primarily sand as opposed to sediment are less likely to be contaminated and will qualify for ocean disposal or beach replenishment. Four disposal sites have been identified:

1. SF-12 unconfined aquatic disposal, located offshore of Sandholdt Pier at a depth of 48 feet near the head of the Monterey submarine canyon.
2. South sandspit beach disposal, unlimited capacity for sand suitable for beach replenishment.

If the dredge spoils do not meet sediment standards, they will be suctioned dredged and transported via a buried pipe culvert to one of two settling ponds and subsequently transported to the Marina Landfill. The proposed upland sites are:

3. The Moss Landing Harbor District Boat Yard APN 133-173-01 (capacity 13,000 cy).
4. The Moss Landing Harbor District property South of Sandholdt Road APN 133-221-09 (capacity 4,000 cy).

The sites will be graded and on site soils will be used to build up 5 foot berms to form ponds with a combined capacity of 17,000 cy which will be lined with impermeable liners. Outlet pipes with weirs and infiltration systems to remove contaminants (according to Negative

Declaration Mitigation Measure 8) will discharge the outflow to the Harbor. The dredging will be operated to regulate the rate of input and outflow and not overburden the containment basins. Preliminary soils tests indicate that the soils will meet standards for disposal at the Marina Landfill.

Subsequent to submittal of the application it was determined that five thousand cubic yards (5000 cy) of material at the Gravelle site are suitable for beach replenishment. Another 2000 cy have been determined to be contaminated with metals and this toxic material will be clamshell dredged directly to waiting trucks to be hauled to the Marina Landfill. The balance of the Moss Landing Harbor District dredge material, 24,000 cy will be processed at the upland sites.

Upland Disposal Process

According to the Harbor District the 2 upland storage ponds have a storage capacity (at 15% solids) of 18,200 cy. The dredged sediments when pumped from the harbor will decompress and will "bulk" or expand by a factor of two. Hence if approximately 24,000 cy of materials are dredged there will be a maximum total of 48,000 cy to haul.

The "batching process" entails pumping the dredged slurry to fill the ponds, (1 day for small pond, 2 days large pond); allowing the material to settle and drain (6 to 11 days); repeat pumping (2 days), settle and drain (6-11 days), drain and dry suitable for hauling (3 days), haul 3 to 7 days. Total days required for 1 batch cycle: 36 days maximum (or 7 five-day weeks) for 5000 cy bulked (2500 in situ).

Hence, duration of dredge program would be $48,000/5000=9.6$ cycles @ 7 weeks per cycle=67 weeks or 16 months +4 months (25% for unknowns)=20 months. It is not clear whether this calculation takes into account limitations on hours of work that will be required by the Air Pollution Control District and the Harbor District itself.

The permit has been conditioned to require submittal of the estimated program schedule including final haul program.

3. Background. Maintenance Dredging. Federal Project. and Moss Landing Harbor District Project.

Section 30106 of the Coastal Act defines "Development" for purposes of requiring coastal development permits to include "discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials".

Section 30610 of the Coastal Act provides that no coastal development permit shall be required for "Maintenance dredging of existing navigation channels or moving dredged material from those channels to a disposal area outside the coastal zone, pursuant to a permit from the United States

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Army Corps of Engineers." The Moss Landing Harbor District (MLHD) proposed dredging will be pursuant to a Corps permit.

Though, the actual dredging process for this proposal does not require a coastal development permit, with the exception of approximately 2000 cy which will be directly dredged to trucks and hauled to the Marina Landfill, all the disposal initially is within the Coastal Zone.

The dredging of the harbor and entrance channel involves federally sponsored dredging and MLHD dredging. That portion of the dredging and disposal that is a federal project is not subject to a coastal development permit but to review by the Commission for its status under the federal regulations, Part 903 Federal Consistency with Approved Coastal Management Programs.

To facilitate comprehension the staff report discusses aspects of the federal as well as non federal dredge program.

Federal Channel: In 1993 The COE dredged a total of 16,788 cy of sandy material from the Entrance Channel and deposited at the south sandspit for beach nourishment. 3,992 cy of silty material dredged from the Lagoon Channel was suitable for unconfined aquatic disposal and was disposed of at SF-12. Approximately 6000 cy of silty material due to elevated levels of DDT and butyltins was found unsuitable for disposal at either site and was left in place.

This year the COE will dredge 26,000 cy from the Entrance channel most of which will be piped to the south spit and used for beach nourishment; . Thirty-four thousand cubic yards (34,000 cy) in the Lagoon Channel have been found unsuitable for beach replenishment or unconfined ocean disposal off Sandholdt Pier at SF-12. According to the COE (Environmental Assessment Review, April 11, 1996) it is the local sponsors, Moss Landing Harbor District, responsibility to provide an upland site for any material deemed unsuitable for either unconfined aquatic disposal or beach nourishment. Corps review of the upland disposal of harbor channel spoils is not complete and is not part of this application. Upon completion of the Corps review, the Harbor District may apply for a coastal development permit or amendment for that portion of the dredge program.

3. Ocean Resources/Water Quality Section

Section 30231 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 30232 provides:

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.

Section 30233 provides in part:

(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.

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 Salinas River and network of sloughs. DDT, toxaphene, dieldrin, endrin, aldrin, and endosulfan are major persistent pesticides which have been used for agricultural operations through out the Salinas Valley. With the exception of endosulfan these chemicals have now been banned for use in California. They are insoluble in water but highly soluble in lipids or animal fatty tissue where they tend to concentrate.

Studies undertaken to examine water quality (AMBAG 1992) suggests that though previously banned, these persistent organochlorine pesticides are still present in agricultural fields and are absorbed to suspended sediments leaving the fields, thereby finding their way into surface water bodies. They enter the Salinas River system by runoff, percolation, and wind transport where they are passed through the food chain via bioaccumulation.

Every storm or any project involving disturbance of sediments in the drainage area of the Old Salinas River Channel and its main tributary, Tembladero Slough, is a contributor of contaminants to Moss Landing Harbor and ultimately to the Monterey Bay National Marine Sanctuary.

Water quality in the harbor has been affected by agricultural runoff and the by-products of boating and industrial uses. Harbor sediments were found to be contaminated in 1993 and most of the inner harbor dredging postponed.

The State Water Resources Control Board and the California regional water quality control boards are the state agencies with primary responsibility for the coordination and control of water quality (CCA 30412). The Monterey Bay National Marine Sanctuary also has review authority over discharges to the Sanctuary.

Several interagency technical workshops were held to determine acceptable sample sites, methodology and analysis of sediments that would be discharged in the dredging project. Early analytic conclusions were contradictory and additional samples were required. The final determination by the Corps, EPA, and Monterey Bay National Marine Sanctuary was that (1) for the federal project the entrance channel and 34,000 cy of the south harbor channel could be disposed of offshore at SF 12 or used for beach replenishment. Approximately 31,000 cy of South Harbor Channel materials would require disposal at the upland sites. (2) For Moss Landing Harbor District areas 5000 cy at the Gravelle site could be disposed of offshore. Approximately 2000 cy, contaminated with metals, would be clamshell dredged directly to trucks to be hauled to the Marina Landfill. The balance of the spoils from the other sites, i.e., approximately 24,000 cy, would be piped to the upland sites. Hence, approximately 60,000 cy would need to be disposed of at the upland sites under this or future permits.

Regional Water Quality Control Board Order 90-21 allows for the disposal of unpolluted inner harbor dredge spoils at SF-12, SF-14 or on the beach for beach replenishment. The dredge period is limited to September 1 to June 1 to assure that the currents will allow dispersal of the sediment. Any dredging outside of this period requires authorization by the Executive Officer of the Regional Water Quality Control Board. The coastal permit has been conditioned to require evidence of such authorization if dredging is to continue beyond this time period.

Dredge disposal at the upland sites has not yet been approved by the Regional Water Quality Control Board. The decanted discharge from the upland ponds must be permitted either through a Waste Discharge Permit or through a waiver of the Waste Discharge Permit. At this time (April 22, 1996) the RWQCB has not reviewed the MLHD application for water quality certification. If the RWQCB determines that a Waste Discharge Permit is required, it could be several months before certification. A waiver of WDR could be issued in a much shorter period of time. According to RWQCB staff (personal communication Adam White, 4/13/96) such a waiver could be conditioned to require a monitoring program of the decanted water.

Because of its low water solubility of DDT (0.0012 ppm) and its strong adsorption to soil particules, contamination of the aquatic environment by DDT and its metabolites is primarily associated with aquatic sediments. In addition metals are insoluble in water. Hence, the contaminants of concern are not in the water column. Since the sediments carry these pollutants, turbidity is the major issue. The Regional Board staff has indicated that they can specify numbers for turbidity to assure that the discharge water from the upland sites meets water quality standards.

In addition the two upland sites which will be cleared and graded and on site soils used to build up 5 foot berms to form ponds, will be lined with impermeable liners. Outlet pipes with weirs and infiltration systems to remove contaminants will discharge the outflow to the Harbor. The dredging will be operated to regulate the rate of input and outflow and not overburden the

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containment basins. To avoid the reintroduction of contaminated sediments back into the harbor with the decanted water, several design options are being considered including earthen baffles within the pond constructed perpendicular to the flow path to reduce velocity, log booms or other turbulence damping systems. Dual basins are also an option to allow settling before discharge.

The permit has been conditioned to require submittal of Regional Water Quality Control Board approval and conditions of approval for discharges that require State Certification under Section 401 of the Clean Water Act.

The permit has been conditioned to require authorization by the Monterey Bay Sanctuary for disposal of spoils or tailing waters to Sanctuary waters. In addition the permit has been conditioned to require water tight dredge and haul equipment for the contaminated spoils from the Gravelle site that are to be dredge directly to the truck and hauled to the landfill and evidence that the Monterey County Environmental Health Division, Hazardous Materials Branch has reviewed and approved disposal sites and operations.

Therefore, as conditioned to avoid significant disruption to marine and wildlife habitats and to protect the quality of coastal waters, the proposed development will not have significant adverse environmental impacts on marine resources and is consistent with the Marine Resource policies of the Coastal Act.

5. Public Access

The access policies Chapter 3, Article 2, of the Coastal Act provide for maximizing public access and recreational opportunities. Section 30252 of the Coastal Act provides that the location and amount of new development should maintain and enhance public access to the coast.

Section 30234 of the Coastal Act provides facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Sections 30234.5 states that the economic, commercial, and recreational importance of fishing activities shall be recognized and protected. Commercial and recreational boating and fishing are Coastal Act priority uses.

Hence, the maintenance of adequate water depth in the harbor is a high priority under the Coastal Act.

The two upland disposal sites are located on either side of Sandholdt Road near the entrance to the single-lane Sandholdt Bridge, the only access to the Moss Landing "spit" which contains many of the major marine users, including the Monterey Bay Aquarium Research Institute, Moss Landing Marine Lab, and docks and launch facilities as well as numerous other industrial, commercial, and visitor serving facilities.

The operation program and scheduling for the dredge haul program have not been finally designed. However, the project could generate as many as 60 truck runs a day. Conditions of the Moss Landing Harbor District Construction Permit limit the hours of hauling to 9 am to 3 pm,

Monday through Friday. Nevertheless, impacts on local residents and businesses could be significant. This issue has not been thoroughly evaluated. However, conditions of this coastal development permit for use of the larger Boatyard site (which will generate three quarters of the trucking requirements) require discontinuance of use of that site at the end of six months unless a Monterey County coastal development permit has been issued for its use. Monterey County has indicated that additional CEQA review will be required to address this and other issues.

Though the dredge haul program may impact access, the initiation of the dredge program is essential to allow for commercial and recreational boating access. The permit has been conditioned to require submittal of a dredge haul program that provides for direction of traffic to both mitigate congestion and provide for the safety of vehicles and pedestrians.

The dredge program is necessary to protect Coastal Act priority coastal dependent uses. Therefore, as conditioned, to mitigate for traffic impacts, the proposed project is consistent with the access and recreation policies of the Coastal Act.

4. Upland 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 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.

Section 30233 of the Coastal Act provides in part:

- (a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:
 - (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
 - (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.
- (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.

The South of Sandholdt disposal site is designated Harbor Facility in the Moss Landing Community Plan with a strip along the river designated Natural Resource, Wetland and Coastal Strand. The development of this settling pond will impact a portion of the wetland both by installation of the pipe and construction of the pond itself. The dry storage Boatyard Site is designated Harbor Facilities.

A biotic assessment of existing conditions and potential impacts of the project was done by Ecological Consulting Services (Moss Landing Harbor District Maintenance Dredging Project, 1996, Biotic Assessment, Assesqued and Associates, Ecological Consulting Services, February 12, 1996).

According to the assessment the South Sandholdt disposal site is approximately 1.0 acre located on the bank of the Old Salinas River Channel. The area appears to have been filled with dredge spoil material in the past and is currently used for storage of dredge pipes and other material. The site is basically level with a deteriorated levee along the channel. The channel edge of the site supports highly disturbed salt marsh. The upland portion of the site is dominated by non native weedy grass species. There is some native saltgrass at the northern margin of the site.

The 1.8 acre Dry Boat Storage Site is located north of Sandholdt Road and adjacent to a large parking lot. The site is highly disturbed, compacted and partially paved and is currently used for storage of boats, cars and equipment. Underground utility lines traverse the site. According to the Biotic Assessment the site supports few plant species.

Special status species occur in the area: Monterey spineflower (*Chorizanthe pungens*), Seaside bird's beak (*Cordylanthus rigidus*), and the slender-flowered gilia (*Gilia tenuiflora*); the California brown pelican (*Pelecanus occidentalis californicus*), the black legless lizard (*Anniella pulchra nigra*) the Western snowy plover (*Charadrius alexandrinus nivosus*) and the tidewater goby (*Eucyclogobius newberryi*). No rare, threatened or endangered animal or plant species were encountered on either site during the survey by Ecological Consulting Services.

However, the Biotic Assessment surveyed the sites in January when sensitive plants and wildlife would not be expected to be found.

In addition according to the assessment, construction activities for the South of Sandholdt Site involving clearing for the pipeline, equipment operation and related activities may impact some wetland plants but self recruitment would occur quickly following completion of the work and no revegetation is recommended. The site is currently highly degraded and no significant impacts on biotic resources are expected.

The Biotic Assessment recommends that a qualified biologist mark native vegetation on site and that habitat be protected by fencing and flagging. The Assessment also recommends survey for

special status species prior to clearing for construction. These recommendations were not included in the Harbor District Construction Permit.

To provide for consistency with Section 30240 of the Coastal Act which requires protection of environmentally sensitive habitat and to assure use of the least environmentally damaging alternative, the permit has been conditioned to require a qualified biologist or botanist (1) to survey construction sites and staging areas prior to site disturbance for special status species and if any are found to contact the Department of Fish and Game for direction and (2) prior to site disturbance to mark areas of native vegetation with fencing and flagging to be protected during construction.

Because the settling ponds and pipelines are an essential part of a dredging project which is required to maintain navigation (Section 30233) in the harbor and since no other disposal options are currently available, and as conditioned to require protection of sensitive habitat and species (Section 30240), the proposed development is consistent with the Coastal Act.

6. Geology/Air Resources

Section 30253 of the Coastal Act states:

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 nor 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.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.
- (5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

A Geotechnical Investigation for Moss Landing Harbor Dredging Project (9603-M203-A51) was prepared by Steven Rass & Associates in January 1996. The investigation concluded that if the recommendations of the report were followed that the disposal sites could from a geotechnical engineering standpoint be developed. Recommendations included use of impermeable liners for the ponds, removal of all utility lines, removal of surface vegetation, compaction of soils, moisture conditioning, use of specialty construction equipment as needed.

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The grading plans were not available at the time of the investigation and will need to be reviewed by the consulting engineers to assure appropriate weir structure location and foundation details as well as drainage facilities.

The permit has been conditioned to require compliance with the recommendation of the geotechnical investigation. As conditioned, the stability and structural integrity of the proposed disposal ponds should be assured consistent with Section 30253 of the Coastal Act.

The Monterey Bay Unified Air Pollution Control District under its permit #4133 has conditioned the project to provide ongoing review of fuel usage and emissions. The District may also limit the hours of dredge operation. The permit has been conditioned to require submittal of and compliance with all MBUAPCD requirements. As conditioned the proposed development is consistent with Section 30253(3) as it pertains to air pollution.

7. CEQA/LCP

The Moss Landing Harbor lies within the North Monterey County Land Use Plan Area. The Moss Landing Community Plan and the Coastal Implementation Plan also apply to this area.

LCP policies reflect Coastal Act protection of coastal dependent commercial and recreational boating and allow for dredging to maintain navigational channels. The LCP recognizes the problem of erosion and sedimentation and the need for best management practices to for upland sites.

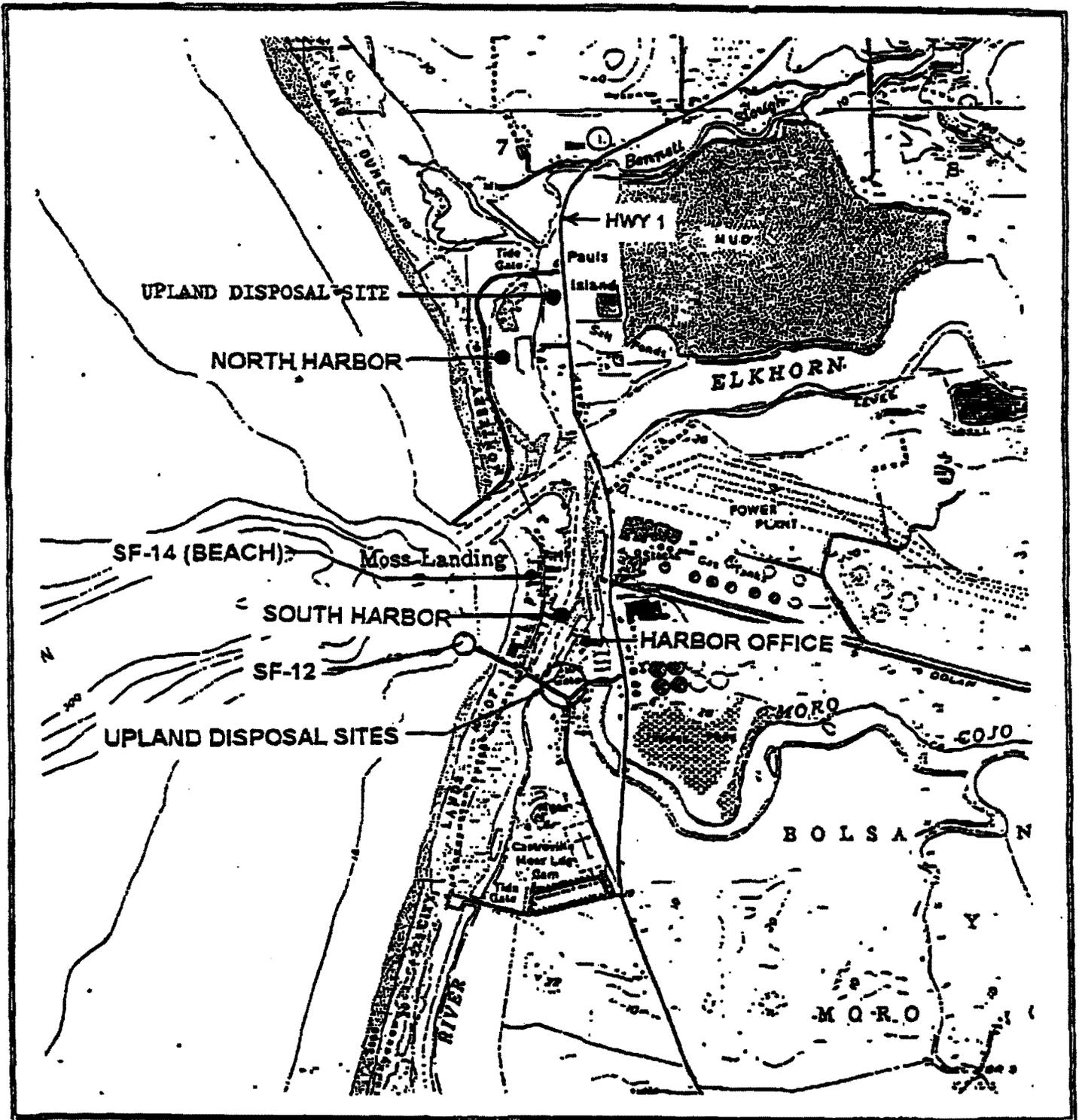
The Harbor District adopted a mitigated Negative Declaration for the project on April 11, 1996. The Negative Declaration did not clarify the overall length of time required for the dredge disposal process.

Considerable controversy has surrounded the proposed dredge project for Moss Landing Harbor. The public has expressed concerns over the inappropriateness of a long term dredge program (1) that is located in a developed areas and handles contaminated spoils and may present both health and odor problems, (2) that is located at the intersection of a one way bridge to its main industrial/commercial area and could generate up to a hundred trucks a day that would also have to access Highway 1, and (3) that will displace limited dry boat storage areas. As a short term program these issues have been addressed by the Harbor District and by the Commission conditions. Monterey County has indicated they will undertake a CEQA review for the continued use of the Boatyard Site at which time there will be an additional analysis of these impacts.

Given that the channel will continue to receive sediment inflow from the slough systems and the Old Salinas River Channel, maintenance dredging of an unknown duration will be required. Such a process using the two small upland ponds identified in this permit is not the best solution, a point acknowledged by the Moss Landing Harbor District which has been searching for larger upland sites for permanent disposal.

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The proposed project, as conditioned, will conform with Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government to implement a Local Coastal Program that conforms to Chapter 3 of the Coastal Act.



1000 0 1000 2000 FEET

DATUM: MLLW

MOSS LANDING HARBOR DISTRICT MAINTENANCE DREDGING

PURPOSE: maintain navigable depths

DATUM: mlw

ADJACENT OWNERS: ① State

② Gravelle

③ MBARI

CALIFORNIA COASTAL COMMISSION

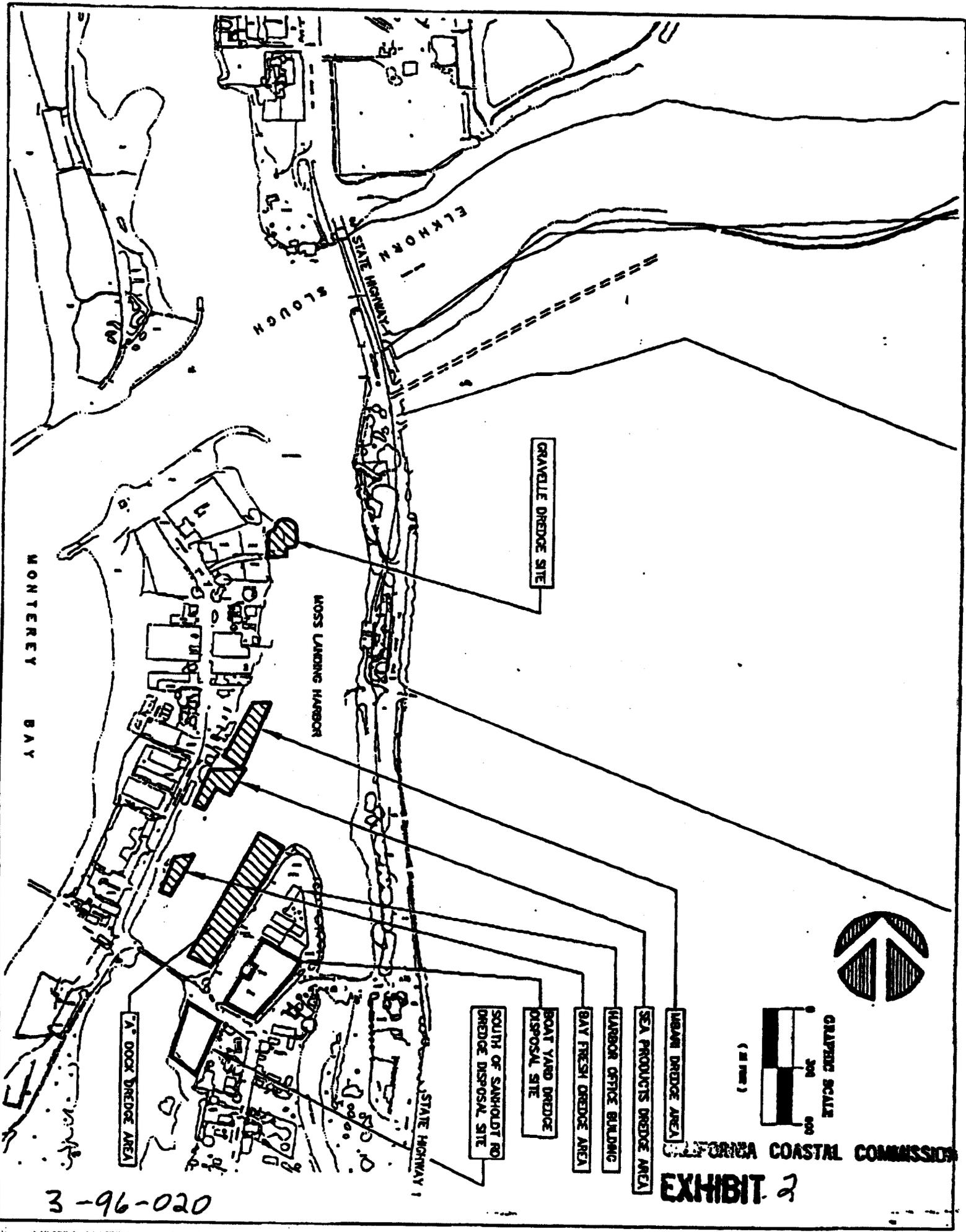
EXHIBIT 1

LOCATION MAP

IN: Monterey Bay
Moss Landing
COUNTY: Monterey

APPLICANT: Moss Landing Harbor
DATE: January 12, 1996
Sheet 1 of 8

3-96-020



MONTEREY BAY

ELKHORN CREEK
STATE HIGHWAY 1
MOSS LANDING HARBOR

MOSS LANDING HARBOR

GRAVELLE DREDGE SITE

SOUTH OF SANHOLDT RD
DREDGE DISPOSAL SITE

BOAT YARD DREDGE
DISPOSAL SITE

BAY FRESH DREDGE AREA

LABOR OFFICE BUILDING

SEA PRODUCTS DREDGE AREA

URBAN DREDGE AREA

T. DOCK DREDGE AREA

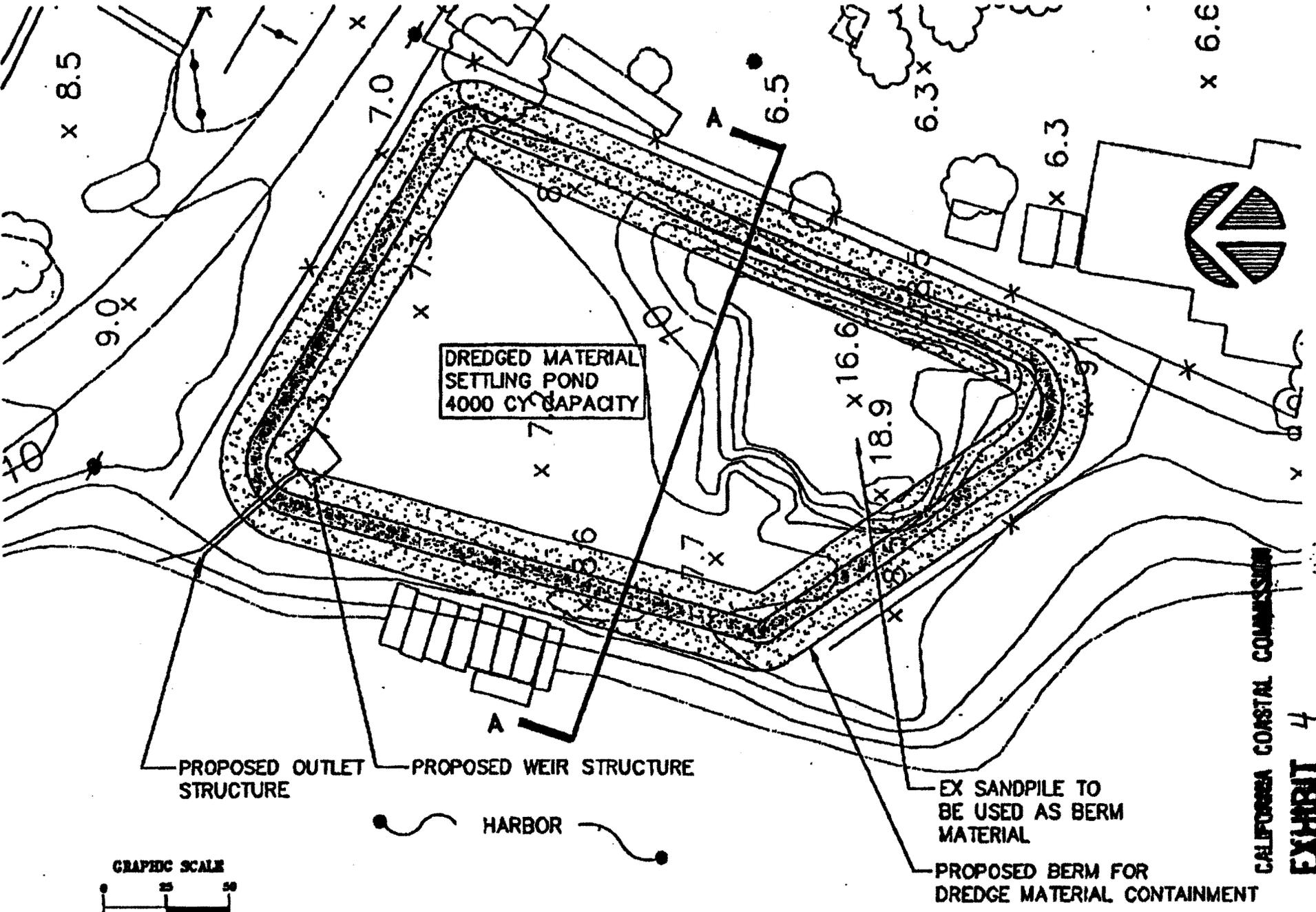


CALIFORNIA COASTAL COMMISSION

EXHIBIT 2

3-96-020

FROM 04-25-96 03:23PM TO SF CCC 914159045480 #136 P. 3/9



DREDGED MATERIAL
SETTLING POND
4000 CY CAPACITY

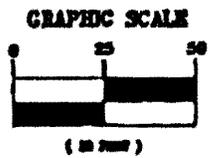
PROPOSED OUTLET
STRUCTURE

PROPOSED WEIR STRUCTURE

HARBOR

EX SANDPILE TO
BE USED AS BERM
MATERIAL

PROPOSED BERM FOR
DREDGE MATERIAL CONTAINMENT



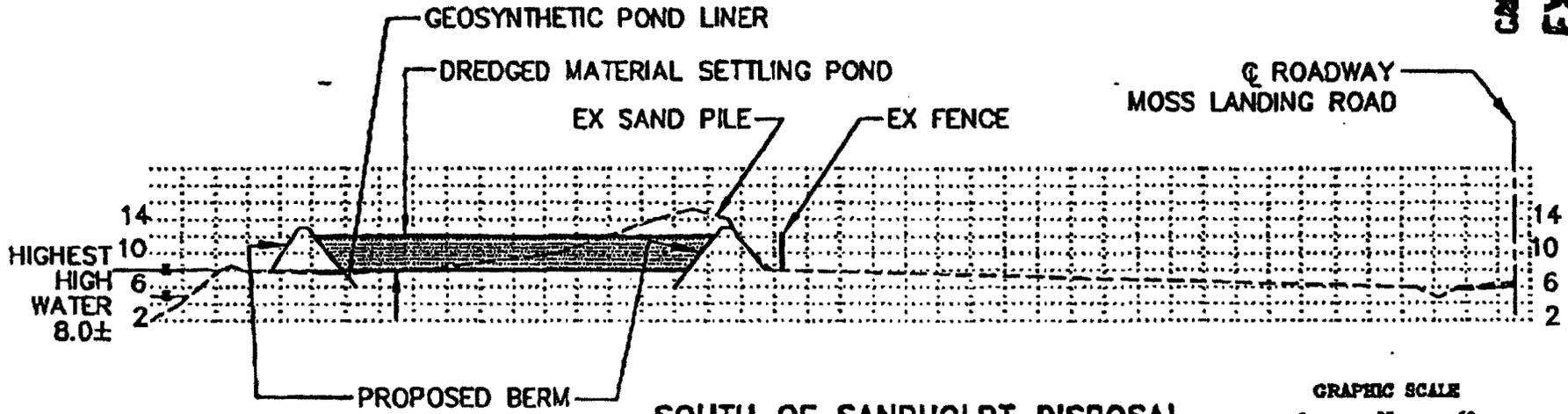
DATUM: MLLW

SOUTH OF SANDHOLDT
ROAD DREDGE DISPOSAL SITE

CALIFORNIA COASTAL COMMISSION

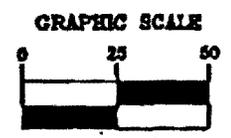
EXHIBIT 4

3-96-020

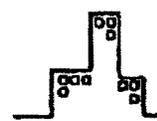


SOUTH OF SANDHOLDT DISPOSAL SITE CROSS SECTION A-A

SCALE: HORIZ: 1" = 50'
VERT: 1" = 20'



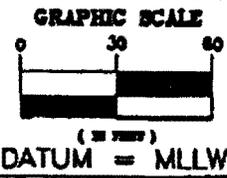
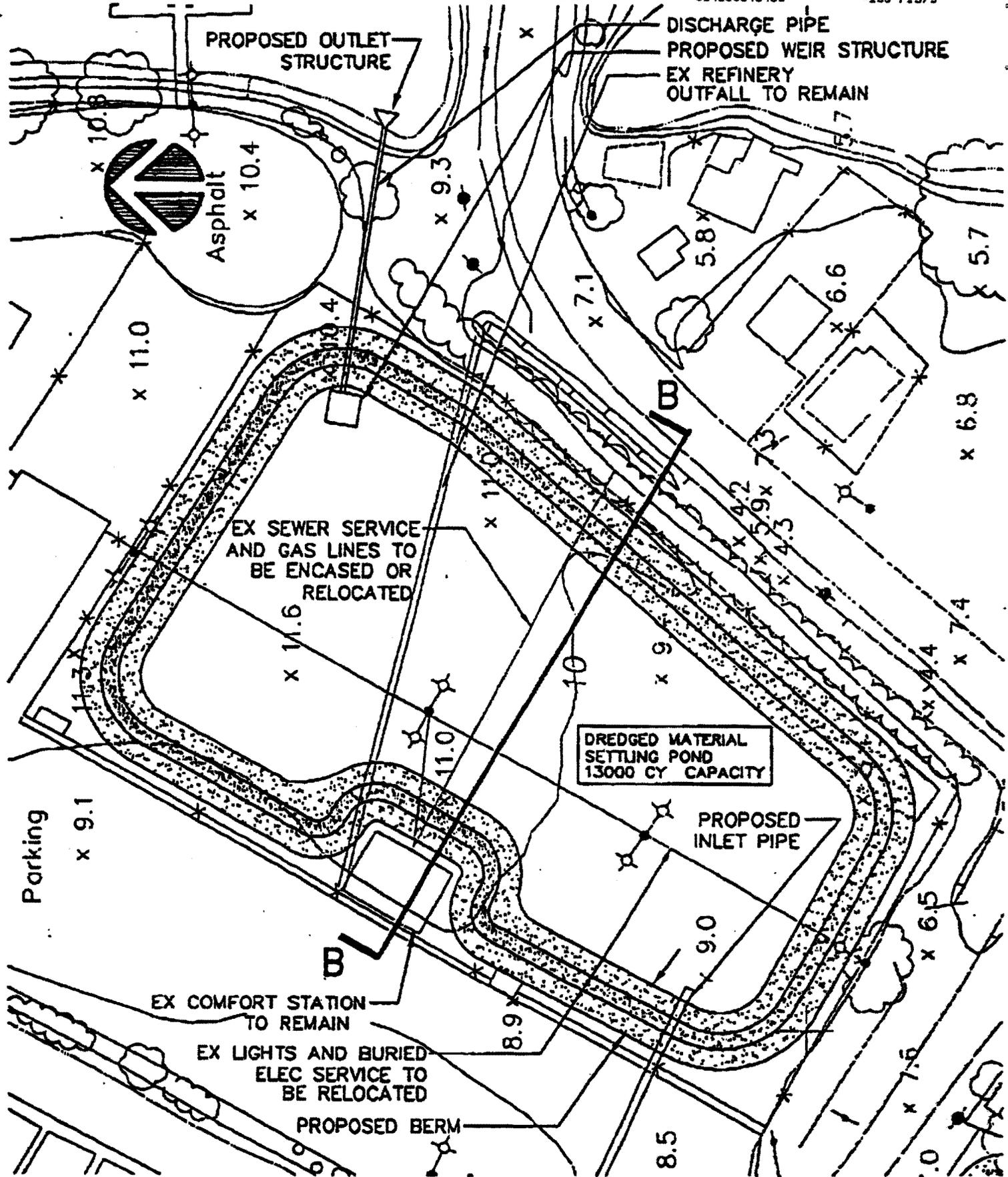
DATUM: MLLW



MESITI-MILLER ENGINEERING
Civil and Structural Engineering

224 Walnut Ave. Santa Cruz, CA 95060 408 426 3186

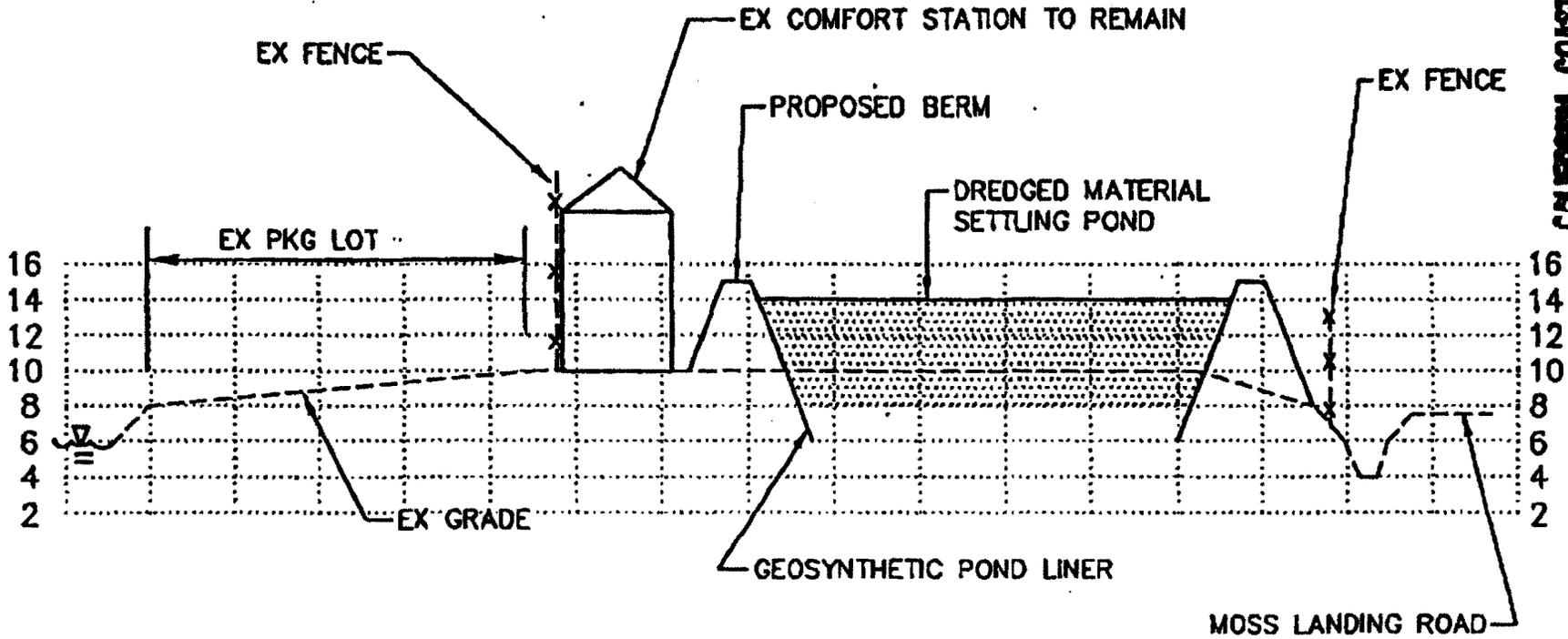
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CALIFORNIA COASTAL COMMISSION

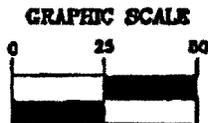
BOAT/STORAGE YARD DREDGE DISPOSAL SITE **EXHIBIT 6**

3-96-020

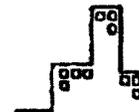


**BOAT STORAGE YARD DISPOSAL
SITE CROSS SECTION B-B**

SCALE: HORIZ: 1" = 50'
VERT: 1" = 5'



DATUM: MLLW



MESITI-MILLER ENGINEERING
Civil and Structural Engineering

224 Walnut Ave. Santa Cruz, CA 95060 408 426 3186

3-96-020

**RECOMMENDED CONDITIONS
EXHIBIT B**

1. That a Grading/Building Permit shall be required pursuant to the Monterey County Code relative to building and grading.
2. That the Moss Landing Harbor District comply with the recommendations of the geotechnical investigation prepared by Steven Rass & Associates, Inc., dated January 1996.
3. That the Moss Landing Harbor District provide odor control measures that may include one or all of the following:
 - a) Application of a liquid agent by atomizing nozzles placed around the perimeter of the site.
 - b) Use of material that through a physical reaction, neutralizes the odor, resulting in no odor.
 - c) Wind screens be provided on the down wind sides of the disposal sites.
4. That the decanted dredged material be sprayed or atomized with a liquid Anotec (non-toxic by A. T. Products Corporation) around the perimeter of the site by atomizing nozzles to eliminate or mask odors.
5. Design and regulate the rate of input and weir outflow in order not to over burden the containment berms, pipelines and other confinement structures.
6. Erosion control measures be implemented to protect shorelines at the weir spillways.
7. Design the ponds in a way to minimize re-suspension of settled material by turbulence that will reduce turbidities of discharged effluent.
8. Install filtration systems to remove contaminants from effluent before reintroducing into the harbor waters.
9. If during the site preparation any rare, threatened or endangered plant species are encountered work must cease immediately and the Moss Landing Harbor District contacted along with a biologist to assess the significance of the flora.
10. If during the site preparation any rare, threatened or endangered fauna (animals) are encountered work must cease immediately and the Moss Landing Harbor District contacted along with a biologist to assess the significance of the fauna.
11. That the movement of decanted dredge material be transported to the Marina Landfill between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday.
12. That the hours of dredge operation be limited from dusk to dawn.
13. That the conditions under permit #4133 Monterey Bay Unified Air Pollution Control District be complied with:
 - a) Fuel usage shall not exceed 320 gallons of #2 fuel oil per day.
 - b) Annual fuel usage shall be reported to the District (Air), upon request, at the time of annual permit renewal.
 - c) The sulfur content of any #2 fuel oil burned shall not exceed 0.5 percent by weight.
 - d) Visible emissions shall not exceed 20% opacity or equivalent Ringelmann 1 for a period or periods aggregating more than three minutes in any one hour.
 - e) Any representative of the Monterey Bay Unified Air Pollution Control District authorized by the Air Pollution Control Officer shall be permitted:
 - 1) to enter upon the premises where the source is located or in which any records are required to be kept under the terms and conditions of the Permit to Operate;
 - 2) to have access to and copy any records required to be kept under the terms and conditions of this Permit to Operate;
 - 3) to inspect any equipment, operation, or process described or required in this Permit to Operate; and,
 - 4) to sample emissions from the source.

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CALIFORNIA COASTAL COMMISSION
EXHIBIT 8

14. Applicant shall submit evidence to the Moss Landing Harbor District that the Coastal Commission has approved the development approved by this permit.
15. That the removal of all materials, upon completion of the use, be restored to conditions prior to construction.
16. Pursuant to the State public Resources Code and the State Fish and Game Code, the applicant shall pay a fee to be collected by the County of Monterey in the amount of \$1,275. This fee shall be paid prior to filing of the Notice of Determination. Proof of payment shall be furnished by the applicant to the General Manager of the Moss Landing Harbor District prior to commencement of use or the issuance of building and or grading permits.
17. That new utility and distribution lines shall be placed underground.

3-96-020

CALIFORNIA COASTAL COMMISSION
EXHIBIT 9 7

