

CALIFORNIA COASTAL COMMISSION

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W106



STAFF REPORT AND RECOMMENDATION
ON CONSISTENCY DETERMINATION

Consistency Determination
 No. CD-52-96
 (U.S. Army Corps of Engineers)
 Staff: MPD-SF
 45th Day: 6/22/96
 60th Day: 7/7/96
 Filed: 5/8/96
 Commission Meeting: 6/12/96

FEDERAL AGENCY: U.S. Army Corps of Engineers

DEVELOPMENT
LOCATION:

Pillar Point Promontory, Pillar Point Harbor, north of Half Moon Bay in San Mateo County (Exhibits 1 and 2)

DEVELOPMENT
DESCRIPTION:

Construction of a 110 ft. extension to the existing west breakwater (Exhibits 3 and 4)

SUBSTANTIVE FILE
DOCUMENTS:

See page 13.

EXECUTIVE SUMMARY

The U.S. Army Corps of Engineers (Corps) has submitted a consistency determination for a 110 ft. long, 15 ft. wide, extension to the west breakwater at Pillar Point Harbor. The extension would be located where the existing breakwater joins the land at the southern tip of the U.S. Air Force Pillar Point Tracking Station (a.k.a. Pillar Point Promontory). The footprint of the extension would be approximately be 900 sq. ft. (110 ft. long and 15 ft. wide at the base). The top elevation of the breakwater would be +13 ft. MLLW (mean lower low water). An as-yet-to-be designed 10 ft. wide concrete ramp would be constructed at the northernmost point of the extension at the base of the bluff, to allow emergency vehicle and pedestrian access. Construction would occur during July-August, 1996, taking approximately 60 days. An approximately 1/2 acre construction staging area would be located immediately east of the proposed extension.

The Corps states the project is necessary to minimize sand erosion that occurs during conditions when waves overtop the project site. According to the Corps, the San Mateo County Harbor District believes that wave overwashing in

this unarmored reach of the western breakwater is transporting sand into Pillar Point Harbor, and causing a delta to form on the harbor side of the project site. The Corps is also concerned that continued overwashing in this area will further erode the existing bedrock berm, which could lead to an increase in the frequency of wave flanking.

Section 30235 of the Coastal Act provides for the authorization of shoreline structures in situations where they are required to serve coastal dependent uses, or to protect existing structures or public beaches in danger of erosion. While boating uses within Pillar Point Harbor are coastal dependent uses, they are not threatened by erosion or wave attack from the project site. The Corps has not provided any evidence to support its statement that the erosion or occasional wave overtopping in this area is causing problems for navigation, existing coastal dependent uses, existing structures, or existing beaches. Thus, the Commission disagrees with the Corps' stated need for the project. The project is not required to serve coastal dependent uses, or to protect existing structures or public beaches in danger of erosion. There is no development, beach, or boating facility located in the western portion of Pillar Point Harbor that is threatened by erosion or wave attack. The Corps' own studies show the area is quite stable, and that this section of the harbor has experienced almost no shoaling, sedimentation, or erosion in over 30 years since the existing breakwater was built in 1962. The project is therefore inconsistent with the shoreline structures policy of the Coastal Act (Section 30235).

The project raises several public access concerns. During the construction period, the project would significantly diminish, if not altogether prohibit, public access to a heavily used and regionally important recreational beach during the peak summer month recreation season. On a permanent basis, the project would displace existing sandy beach and natural level terrain, in an area where the beach is quite narrow, especially during high tide conditions. The project is therefore inconsistent with the public access and recreation policies of the Coastal Act (Sections 30210-30213 and 30240).

The project could also lead to wave attack at the base of the bluff where the extension would be keyed into the base of the bluff; erosion along this steep already eroding bluff could lead to bluff material ending up on the beach. The Corps has not analyzed this possible project impact. The Corps has also not provided a design for the ramp which it states would be located in this portion of the breakwater; this ramp may also direct affect wave energy towards the bluff or beach. Thus, the Corps has not provided sufficient information to enable the Commission to find the project consistent with the geologic hazards policy of the Coastal Act (Section 30253), which requires that new development avoid contributing to erosion or geologic instability.

The area's scenic significance has been previously established through, among other things, a signed Scenic Preservation Agreement between the Coastal Commission and the San Mateo County Harbor District. The proposed additional armoring in this scenic area would not minimize alteration of natural landforms and is inconsistent with the view protection policy of the Coastal Act (Section 30251).

The project is consistent with the environmentally sensitive habitat policies of the Coastal Act (Section 30240), as the Corps has taken adequate measures to avoid affecting snowy plover wintering activities during construction, and because the project would not otherwise adversely affect any sensitive wildlife species.

Finally, several project details are absent from the Corps' proposal. Most importantly, the Corps has not shown how access will be maintained during the construction period. In addition, the Corps has not provided a design for the ramp proposed as part of the permanent project, and has not indicated where the existing 15 cu. yds. of bedrock to be excavated will be disposed. This information has been requested but is not available as of the date of this staff report.

STAFF SUMMARY AND RECOMMENDATION:

I. Staff Summary:

A. Project Description/Background. The proposed project consists of a 110 ft. extension to an existing breakwater at Pillar Point Harbor in San Mateo County (Exhibits 2-4). The existing rubblemound west breakwater was originally constructed in 1962 and was 2,620 ft. long. A 1,050 ft. extension was added in 1967, bringing the total length to 3,670 ft. The proposed extension would be located where the existing west breakwater joins the land at the southern tip of the U.S. Air Force Pillar Point Tracking Station.

The project would consist of the placement of 78 tons of armor stone, with an average stone weight of 500 lbs., on either side of a 3 ft. thick concrete wall (Exhibit 4). The concrete wall would consist of 42 cu. yds. of concrete, keyed into the underlying sandstone, including removal of approximately 15 cu. yds. of underlying "highly weathered bedrock consisting of mudstone and sandstone." An additional up to 75 sq. yds. of loose debris from pre-excitation cleanup would also be removed. The footprint of the extension would be 900 sq. ft. (110 ft. long and up to 15 ft. wide at the base). The top elevation of the structure would be +13 ft. MLLW (mean lower low water), which would be approximately 3 ft. above the existing ground level. Upon completion of construction a 10 ft. wide concrete ramp would be added to the extension to allow emergency vehicle and pedestrian access at the base of the bluff at the northernmost point of the extension.

Construction is scheduled for July-August, 1996, and would take approximately 60 days. An approximately 1/2 acre construction staging area would be located immediately east of the proposed extension (Exhibit 3).

B. Status of Local Coastal Program. The standard of review for federal consistency certifications 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 Mateo County LCP has been certified by the Commission and has been incorporated into the California Coastal Management Program (CCMP).

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

D. Applicable Legal Authorities. Section 307 of the Coastal Zone Management Act provides in part:

(c)(1)(A) Each Federal agency activity within or outside the coastal zone that affects any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State management programs.

The federal consistency regulations (15 CFR Part 930) implemented to carry out this requirement include:

1. Practicability (Section 930.32).

(a) The term "consistent to the maximum extent practicable" describes the requirement for Federal activities including development projects directly affecting the coastal zone of States with approved management programs to be fully consistent with such programs unless compliance is prohibited based upon the requirements of existing law applicable to the Federal agency's operations. If a Federal agency asserts that compliance with the management program is prohibited, it must clearly describe to the State agency the statutory provisions, legislative history, or other legal authority which limits the Federal agency's discretion to comply with the provisions of the management program.

Since no issue of practicability has been raised by the Corps, the standard before the Commission is full consistency with the CCMP. The Corps has not attempted to assert in this case that compliance with the CCMP is prohibited based upon the requirements of existing law applicable to its operations.

2. Measures to Bring the Project into Conformance with the CCMP (Section 930.42(a)).

In the event the State agency disagrees with the Federal agency's consistency determination, the State agency shall accompany its response to the Federal agency with its reasons for the disagreement and supporting information. The State agency response must describe (1) how the proposed activity will be inconsistent with specific elements of the management program, and (2) alternative measures (if they exist) which, if adopted by the Federal agency, would allow the activity to proceed in a manner consistent to the maximum extent practicable with the management program.

3. Informational Requirements (Section 930.39).

(a) The consistency determination shall include a brief statement indicating whether or not the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the management program. The statement must be based upon an evaluation of the relevant provisions of the management program. The consistency determination shall also include a detailed description of the activity, its associated facilities, and their coastal zone effects, and comprehensive data and information sufficient to support the Federal agency's consistency statement. The amount of detail in the statement evaluation, activity description and supporting information shall be commensurate with the expected effects of the activity on the coastal zone.

4. Procedure if State agency objects based on lack of information (Section 930.42(b)).

(b) If the State agency's disagreement is based upon a finding that the Federal agency has failed to supply sufficient information (see Section 930.39(a)), the State agency's response must describe the nature of the information requested and the necessity of having such information to determine the consistency of the Federal activity with the management program.

In addition to the above-referenced federal consistency regulations, applicable legal considerations include:

5. Federal Agency Responsibility. The Commission has limited regulatory authority over federal agencies pursuant to the Coastal Zone Management Act. A Commission objection to a consistency determination made by a federal agency for an activity or development that affects the coastal zone does not result in a veto of the proposed project. A federal agency may continue with a proposed project even though the Commission has objected to the consistency determination. However, Section (a)(i) of Chapter 11 of the CCMP requires Federal agencies to inform the Commission of any such action. This section provides that:

If the Coastal Commission finds that the Federal activity or development project directly affects the coastal zone and is not consistent with the management program, and the federal agency disagrees and decides to go forward with the action, it will be expected to (a) advise the Coastal Commission in writing that the action is consistent, to the maximum extent practicable, with the coastal management program, and (b) set forth in detail the reasons for its decision. In the event the Coastal Commission seriously disagrees with the Federal agency's consistency determination, it may request that the Secretary of Commerce seek to mediate the serious disagreement as provided by Section 307(h) of the CZMA, or it may seek judicial review of the dispute.

II. Staff Recommendation:

The staff recommends that the Commission adopt the following resolution:

Objection

The Commission hereby objects to the consistency determination made by the Corps for the proposed project, finding that the project is not consistent to the maximum extent practicable with the California Coastal Management Program (CCMP). The Commission also finds that the consistency determination submitted by the Corps does not contain sufficient information to enable the Commission to determine, for several issue areas, whether the project is consistent to the maximum extent practicable with the CCMP.

III. Findings and Declarations:

The Commission finds and declares as follows:

A. 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.

Regarding project need, the Corps states the project is necessary to correct design deficiencies in the existing breakwater and to minimize sand erosion that occurs during conditions when waves overtop the project site. According to the Corps, the San Mateo County Harbor District believes that wave overwashing in this unarmored reach of the western breakwater is transporting sand into Pillar Point Harbor, and causing a delta to form on the harbor side of the project site. The Corps is also concerned that continued overwashing in this area will further erode the existing bedrock berm, which could lead to an increase in the frequency of wave flanking.

Regarding effects on sand supply, the Corps states the project would protect the beach area on the east (harbor) side of the breakwater by "... alleviating some of the sand erosion presently experienced due to wave overwashing and wave flanking in this unarmored reach of the west breakwater." The Corps also states:

... sand transport along the coast (i.e. littoral drift) will not be blocked in the existing portion of the breakwater located underwater. The on-land breakwater extension is designed to alleviate erosion (caused by wave overwashing/flanking) to the beach located in the lee side of the breakwater, and stop sand from being lost from the beach to the northwest, thus, it would eliminate adverse impacts of erosion on the shoreline sand supply in the immediate project area.

However the Corps has not adequately established the underlying need for the project. Inherent in Section 30235 of the Coastal Act is the concept that armoring of the coast need not be authorized unless it is required to serve coastal dependent uses or to protect existing structures or beaches. While boating uses within Pillar Point Harbor are coastal dependent uses, the available evidence does not support the conclusion that any development, beach, boating facility, or navigation in the western portion of Pillar Point Harbor is threatened by erosion or wave attack. The Corps' recently completed a shoaling study, entitled "Pillar Point Harbor, San Mateo County, California, Reconnaissance Report," dated March 1996, designed to help determine the feasibility of dredging and to understand the shoaling and sedimentation processes occurring throughout the harbor. This study establishes that little to no shoaling occurs in the western side of the harbor, and that any shoaling problems that do exist are on the other (eastern) side of the harbor. That study states:

Although net sediment transport for the Half Moon Bay Littoral Cell is in the southward direction, intense storm events out of the south-southwest can cause transport reversals. These reversals can force sand through the breakwater as well as through the harbor entrance. Once sediment enters the harbor, internal wind waves and currents would redistribute the material prior to its settling out of the water column. Calculations show that waves transmitted through the breakwater can generate bottom velocities large enough to move sediments within the harbor. Therefore, surging through the breakwater can redistribute sediments on the lee side of the breakwater structures. The vast majority of sediment transport is carried out in the breaker zone, which for Half Moon Bay extends offshore to depths of around 25 ft. The entrance to the harbor lies on the outermost limits of this zone, therefore it is not likely that the volume of sediment passing through the entrance as a result of reversals in the sediment transport direction is nearly as great as that experienced by sections of the east breakwater. The west breakwater does not appear to have problems with wave and sediment transmission, at least not to the extent that the east breakwater does. Therefore, it is not seen as playing any significant role in the shoaling of the basin. There have been reports of the west breakwater being flanked by wave runup, but this is an issue which is being addressed under a different authority. There is no indication at this point, that flanking of the west breakwater is of significance with respect to the present study. [Emphasis added]

Recommendations made by the Corps in that study lend further support for the position that breakwater modifications are not needed in the western portion of the harbor. These recommendations include:

- o Given present conditions, it is believed that a successful project can be constructed and maintained without modifications or additions to any coastal structures.
- o If present shoaling rates are found to be unacceptable or future shoaling rates are to be minimized, it is recommended that the east breakwater be sealed from station 18+00 to station 24+00. [Emphasis added]

Thus, based on this study, the Commission finds that the Corps' own studies show the western harbor area is quite stable, and has experienced almost no shoaling, sedimentation, or erosion since the existing breakwater was built in 1962. Additional support for the argument that a navigation hazard from shoaling does not exist is the fact that the harbor has never been dredged since it was created in 1962. The Commission concludes that the project is not necessary to protect coastal dependent uses, or to protect existing structures or public beaches in danger of erosion, and is therefore inconsistent with Section 30235 of the Coastal Act.

B. Public Access and Recreation. Sections 30210-30213 of the Coastal Act provide for the maximization of public access and recreation opportunities. These sections provide:

Section 30210: 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 30212: (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

Section 30213: Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

In addition, Section 30240 (b) provides:

(b) Development in areas adjacent to ... 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 ... areas.

The immediate project site is part of a heavily used and regionally important public beach. The Commission has expended significant efforts to preserve and enhance access at this beach, which is important to surfers, fishermen, birdwatchers, and other passive recreational uses (see Consistency Certification No. CC-36-85 and CC-36-85A, U.S. Air Force, Cable Fence, Pillar Point Harbor and "Public Access & Mitigation Summary for the Pillar Point Harbor Boat Ramp Facilities," San Mateo County Harbor District, June 18, 1990.) The world-famous "Mavericks" surf break is accessed by surfers from this beach, which at high tide can only be reached by crossing the site of the proposed breakwater extension. The project raises several public access concerns, due to both temporary construction impacts during the peak summer recreation period, and permanent beach displacement by the proposed breakwater extension.

During the construction period, the project would significantly diminish, if not altogether prohibit, public access to the ocean beach seaward of the proposed extension. This beach is not accessible to the public at high tide from any other location (Fitzgerald Marine Reserve, pers. comm.). The Corps maintains that the project will not "...be directly encroaching upon the public's right of access to the sea, since areas adjacent to the west breakwater have trails leading to the beaches northwest and southeast of the breakwater." While acknowledging that the staging area (Exhibit 3) would be off limits to the public during construction, the Corps nevertheless states: "Despite this temporary inconvenience, the public should still be able to access the beaches to the northwest and southeast on the trails leading from the parking lot area."

Based on Commission staff field observations, the Commission does not agree with the Corps' conclusion that during construction the project will avoid encroaching on access. The staging area will be backed up against the base of the bluff, and the existing topography will not allow access around the steep bluff to the north of the construction area. At the other side of the project and staging area, the project will extend to the south to the current breakwater terminus. The only way to access the beach at this location is to traverse the existing breakwater, which will be a hazardous path at best, because it will necessitate climbing over the existing breakwater, attempting to reach the ocean beach over large slippery rocks. Posted signs at the site already warn the public of the hazard of dangerous waves at all times of the year. These signs advise hikers to keep off the existing breakwater. Furthermore, high tides rise above the landwardmost toe of the existing breakwater, and if members of the public ignore the posted warning signs and do manage to achieve access during low tide, they could become trapped at the beach by the proposed breakwater when the tide comes in. Based on these facts and the existing topography, the Commission believes the popular beach seaward of the proposed extension project area will not be accessible to the public during the two month construction period, now scheduled for the peak summer recreational period. The Corps has not adequately explained how access can be maintained during this construction period.

On a permanent basis, aside from visual degradation (discussed in Section D. below), the project would displace existing sandy beach and natural landforms, thereby reducing the overall extent of sandy beach available and reducing visual quality, which is an important part of the recreational experience at this beach. The fact that the beach is quite narrow at this location, especially during high tide conditions, exacerbates the significance of this adverse impact. Also, while it states an access ramp will be provided that will facilitate access once the project's construction has been completed, the Corps has provided no plans for such a ramp. Without plans showing how and where the ramp would be constructed, the Commission does not have sufficient information to determine access across the breakwater will be adequate in the long term.

Therefore, in conclusion, the Commission finds that for the above reasons, due to both construction and beach displacement impacts, the project is inconsistent with the requirements of Sections 30210-30213 and 30240 to maximize and protect public access and recreation opportunities.

C. Geologic Hazards. Section 30253 of the Coastal Act provides 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 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.

The Corps states:

Although, this extension is designed to alleviate wave overwashing/flanking and sand erosion in this bedrock area, it will not affect the west breakwater's permeability (i.e., water circulation) associated with that portion of existing breakwater that is underwater. In addition, sand transport along the coast (i.e., littoral drift) will not be blocked in the existing portion of the breakwater located underwater. The on-land breakwater extension is designed to alleviate erosion (caused by wave overwashing/flanking) to the beach located in the lee side of the breakwater, and stop sand from being lost from the beach to the northwest, thus, it would eliminate adverse impacts of erosion on the shoreline sand supply in the immediate project area.

The Corps has not provided any documentation explaining how it came to the conclusion that sandy beaches seaward of the proposed extension will not be affected. In addition, the Corps has not provided an analysis of bluff erosion potential. Under existing conditions bluff erosion is already occurring on the steep slopes at the southernmost Pillar Point promontory. This erosion could be exacerbated by wave energy being redirected towards the bluff by the breakwater. Without an analysis of these potential geologic hazards, the Commission is unable to find that the project: (1) will avoid contributing to erosion, geologic instability, or destruction of the site or surrounding area; or (2) will not lead to the need for the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. In conclusion, the Corps has not provided sufficient information to enable the Commission to find the project consistent with Section 30253 of the Coastal Act.

D. Visual Impact. Section 30251 of the Coastal Act provides:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The scenic significance of this area has been well established by the Commission through, among other things, a signed Scenic Preservation Agreement between the Coastal Commission and the San Mateo County Harbor District (see Appeal No. 133-76 and subsequent amendments; Coastal Development Permit 3-90-56 (San Mateo County Harbor District); and the Scenic Preservation Agreement between Coastal Commission and San Mateo County Harbor District). Although the Scenic Preservation Agreement does not bind the Corps, which is not a signatory to it, the fact that the agreement prohibits structural development within the "open space" area, which includes the project site (which is owned by the Harbor District), certainly evidences the Commission's intent to protect the scenic quality of this area.

Based on the analysis in the Section A. of this report (Shoreline Structures), the existing rock formations underlying the proposed breakwater adequately protect the harbor from erosional wave forces. Replacing the existing natural formation with an engineered rock rubble breakwater would adversely affect the scenic quality of the beach at the project site. This fact, combined with the fact that the need for the project has not been adequately established, leaves the Commission unable to find the Corps has minimized landform alteration and adverse effects on public views. The Commission therefore concludes that the project is inconsistent with Section 30251 of the Coastal Act.

E. Habitat.

Section 30240. (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 Corps consulted with the U.S. Fish and Wildlife Service to determine sensitive species potentially affected by the project. Based on this consultation, the Corps believes the species most likely to be affected is the Western Snowy Plover, a federally listed threatened species. The Corps states:

The Pacific coast population breeds primarily on coastal beaches from southern Washington to southern Baja California, Mexico. In fall and winter, the snowy plover is common on sandy marine and estuarine shores. The snowy plover feeds on insects and amphipods from the dry sand of upper beaches along the coast, occasionally foraging in wet sands for young sand crabs. Historically, there were at least 80 nesting sites on the west coast; 28 remain today. The plover's numbers have declined due to human activity on the beaches during nesting season. Jogging, off-road vehicles, pets and horseback riding either destroy the nests outright, or cause adults to leave incubating eggs. European beach grass is considered a secondary threat because it has been planted to stabilize dunes and grows so thickly that it reduces available nesting habitat.

Locally, the coastal population of the western snowy plover breeds and winters in the Half-Moon Bay area, using intertidal beaches and foredunes. Historically, snowy plovers are known to winter in the western shoreline area adjacent to the northwest jetty. According to information from local naturalists, a flock of between 18 to 38 snowy plovers winters at the beach located on the northeast (lee side) of the west outer breakwater. They arrive as early as September, and leave for their nesting grounds by mid-April. The snowy plover does not nest at this location, possibly due to disturbances caused by human access and especially dogs.

Analyzing project impacts, the Corps states:

No significant impacts are expected to occur to the snowy plover since the plover does not nest at Pillar Point Harbor, is highly mobile, and can avoid any of the proposed breakwater repair activities. In addition, breakwater repair activities will be scheduled to avoid the September through mid-April time frame, and therefore, avoid disturbance of any wintering snowy plovers in Pillar Point Harbor. Thus, any impacts upon the snowy plovers would be expected to be minimal and insignificant.

While the Fish and Wildlife Service has not completed its review of the project as of the date of this writing, the Commission finds that the preponderance of available evidence supports the Corps' conclusion that the project will not adversely affect snowy plovers or any other environmentally sensitive habitat. The Commission therefore finds the project consistent with the habitat protection provisions of Section 30240 of the Coastal Act.

F. Measures to Bring the Project into Conformance with the CCMP. Section 930.42(a) of the regulations implementing the CZMA provides, in part, that:

In the event the State agency disagrees with the Federal agency's consistency determination, the State agency shall accompany its response to the Federal agency with its reasons for the disagreement and supporting information. The State agency response must describe (1) how the proposed activity will be inconsistent with specific elements of the management program, and (2) alternative measures (if they exist) which, if adopted by the Federal agency, would allow the activity to proceed in a manner consistent to the maximum extent practicable with the management program.

Additional project features and/or further clarifying information discussed in the previous sections of this report could further reduce project impacts, such as: (1) a showing as to how, if possible, public access can be maintained during construction; (2) provision of the design of the ramp the Corps states will be included within the project to maintain access after construction; and (3) the analysis needed to establish that wave attack will not be refocused onto the Pillar Promontory immediately to the north of the site. Nevertheless, even if these features and information were provided, the

Commission would still find that the project is not consistent to the maximum extent practicable with the CCMP, based on the lack of need for the project and adverse effects on access, recreation, and public views. The Commission therefore finds that alternative measures do not exist that would allow the activity to proceed in a manner consistent to the maximum extent practicable with the CCMP.

IV. Substantive File Documents:

1. Pillar Point Harbor, San Mateo County, California, Reconnaissance Report, U.S. Army Corps of Engineers, March 1996.

2. Consistency Certification No. CC-36-85 and CC-36-85A, U.S. Air Force, Cable Fence, Pillar Point Harbor.

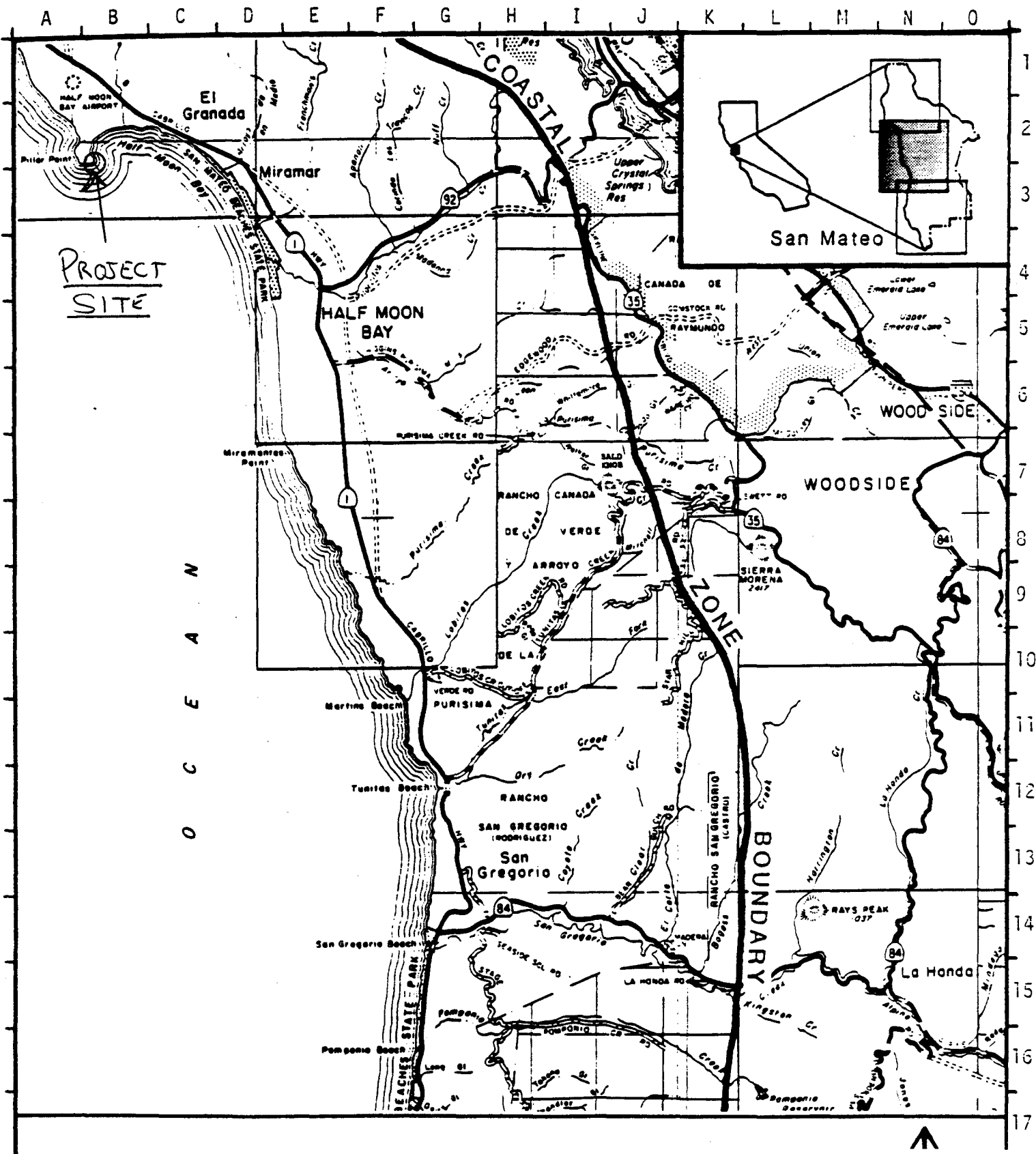
3. Appeal No. 133-76 and subsequent amendments, San Mateo County Harbor District.

4. Coastal Development Permit 3-90-56, San Mateo County Harbor District.

5. Scenic Preservation Agreement between Coastal Commission and San Mateo County Harbor District.

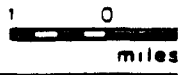
6. Public Access & Mitigation Summary for the Pillar Point Harbor Boat Ramp Facilities, San Mateo County Harbor District, June 18, 1990.

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California Coastal Commission

LOCATION MAP



County of San Mateo

EXHIBIT NO. 1
APPLICATION NO.
CD-52-96
California Coastal Commission

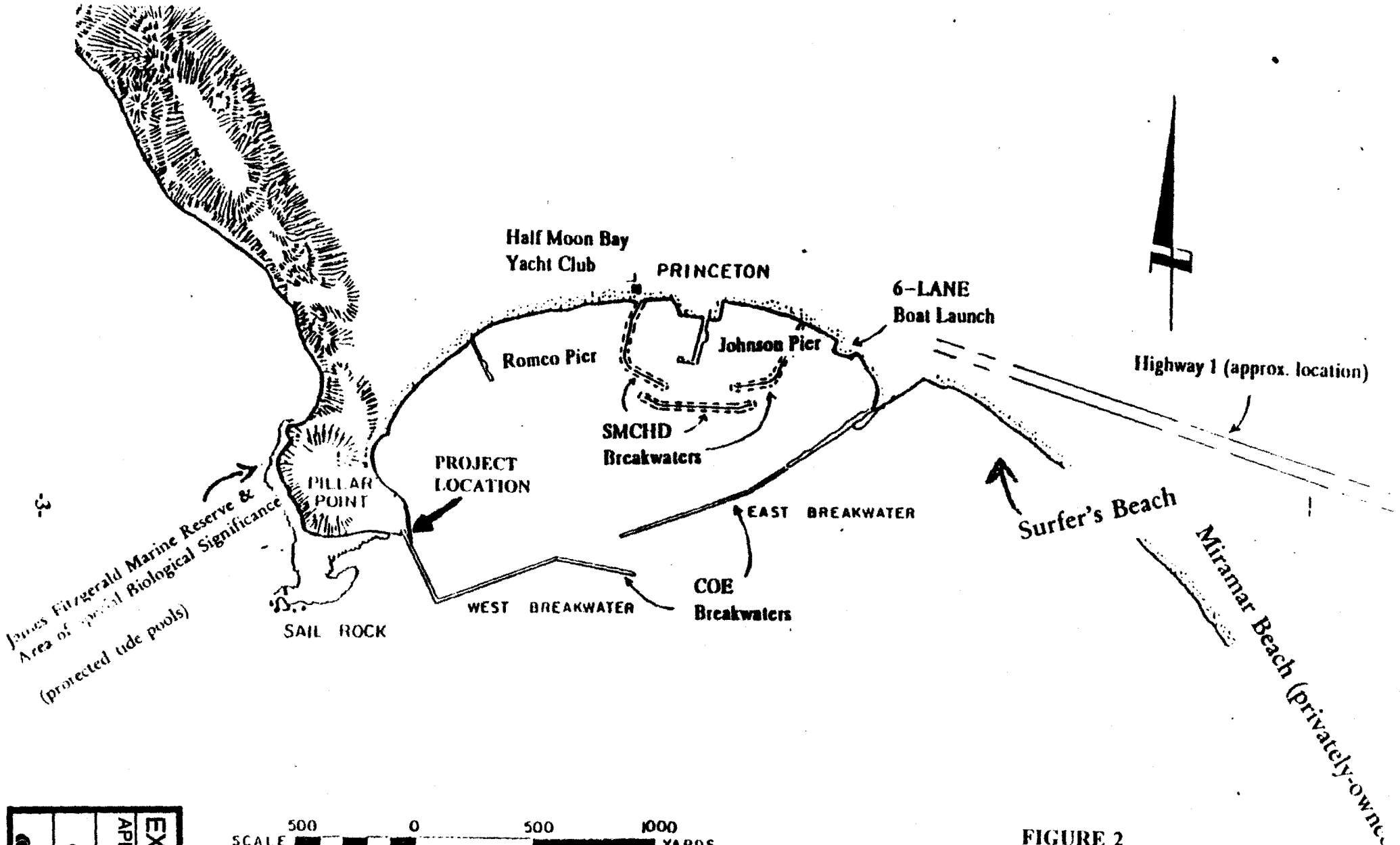
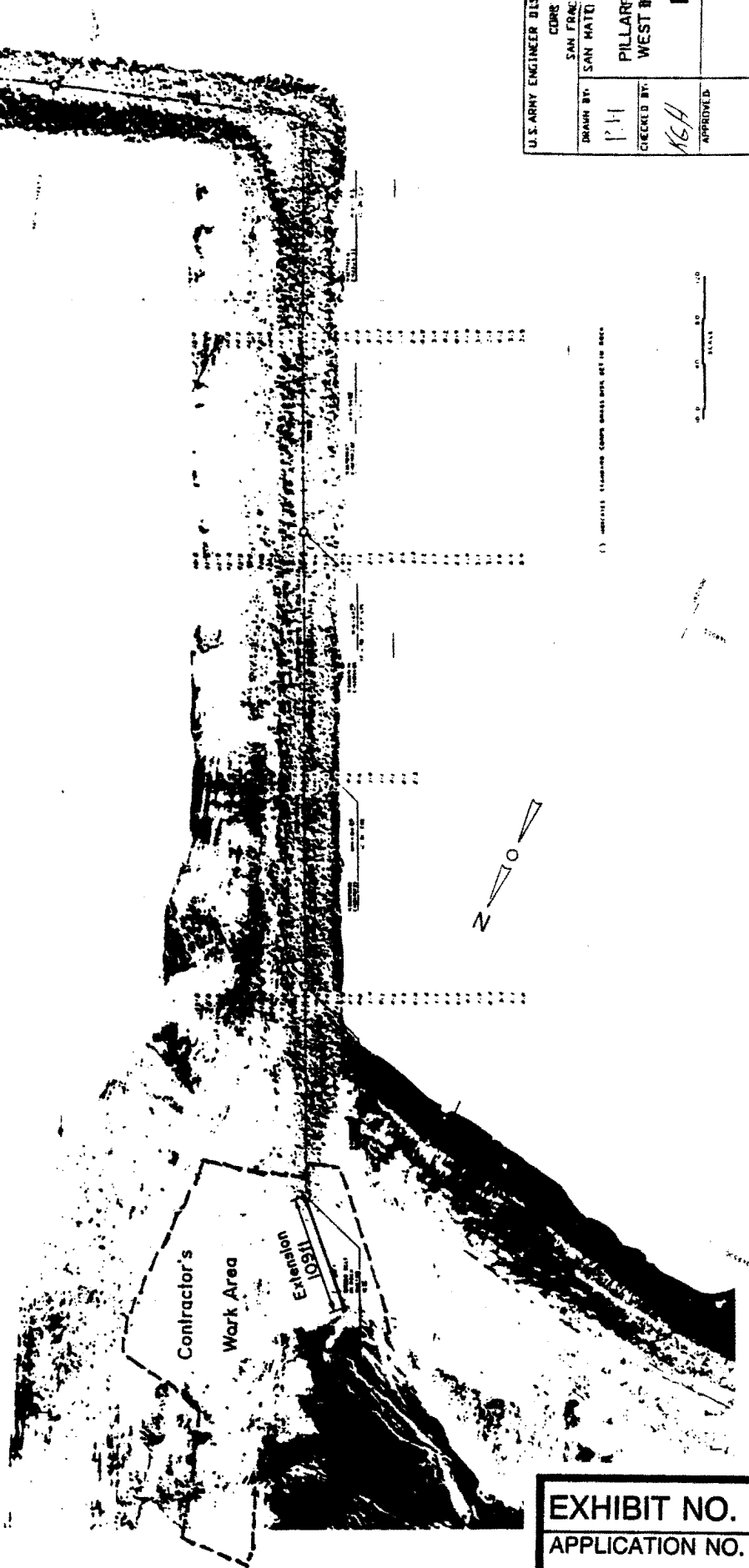
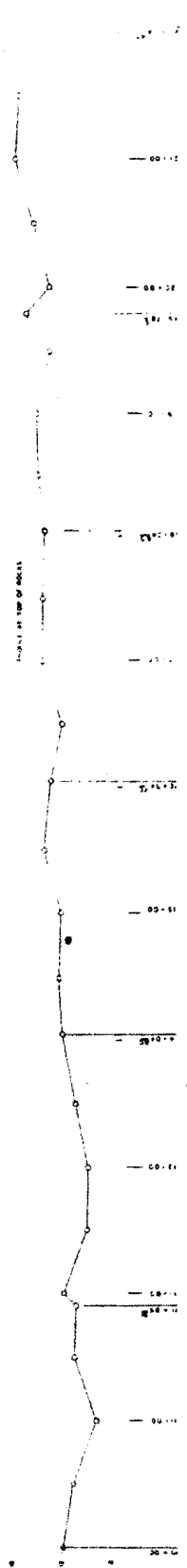


FIGURE 2

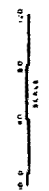
PILLAR POINT HARBOR
(EXISTING HARBOR FACILITIES)

 California Coastal Commission	EXHIBIT NO. 2
	APPLICATION NO.
CD-52-96	

U.S. ARMY ENGINEER DISTRICT	
CORPS OF ENGINEERS	
SAN FRANCISCO DISTRICT	
DRAWN BY:	P.H.
CHECKED BY:	AGH
APPROVED:	
PILLARY WEST BR.	
SCALE:	
SHEET:	

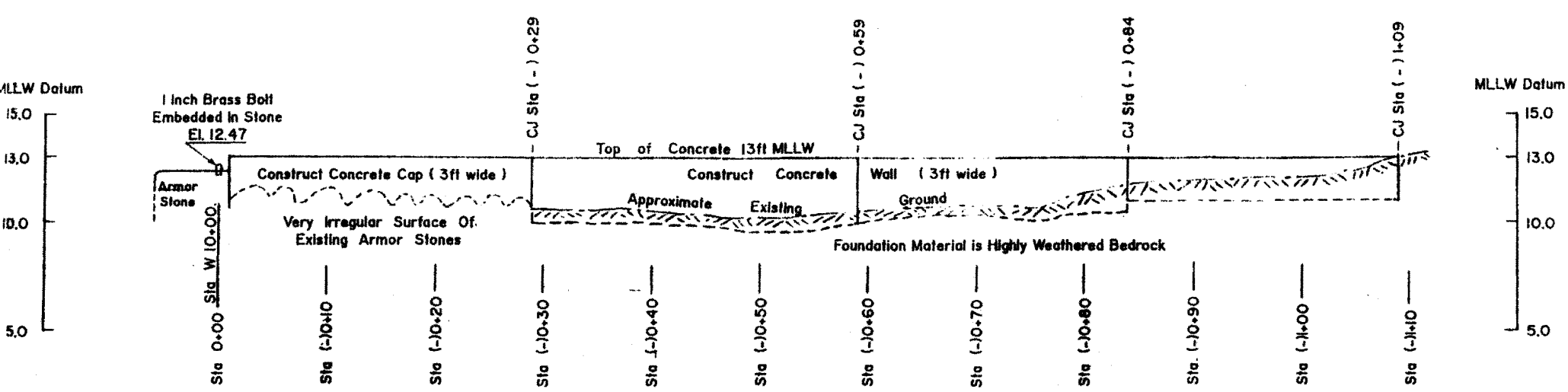


(1) UNDESIGNED UNSTABILIZED SLOPES SHALL BE SET IN BENCH



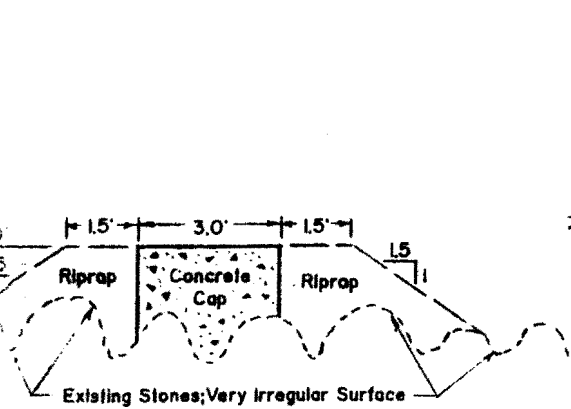
TEMPORARY STAGING AREA

EXHIBIT NO. 3
APPLICATION NO.
CD-52-96
California Coastal Commission



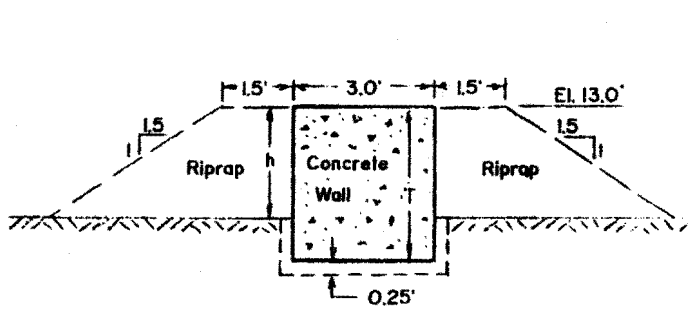
LONGITUDINAL SECTION

Horizontal Scale 1"=10'
Vertical Scale 1"=5'



Station (-)10+01 To (-)10+29

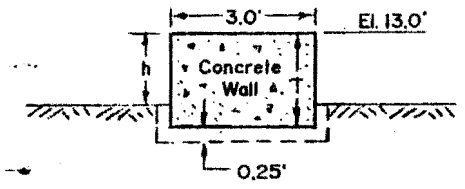
Not To Scale



Station (-)10+29 To (-)10+59
T=The Greater Of 3ft Or h+0.5ft
Station (-)10+59 To (-)10+84
T=The Greater Of 2.5ft Or h+0.5ft

Not To Scale

TYPICAL SECTION



Station (-)10+84 To (-)11+09
T=The Greater Of 2ft Or h+0.5ft
Riprap Ends At Station (-)10+90

Not To Scale

TYPICAL SECTION

Note : Foundation Excavation Tolerance Is +0.25ft
As Shown In The Typical Section

California Coastal Commission

EXHIBIT NO. 4

APPLICATION NO. CD-52-96

TION

U.S. ARMY ENGINEER DISTRICT		SAN FRANCISCO	
CORPS OF ENGINEERS			
SAN FRANCISCO, CALIFORNIA			
DRAWN BY:	SAN MATEO COUNTY CALIFORNIA		
CHECKED BY:	PILLAR POINT HALF MOON BY		
APPROVED BY:	WEST BREAKWATER EXTENSION		
SCALE:	DATE:		
SHEET:	DRAWING NO.:		