

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
1 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

Staff: WNP-SD
Staff Report: 10/16/97
Hearing Date: 11/4-7/97

REVISED FINDINGS

RECORD PACKET COPY

APPLICATION NO.: 6-97-45

APPLICANT: San Diego Gas and Electric

PROJECT DESCRIPTION: Dredge between 155,000 and 200,000 cubic yards of lagoon bottom (sand) within the outer basin of Agua Hedionda Lagoon starting September 15, 1997 and ending April 15, 1998. The sand is proposed to be placed on the "South Beach", in a 1,100 foot long and 200 foot wide area directly south of the Encina Power Plant discharge jetty on Carlsbad State Beach. The applicant is also requesting approval to dredge up to 500,000 cubic yards in any single event (dredge cycle) up to a five year maximum total dredging volume of 1,250,000 cubic yards.

PROJECT LOCATION: Outer basin of north shore of Agua Hedionda Lagoon and Carlsbad beaches south of lagoon to Oak Street, Carlsbad, San Diego County.

DATE OF COMMISSION ACTION: August 13, 1997

COMMISSIONERS ON PREVAILING SIDE: Allen, Armanasco, Flemming, Kehoe, Nava, Pavley, Potter, Reilly, Staffel, Tuttle, Wan and Chairman Areias

SUMMARY OF COMMISSION ACTION:

Staff recommends that the Commission adopt the following revised findings in support of the Commission's action to approve a one-time dredge of up to 200,000 cu.yds. of material to be placed on the Middle Beach rather than the South Beach as proposed by the applicant. The Commission has also required the permittee to complete a study to determine the effects of the power plant on sand transport and erosion rates within the vicinity of Aqua Hedionda Lagoon to be used for future decision-making on future dredging projects. The study is to enable the Commission to determine where beach quality material dredged from Aqua Hedionda Lagoon by SDG&E should be placed in the future, in order to replenish those beaches most affected by the operation of the power plant. The requirements for the independent study and project timeline have been added as Special Conditions #4 and #5. The findings to support these conditions are found on page 12. The information obtained through compliance with Special Condition #2 should also be incorporated into the independent study.

Substantive File Documents: Certified Agua Hedionda Land Use Plan;
CDP No. 6-93-193-A and CDP No. 6-93-193-A2

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Timing of Dredging and Beach Deposition. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final plans and implementation measures for deposition of the dredged material on Middle Beach, between the ocean entrance to Aqua Hedionda Lagoon and the SDG&E discharge jetty, which incorporates the following:

a. Pre-and-Post Dredge Requirements. At least thirty days prior to dredging and within 60 days of completion of each dredge cycle, the applicant shall submit to the Executive Director for review and written approval the following:

1. A map of pre-dredge conditions of the lagoon and post deposition profiles at the approved beach deposition location(s); proposed dredge quantities; deposition plan and methodology; and signage plan;
2. Evidence the Corps of Engineers has approved the proposed dredge spoils as suitable for deposition at the approved beach locations, pursuant to ACOE Permit #87-171.

b. Public Access/Timing. Placement of sand on area beaches shall occur outside of the summer season (Memorial Day through Labor Day) when beach attendance is at its lowest.

c. Sensitive Species/Timing. To avoid potential impacts to the California least tern breeding period and the grunion spawning period, dredging can occur between September 15 and April 15 with the option of extending the dredge period to April 30 if approved in writing by the Executive Director in consultation with the Army Corps of Engineers (COE) and California Department of Fish and Game (DFG).

d. Eelgrass Impacts. The existing eel grass beds shall be mapped and recorded prior to each maintenance dredging operation. The mapping shall be submitted to the Executive Director at least 30 days before dredging and shall indicate the length, width, and density of the eel grass beds. Post-dredging mapping shall be submitted thirty days after the completion of dredging and shall be a second base map to identify the remaining eel grass beds in the project area. No anchorage of dredging equipment is permitted outside the limits of the dredging operation. If any eelgrass impacts occur outside the limits of dredging, revegetation must be carried out at a ratio of 1.0 square feet of mitigation area for each square foot of area impacted and shall be completed within four months. The above shall be submitted consistent with the requirements of the Corps of Engineers Permit #87-171 and shall be subject to review and approval of the Executive Director.

2. Monitoring.

a. Beach Profiles. Prior to the placement of any material at the Middle Beach, the applicant shall prepare two profiles of the beach and off shore area (to closure or wading depth, consistent with the survey requirements of the ACOE permit) showing the pre-disposal conditions. Profiles shall be taken at the same locations after completion of the disposal, one month after disposal, and annually thereafter until the area either returns to its pre-disposal condition or is further modified by additional nourishment. Reports shall be provided to the Executive Director following the one-month after disposal profiles and after each annual survey which provide information on site conditions and an analysis of the long-term changes in sediment supply between the jetties. The results of said monitoring shall be incorporated into the study required pursuant to Special Condition #4.

b. Report on Stable Disposal Sites. Prior to filing a permit application for any future dredge cycle at Agua Hedionda Lagoon, the applicant shall submit to the Executive Director a report which identifies the stable beach disposal sites both north and south of the Agua Hedionda Lagoon jetties. This report may rely on available wave and current data and profile information developed by the applicant, City of Carlsbad, SANDAG, the Corps of Engineers, the Navy, and others. The report should identify at least one site north of Agua Hedionda lagoon and one site south of Agua Hedionda lagoon which are close to available public access and which seem relatively stable. If there is no sites adjacent to the lagoon which exhibit a greater tendency to stability, the report should identify the sites where nourishment material would have the greatest recreational benefit, without adversely affecting marine resources. The results of said report shall be incorporated into the study required pursuant to Special Condition #4.

3. Term of Permit. This coastal development permit authorizes a one-time dredge of up to 200,000 cu.yds. to occur at the Middle Beach, between the ocean entrance to Agua Hedionda Lagoon and the SDG&E discharge jetty. No extension of the permit expiration date or additional dredge cycles beyond the 1997-1998 cycle are approved.

4. Completion of Independent Study. The permittee shall fund an independent study that identifies the impacts of the Encina power plant on natural sediment transport and erosion rates in the vicinity of Agua Hedionda Lagoon. The study shall comply with the following:

- a. The study shall be based on review of relevant information and monitoring results of any recent and proposed projects in the vicinity of Aqua Hedionda Lagoon including, but not limited to, the past and proposed SDG&E dredge cycles, the Navy Homeporting project which is to deposit sand to the north of the subject site, monitoring results from SANDAG, the Dept. of Boating and Waterways and the City of Carlsbad, and existing studies done for SDG&E on sand transport to Aqua Hedionda Lagoon;
- b. The study shall utilize data that spans at least one summer season (post 1996) to determine sand transport rate and direction, and the effects of the power plant operation on sand transport and erosion rates;
- c. The study shall generate new data to the extent that other information and monitoring results identified above are not adequate to identify the impacts of the power plant to the satisfaction of the Executive Director;
- d. The study shall be funded through contract with SDG&E. The independent consultant, final contract, work program and final report shall be subject to review and written approval by the Executive Director.

The results of the study shall enable the Commission to determine where beach quality material dredged from Aqua Hedionda Lagoon by SDG&E should be placed in the future, in order to replenish beaches that the operation of the power plant is responsible for depleting.

5. Schedule for Future Dredging. In conjunction with any requests for future dredging within Aqua Hedionda Lagoon, the applicant shall submit a detailed schedule for dredging of the middle and inner lagoons including projected timelines, and environmental, budget and permitting constraints.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The applicant proposes to dredge between 155,000 and 200,000 cubic yards of lagoon bottom (sand) within the outer basin of Agua Hedionda Lagoon starting September 15, 1997 and ending April 15, 1998. The sand is proposed to be placed on the South Beach, in a 1,100 foot long and 200 foot wide area directly south of the Encina Power Plant discharge jetty on Carlsbad State Beach (see Exhibit 1). The applicant is also requesting approval to dredge up to 500,000 cubic yards in any single event (dredge cycle) for a five year maximum (to 2002) total dredging volume of 1,250,000 cubic yards.

The powerplant is located on the south shore of the outer basin of Agua Hedionda Lagoon, within a few hundred yards of the Pacific Ocean. Typically, the dredged sand is discharged from the dredging boat through a pipeline beneath Carlsbad Boulevard to replenish the beach. SDG&E has conducted the dredging operation since 1954 when the generating station was constructed.

The dredging is necessary to provide an adequate water supply of cooling water to maintain the powerplant's operating efficiency. According to the applicant, the dredging is necessary because of changing conditions and circumstances regarding the existing hydraulics of the lagoon and the existing contractual commitments of the dredging operation. The applicant states that due to current hydraulic conditions in the Agua Hedionda lagoon system (outer, middle, and inner lagoons), yearly sand influxes into the lagoon are in excess of 150,000 cubic yards per year. The applicant states that most of the sand entering the outer lagoon ocean entrance comes from north-to-south sand movement associated with the Oceanside littoral cell.

The Coastal Commission has approved the dredging program and modifications to it over the years. CDP #F 5536 (1977), the Coastal Commission's initial approval of the dredging operation, required dredged sand from the lagoon's outer basin to be deposited on Carlsbad State beach, immediately adjacent to the facility. In CDP 6-93-193-A, the Commission approved the applicant's request to move the approved beach replenishment boundary approximately 1 mile north from the limit approved in CDP #F 5536 (exhibit 2). CDP 6-93-193-A was approved as an amendment to CDP #F 5536. The boundary was proposed to be expanded north to Oak Street so that beach sand could be deposited where it is needed most as Carlsbad beaches are typically sand-starved.

CDP 6-93-193-A also required evidence that the Corps of Engineers has approved the spoils for beach replenishment, a provision that placement of sand must occur outside the summer season, timing requirements to limit dredging to the period between October 1 and April 15 to avoid potential breeding impacts to the California Least Tern and grunion spawning, pre-and-post dredge mapping of eel grass beds within the outer lagoon to ensure no impacts to the beds from dredging, and a mitigation plan to be implemented should eelgrass impacts occur.

On September 14, 1995, the Commission approved CDP 6-93-193-A-2 to allow a one time dredge of up to 500,000 cubic yards of material to be placed within the dredge disposal limit. SDG&E proposed placement of 400,000 cubic yards of material for the 1995-96 dredge cycle as 150,000 cu.yds. on the South Beach (south of the plant's warmwater discharge jetty) and 250,000 cu.yds. of material on the Middle Beach (between the discharge jetty and the ocean entrance jetty to Agua Hedionda Lagoon). The above figures were estimates based on pre-dredge soundings. The final dredge report indicates 443,130 cubic yards of sand was dredged from the outer basin. At that time the City of Carlsbad proposed to have a portion of the dredged material placed on North Beach, north of the Tamarack parking lot. However, SDG&E indicated they did not intend to amend or renew the Special Use Permit (SUP, 1993) issued by the City because they did not want the sand to be placed north of the ocean entrance as proposed by the City and the Beach Erosion Committee (BEC), a citizen's advisory group. (Between 1993 and 1995 both the City and the BEC had reviewed SDG&E's beach deposition plan and determined if the dredge spoil placement areas were appropriate through the SUP process.) SDG&E stated that sand placed north of the ocean entrance migrated back into the outer basin through the north-to-south littoral drift shoreline process and would have to be dredged again resulting in a waste of time and money to annually dredge the outer basin.

SDG&E cited the California Public Utility Commission's jurisdiction and preemptive authority as the reason the SUP would not be amended or renewed. The City desired to retain the SUP process; however, subsequently the City's requirements for the SUP was declared void by the Superior Court. The decision is currently being appealed by the City to the Appellate Court. Therefore, at this time the City has no legal authority to regulate sand disposal; however, the City is pursuing resolution of the preemption issue currently on appeal.

The City maintains it has a legal right to determine future impacts on its local beaches and has the authority to regulate the placement of dredged material from all future dredging activities within the City's boundaries. The City maintains that until such time as the City's appeal is decided, the City will continue to recommend appropriate disposal locations through the review process of both the Army Corps of Engineers and California Coastal Commission permits.

As noted, SDG&E's last dredge cycle (1995-96) was done under CDP #6-93-193-A2 which allowed for a one time-dredging of up to 500,000 cubic yards of material. The final dredge report indicates 443,130 cubic yards of sand was dredged from the outer basin and distributed as follows:

Middle Beach--294,312 cu. yds.--Between the jetties (ocean entrance to Agua Hedionda Lagoon and SDG&E warm water discharge jetty)

North Beach--106,416 cu. yds.--North of ocean jetty (Tamarack to Oak Street)

South Beach--42,402 cu. yds.--South of discharge jetty

In that action, the Commission denied the applicant's request for a 5 year permit allowing up to 500,000 cubic yards of dredge disposal in any single event, up to a maximum of 1,250,000 cubic yards in the 5 year period. The subject proposal includes the same request for a 5 year permit, in addition to the 155,000 to 200,000 cubic yards of beach disposal for the 1997-98 dredge cycle.

2. Beach Replenishment/Public Access. The subject proposal involves dredging the outer basin of Agua Hedionda lagoon, and placement of dredged spoils on the adjacent Carlsbad State Beach, a maintenance operation for the SDG&E powerplant that has been occurring for 40 years. There are several provisions of the Coastal Act, which are applicable to the proposed project, which encourage use of suitable material to supply the region's littoral zones with sand. Such deposition of beach quality material on the region's shoreline will create and protect coastal recreational areas for use by the general public, consistent with Coastal Act policies as follows:

Coastal Act Section 30233 addresses placement, within the littoral zone, of dredge spoils. Section 30233 (b) states:

(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 above language in Section 30233 clearly suggests the benefit of restoring the region's beaches through use of material that would otherwise reach the shoreline, but for man's intervention by development and flood control projects. Therefore, the Commission finds when dredge material is compatible with and suitable for use as beach sand along the region's shoreline, it should be transported to the shoreline for such use, consistent with the public access and recreation policies of the Act.

The San Diego Association of Governments (SANDAG) has adopted the Shoreline Preservation Strategy (Strategy) for the San Diego region and is currently working on techniques towards its implementation. The shoreline is recognized as a valuable asset to the environment and economy of the San Diego region and the State. It is also considered a resource of national significance. The Strategy identifies that beaches in the San Diego area have been steadily eroding for the past decade, and increasing beach loss and property damage have been projected for the future. The Strategy also emphasizes beach replenishment to preserve and enhance the environmental quality, recreational capacity, and property protection benefits of the region's shoreline. Additional sand on the region's beaches will increase the amount of available recreational area for public use, and decrease the rate of beach erosion, thereby reducing pressure to construct shoreline protective devices, which can adversely affect both the visual quality of scenic coastal areas and shoreline sand supply.

Section 30604(c) of the Act requires that a specific access finding be made in conjunction with any development located between the nearest public road and the sea. In this case, such a finding can be made. Many provisions of the Coastal Act address public access and recreation, including the following:

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 30212.5

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Providing as much sandy beach area as possible for use by the public is consistent with the intent of Sections 30210 and 30212.5 which require that

public access and recreational opportunities be maximized in order to protect any one natural resource area, i.e. shoreline or park, from overuse. Providing additional recreational area, through placement of sand along a useable shoreline, will result in less crowding and provide an alternative to existing resource areas which are highly utilized by the public due to the availability of sand.

Section 30213

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

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Providing additional useable beach area is providing a lower cost visitor and public recreational facility. When it is feasible for dredge projects which involve excavation of large volumes of beach suitable material to deposit the dredged material on the region's beaches, such activity is consistent with Section 30213 of the Act. Creation of additional coastal areas, such as beaches, suited for water-oriented recreational activities, is also consistent with Section 30220.

As noted, SDG&E has conducted the dredging operation since 1954 when the generating station was constructed. SDG&E is proposing to place the projected 155,000 - 200,000 cubic yards at the South Beach immediately south of the plant's warm water discharge jetty where processed hot water is discharged into the ocean. Approximately 42,402 cu. yds. of sand was placed at the South Beach during the last dredge cycle. Approximately 294,312 cu. yds. of material was placed at the Middle Beach during the last dredging cycle. An additional 106,416 cu. yds. of sand was placed at the City's request in the North Beach area, which is north of the ocean entrance jetty of the lagoon.

As noted, until the last dredging cycle, the City, in conjunction with the Beach Erosion Committee, had reviewed previous disposal plans and determined if the dredge spoil placement areas were appropriate through its Special Use Permit. Dredged materials were placed north in previous years based in part on the findings of the Beach Erosion Committee and the City. However, for the 1995-96 dredging and the proposed dredging cycle there was and is disagreement between the City and BEC and SDG&E where the sand should be placed. The City has traditionally sought to place the dredged material along the stretch of beach beginning at the northerly limits of the permitted disposal site (Oak Street) and deposit the material in a southerly fashion towards the Tamarack Beach parking lot. The City states the north reaches of the shoreline are among the most heavily used by coastal visitors. The City pays the State Department of Parks and Recreation parking fees for the Tamarack parking lot to allow free use of the beaches in the area. Also, the City provides day use

parking, public walkways and lifeguard service along the curb in the Middle Beach area. The City maintains that these areas, from strictly a recreational viewpoint, would be enhanced with the return of the beach sand from where it came from.

SDG&E's current dredging program does not propose to place any sandy material north of this jetty. The City of Carlsbad and the Beach Erosion Committee have prepared a letter stating their position regarding this year's proposed dredge cycle and deposition site south of the discharge jetty. It requests that the Commission require SDG&E to return trapped sand in the western and middle cells of Agua Hedionda Lagoon to the local reaches of the Carlsbad coastline on a comparable rate to sand losses due to the operational impacts of the Encina Power Plant. It recommends that 1/3 of the total dredged material should be placed northerly of the inlet jetties, and 2/3 of the total dredged material should be placed directly between the inlet and outlet jetty structures.

Carlsbad is located in the middle of the Oceanside Littoral Cell. The cell extends from Dana Point to the La Jolla Canyon. The dominant direction of sediment transport in this cell is to the south; while the volume of sediment carried along the shoreline will vary greatly from year to year, the average annual net transport is approximately 270,000 cubic yards. This net annual southerly transport of 270,000 cubic yards of material means that during the average year there may have been vast amounts of material carried from south to north, but, after one average year, there will have been 270,000 cubic yards of material more carried to the south than carried to the north.

The total amount of material that will be carried past the Carlsbad shoreline will vary significantly from year to year. In general, Arctic storm fronts and winter wave conditions tend to cause a southerly transport of material and transport of material to the north occurs from southern hemisphere swell and tropical storms (typically summer and fall events). The dominance of southerly versus northerly transport of material past the Agua Hedionda jetties will be influenced by the frequency and intensity of weather conditions and the availability of material for transport. A general range of transports (provided by personal communication with Dr. Scott Jenkins, consultant to SDG&E) shows that some years up to 80% of all sediment transport will be from north to south and other years this can drop to approximately 65%.

SDG&E's current dredging program proposes to place all the material removed from the lagoon onto beaches south of the intake jetties. Their consultant, Dr. Scott Jenkins, has studied the littoral drift patterns in this area and has indicated that dredged material deposited north will eventually enter the lagoon and possibly choke the entrance to the lagoon mouth impacting the cooling system of the power plant. Dr. Jenkins states that approximately 40% of the sand transported in the Oceanside Littoral Cell enters the lagoon naturally and therefore, 40% of any material placed north of the lagoon entrance to the ocean would likely enter it.

There is no preferential interception of material by the lagoon; that is, the lagoon will trap material which is being carried to the north just as much as

it will trap material being carried to the south. The City has recommended that 1/3 of all dredge material be placed on beaches north of the intake jetties, based on a rough approximation that 1/3 of all sediment transported past the intake jetties is from south to north. SDG&E has rejected this location for sand placement because it believes that the dominant southerly transport in this area will ultimately result in this material being carried south, past the intake jetties and that 40% of this material will be deposited again in the lagoon. Available information on sediment transport for the Oceanside Cell indicate that both parties are correct. The beaches to the north of Agua Hedionda Lagoon are being deprived of sand by the lagoon; but, much material placed on these beaches is likely to end up in the lagoon and be part of the dredging impact.

Another significant factor raised by the applicant is that placing the sand as proposed (south of the ocean entrance to the lagoon) would benefit sand-starved beaches to the south of the powerplant as sand would migrate downcoast and not be lost inside the lagoon. SDG&E is monitoring how much sand is entering the lagoon through instrumentation but this monitoring has only been going on since November, 1996 and cannot be considered conclusive at this time.

A third concern of the applicant is that further ingestion of sediment by the lagoon could lead to complete closure of the lagoon entrance and cut off the supply of cooling water to the power plant. Since the plant was opened in 1954, over 672,000 cubic yards of material has been deposited in the lagoon. While the original design has included some surplus lagoon volume to allow for deposition, SDG&E has added several more operating units which have increased the demand for additional cooling water. The tidal exchange which occurs in the lagoons, the tidal prism, affects whether there will be sufficient movement of water through the intake jetties to keep this area open. At present, the deposition of material in the lagoon has reduced the tidal prism to the point where the intake could close during some combination of neap tides, high cooling water demand and/or high energy oblique waves. For this reason, the applicant is very concerned about placing any new dredge material in areas where it has a strong likelihood of returning to the intake area.

The Commission recognizes the difficulty of the situation but must review the request for consistency with the public access and recreation policies of the Coastal Act. It is evident that severe erosion to the Carlsbad coastline has occurred, particularly at the Middle Beach area, directly adjacent to the powerplant. Erosion is particularly evident on the Middle Beach near the ocean entrance to the lagoon. Upcoast beach locations to the north appear to more stable with the exception of the area immediately upcoast of the ocean entrance jetty at the Tamarack parking lot. In a regional context, beach replenishment in both areas is appropriate for public recreational use and property protection benefit.

The Commission has several concerns that adverse impacts may occur if sand is placed at the South Beach, as proposed by the applicant. One concern is that the sand placed here may cover up some tidepools and off-shore reefs that are located near the southern boundary of the South Beach deposition location.

The Commission received many letters during the last dredging from school children stating that the tidepools had been covered by sand as a result of the sand deposition. Tidepools and off-shore reefs are coastal resources that are protected under the Coastal Act from adverse affects. Further, the Carlsbad Submarine canyon exists offshore near Terramar Point. The canyon head begins in about 100 feet of water and it has not been identified as a major sink for sediment. However, approximately 30,000 cubic yards of sediment are lost, on average, each year to the offshore Carlsbad area, and this canyon is an obvious destination for some of the offshore sediments. Until the complete dynamics of the Carlsbad Canyon are understood, it may be unproductive to the sediment demands of downcoast beach areas to place material where some of it could be quickly lost to this offshore sink. No definitive studies of either of these issues have been undertaken to date.

Thus, based on conflicting opinions of shoreline experts and the lack of definitive studies that corroborate either the City's or the applicant's position, the Commission finds that the sand should be placed where it would provide the most recreational benefit to coastal visitors. Staff has visited the project area and notes that the area that provides the most public recreational benefit to the most users is the Middle Beach. As noted, day use parking is provided free of charge along the curb in the Middle Beach area. This area accommodates the greatest beach patronage along the Carlsbad shoreline. According to a city representative more than a million people yearly visit this beach, making it by far the most heavily-used beach in the City of Carlsbad.

For this reason, the Commission can find that nourishing this area would have a positive public benefit. The public access and recreation policies of the Coastal Act and certified Agua Hedionda LUP seek to maximize public recreation and access opportunities at shoreline locations and the project would further that end.

Regarding SDG&E's proposal for a permit to dredge within the outer lagoon until December 7, 2000, consistent with the expiration date of the COE permit, the Commission finds that approval cannot be granted with this permit decision. Similar to the Commission's previous action, SDG&E proposes to dredge the middle and inner cells of the lagoon in the near future. As proposed, approximately 57,000 cubic yards of sand dredged from the middle lagoon could be placed on the South Beach by the end of this year. Approximately 250,000 cubic yards of sand from the inner lagoon will be dredged sometime next year, if funding is secured. These quantities could be placed on either South, North or Middle Beach or a combination of the three beaches. However, based on the preceding, the Commission can not authorize approval for more than the current dredge cycle. Because of possible changes to local environmental conditions which could affect shoreline processes (El Nino, severe winter storms, beach nourishment on the Carlsbad shoreline from other projects), the Commission finds it is most appropriate to review and approve every individual dredge cycle for a suitable sand deposition site. By reviewing each individual dredge cycle, information resulting from both monitoring the previous dredge cycle and evaluating current environmental conditions can be used to determine the best deposition site.

The applicant is concerned that use of the South Beach not be prohibited as a deposition site. This location has historically been used by the applicant as a deposition site for dredged sand. A concern has been raised by the Commission with placing sand here as it may cover up some tidepool and reef area. In light of this concern, the applicant has proposed several best management practices in any beach fills occurring on the South Beach, including limiting the length and tapering of beach fills to limit sedimentation in the surf zone, construction of temporary retaining dikes or berms to control sediment from discharged sand, and using geotextile fabrics or silt fencing to limit sediment transport in the surf zone. As noted, no definitive study of this issue has been undertaken to date, but as conditioned in this permit action to monitor the shoreline where dredged material would be placed and with the applicant's proposed best management practices, the Commission finds that the South Beach can be a viable deposition location provided no impacts to coastal resources would occur. This will be determined by the Commission through a separate coastal development permit for subsequent dredging proposals.

Because of the above uncertainties, the Commission finds that nourishing the Middle Beach at this time would have the most positive public benefit. Should further studies and future environmental conditions dictate that sand generated from future dredgings of the middle and inner lagoons be placed at locations other than Middle Beach, other deposition locations can be approved. However, for this particular dredging it appears deposition of the sand at the Middle Beach is most consistent with the public access and recreation policies of the Coastal Act and certified Agua Hedionda LUP.

In light of the differing opinions where the sand should be placed, the Commission also finds a study of sand transport along the Carlsbad shoreline in the vicinity of Agua Hedionda Lagoon is necessary to determine where the best beach nourishment sites are at any given time for deposition of dredged material resulting from SDG&E's maintenance dredging of Agua Hedionda Lagoon. The Commission recognizes the need for the maintenance dredging and through Special Condition #5 directs the applicant to provide a dredging and budgeting timeline for both the middle and inner lagoon to increase the tidal prism and to assure continuing efficient powerplant operation. The Commission also recognizes that much information has been developed by the applicant and others in identifying how shoreline processes in the Oceanside littoral cell affect the transport of sand in the area. While the Commission realizes that sand transport within the area is affected by a number of factors, the Commission is interested in finding what the powerplant's role is in how sand moves along the shoreline.

Review of relevant existing data from studies which have been completed within the project area will be necessary to determine the powerplant's role in the sand budget. Compilation of new data resulting from a number of beach nourishment projects in the area including the Navy's Homeporting project, monitoring done by SANDAG, the Department of Boating and Waterways and the City of Carlsbad, and ongoing monitoring of long shore movement at the ocean entrance to the lagoon using SDG&E's acoustic doppler meter are examples of new data that must be collected at least through an additional summer season

beyond the summer data available at the time of the Commission decision which resulted in the City of Carlsbad and SDG&E arriving at differing conclusions. The study must be funded by SDG&E but commissioned by the Executive Director which means the consultant, final contract, work plan and final report are subject to the review and approval of the Executive Director. The above is detailed in Special Condition #4. The purpose of the study is to enable the Commission to determine where beach quality material dredged from Aqua Hedionda Lagoon by SDG&E should be placed in the future, in order to replenish those beaches most affected by the operation of the power plant.

Special Condition #1 requires that the applicant monitor the shoreline where the dredge material will be placed. The applicant will prepare pre-and-post deposition profiles as part of their permit for the Corps of Engineers. As a condition of this permit, the applicant will survey two profiles of the receiver beach, before and after the material has been placed on the beach. The applicant will also survey these same profiles two months after the material has been deposited to show the adjustments of the deposited material to the existing wave conditions. Annual profiles will be provided thereafter to provide information on the long-term changes to the shoreline. These profiles will be surveyed annually until either the profiles return to their pre-disposal condition or until the beach area is further modified by direct deposition of additional permitted material.

From a regional perspective, Carlsbad beaches have and will be receiving additional beach nourishment from a number of sources. For example, the Navy's Homeporting Project, which will deposit 2,890,170 cubic yards of sandy material dredged from the San Diego Bay main navigation channel to various locations in San Diego County, would distribute beach sand on Carlsbad beaches as follows: 550,027 cu. yds. at North Carlsbad Beach (adjacent to ocean entrance to Buena Vista Lagoon) and 931,146 cu. yds. at South Carlsbad Beach (adjacent to the South Carlsbad State Beach campground). The North Carlsbad sand is proposed to be spread on the shoreline beginning near the ocean entrance to Buena Vista Lagoon on the north with distribution continuing south to Oak Street. The beach deposition would be done between November, 1997 and January, 1998.

Additionally, the City of Carlsbad's Opportunistic Sand Program is designed to place sand on Carlsbad beaches as it becomes available through development projects within the City. According to a City representative, beach grade material would be stockpiled at north and south locations: near the ocean entrance to Buena Vista Lagoon in north Carlsbad and south of the SDG&E discharge jetty in south Carlsbad. The sand would be spread as needed. However, this program is on a much smaller scale than the above Homeporting project and should not be counted on as a major supplier of beach sand to Carlsbad.

Regarding beach quality sand that has been placed on Carlsbad beaches resulting from the Batiquitos Lagoon Enhancement Project (BLEP), approximately 1,600,000 cubic yards of sand was dredged from Batiquitos Lagoon and distributed on Encinas Beach and another 500,000 cubic yards was placed near the ocean entrance to San Marcos Creek. This sand has significantly improved

recreational opportunities at these locations as the formerly cobble-laden shoreline has been replaced by wide sandy beach area.

However, the Commission finds it cannot support the applicant's request to dredge a maximum of 1,125,000 yards of dredging over a five year period. As noted, further study of the shoreline processes at work within the approved disposal boundary limits needs to be done to determine where the most appropriate locations for sand nourishment are during any given dredging event. It is clear that coastal erosion is occurring along the entirety of the study area and that changed circumstances in the future may dictate that sand be deposited to the north to have the greatest public benefit to public access and recreation. Thus, the current permit will allow the proposed one-time deposition of up to 200,000 cu.yds. of material in the 1997-1998 dredge cycle only. Any subsequent dredging shall be the subject of a separate coastal development permit application.

It must be noted that SDG&E's dredging and beach replenishment plan has been successfully operated since 1954 to provide sand to Carlsbad beaches and as such is a tremendous public benefit. The beach replenishment plan has been developed in consultation with the City of Carlsbad, COE, the California Department of Fish and Game (DFG), the Regional Water Quality Control Board, and the Environmental Protection Agency and is an example of a proactive effort between public and private interests serving both local and regional recreational needs. Therefore, as conditioned, the Commission can find the proposed project consistent with the public access and recreation policies of the Coastal Act.

3. Sensitive Resources. Sections 30233 and 30240 of the Coastal Act provide for the protection, preservation and enhancement of coastal wetlands and species that depend on those wetlands as habitat. With respect to dredging of the outer lagoon, the time of year during which the dredging can occur is restricted by a number of resource agency approvals. These restrictions assure there are no adverse impacts to the California least tern breeding period and the grunion spawning period. The COE 404 permit allows dredging between September 15 and April 15 through December 7, 2000, outside the sensitive breeding seasons with the option of extending the dredge period to April 30 if approved in consultation with the Army Corps of Engineers (COE) in consultation with the California Department of Fish and Game (DFG) and the National Marine Fisheries Service. On several occasions the COE has allowed dredging to extend until April 30, finding by field inspection that the time extension would not adversely impact either the least tern or grunion breeding seasons.

The outer basin of Agua Hedionda Lagoon also contains extensive eel grass beds, a protected resource under Section 30240 of the Coastal Act. Eel grass provides habitat for many fish and invertebrates. CDP 6-93-193A requires the mapping of the existing eel grass beds prior to dredging and after dredging to determine any impacts from dredging. Eel grass that is impacted within the approved dredge limits is not required to be mitigated, consistent with the COE permit. If any eelgrass impacts occur outside the dredge limit, the COE permit requires revegetation must be carried out at a ratio of 1.0 square feet

of mitigation area for each square foot of area impacted. Although the accepted mitigation ratio set by the Southern California Eel Grass Mitigation Plan is 1.2 square feet for each square foot of area impacted, the 1:1 ratio was agreed upon prior to the passage of the above eel grass policy and the resource agencies have agreed to allow eel grass impacts in the outer basin only to be mitigated at the 1:1 ratio. All eel grass impacts associated with the applicant's future dredging of the middle and inner lagoons will be mitigated at the 1:2 to 1 ratio, consistent with today's eel grass mitigation standard. The final location of the mitigation area is verified by the National Marine Fisheries in conjunction with the Dept. of Fish and Game. The mitigation area is not subject to future dredging. Monitoring and maintenance of the revegetation effort is also required through the COE permit. These requirements remain in effect; therefore, the Commission finds the proposed project consistent with past Commission precedent regarding this resource and resource protection policies of the Coastal Act.

The amendment also proposes to extend the permit's expiration date to December 7, 2000 to coincide with the termination date of the existing COE permit. The Commission cannot accept the amended date due to the uncertainty associated with future beach conditions and City of Carlsbad involvement in the permitting process. As currently written, the special conditions allow Executive Director review and approval of the proposed dredge plan, but do not specifically allow for modification to the plan if it is not acceptable to the City. In order to assure adequate opportunity for input from the community and other interested parties on any future dredge proposals, Special Condition #3 is limiting this authorization to the 1996-1997 dredge cycle. Future dredge and beach deposition will require review and approval by the Commission through a separate coastal development permit. Only as conditioned, can the Commission assure future beach replenishment efforts will meet the requirements of Chapter 3 of the Coastal Act.

4. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The project area is zoned and planned in the certified Carlsbad LCP for Open Space and Recreation Uses. As conditioned, the proposed project is consistent with provisions of these designations and past Commission actions on the site. Therefore, approval of the project as conditioned is consistent with Chapter 3 policies of the Coastal Act and the resource protection policies of the certified Carlsbad LCP.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit or amendment to be supported by a finding showing the permit or permit amendment, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible

mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned to be found consistent with the resource protection and recreation policies of the Coastal Act and the Carlsbad LCP. Mitigation measures will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

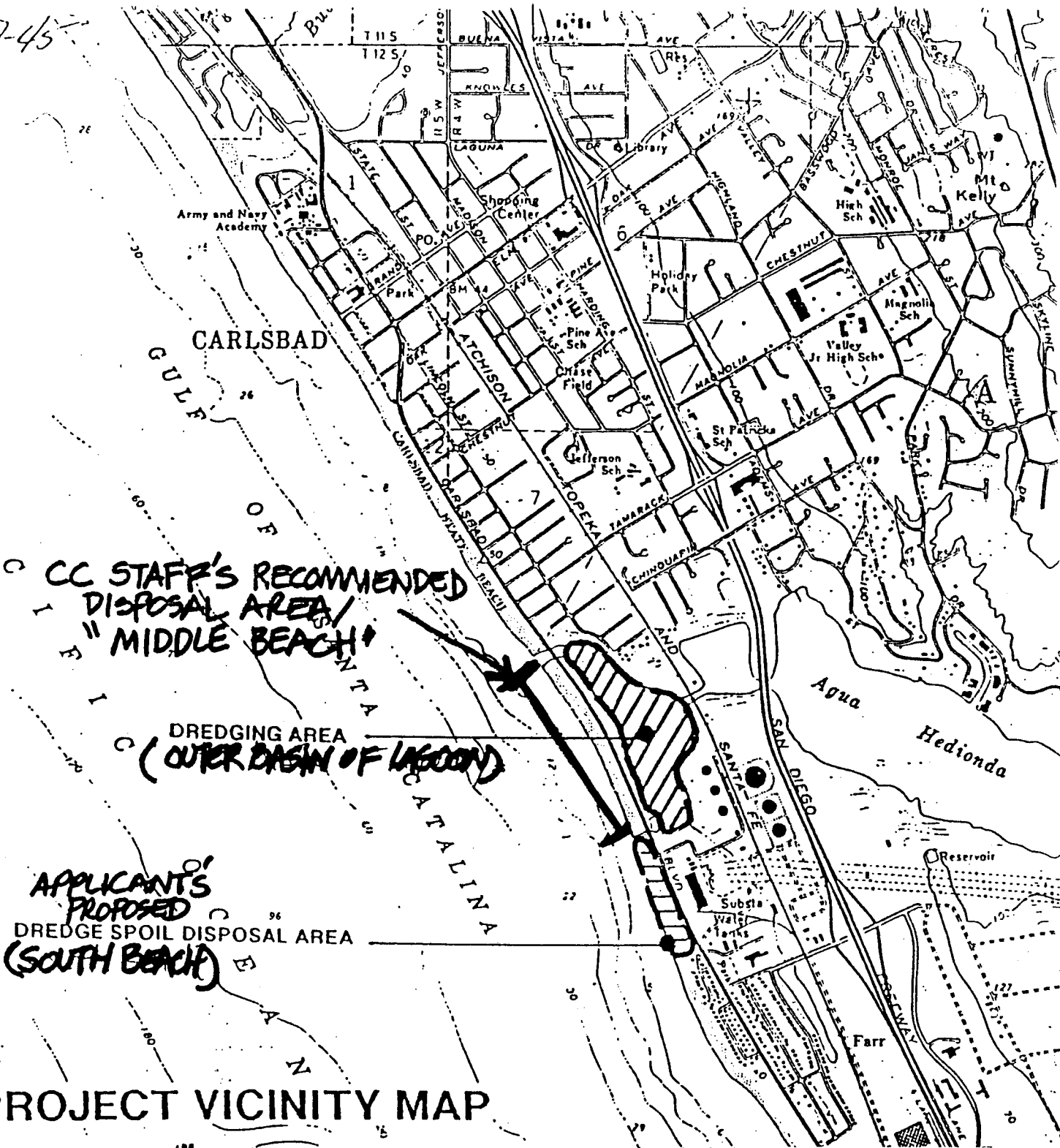
STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(7045r)

Tu 14a

6-97-45



PROJECT VICINITY MAP

EXHIBIT NO.	1
APPLICATION NO.	6-97-45 RF
Dredge & Repos- ition	
California Coastal Commission	

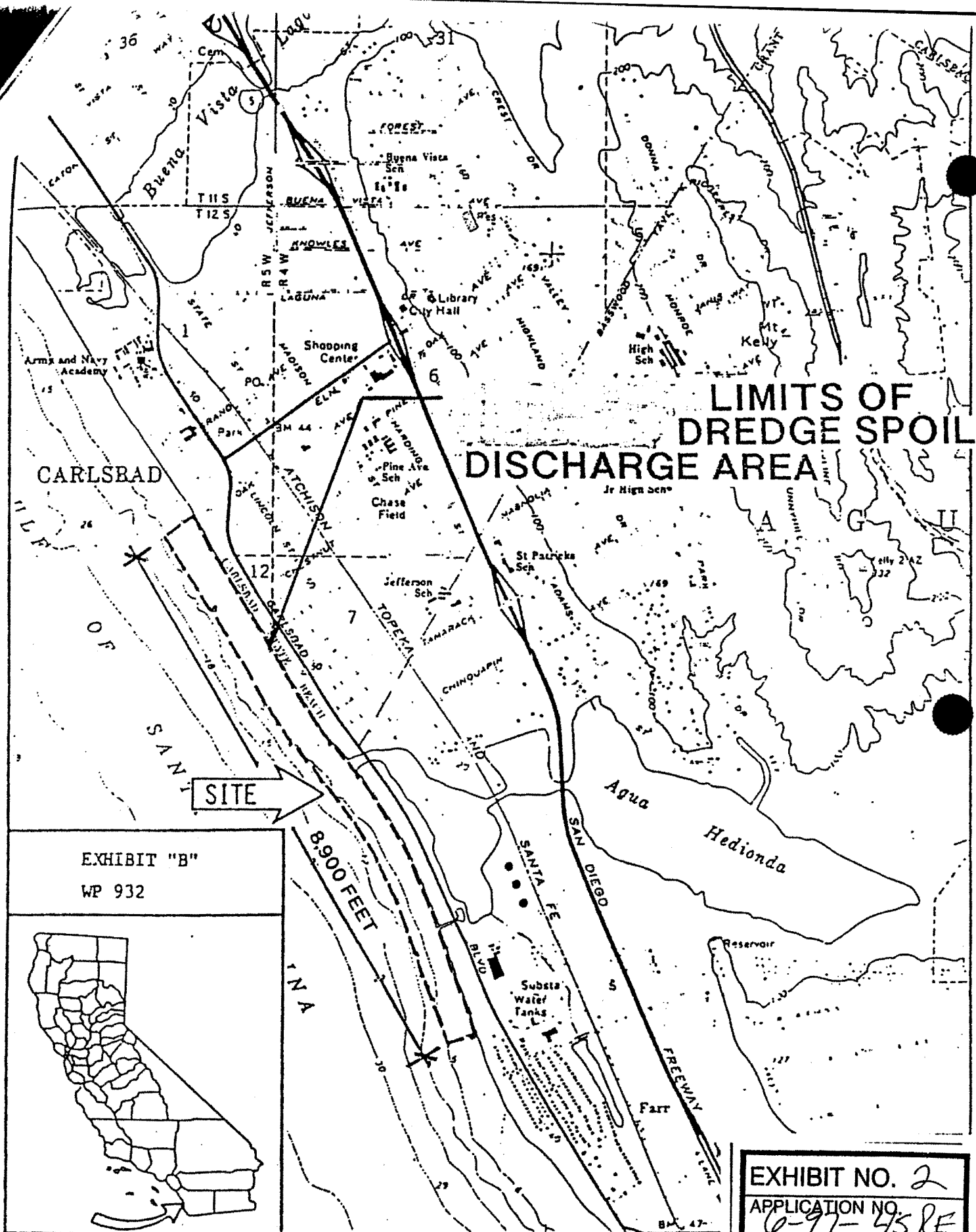


EXHIBIT "B"

WP 932



EXHIBIT "C"

EXHIBIT NO. 2
APPLICATION NO. 6-97-458F
limits of Deposition
California Coastal Commission




City of Carlsbad

Engineering Department

May 18, 1997

Mr. William Ponder
CALIFORNIA COASTAL COMMISSION
San Diego Coast Area
3111 Camino Del Rio North, Suite 200
San Diego CA 92108-1725

EXHIBIT NO. 3
APPLICATION NO. 0-97-4.SRF
City's Position
 California Coastal Commission

SAN DIEGO GAS & ELECTRIC COASTAL DEVELOPMENT PERMIT 1997-98 AGUA HEDIONDA LAGOON DREDGING PROGRAM

Thank you for the opportunity to comment on the Coastal Development Permit application for San Diego Gas and Electric (SDG&E) Company's proposed 1997-1998 dredging program for both the western and middle cells of the Agua Hedionda Lagoon. The following comments are submitted for your consideration during the processing of the permits based on input from the Carlsbad Beach Erosion Committee and the City's experiences along our local coastline.

The Agua Hedionda Lagoon was originally dredged in 1954 to provide condenser cooling water to the Encina Electric Power Plant. The size and depth of the lagoon was designed to provide a tidal prism with an adequate and reliable source of cooling water for the plant during normal conditions to accommodate the original three (3) generating units. However, SDG&E has since added Units 4 and 5 which, in essence, almost doubled the original power output at Encina and resulted in the increased the need for additional cooling water capacity. The original design, as well as with the addition of the two (2) additional units, requires periodic maintenance dredging of the western cell of the lagoon in order to ensure an adequate supply of cooling water from the lagoon.

The maintenance dredging history at the Agua Hedionda Lagoon averages approximately 120,000 - 140,000 cubic yards/year around the lagoon system which, in turn, represents the trapping of approximately 40% of the annual littoral drift in the northern reaches of the Oceanside Littoral Cell. Because this material is always returned to the beaches at the end of each dredging cycle, this trapping rate does not present a long term loss in the sand budget of the Oceanside Littoral Cell. However, between the dredging cycles there is sufficient time for a short term reduction in sand supply to occur along the reaches of the beach areas immediately adjacent of Agua Hedionda Lagoon while sand remains impounded in the lagoon system.

It is commonly known that the sand transport in the Oceanside Littoral Cell predominantly flows in a southerly direction due to the wave angle and the energy exhausted as part of the winter storm cycle originating in the northern seas from Alaska. However, during the summer months, the littoral drift is sometimes shifted in a northerly direction based on the wind driven waves from hurricanes originating southerly of Baja California, Mexico. By a general estimate, the southerly transport occurs approximately 2/3 of the year with the northerly drift occurring the remaining 1/3 of the year. As this littoral drift passes by the inlet to Agua



Hedionda Lagoon, the tidal flushing and net inflow of water through the inlet due to plant operations causes some of the littoral sediments to be ingested by the lagoon.

Plant diversion of lagoon water reduces the net portion of tidal prism flowing out the ocean inlet during ebb flow by approximately 28,000,000 cubic feet, or a 51% reduction in the original mean tidal prism. There is virtually no ebbing flow out of the ocean inlet during a neap tide when plant demand for cooling water is at a moderately high level. Consequently, the ebb flow during neap tides leave the lagoon system through the plant condensers rather than through the ocean inlet. Consequently, the inlet flow becomes a one-way transport pathway: sediment enters the inlet due to above threshold flooding flow, but no sediment is scoured from the inlet channel in the absence of any ebbing flow. Essentially, this allows the sand material that has entered the lagoon system to settle in the western basin and the ensuing tidal flow out of the lagoon does not have enough energy to scour or allow for the material to redeposit into the littoral cell, thus contributing to local shoreline erosion.

Therefore, the increased water flow into the lagoon for all 5 power generating units and the resulting influx of sand from the littoral drift has created a local beach erosion problem. This problem is seen on both the northern and southern beach sections directly adjacent to the entrance channel to the lagoon. The Agua Hedionda Lagoon acts as an effective "sand trap" for littoral sediments. This trapping is unavoidable due to short jetties and the diversion of 27-33% of the tidal prism through plant condensers. It is safe to assume that if the power plant did not need the waters for cooling purposes, this area of coastline would not be negatively impacted and would be subject to normal accretion from the sand supply in the littoral cell system.

With the above stated impacts of existing power operations in the Agua Hedionda Lagoon, the Carlsbad Beach Erosion Committee believes that SDG&E should mitigate the loss of sand adjacent to the entrance of the lagoon due to the increase in cooling water demand and the resulting loss of sand settling in the western cell of the lagoon system.

Therefore, the Beach Erosion Committee requests that the California Coastal Commission establish a condition in the proposed Coastal Development Permit that would require SDG&E to return trapped sand material in the western and middle cells of the Agua Hedionda Lagoon to the local reaches of the Carlsbad coastline on a comparable rate to sand losses due to the operational impacts of the Encina Power Plant as follows:

- 1/3 of the total dredged material should be placed northerly of the inlet jetties; and
- 2/3 of the total dredged material should be placed directly between the inlet and outlet jetty structures.

This mitigation effort would offset the trapping of material in the western cell of the lagoon and return this sand to the local beaches most impacted. In addition, these reaches of the coastline are most heavily used beaches by Carlsbad citizens and residents of north county. As you are probably aware, the City currently pays the State parking fees for the Tamarack Parking lot in order to allow for free use of the beaches in the area. Also, the City allow for day parking use along the curb adjacent to the beach area between the jetties. These areas, from strictly a recreational standpoint, would be enhanced with the return of the beach sand from where it came from.

If you have any questions or if I can provide additional information, please do not hesitate to contact me at (760) 438-1161 extension 4354.

Respectfully,

A handwritten signature in black ink, appearing to read "Steven Jantz", written in a cursive style.

STEVEN C. JANTZ
Associate Engineer

c: Beach Erosion Committee
City Manager
City Engineer
Planning Director
Deputy City Attorney
Army Corps of Engineers



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EXHIBIT NO. 4
APPLICATION NO. 6-97-45 RF
Applicants
Position
California Coastal Commission

July 14, 1997

Mr. William Ponder
California Coastal Commission
San Diego Coast District
3111 Camino Del Rio North, Suite 200
San Diego CA 92108-1725

RE: AGUA HEDIONDA LAGOON OUTER AND MIDDLE DREDGING,
COASTAL APPLICATIONS 6-97-45 & 6-97-46

Mr. Ponder:

We are responding to comments on our permit applications which you received from the City of Carlsbad on May 18, 1997 (attached). Our comments are based on forty years of experience with dredge operations and a series of extensive hydraulic modeling studies prepared for the Agua Hedionda Lagoon.

We would like to make the following comments and observations regarding the City of Carlsbad's letter:

In its September 14, 1995 approval of application 6-93-193-A2, the Coastal Commission was given a scientific overview of beach erosion and sediment transport processes in the Oceanside littoral cell. The relationship between sediment transport and the diminishing hydraulic efficiency of the Agua Hedionda Lagoon was also discussed. The dynamics of the Oceanside littoral cell and the lagoon have not changed. The Commission's decision not to require placement of sand north of the mouth of the Agua Hedionda Lagoon as a condition of its approval of application 6-93-193-A2 indicates it clearly understood the relationship between sediment transport and the health of the Agua Hedionda Lagoon.

The City of Carlsbad's assertion regarding the relative percentage of southward versus northward transport is pure conjecture, unsupported by any credible measurements specific to this site. In an effort to resolve this debate, once and for all, and to better understand littoral transport in this local sub-cell of the Oceanside littoral cell, SDG&E is currently monitoring longshore current activity at the mouth of the Agua Hedionda Lagoon. We have installed two "Sontek" acoustic doppler current meters at the mouth of lagoon. These meters have taken longshore current readings, at six second intervals, since November 1996. All longshore current activity measured to date has been from north to south. This would suggest that sand placed north of the mouth of the lagoon would return to the lagoon further exacerbating lagoon sedimentation. This action would result in the

perpetual recycling of one-third of the Agua Hedionda Lagoon maintenance dredge volume between the north Carlsbad beach disposal site and the lagoon; and would effectively impound this volume of sand, preventing it from participating in the otherwise natural re-supply and nourishment of beaches further to the south. This was a principle consideration in the Commission's decision to approve application 6-93-193-A2 in its September 1995 hearing, with no conditions requiring placement of sand north of the lagoon.

The City of Carlsbad is scheduled to receive approximately 550,000 cubic yards of on-shore beach replenishment (sand) from the U.S. Navy's Homeport project. Placement of the sand on North Carlsbad Beach is expected to occur from November 1997 to January 1998. This placement would coincide with SDG&E's dredging and beach replenishment work in the outer and middle lagoon. SDG&E is currently working with the Navy to develop a sand placement site and on-shore beach profile which would reduce impacts of sedimentation into the Agua Hedionda Lagoon. Even with the modification of sand placement and profile, our preliminary modeling of the Homeport north beach sand fill (per MCON Project P-706, C-55 to C-58) indicates that, after placement, sand influx rates into the Agua Hedionda Lagoon would be 223% of normal in the first year; 186% of normal in the second year; 146% of normal in the third year and 114% of normal in the fourth year. Predicted sand influx, in excess of normal influx, over the four year period would be 554,000 cubic yards. Placement of any additional sand, beyond the Homeport volumes, on the north beach is neither warranted or advisable.

Placing one-third of SDG&E's proposed outer and middle lagoon dredging volumes (approximately 80,000 cubic yards) north of the lagoon as the City of Carlsbad suggests has the potential to create a beach which is considerably out of equilibrium with natural beach equilibrium in the Oceanside littoral cell. An additional 80,000 cubic yards of sand combined with the proposed Homeport disposal would create an unnatural bulge in the shoreline similar to a river delta condition, at a location where there is no natural river mouth. The impacts on Carlsbad beaches from the entrapment of sand, which the City ascribes to the Agua Hedionda Lagoon, are more likely due to the even greater disturbance which the Oceanside harbor imposes on littoral drift, updrift of Carlsbad. It is hard to rationalize how the Agua Hedionda Lagoon alone could be responsible for these alleged impacts when it is down drift of most of the impacted beaches.

Shoreline erosion is a matter of regional importance. The City of Carlsbad is correct in noting that sand which enters the Agua Hedionda Lagoon is temporarily lost to the littoral cell between lagoon dredging episodes. This temporary loss of sand deprives beaches to the south, in Solana Beach and Encinitas, of littoral cell sand transport and natural shoreline replenishment. Placing sand immediately north of the Agua Hedionda Lagoon perpetuates the incremental loss of sand to beaches south of Carlsbad. We find the City of Carlsbad's request for sand north of the lagoon contrary to best interest of cities to the south and regional needs for sand replenishment.

SDG&E would be pleased to present it's previous overview of littoral cell dynamics and lagoon hydraulics, and any updated information since 1995, to the Commission during the public hearings for our applications. Please call me at (619) 696-2732 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mark Chomyn".

Mark Chomyn
Land Planner

cc: Mr. David Zoutendyk, U.S. Army Corps of Engineers
Mr. Paul O'Neal, SDG&E Public Affairs Representative



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CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

October 8, 1997

FILE NO.

Ms. Sherilyn Sarb
California Coastal Commission
San Diego Coast Region
3111 Camino Del Rio North, Suite 200
San Diego CA 92108

RE: SDG&E DREDGING PROJECTS IN THE AGUA HEDIONDA LAGOON

Ms. Sarb:

In its August 13, 1997 public hearing, the Coastal Commission requested "to see a plan come back with a time line on it for dredging the inner and middle lagoons." SDG&E is responding to that request. We would like to inform the Commission of the steps SDG&E has taken to date to implement a dredging program for the middle and inner lagoon, and present a timeline for that program.

Status of SDG&E Dredging Permit Applications

Draft permit applications for the middle lagoon were submitted to the Corps of Engineers and Coastal Commission on January 31, 1997. Final permit applications for the middle lagoon were submitted to the Corps of Engineers on March 18, 1997 and to the Coastal Commission on April 14, 1997. Permits for the inner lagoon were submitted to the Corps of Engineers on May 28, 1997 and to the Coastal Commission on July 7, 1997. The Corps application was revised and re-submitted on July 1, 1997.

We expect the Corps of Engineers to issue a public notice of our dredging projects in early October 1997. This would start a 30 day public comment period. Following the public comment period we anticipate that the Corps would be able to issue permits allowing a December 16, 1997 start date for middle lagoon dredging, and a January 16, 1998 start date for the first phase (borrow pit) of the inner lagoon dredging.

Project Budget Status

The middle lagoon dredging project has an approved 1997/98 budget. Spending for the middle lagoon dredging must begin in 1997 for the budget dollars to remain intact. If dredging of the middle lagoon does not commence in 1997, the budget dollars are lost and timely dredging of the middle lagoon is jeopardized.

EXHIBIT NO. 5
APPLICATION NO. 6-97-45 RF
Applicant's Att.
California Coastal Commission

A budget request has been prepared by the Encina Power Plant for an inner lagoon dredging project. The budget request has been forwarded to SDG&E officers for review and consideration as a part of SDG&E's 1998 budgeting process. The review and approval process is pending.

Project Schedule

Attached to this letter is a project schedule for permitting and performing the middle and inner lagoon dredging projects. The middle and inner lagoon are separate projects and not co-dependent on each other. Each project can proceed on its own. However, in terms of mobilization of equipment and manpower, an immediate transition from the middle lagoon dredging area to the inner lagoon dredging area is most cost effective, productive and beneficial to beach replenishment. The attached schedule also includes a timeline for a proposed jetty extension at the Encina Power Plant intake jetty. No permit applications have been submitted, and no budget is currently available for the jetty project. Some estimated milestones of note in the attached middle and inner lagoon schedules are:

Middle Lagoon

Corps 404 Permit Issued	9/18/97
Coastal Permit Issued	12/16/97
Dredge Middle Lagoon	12/16/97 - 1/15/98

The Corps of Engineers decided to combine the middle and inner lagoon permit applications as one permit submittal. Combining the middle and inner lagoon projects created a change in the milestone date for the release of the Corps 404 Permit. We now expect the Corps and Coastal permits can be issued by December 1, 1997, accommodating a December 16, 1997 start of dredging for the middle lagoon.

Inner Lagoon

Corps 404 Permit Issued	11/7/97
Coastal Permit Issued	12/23/97
Dredge 1st Phase (borrow pit)	1/16/98 - 4/28/98
Environmental Break (no dredging)	4/29/98 - 9/28/98
Dredge 2nd Phase (sand trap to -9')	9/29/98 - 10/21/98
Dredge 3rd Phase (clean-up to -8')	10/22/98 - 11/20/98

Dredge 4th Phase (west sand bar to pit)	11/23/98 - 12/28/98
Dredge 5th Phase (sand trap to -17')	12/29/97 - 2/4/99
Cap Borrow Pit w/sand from Outer Lagoon	2/17/99 - 4/14/99

As noted above, the Corps has decided to combine the 404 Permit applications for middle and inner lagoon. We expect that the Corps will issue a project notice for 30 day public review in early October. Based on an early October release date for the project notice, we do not anticipate issuance of the 404 Permit on November 7, 1997. However, depending on the extent of public comment received, we do anticipate that the 404 Permit could be issued in time to accommodate a January 16, 1998 inner lagoon dredging start. If the Corps staff and Coastal staff share project information and establish project conditions on a parallel processing path, a December hearing date for the Coastal Permit would be possible, and a Coastal Permit could be issued by January 16, 1998.

Relationship to Outer Lagoon Coastal Permit 6-97-45

In its August 13, 1997 public hearing the Coastal Commission approved SDG&E's request to perform 200,000 yards of maintenance dredging in the outer basin of the Agua Hedionda Lagoon. In that approval the Commission sent two messages to SDG&E; 1.) that SDG&E return as soon as possible to the Commission with an overall project schedule and a budget commitment for middle and inner lagoon, and 2.) that SDG&E fund an independent study of sand transport monitoring to determine optimum beach replenishment locations.

The Commission's direction has SDG&E confused. While the Commission encouraged an immediate solution (budget and schedule) for dredging the middle and inner lagoon, it also required that a sand transport study be concluded before any new dredging permits be considered. This potentially places the existing 1997 middle lagoon dredging budget in jeopardy, and could also negate the use of any 1998 budget appropriated for the inner lagoon.

We do not believe the Commission wished to place obstacles in the way of successfully dredging and improving the middle and inner lagoons. Though these lagoons have benefit to the continued reliable operation of the Encina Power Plant, they have a benefit to public recreational use, and the continued viability of aquatic resources.

Perhaps the Commission can weigh its decision on the dredging projects in terms of near term and long term goals. The near term goal would be a one time dredging to return the middle and inner lagoons to optimum hydraulic efficiency and environmental health while providing beach replenishment. The long term goal would be completion of the monitoring study which would then guide the placement of sand from any one time or multiple year dredging permit for the routine maintenance of the outer lagoon. With the health and hydraulic efficiency of the middle and inner lagoon restored by a one time

dredging, the placement of sand for future outer lagoon dredging projects would have minimal impact to the health of the overall lagoon system. This would be true regardless of where the results of the monitoring study direct the placement of beach replenishment.

SDG&E understands that in November, Coastal staff will present for Commission approval a summary of the action taken by the Commission on August 13, 1997 for the outer lagoon dredging project. At the November hearing, SDG&E would like the opportunity to discuss the outer lagoon permit conditions with the Commission. It is our hope that a balance can be obtained between the desire to perform long term scientific research, and the near term need to protect and enhance local beaches and the resources of the Agua Hedionda Lagoon.

Please call me at (619) 696-2732 if you have any questions.

Sincerely,



Mark Chomyn
Senior Land Planner

cc: Peter Douglas, Coastal Commission
Charles Damm, Coastal Commission
Lesley Ewing, Coastal Commission
Bill Ponder, Coastal Commission

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SAN DIEGO COAST DISTRICT

STATE OF CALIFORNIA
COASTAL COMMISSION

SAN DIEGO GAS &
ELECTRIC COMPANY
COUNTY OF SAN DIEGO

Application No. 6-97-45

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Wednesday
August, 13, 1997

Agenda
Item No. 10.b.

Crowne Plaza-Holiday Inn-LAX
5985 West Century Blvd.
Los Angeles, California

EXHIBIT NO. 6
APPLICATION NO. 6-97-45RF
Copy of Transcript
California Coastal Commission

PRISCILLA PIKE
Court Reporting Services

A P P E A R A N C E S

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STAFF:

Peter M. Douglas, Executive Director
Ralph Faust, Chief Counsel
Chuck Damm, Deputy Director
Bill Ponder, Coastal Staff Analyst
Sherilyn Sarb, Coastal Staff Analyst
Matthew Rodriquez, Deputy Attorney General

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PRISCILLA PIKE

Court Reporting Services

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1 California Coastal Commission

2 August 13, 1997

3 San Diego Gas & Electric, Application No. 6-97-45

4 * * * * *

5 DISTRICT DIRECTOR DAMM: The next item, Madam
6 Chair, is Item 10.b. on your agenda, and Bill Ponder of staff
7 will make the presentation.

8 COASTAL STAFF ANALYST PONDER: Commissioners, CDP
9 Application 6-97-45 is a proposal by the San Diego Gas and
10 Electric Company to dredge 200,000 cubic yards of lagoon
11 bottom -- which is sand -- within the outer basin of Agua
12 Hedionda Lagoon in Carlsbad.

13 The sand is proposed to be placed on what is
14 called the south beach. It is an 1100-foot long, and
15 200-foot wide area, almost directly across from the power
16 plant on the Carlsbad State Beach.

17 SDG&E has conducted this maintenance dredging
18 operation since 1954, when the generating station was
19 constructed. The dredging is necessary to provide an
20 adequate water supply of cooling water to maintain the power
21 plant's operating efficiency.

22 In the past the Coastal Commission has approved a
23 long-term coastal development permit to allow dredging to
24 occur on an annual basis. That permit is no longer valid,
25 and SDG&E must obtain Commission approval for each dredge

1 cycle on its new coastal development permit. That is why
2 they are before you today.

3 In the past, an 8900-foot long area extending from
4 Oak Street, on the north, to the south at their warm water
5 discharge jetty at the plant, has been proved as an
6 acceptable beach disposal site.

7 Staff is recommending approval of the beach
8 nourishment project, but is recommending that the beach
9 quality sand be placed on the middle beach, rather than the
10 south beach, as proposed by SDG&E.

11 Exhibit 1 of the staff report, which is revised in
12 your addendum, shows where SDG&E proposes the deposition.
13 Again, it is basically south of the power plant, right
14 adjacent to the middle beach area, where staff is proposing
15 the sand be placed.

16 Staff chose the middle beach because it will
17 provide a greater recreational benefit to beach users along
18 the Carlsbad shoreline. Basically, this area is the most
19 heavily attended beach in Carlsbad and has a lot of support
20 facilities for coastal visitors, like parking, and public
21 walkways, and life guards, while the south beach provides
22 less beach use and support facilities.

23 The City of Carlsbad is not in agreement with the
24 deposition location. In your addendum, you will see that the
25 city requests the Commission to approve a condition which

1 requires that one-third of the sand be placed north of the
2 ocean entrance to the lagoon, and two-thirds of the sand
3 should be placed on the middle beach.

4 You will hear from the city, in their
5 presentation, the technical reasons why they chose this
6 ratio, which represents in the city's view how sand is
7 transported along the Carlsbad shoreline, within the
8 oceanside littoral cell.

9 In other words, because natural shoreline
10 processes move sand from the north to the south two-thirds of
11 the time, and from south to north one-third of the time, the
12 city feels that two-thirds of the sand should be place south
13 of the ocean entrance to the lagoon, and one-third of the
14 sand should be placed north of the ocean entrance.

15 The city's position assumes that the sand from the
16 littoral drift goes by the lagoon's ocean entrance and
17 becomes trapped in the lagoon, and therefore should be
18 returned to the beaches from it came.

19 On the other hand, SDG&E believes that placing
20 sand north of the ocean entrance is not logical, because the
21 sand will become trapped in the lagoon as it migrates down
22 coast. That is from north to south. It will become a
23 maintenance problem in maintaining plant operations.

24 As you will hear from SDG&E they are concerned
25 that too much sand entering the lagoon may cause the plant to

1 close, but SDG&E is not proposing the sand being placed as
2 staff recommends, because placed on the middle beach it would
3 -- they are not opposed to where the staff recommends because
4 it would be south of the ocean entrance, and less likely to
5 find its way back into the lagoon, than by placing it at the
6 ocean entrance.

7 Staff is also recommending the applicant provide a
8 beach profile evolution monitoring study, along the Carlsbad
9 shoreline, to determine where the best beach nourishment
10 sites are at any given time for deposition, resulting from
11 SDG&E's maintenance dredging.

12 Basically, this requires SDG&E to prepare a report
13 which identifies stable beach disposal sites both north and
14 south of the ocean entrance, which are close to available
15 public access, and which seem relatively stable. If there
16 are no sites adjacent to the lagoon, which exhibit a greater
17 tendency for stability, the report should identify the sites
18 where nourishment material would have the greatest
19 recreational benefit, without adversely affecting marine
20 resources.

21 In addition, other recommended conditions of
22 approval addressed public access timing, and sensitive
23 species timing of the beach sand, as well as the condition
24 that authorizes the maximum of 200,000 cubic yards of dredge
25 material to occur at the middle beach with this permit

1 action.

2 The City of Carlsbad will be showing some slides
3 of the area. This concludes my comments.

4 COMMISSIONER TUTTLE: Madam Chair.

5 VICE CHAIR WAN: Yes.

6 COMMISSIONER TUTTLE: One short question of staff,
7 because in the maps that you have included in the staff
8 report, the geographical terms that are being used verbally
9 here are not reflected on the map. The maps are almost
10 unintelligible, because of the Xerox quality.

11 But, when you talk about north beach, middle
12 beach, south beach, looking at the exhibit, I cannot relate,
13 so if I can get oriented, then I can understand the rest of
14 the discussion.

15 VICE CHAIR WAN: Does staff have a slide that they
16 might be able to --

17 COMMISSIONER TUTTLE: Well, I don't want to go
18 through a lot of time, just on the map that is here, give me
19 some hints as to which --

20 COASTAL STAFF ANALYST SARB: If you could look at
21 the revised Exhibit 1 in the addendum, those two cross-
22 hatched areas, the southern most one is the south beach,
23 where the applicant is proposing to deposit the material.

24 Then, the larger cross-hatched area is the middle
25 beach, where the staff is recommending the material be

1 deposited.

2 COMMISSIONER TUTTLE: Yes, yes.

3 COASTAL STAFF ANALYST SARB: And, then, north of
4 that inlet, at the very northern end of that cross-hatched
5 area is the ocean inlet jetty -- can you see that?

6 COMMISSIONER TUTTLE: All right.

7 COASTAL STAFF ANALYST SARB: And, north of there
8 to Oak Street is the area where the city would like the sand
9 placed.

10 COMMISSIONER TUTTLE: Okay, well, maybe in the
11 future we can make it really clear. Thank you.

12 COASTAL STAFF ANALYST SARB: Okay.

13 [Pause in the proceedings.]

14 COMMISSIONER PAVLEY: What page in the addendum?

15 COMMISSIONER ALLEN: Page 36 in the addendum.

16 COMMISSIONER PAVLEY: Maybe it is this one, here.

17 COMMISSIONER ALLEN: It is the one that says
18 "Memorandum" on the front, dated August 11.

19 COMMISSIONER PAVLEY: Yes, got it.

20 VICE CHAIR WAN: Oh, okay.

21 COMMISSIONER ALLEN: From Chuck Damm. .

22 VICE CHAIR WAN: Oh, I didn't seen this one.

23 [Pause in the proceedings.]

24 I hate to ask you, but would you just repeat what
25 you just said, now that I have the map in front of me.

1 COASTAL STAFF ANALYST SARB: I am sorry. I forgot
2 we put page numbers on our addendum.

3 The southern-most cross-hatched area, it is to the
4 left of the page, that smaller circle, is the southern beach,
5 where the applicant is proposing to deposit the material.

6 To the right of that is the larger cross-hatched
7 area, and that is the middle beach, where staff is proposing
8 that it be deposited.

9 North of that, which is not shown on this map,
10 extending north up to Oak Street, would be where the city
11 would want the material to be deposited -- or portions of the
12 material to be deposited.

13 VICE CHAIR WAN: Thank you.

14 Staff have any additional information to present?

15 DISTRICT DIRECTOR DAMM: No.

16 VICE CHAIR WAN: Okay, I am going to call for
17 ex-parte communications, please.

18 COMMISSIONER STAFFEL: Madam Chair.

19 COMMISSIONER KEHOE: I have some.

20 COMMISSIONER STAFFEL: I'll just commence.

21 VICE CHAIR WAN: Yes.

22 COMMISSIONER STAFFEL: This morning at 8:15, while
23 I was sitting having breakfast and reading the Los Angeles
24 Times, Nancy Lucast, who represents SDG&E, came to my table
25 and indicated that on behalf of her client they support the

1 staff recommendation. That was the extent of the
2 conversation.

3 VICE CHAIR WAN: Commissioner Potter.

4 COMMISSIONER POTTER: Yes, I have a duplicate
5 disclosure, exactly identical to that one.

6 COMMISSIONER PAVLEY: The L.A. Times? the whole
7 thing?

8 COMMISSIONER ALLEN: Identical?

9 COMMISSIONER POTTER: No, Nancy Lucast had -- let
10 me think -- about 8:00 o'clock this morning, 7:30, discussion
11 on this topic.

12 COMMISSIONER KEHOE: I had a brief discussion with
13 Nancy, as well. In addition, Mark Nelson from SDG&E had a
14 conversation with Neil Heightman in my office. And, Frank
15 Bench, from the City of Carlsbad, had a conversation with
16 Neil Heightman in my office to discuss the issues, and the
17 City of Carlsbad's concern, which I think Council Member
18 Nygaard is going to address when she has that opportunity.
19 And, I also talked to Council Member Julie Nygaard, in the
20 lobby, very briefly on this item.

21 COMMISSIONER NAVA: I had an ex-parte
22 communication, and the form is filled out, and has been
23 turned in.

24 COMMISSIONER ALLEN: I have one that is filled in,
25 and then another one that just happened, this morning -- or

1 excuse me, I got a phone message that I didn't return, so --
2 from Mark Nelson, but I didn't talk with him.

3 COMMISSIONER FLEMMING: I saw Nancy Lucast in the
4 hallway, and she just mentioned in passing that they
5 supported staff recommendation.

6 VICE CHAIR WAN: Anyone else?

7 [No response.]

8 I had a conversation with Mark Nelson, and it is
9 written and on file, and on the desk over there for anyone to
10 see.

11 With that, we will open the public hearing.

12 Mark Chomyn, San Diego Gas and Electric.

13 MR. CHOMYN: Good morning, members of the
14 Commission, staff, my name is Mark Chomyn, representing the
15 applicant, San Diego Gas and Electric Company, 101 Ash
16 Street, San Diego.

17 As you already have heard, we have reviewed the
18 staff report. We do support the recommendations and
19 conditions developed by the staff. We concur with staff's
20 recommendation that the middle beach is the most appropriate
21 and preferred location for the beach sand placement, given
22 the current health of the lagoon.

23 We feel that our dredging program has a positive
24 impact on both the water quality of the lagoon, and the
25 recreational opportunities of the Carlsbad State Beach.

1 With me today are Mr. Mike Loper, the manager of
2 the Encina Power Plant; Mr. Bill Dison, of our dredging
3 division; and Dr. Scott Jenkins, a research oceanographer,
4 and lecturer at the Scripps Institute of Oceanography. They
5 are available to answer any questions the Commission might
6 have, with regard to power plant operations, dredging
7 operations, lagoon hydraulics, and littoral cell dynamics.

8 At this time, I would like to turn the podium over
9 to Dr. Jenkins, who will give you some background on the
10 lagoon, and why our dredging and beach replenishment
11 activities are critical to the continued health of the
12 lagoon.

13 Dr. Jenkins is a pioneer in the study of coastal
14 process, and sand transport, in the Oceanside littoral cell,
15 having worked with Douglas Inman since 1966. Dr. Jenkins'
16 research has been used as the proto-typical model for the
17 examination of coastal processes and littoral cell dynamics.

18 Thank you.

19 Oh, we would also like some time at the end for
20 rebuttal to any questions which arise from other speakers.

21 Thank you.

22 MR. JENKINS: I am Dr. Scott Jenkins. I will be
23 expressing my professional opinions, and am not representing
24 the Scripps Institution of Oceanography, and any official
25 opinion of that institution. I am a paid consultant for the

1 San Diego Gas and Electric Company.

2 Very recently, the City of Carlsbad submitted a
3 letter to the California Coastal Commission, asserting that
4 because the power plant is now operating five generating
5 units that sand is coming in the lagoon at a faster rate, and
6 that because of that, the power company, in generating this
7 extra electrical power, is causing beach erosion.

8 I will show you material that, first of all, makes
9 the point that if the lagoon were in the original
10 construction profile after it was first built in 1955, that
11 it would have adequate tidal prism for operating five
12 generation units without adversely impacting the lagoon
13 inlet, or increasing the sand influx.

14 In fact, the lagoon was originally designed to
15 sustain five generating units. The only difference is that
16 in the original design, those five generating units were not
17 all placed in the same position in the lagoon that they are
18 presently.

19 Secondly, I will make the points that the primary
20 reason that the sand influx rate has increased in recent
21 years, into the lagoon, is because, No. 1, the tidal prism of
22 this lagoon has been seriously degraded since the El Nino
23 winters beginning in 1978, that there has been 670,000 cubic
24 yards of silt that has run into the east basin of this
25 lagoon, where most of the tidal prism resides, and that this

1 silt is the result of upland runoff, much of it associated
2 with development of the Carlsbad area.

3 Secondly, the other major reason that the sand
4 influx rates have increased in recent years, from an original
5 value of 350 cubic yards a day, to almost double that in
6 recent years, is because the City of Carlsbad has used its
7 special use permit to force the San Diego Gas and Electric
8 Company to divert some of its dredge disposal north of the
9 inlet, and in that exact same time frame.

10 For instance, in the 1993 - '94 period, the sand
11 influx rates increased to 584 cubic yard per day, when the
12 City of Carlsbad forced the gas company to put 74,825 cubic
13 yards north of the inlet.

14 And, then in the most recent dredge cycle, the
15 City of Carlsbad forced the power company to place 100,000
16 cubic yards north of the inlet, and the influx rates
17 increased to 682 cubic yards per day. So, the occurrence of
18 this rate of increase of sand influx has exactly paralleled
19 the City of Carlsbad forcing the power company to do exactly
20 what it is asking you to make as a formal decision today.

21 So, let me show the supporting evidence for these
22 points. I do want to say, in addition, that there has been
23 no published study that has ever implicated Agua Hedionda in
24 causing the erosion of the north Carlsbad beaches.

25 There are, however, abundant previously published

1 studies that show that the erosion of the beaches north of
2 this lagoon are primarily associated with the obstruction of
3 the Oceanside Harbor and its groin systems, and the way that
4 has interrupted the littoral drift, and with the construction
5 of dams on the San Luis Rey River, which is a primary source
6 of sediment for these north Carlsbad beaches, in addition to
7 the operation of a very large sand and gravel mine just a few
8 miles from the ocean in the lower portion of the San Luis
9 Rey.

10 And, that lastly, the split, or the partition in
11 the sand disposal that the City of Carlsbad is requesting,
12 has no scientific basis or justification. The littoral drift
13 varies throughout the littoral cell. The important issue is
14 what is the littoral drift rate at the inlet, itself? We
15 have placed instruments at the inlet that indicate that
16 between 4 and 5 times -- that is, 400 to 500 percent of the
17 littoral drift heads south, as opposed to heading north.

18 If we did what Carlsbad asks, we would impound a
19 large fraction of the littoral drift in an endless
20 recirculation loop between the lagoon and the north Carlsbad
21 beaches, and that would be at the expense of people further
22 to the south, such as Encinitas, Leucadia and Solano Beach.
23 You would literally be robbing Peter to pay Paul.

24 Returning to the first point, that the sand influx
25 rates are presently high because of a degraded tidal prism,

1 this shows the shoals in the east basin that have resulted
2 from the upland runoff, 670,000 cubic yards have degraded the
3 tidal prism.

4 Originally, the lagoon was designed for five
5 generating units. This shows the mud flat in the far east
6 end of the east basin, the result of the silt that has
7 entered the lagoon from the upland runoff during floods.

8 Now, if we remove that material, numerical models
9 show that the tidal prism would increase from the present
10 value of about 35 million cubic feet --

11 VICE CHAIR WAN: Dr. Jenkins.

12 MR. JENKINS: Yes.

13 VICE CHAIR WAN: I appreciate that all of this
14 technical data is very important to you, but I think, in the
15 interest of brevity, we have a long day, if there is a way
16 for you to summarize things, and so that the Commission can
17 understand it, and then if they have specific questions, I am
18 sure they will be asked.

19 MR. JENKINS: All right.

20 VICE CHAIR WAN: I would appreciate it, thank you.

21 MR. JENKINS: The point of that chart was merely
22 to show that if we remove those silts, we would get back the
23 original tidal prism for this lagoon, which was originally
24 dredged for five generating units.

25 I mentioned numerous published reports that

1 indicate the erosion of the north Carlsbad beaches is not
2 associated with this lagoon, but rather with the harbor.
3 Here is one by the Army Corps of Engineers. Here is another
4 by the California Department of Boating and Waterways, and
5 the San Diego Association of Governments.

6 The essential issue here is what is the natural
7 behavior of sand in this region. Sand is created by erosion
8 of the mountains. It runs into the ocean, deposits river
9 deltas. Because this coastline basically arcs and faces to
10 the southwest, and because the islands offshore limit the
11 directions the waves can enter, the dominant wave direction
12 has an angle which is towards the south. So, over time the
13 littoral drift heads south.

14 If we put one-third of the sand that enters Aqua
15 Hedionda back to the north, that sand will go around an
16 endless race track, and will not continue on south to nourish
17 beaches such as Encinitas and Carlsbad.

18 You can see this very activity, when there is flow
19 from the Santa Marguerita River. You can see the sediments
20 moving south. You can also see how they are being diverted
21 offshore by the presence of the Oceanside Harbor. That is
22 the primary reason for the erosion in north Carlsbad.

23 This shows the same thing dramatically, where the
24 littoral drift is deflected, diverting the sand into offshore
25 bars, that do not reattach on the shoreline.

1 With regards to proving what the littoral drift is
2 doing at the inlet, we have placed this current meter -- two
3 of them, actually -- at the inlet.

4 Here is an example of the currents they do
5 measure. Positive values are flows to the south, negative to
6 the north. You see most of the episodes of littoral drift
7 involve flow to the south. If we calculate how they will
8 move sand over time, we would see that the southward
9 transport is 544 percent greater than the northward
10 transport. So, the natural system is, indeed, flows to the
11 south.

12 Finally, I would like to make the point that the
13 City of Carlsbad is already getting their lion's share of the
14 Home Porting sands for the deepening of San Diego Harbor.
15 This is the production schedule. North Carlsbad is going to
16 receive 420,000 cubic meters on the very beach where they
17 want San Diego Gas and Electric to place an additional one-
18 third of their dredge volume. They are also getting
19 substantial sand on south Carlsbad beach.

20 The City of Encinitas is not getting any of the
21 benefits of this project. So, if you do as the City of
22 Carlsbad requests, you will be throwing sand against the
23 wind, so to speak, the drift of this natural system. You
24 will be robbing the people to --

25 CHAIR AREIAS: Excuse me.

1 MR. JENKINS: -- in Leucadia to --

2 CHAIR AREIAS: I have a question.

3 MR. JENKINS: -- pay for the people in Carlsbad.

4 CHAIR AREIAS: I have a question.

5 MR. JENKINS: Yes.

6 CHAIR AREIAS: Now, SDG&E built that plant back in
7 1954.

8 MR. JENKINS: That is correct.

9 CHAIR AREIAS: Is that part of the natural system
10 you are talking about?

11 MR. JENKINS: No, it is not.

12 CHAIR AREIAS: Would the sand --

13 MR. JENKINS: What they have done over time is
14 place their sand to the south of their inlet, after it has
15 been captured by the west basin. So, they are trying to
16 mimic the natural system by their historic dredging disposal
17 practices. That is the best they can do, after they have
18 created the natural obstruction of the lagoon, itself. But,
19 that is a small obstruction, sir, as compared to the
20 obstruction of the Oceanside Harbor.

21 CHAIR AREIAS: I mean, you know, I have listened
22 to the arguments, and read the information on this issue, and
23 on one hand, I sympathize with SDG&E, in that if you are
24 forced to place sand where it is coming from, that it is
25 going to increase the dredging need in the future.

1 But, at the same time, it is my belief, unless
2 someone can convince me differently, that part of the reason
3 why that sand vacates that place is because of what we
4 created back in the 1950's. So, had there been a Coastal Act
5 back in 1954, that would have probably been mitigated for, or
6 they wouldn't have been allowed to build the plant there.

7 So, you know, they have had the benefit of the
8 plant there all of these years, but there were some problems
9 that have gone unmitigated, and this is one of them.

10 MR. JENKINS: Well, sir, the sand is naturally, in
11 the natural system before anything was placed here,
12 continuously moves to the south and was lost over the
13 continental shelf.

14 When you put the lagoon there now, sand goes into
15 the lagoon for a short period of time, 1.5 to 2 years, and is
16 placed back on the beach to the south and continues on south.
17 So, all you have done is to interrupt its transport for 18
18 months to 24 months. But, by putting it to the south, you
19 are still mimicking the natural system.

20 And, in that way, you are allowing that material
21 to continue moving down coast to help the people who live in
22 Leucadia, Encinitas, Solano Beach. Those are some of the
23 most eroded beaches in this entire system at this moment.
24 They need every grain of sand.

25 If, instead, you work against the natural system,

1 after the lagoon catches the sand, and you put it back up
2 north, that sand never gets out of that recirculation loop to
3 benefit the people in Encinitas, Leucadia and Solano Beach.

4 CHAIR AREIAS: Okay, you know, I think the
5 Commission would like to hear from the City of Carlsbad.

6 Is a representative from the City of Carlsbad
7 here?

8 MS. NYGAARD: Good morning, Commissioners. I am
9 Julie Nygaard. I am a council member in the City of
10 Carlsbad.

11 Last night I was taking a walk down on our seawall
12 trying to think what I would say to you, and what I noticed
13 is that the rocks are back. The beach is once again covered
14 with them.

15 Carlsbad City Council is very proud of our
16 beautiful beach area, and we have worked very hard to build a
17 seawall, which included ten access stairways to the beach, at
18 a cost of approximately \$10 million.

19 Annually, we pay the State Parks and Recreation
20 Commission \$35,000 to keep our parking lot free -- their
21 parking lot free to the people, so that there is public
22 access. We have invested a considerable amount of money, of
23 public funds, both state, federal, and local, in providing
24 access for the public.

25 We are very fussy about development in Carlsbad.

1 We have asked SDG&E to mitigate the impacts of their power
2 operations by placing the sand that they need to dredge from
3 the lagoon, one-third to the north, and two-thirds to the
4 south, in the natural movement of the sand. Sand does move
5 to the north, during a portion of the year.

6 SDG&E is asking to be completely relieved of their
7 responsibility by placing the sand in neither of the
8 suggested locations. They would rather see no sand on our
9 beaches. No one will benefit from this plan, except the
10 SDG&E stock holders in a public corporation, for profit.

11 The Coastal Commission's charge is to assure
12 access to the beaches. Sand, as a scarce resource as it is,
13 should be considered a public resource, and should be placed
14 for the best benefit of the public.

15 If you allow this plan to go through, our beaches
16 will be just what the SDG&E representative asked for as the
17 preferred alternative, all rocks.

18 The public deserves better than that, and we hope
19 that you will agree with our council and accept our
20 recommendation. If you cannot do that, at least send us back
21 to negotiate a deal that will benefit SDG&E and the public.

22 I brought Steve Jantz along. He is our engineer
23 on this project, and he will be happy to talk to you about
24 some of the technical parts of it.

25 Do you have any questions?

1 [No response.]

2 COMMISSIONER KEHOE: Council Member Nygaard.

3 MS. NYGAARD: Yes.

4 COMMISSIONER KEHOE: It is Chris, over here.

5 MS. NYGAARD: Hi, Chris.

6 COMMISSIONER KEHOE: What is the maximum that
7 Carlsbad would like to see go on the north beach?

8 MS. NYGAARD: What we are asking for is that
9 whenever sand is delivered to our beaches, one-third of the
10 sand would go to the north --

11 COMMISSIONER KEHOE: And, is your engineer going
12 to be able to respond to --

13 MS. NYGAARD: Yes --

14 COMMISSIONER KEHOE: -- the drift issue?

15 MS. NYGAARD: -- he certainly will. He is going
16 to address that.

17 COMMISSIONER KEHOE: Thank you.

18 MS. NYGAARD: Thank you.

19 MR. JANTZ: Good morning, Commissioners. My name
20 is Steve Jantz. I am an associate engineer with the City of
21 Carlsbad, and I am going to try to be real succinct. I know
22 there is a lot of technical information.

23 [Slide Presentation.]

24 I know a letter was sent to you. You should have
25 it as part of your packet, and I believe some was handed out

1 today. What I want to do is to address this letter, sort of
2 the technical reasons why the City of Carlsbad took this
3 position. And, there is also some --

4 COMMISSIONER ALLEN: Could I ask staff to turn up
5 the lights. We were just handed this letter, and I would
6 like to be able to review it, thank you.

7 MR. JANTZ: Okay, fine.

8 The really important part is in the last three or
9 four pages. I have included some hard copies of some of the
10 slides that I am going to show you, and hopefully that will
11 help in going through some of this conversation.

12 The Agua Hedionda Lagoon, as Scott Jenkins has
13 mentioned, was dredged in 1954 and 1955 with the sole purpose
14 of providing cooling waters to the Encina Power Plant.

15 Maybe to give you a little idea, in this picture
16 -- maybe to your question of where we are -- this is sort
17 oriented the north to the right, south to the left, so to let
18 you know the south beaches is that area south of the lagoon,
19 and the middle beach is right in the middle, and the north is
20 on the north side.

21 The lagoon was dredged in 1954, and it does
22 provide cooling waters and was designed for the original
23 three units. There was a little bit of extra depth into the
24 lagoon, and that has allowed for the five units, but
25 originally, it was designed for the three units.

1 The reason why there is a lack of tidal prism at
2 this point is because there has been no maintenance dredging
3 of the inner basins of the lagoon, since 1954. It has been
4 42 years of a lack of maintenance, and therefore that is the
5 reduction of the tidal prism.

6 Scott Jenkins didn't mention that there was some
7 studies done, that sort of indicate there is a northerly and
8 southerly movement of the material.

9 This slide was taken from the recent Navy Home
10 Porting Project, and it is granted there is a strong window
11 from the north, and in the winter months there is a southerly
12 drift to this material.

13 But, in the summer months we get an influence from
14 the storms in the southern hemisphere, and there is a
15 northerly drift of that movement, and that has been studied
16 and determined over the last number of years. So, I wanted
17 to let you know there was a northern movement of the material
18 in the summer, and a southern movement of the material in the
19 winter.

20 COMMISSIONER PAVLEY: That is how we got these
21 waves.

22 COMMISSIONER KEHOE: Sir.

23 MR. JANTZ: Yes.

24 COMMISSIONER KEHOE: Do you know how much -- how
25 much is the north beach going to get from the Home Porting

1 Project?

2 VICE CHAIR WAN: Right.

3 MR. JANTZ: The north beach is going to get about
4 450,000 cubic yards of material, and it is actually is
5 northerly of the north beach that is referred to, in this
6 area.

7 The north disposal site for the Navy Home Porting
8 is from Oak Street to the Buena Vista Lagoon which is the
9 northern boundary for the City of Carlsbad.

10 COMMISSIONER ALLEN: So, essentially, what you are
11 saying is that stretch of coast that you are suggesting that
12 third be placed on will not get any sand replenishment from
13 that other source?

14 MR. JANTZ: That is correct. We are suggesting,
15 from Oak Street to the south, which will be a continuation of
16 the Home Porting Project, but they do not intermix. They are
17 two separate locations.

18 VICE CHAIR WAN: Would you not get the benefit of
19 the littoral drift to get that covered with the sand that
20 comes off the area that was the Home Porting sand goes on?

21 MR. JANTZ: That is correct.

22 We would imagine, and expect, a normal erosion
23 pattern to happen, in a both northerly and southerly
24 direction, so that the Home Porting Project will build a
25 beach, and over normal wave action it will spread in both

1 directions. So, to answer your question, yes, that some of
2 the material is expected to erode to the south, and would
3 fill in this area that we are recommending as part of this
4 application.

5 COMMISSIONER KEHOE: One last question, Mr.
6 Chairman.

7 When is the drop date for the Home Porting sand?

8 MR. JANTZ: Right now, the Home Porting is looking
9 at depositing on the north Carlsbad Beach, beginning on
10 November 6, and ending the day after Christmas.

11 COMMISSIONER KEHOE: Thank you.

12 CHAIR AREIAS: And, perhaps this question was
13 asked, but in terms of the Home Porting sand, you are talking
14 about 450,000 cubic yards, is that correct?

15 MR. JANTZ: That is correct.

16 CHAIR AREIAS: Okay, and how far will that go to
17 restore the beaches to natural conditions?

18 MR. JANTZ: Well, natural conditions, quite a few
19 years ago, was a nice, wide 200-foot beach throughout the San
20 Diego County. This is a great opportunity -- not to down
21 play it -- but that the San Diego region needs somewhere in
22 the realm of 50 million cubic yards to bring it back to its
23 natural condition.

24 CHAIR AREIAS: No, I am talking about this beach,
25 and as it relates to the effects of this project.

1 MR. JANTZ: Well, the Home Porting Project is a
2 great opportunity. It will provide sand in this area, all
3 the way down to the entrance of the Aqua Hedionda Lagoon.

4 The end result of it, I can't address that, but
5 there will be a benefit, and it will fill up this area of
6 beach.

7 CHAIR AREIAS: For how -- how long a beach? how
8 long an area?

9 UNIDENTIFIED SPEAKER: A year-and-half.

10 MR. JANTZ: Well, the Home --

11 CHAIR AREIAS: No, not time wise. I want to know,
12 is it a mile of beach? a half-mile of beach? what is it?

13 MR. JANTZ: The north Carlsbad site is about two-
14 thirds of a mile long. It is looking at building a beach 200
15 feet wide and 10 feet deep.

16 CHAIR AREIAS: And, the Home Porting fill will --
17 dredging, will take care of that?

18 MR. JANTZ: It will provide a lot of beach
19 nourishment in north Carlsbad. It is a one-time operation,
20 though.

21 CHAIR AREIAS: Okay, and, I understand that.

22 What is the annual average erosion, as a result of
23 the SDG&E activities?

24 MR. JANTZ: That number, sir, I don't have for
25 you. I am not sure of the average erosion.

1 Most of the Carlsbad beaches have very little sand
2 on them at all, so quite obviously, there really is no
3 erosion at this point. When we get sand, we may be able to
4 monitor that.

5 CHAIR AREIAS: Can anybody give me that number?
6 what the annual erosion was, or is now? That is something
7 that we might want to monitor.

8 DISTRICT DIRECTOR DAMM: Staff certainly does not
9 have that information.

10 COMMISSIONER FLEMMING: I have a question, too, of
11 staff --

12 CHAIR AREIAS: Yes.

13 COMMISSIONER FLEMMING: -- when you get through,
14 when you get finished.

15 CHAIR AREIAS: Okay.

16 You know what -- well, go ahead.

17 MR. JANTZ: Maybe, to answer your --

18 CHAIR AREIAS: Commissioner Flemming.

19 COMMISSIONER FLEMMING: I had a question about,
20 the council person mentioned a new seawall, and stairwell,
21 and all of that, is that creating scouring on your beaches?

22 MR. JANTZ: Not at all. The new seawall that was
23 built was actually to protect the roadway, so it is adjacent
24 to the sidewalk. There is no erosion --

25 COMMISSIONER FLEMMING: No erosion?

1 MR. JANTZ: -- potential on the other side of the
2 seawall.

3 COMMISSIONER FLEMMING: Okay.

4 MR. JANTZ: Maybe, I would like to answer Chair
5 Areias' question, when he gets back.

6 As part of the Home Porting Project, there is an
7 effort funded by Boating and Waterways to do monitoring of
8 that beach fill. So, they will do a pre, during, and after
9 beach monitoring, to try and determine where that sand will
10 be going. So, hopefully in a year or so we can have some
11 results for you.

12 VICE CHAIR WAN: Okay, thank you. Do you want to
13 continue with your presentation?

14 MR. JANTZ: If I could, very, very quickly.

15 VICE CHAIR WAN: Quickly.

16 MR. JANTZ: This chart was also taken out of the
17 Navy Home Porting EIS, and it shows that since 1961, for over
18 30 years, there have been studies done and documented on the
19 littoral drift in the Oceanside cell, and it does show there
20 is a northerly and southerly drift.

21 And, this is somewhat important in some of our
22 claims. What is happening in the interest of -- the lagoon
23 is in the southern portion of this picture -- what happens is
24 that littoral drift in the near shore zone moves sand up and
25 down the coast in a northerly and southerly direction. The

1 cooling waters of the power plant acts as a vacuum, and
2 actually sucks in the sand that is naturally transported up
3 and down the coast, and takes it into the lagoon.

4 This is important to understand, because what it
5 does, it goes into the right side of that picture, and it
6 actually sits in the outer basin of the lagoon, and the only
7 exit point is actually a one-way transport. The sand and the
8 water comes into the lagoon, and it actually exits out the
9 discharge plume of SDG&E, so it doesn't scour back out
10 through the entrance channel. It goes through the
11 condensers, and goes back out a different direction than the
12 lagoon. So, the lagoon actually holds that sand in the
13 western, and all through the three central basins, before it
14 actually is put out onto the beach. So, it is a drain into
15 the littoral cell sand budget.

16 To look at the average -- this chart was also
17 taken out of the Navy Home Porting Project -- the average
18 yearly dredging amounts for SDG&E since 1954 have been
19 documented. I would like you to focus really on the last two
20 numbers. These are the average dredging history for the last
21 21 years. Those numbers are relatively the same.

22 Essentially, there has been not an increase of the
23 influx of sand material, so making the claim that the sand,
24 putting on the north beach, goes back into the lagoon, which
25 they have done it twice in the 1990s, does not show an

1 increase in the sand influx into the lagoon, itself. So, we
2 feel that that sand stays on north beach, and sort of moves
3 in a northerly and southerly direction, right across there.

4 The reason why I talk about all of this is because
5 what I want to try and focus you on is that mile-and-a-half
6 area beach that is right adjacent to the inland lagoon. I am
7 not going to talk about the regional approach. This is the
8 local approach.

9 And, what has happened, this is a picture of the
10 beach right adjacent to the inlet jetties and as you can see
11 there is no sand there. The area of impact from the power
12 plant operations is directly felt right next to, on both
13 sides of the inlet channel. And, this is where the City of
14 Carlsbad is making the claim that SDG&E should mitigate the
15 impacts to the cooling operations of the power plant, by
16 placing the sand directly on both sides of the inlet channel.
17 That is where the beach is being starved, as the result of
18 the power plant operations.

19 So, with that, the city is asking the Commission
20 to include a condition in this permit, and future permits, to
21 require that they mitigate and return the sand from where it
22 came from, in a format of two-thirds of all future dredging
23 operations should be placed between the jetties -- and that
24 is called middle beach -- one-third of the future dredging
25 operations should be placed on north beach, and that is the

1 area north of the Tamarack Beach parking lot.

2 I would like to sort of talk about one of the
3 conditions that is provided in here, in the staff report, and
4 it is to develop and to design a place that is best located
5 to deposit this material, and that has been designed in two
6 fronts: the City of Carlsbad has a beach erosion committee.
7 We have had a consultant on board since 1986, and that
8 consultant recommended to our beach erosion committee that
9 the area around Oak Street is the null point, and that is an
10 important part.

11 In the last dredging cycle that happened two years
12 ago, SDG&E has already submitted a report to your staff that
13 also identified Oak Street as the best area to put the
14 material, because that is an area of least wave energy. So,
15 that area has already been determined.

16 Our basis to our letter, and our justification to
17 our request, is based on personal knowledge of our coastline,
18 past studies that have been recorded over 30 years, and the
19 determination of the best disposal site. That was also part
20 of the Home Porting Project. That is why Home Porting
21 limited to Oak Street, because that was also a compromise
22 between SDG&E and the Navy, as to where the best place to put
23 the material. We are also making that same claim.

24 What we are looking to do is put it in the area
25 where most of the area residents go for beach recreation.

1 The city has invested a lot of money. We have provided 10
2 access points, stairways, parking. We pay parking fees. We
3 are looking at the sand as a public resource, and we would
4 like to put it back for the public good.

5 If you have any questions, I would be happy to
6 answer them.

7 CHAIR AREIAS: Okay, Bob Richards, Aqua Hedionda
8 Lagoon Foundation.

9 MR. RICHARDS: Thank you, Mr. Chairman, and
10 members of the Commission. My name is Bob Richards. I am a
11 resident of Carlsbad, and I am president of the Aqua Hedionda
12 Lagoon Foundation, and I am speaking today on behalf of the
13 foundation.

14 The Aqua Hedionda Lagoon Foundation is a
15 non-profit 501(c)(3) California Corporation, founded in 1990,
16 to, among other things, help conserve, restore and enhance
17 the environmental features of the Aqua Hedionda Lagoon,
18 marsh, wetlands, and watershed areas.

19 We are an organization composed of more than 100
20 dues-paying interested citizens. We are not an arm of the
21 City of Carlsbad, and we are not an arm of San Diego Gas and
22 Electric. Our concern is the lagoon, and its surrounds, for
23 the citizens, for the recreational opportunities, for the
24 wild life, and for the environment.

25 We support Application 6-97-45. The lagoon must

1 be dredged to remain a healthy, tidal flushing, body. This
2 application relates only to dredging of the outer lagoon,
3 outer or western lagoon, and the placement of the sand there.

4 But, as is noted on pages 10 and 11 of your staff
5 report, SDG&E plans, or hopes to dredge the middle and inner
6 lagoons during the next year. The first such program since
7 the 50s.

8 The foundation is concerned that the Commission
9 imposed sand placement conditions could put the entire
10 dredging program at risk.

11 While determining where to place dredged sand,
12 please don't forget the lagoon. It is as much under your
13 protection as the ocean beaches. A healthy, dredged, tidally
14 flushing lagoon, will have beaches and recreation benefits as
15 well.

16 It took, I think, \$54 million to dredge the
17 Batiquitos Lagoon, directly to the south. And, this week's
18 newspaper reports fish kills in the Buena Vista Lagoon
19 directly to the north, because it is getting more and more
20 shallow.

21 We have here an opportunity for San Diego Gas and
22 Electric to dredge the entire Aqua Hedionda Lagoon at no
23 public cost.

24 During the last dredging cycle, the foundation
25 urged the city, and the applicant, to look for a win-win

1 solution. We proposed to let SDG&E place the sand where they
2 desired, as we believe it would go anyway, in exchange for
3 expanding the dredging area. We are now at the point where
4 expanded dredging opportunities can be reality.

5 Prolonged debate, or unnecessarily severe
6 conditions on the placement of the sand, could put this
7 program in jeopardy. The foundation asks that you take this
8 into consideration, on this and subsequent applications.

9 Thank you.

10 CHAIR AREIAS: Thank you, Mr. Richards.

11 Commissioner Wan for a question.

12 VICE CHAIR WAN: Is there a -- from the point of
13 view of the lagoon, itself, and the habitat, is there a
14 difference as to whether or not that sand goes on north
15 beach? or middle beach? or is it simply that you are
16 concerned that if it goes on north beach San Diego Gas and
17 Electric will not dredge the inner lagoon? is that your
18 concern? I would like to know which one it is?

19 MR. RICHARDS: The concern is that if it is not
20 placed in the right place -- and we don't want to get into
21 the dispute of placement, although our own view is the
22 placement to the south is more appropriate -- but, if you get
23 into this continuing cycle of dumping it to the north, and it
24 comes right back into the lagoon, SDG&E is spending a lot of
25 time, and a lot of money, annually, coming to you folks for

1 approval to dredge the outer lagoon.

2 In the meantime, nothing is happening to the
3 middle and inner lagoons, the largest bodies of water. And,
4 if the placement of the sand could be done such that it does
5 not come back into the lagoon, and in fact the sand that is
6 in the, right now, in the inner and middle lagoons, is sand
7 directly from the ocean. A lot of it is mud, yes, coming
8 down from the land areas, but there is a tremendous amount of
9 sand coming in from the ocean.

10 And, if this can be placed in the right place --
11 and I don't know where that is -- SDG&E would have much more
12 incentive to dredge the rest of the lagoon, increase the
13 tidal prism, and keep it more self-cleansing, so they won't
14 have to come to you every year for a dredging permit.

15 Thank you.

16 CHAIR AREIAS: Okay, thank you for bringing this
17 to our attention, Mr. Richards.

18 [Off-microphone discussion by Commission]

19 Yes, I wanted to bring the applicant back up, and
20 then we will go to the Commission.

21 Representative for the applicant?

22 MR. CHOMYN: Did you want Dr. Jenkins? or myself.

23 CHAIR AREIAS: The company, the applicant, the
24 company. Is there anything that you want to refute in the
25 testimony?

1 MR. CHOMYN: Well, I would like to make a few
2 points.

3 Over the life of the --

4 CHAIR AREIAS: Please identify yourself for the
5 record.

6 MR. CHOMYN: Oh, Mark Chomyn, San Diego Gas and
7 Electric, 101 Ash Street, San Diego.

8 CHAIR AREIAS: Thank you, Mr. Chomyn.

9 MR. CHOMYN: Over the history of our dredging, we
10 have applied in excess of \$220 million worth of sand on the
11 public beach. This is according to a SANDAG study.

12 Home Port will actually place, according to our
13 last review of the project, about 550,000 cubic yards on the
14 beach to the north. This material will move south. The Navy
15 has acknowledged that it will move south by agreeing to a
16 condition to monitor the influx into our lagoon, and mitigate
17 for any impacts of increased sedimentation. The Army Corps
18 has acknowledged that this will occur.

19 The dredging for Home Port will occur at the same
20 time we are dredging. To place our material to the north of
21 our lagoon, with the Navy's material to the north of the
22 lagoon, is going to cause us a great impact. It will come
23 in, and it will come in quickly.

24 We worked with the Navy to develop a profile for
25 their dredging disposal at the north beach, north Carlsbad.

1 We worked with them to place that material at areas of least
2 intensity, mounded up, and configured it so that we could
3 slow that influx down. But, the permit modifications still
4 acknowledges mitigation is necessary for influx.

5 Our applications are in for the inner lagoon, and
6 for the middle lagoon.

7 I think what we are asking today is, allowing us
8 to go forward with a project that starts that overall large
9 scaled project. We can place the material as noted in the --
10 on middle beach. To the best of our experience, given the
11 winter storms, we typically lose some of that material
12 quickly anyway. We would still have that as a reservoir for
13 future projects. We would like to retain the south beach as
14 a disposal site.

15 One point that hasn't been made, and I think needs
16 to be made, is as sand enters the lagoon system -- the lagoon
17 system right now is like a bad set of lungs -- all of the
18 sand isn't deposited only in the outer lagoon. It enters the
19 middle. It enters the inner. What is happening is we are
20 losing volume in the inner lagoon, based on this type of
21 influx, also.

22 The more prism we lose, as sand comes in at
23 accelerated rates, the more sand comes in, the less sand
24 moves out on an ebbing tide. This is a problem for us. We
25 would like to fix the lagoon system, get it back to its

1 original hydraulic capacity, and then entertain motions to
2 place sand north.

3 We do want to be a good neighbor. And, as staff
4 recommends, the placement --

5 COMMISSIONER KEHOE: Could I interrupt --

6 MR. CHOMYN: -- of sand at middle beach, would
7 appear to have the most public benefit without impacting
8 coastal resources, i.e., the lagoon.

9 I guess that is the points that I have. Scott
10 probably can make a few others.

11 CHAIR AREIAS: Commissioner Flemming, for a
12 question, and then Commissioner Kehoe.

13 COMMISSIONER FLEMMING: No, actually --

14 CHAIR AREIAS: Oh, Commissioner Reilly, and then
15 Commissioner Kehoe.

16 COMMISSIONER REILLY: Sir, given the preceding
17 testimony, if this Commissioner should decide to condition
18 SDG&E putting some percentage of the dredge sand to the
19 north, would that affect your plans to dredge out the inner
20 and middle lagoons?

21 MR. CHOMYN: It would affect it by probably
22 increasing the yardage we will have to handle.

23 COMMISSIONER REILLY: But, it would not stop that
24 operation, or cause you not to do those?

25 CHOMYN: No, we will move forward with that

1 project, as funding is made available. We do have funding
2 for the middle lagoon. We don't have funding, right now, for
3 the inner lagoon, but we are working on that.

4 But, the bottom line is, entertaining any
5 placement north right now does not just affect the outer
6 lagoon. It affects the middle and inner basins. Water
7 quality is declining in the inner lagoon. As sediments build
8 up, boating activity continues, the suspended materials in
9 the water has caused declines in eel grass habitat, which are
10 fish habitat.

11 I think what we have been saying to the City of
12 Carlsbad consistently, in appearing before the beach erosion
13 committee, is please give us the opportunity to get the
14 lagoon back to its original capacity, then we will look at
15 placement to the north. Any placement north now, just
16 continues to silt the inner and middle basins of the lagoon.

17 COMMISSIONER REILLY: How long do you --

18 CHAIR AREIAS: Commissioner --

19 COMMISSIONER REILLY: -- anticipate that would
20 take?

21 MR. CHOMYN: Our project time line, if we can get
22 our permits this year through the Corps of Engineers, and
23 through the Coastal Commission, and get the funding, we have
24 a project that would start in 1998, in the inner lagoon, and
25 move through the spring of 1999. It is a five-phased

1 process. It involves digging a hole in that lagoon, placing
2 sand on the beach, taking bad material, filling the hole,
3 taking more good material, and capping it. It is kind --

4 CHAIR AREIAS: Mr. Chomyn --

5 MR. CHOMYN: -- of like the approach at Batiquitos
6 Lagoon.

7 CHAIR AREIAS: -- on that point, you are not going
8 to begin dredging until 1998, January of 1998, is that
9 correct?

10 MR. CHOMYN: If we can acquire permits and
11 funding, we would begin dredging the inner lagoon in 1998,
12 January.

13 CHAIR AREIAS: So, there is no dredging that is
14 dependent on this permit, that will begin right away, is that
15 accurate?

16 MR. CHOMYN: This is a separate permit.

17 CHAIR AREIAS: Right.

18 MR. CHOMYN: It is a separate maintenance permit,
19 and it is critical to the operation of the plant --

20 CHAIR AREIAS: Okay, Commissioner --

21 MR. CHOMYN: -- but it does not affect the other
22 lagoons.

23 CHAIR AREIAS: Commissioner Kehoe, and then
24 Commissioner Flemming.

25 COMMISSIONER KEHOE: Okay, your 1998 or spring of

1 '99 plan, is that -- that dredging is what you are describing
2 as fixing the lagoon, bringing it back to the better
3 capacity?

4 MR. CHOMYN: That would be work in the inner
5 lagoon. We also have a permit and application for the middle
6 lagoon. It is a minor amount of work, about 56,000 yards, I
7 believe.

8 COMMISSIONER KEHOE: Okay, on the front of the
9 staff report, there is that the full applicant request would
10 be -- or the maximum applicant request would be 1.25 million
11 cubic yards of material. Is that all the lagoon? inner and
12 outer, and middle?

13 MR. CHOMYN: What that referred to, when we
14 submitted for the outer lagoon, we wanted to parallel the
15 conditions we currently have with our Corps of Engineers'
16 permit. We have a five-year permit that allows us to dredge
17 in the outer lagoon.

18 We wanted to take the coastal permit, and put it
19 on the same track, finishing out the remaining five-year
20 period. So, we had asked for the same parameters, up to
21 500,000 yards in any one occurrence, with a five-year maximum
22 of 1,250,000 yards.

23 Staff has decided that until we do the necessary
24 profiling and studies, which we have done in the past, that
25 they did not, at this time, want to consider a multi-year

1 permit. So, those figures relate to trying to make the
2 lagoon coastal permit parallel the existing Corps of
3 Engineers' permit.

4 COMMISSIONER KEHOE: Also --

5 CHAIR AREIAS: So, the plan, on what is before us
6 though, is to begin dredging September 15.

7 MR. CHOMYN: That is in the outer lagoon, that is
8 correct.

9 CHAIR AREIAS: Correct, okay.

10 MR. CHOMYN: And, actually --

11 COMMISSIONER KEHOE: And you are saying there is a
12 time factor there? the function of the plant depends on that?

13 MR. CHOMYN: Well, anytime we get reduced
14 efficiency --

15 COMMISSIONER KEHOE: Right.

16 MR. CHOMYN: -- in any of the lagoons, it can
17 affect not only the power plant, but as Dr. Jenkins' studies
18 point out, at certain conditions of tides and storm, you can
19 actually have a lagoon closure. That, for us, would be a
20 disaster, in terms of not only the power plant, but the
21 health of the lagoon.

22 CHAIR AREIAS: Okay.

23 Commissioner Flemming, for a question.

24 COMMISSIONER FLEMMING: Okay, I just want to break
25 this down to simple terms, if I can.

1 It seems to me that we are hearing that the
2 opposition of the recreational use, as opposed to -- which
3 the northern sand drop would enhance, as opposed to the fact
4 that it then negatively impacts the lagoon, creating more
5 sand into the lagoon, meanwhile you have an unhealthy climate
6 there in the lagoon. So, we are in charge of both issues,
7 actually, recreational use on the beach.

8 We are very concerned with the tidal flow at the
9 lagoon. But, you are working in partnership, or are you
10 communicating with the Navy on their sand on the north, that
11 they will be --

12 MR. CHOMYN: Yes, we have.

13 COMMISSIONER FLEMMING: Okay.

14 MR. CHOMYN: We have worked with the Navy. Dr.
15 Jenkins has worked with them to develop the most appropriate
16 location for the sand, and the most appropriate shape.

17 What we are looking for is the slowest return
18 possible to our lagoon, because we know that it will get
19 there.

20 COMMISSIONER FLEMMING: Right, okay. That is my
21 concern. If the Navy is putting it to the north, and then
22 you are forced to put it to the north, as well, it will
23 negatively impact the lagoon.

24 MR. CHOMYN: It will come back at a greater rate.
25 And, one thing that wasn't noted, there is the

1 possibility, if funding is approved, that the Buccaneer Beach
2 area would get, I heard, as much as 1 million cubic yards of
3 sand, and that is also north of us. That is going to impact
4 us, also.

5 COMMISSIONER FLEMMING: So, staff, is that your --
6 the primary reasons for your conclusions then? in supporting
7 this location? It seems logical to me.

8 DISTRICT DIRECTOR DAMM: That is part of the
9 conclusion. There were other factors that came into play, as
10 far as the need to get the additional data, with regards to
11 the movement of sand to the north, or to the south.

12 In addition, as has been mentioned, we do have,
13 and are aware of the request for the dredging of the middle
14 and inner lagoon, which will also allow the Commission to
15 look at how that sand is disposed of in the future.

16 So, the sources of sand are increasing, between
17 the Home Porting Project, San Diego Gas and Electric, and
18 others, but we felt that there just wasn't sound data to
19 justify how sand moves north, versus how much sand moves
20 south.

21 COMMISSIONER REILLY: Mr. Chairman. -

22 COMMISSIONER FLEMMING: It seems like there seems

23 --

24 CHAIR AREIAS: Mr. --

25 COMMISSIONER FLEMMING: -- to be an opportunity to

1 win, that you have got the north, you are going to get the
2 sand replenishment there, keep this lagoon healthy. It is
3 another recreational aspect, as well, so I am going to
4 support staff.

5 CHAIR AREIAS: Mr. Chomyn, isn't it true that
6 SDG&E has been saying for years that they were going to
7 dredge the inner and middle lagoons, when the money was
8 available, and it has never happened?

9 MR. CHOMYN: We have been approaching our project
10 and budgeting team, who decides our budgets for quite awhile.

11 CHAIR AREIAS: How many years?

12 MR. CHOMYN: I would have to defer that to Mr.
13 Loper, and Mr. Dison --

14 CHAIR AREIAS: It has never been dredged since
15 '54? is that accurate?

16 MR. CHOMYN: The middle and inner basins have not,
17 no.

18 CHAIR AREIAS: Since 1954?

19 MR. CHOMYN: Since 1954.

20 CHAIR AREIAS: So, there is a long sad history of
21 promises broken?

22 MR. CHOMYN: No, I wouldn't call it that. What we
23 have found out is, in working with Dr. Jenkins, and --

24 CHAIR AREIAS: Promises just not kept?

25 MR. CHOMYN: No, I don't believe so. Our

1 applications are in. I don't believe that is a broken
2 promise.

3 CHAIR AREIAS: Well, 1954 is a long time.

4 MR. CHOMYN: Right, wWhen we brought Dr. Jenkins
5 on to help us with our problem, as we did dredging over the
6 years, we noticed that the volumes increased, and increased,
7 and we asked the question: why is this happening? The power
8 plant asked the question: why is this happening? it is going
9 to cost a lot of money, why is it continuously occurring? why
10 is it going up?

11 We brought Dr. Jenkins on in 1994. Through his
12 studies he made us aware of just what type of a problem we
13 are in. I don't think we knew, as a company, just what types
14 of accelerated sedimentation rates, and depositions were
15 occurring in these lagoons.

16 CHAIR AREIAS: And, that is great that you were
17 gathering that information.

18 MR. CHOMYN: And, once we knew the severity of
19 that problem, we initiated an action plan, and submitted our
20 applications.

21 CHAIR AREIAS: When you talk about the \$200
22 million that you have spent dredging, I assume that is since
23 1954?

24 MR. CHOMYN: Yes, it would be.

25 CHAIR AREIAS: And, that is to mitigate problems

1 --

2 MR. CHOMYN: No.

3 CHAIR AREIAS: -- associated with this plant?

4 MR. CHOMYN: Not at all.

5 Dredging is a normal maintenance activity in the
6 lagoon --

7 CHAIR AREIAS: Right.

8 MR. CHOMYN: -- sand moves in, sand moves out,
9 when sand builds up we remove it.

10 The sand is not removed as a mitigation project.
11 It is removed as a maintenance project. The value given to
12 that sand, over the years that we have placed on the public
13 beaches, has been determined by SANDAG. SANDAG has a value
14 per yard, I believe up to \$20 a yard for sand --

15 CHAIR AREIAS: So, that is how you arrived at the
16 \$200,000?

17 MR. CHOMYN: -- and that is the worth of that sand
18 in --

19 CHAIR AREIAS: What does it cost --

20 MR. CHOMYN: -- the current market.

21 CHAIR AREIAS: -- what does it cost you to dredge
22 it?

23 MR. CHOMYN: I would have to defer that question
24 to Mr. Dison.

25 CHAIR AREIAS: Who can answer that? what does it

1 cost to dredge? if it is worth \$20 a yard, what does it cost
2 to dredge it, today? can someone tell me?

3 [Pause in the proceedings.]

4 MR. LOPER: Hi, I am Mike Loper. I am the manager
5 of the Encina Power Plant. Can you rephrase your question?

6 CHAIR AREIAS: What does it cost to dredge per
7 yard?

8 MR. LOPER: Approximately \$2 - \$2.50 a yard for
9 inhouse dredging. Outside dredging --

10 CHAIR AREIAS: So, your costs, the benefit for the
11 sand on the beaches is \$200 million, and I understand that.
12 Your costs is about \$20 million.

13 MR. LOPER: Sure.

14 VICE CHAIR WAN: No, no it isn't.

15 [Commissioner discussion.]

16 CHAIR AREIAS: Right, it is ten percent, \$20
17 million, so your costs then are about \$500,000 a year in your
18 dredging operation --

19 MR. LOPER: That is correct.

20 CHAIR AREIAS: -- on an average, since 1954.

21 MR. LOPER: Well --

22 CHAIR AREIAS: On an average.

23 MR. LOPER: -- that is current dollars, yes. In
24 1954, it would have been substantially less.

25 CHAIR AREIAS: I understand.

1 You know, I am struggling with this, I think, like
2 many of the Commissioners are. I am just wondering, could we
3 -- and I understand the importance of SDG&E getting started
4 with this on September 15. Could we grant them a permit --
5 and I just offer this as a suggestion -- to get them started,
6 of a 100,000 yards? and then have our staff, instruct our
7 staff, to spend some time with Carlsbad, the appellants, and
8 SDG&E to figure out just what the impacts of this plant are,
9 and what the impacts of other activities, not related to
10 SDG&E's operations are.

11 And, it would seem to me a fair and equitable way
12 to proceed, would be that once we have that information, we
13 would then make it a part of a formula to replenish this sand
14 that SDG&E is responsible for, in terms of that location,
15 back on the beach where the Home Porting is taking place.
16 Because the Home Porting sand is a one-time event.

17 So, my suggestion would be -- and I am just kind
18 of thinking out loud here -- my suggestion would be to get
19 them started today, with a permit for 100,000 yards, and then
20 revisit this issue once staff has had the chance to spend
21 some time with Carlsbad and to figure out how we might be
22 able to monitor this, because I think it is also important
23 that we monitor what the erosion is, as a result of the
24 450,000 yards of sand that is going to be placed on the
25 Carlsbad Beach.

1 You know, and SDG&E should take responsibility for
2 what they are responsible for, but no more.

3 COMMISSIONER POTTER: Yes, but, Mr. Chairman, what
4 I think we are doing here, is getting kind of wound up in
5 dollars, and redesigning a construction project here.

6 I mean, 100,000 yards may not do anything. It may
7 not be a project. It maybe just a little bit of sand
8 sifting.

9 MR. CHOMYN: That is correct. It will not help us
10 very much at all. In fact --

11 CHAIR AREIAS: No, no, no, all I am saying is that
12 it gets you started. This dredging activity is going to take
13 place between September 15 and April 15?

14 MR. CHOMYN: That is correct.

15 CHAIR AREIAS: I assume that over that 7 to 8
16 month period of time, that you are asking for 300,000 yards
17 today? a permit to dredge 300,000 yards?

18 MR. CHOMYN: From the outer lagoon, that is --

19 CHAIR AREIAS: Or 200,000 --

20 MR. CHOMYN: -- correct.

21 CHAIR AREIAS: -- yards. So, if we give you half
22 of it, that ought to get you to a point where we have more
23 information, are more comfortable with what we are doing here
24 --

25 COMMISSIONER FLEMMING: Mr. Chairman, could we

1 just move with our staff's recommendation, but include a
2 sufficient monitoring program to answer your questions?

3 CHAIR AREIAS: Yeah, I am sure, of course, we
4 could, yes.

5 COMMISSIONER FLEMMING: Okay.

6 COMMISSIONER KEHOE: May I make a --

7 CHAIR AREIAS: Ms. Kehoe.

8 COMMISSIONER KEHOE: -- comment?

9 I think the Chairman's correct in wanting to get
10 to the heart of the matter, which the dredging the outer
11 lagoon for the function of the plant, isn't the whole
12 picture.

13 I don't think we are all sure that putting sand up
14 at the north beach at this time, when you are just a few
15 months away from getting almost a half-a-million yards, is
16 quite on point right now, as far as the City of Carlsbad -- I
17 see, and I just wanted to make that point.

18 And, I think a third thing that we haven't really
19 addressed yet is how to get SDG&E dredging on the inside, in
20 the inner lagoon and the middle lagoon, so those would be --
21 I would like to see -- I am comfortable giving you the 200
22 yards now, 200,000 yards now, but I would like to see a plan
23 come back with a time line on it for dredging the inner and
24 the middle lagoons --

25 COMMISSIONER FLEMMING: Yes, I like that.

1 COMMISSIONER KEHOE: -- and then the third thing
2 would be monitoring of the north beach situation to see if we
3 need more up there.

4 COMMISSIONER REILLY: That's right.

5 COMMISSIONER PAVLEY: Chairman Areias.

6 CHAIR AREIAS: One minute.

7 COMMISSIONER KEHOE: Yes, after the Home Porting
8 first drop, first deposit is complete.

9 COMMISSIONER FLEMMING: I like that.

10 COMMISSIONER ALLEN: Start monitoring that and see
11 what is happening.

12 COMMISSIONER KEHOE: Yes.

13 COMMISSIONER REILLY: Mr. Chairman.

14 CHAIR AREIAS: Yes, Commissioner Wan, and then
15 Commissioner Reilly.

16 VICE CHAIR WAN: I think that Commissioner Kehoe
17 is heading in the same direction that I was thinking. I am
18 not sure that 100,000, at this time, gives us any solution,
19 but 200,000 -- I also would ask the staff if getting 100,000
20 at this time would buy us anything, in terms of information?
21 could we get the kind of information that quickly? I mean,
22 you have been working on this for awhile -- that is, if we
23 are going with the idea that the Chairman expressed.

24 DISTRICT DIRECTOR DAMM: At this point in time, I
25 think we would need, probably, to at least include enough

1 time to include next summer's season, again, because of this
2 controversy over how much sand drifts north, or drifts south.
3 I don't think, you know, just something that would -- 100,000
4 yards that they would dredge in the next few months, that we
5 would get the data that the Commission wants --

6 VICE CHAIR WAN: That is what --

7 DISTRICT DIRECTOR DAMM: -- in that short a period
8 of time.

9 VICE CHAIR WAN: -- I was afraid of, and however,
10 I would like -- if I am going to go with what Commissioner
11 Kehoe said, and I believe that she is headed in the right
12 direction -- I want some real assurances from you that it is
13 not -- that you are going to really proceed with this
14 dredging of the inner and middle lagoons, and it is not on a
15 "if money is available" basis.

16 The fact is that that -- you stand here and talk
17 about the need for all of this, and you talk about the fact
18 that -- and we hear that everything is being degraded because
19 the sand is coming back, and it is not just going into the
20 outer lagoon, it is going into the inner and middle lagoons,
21 and you do have a responsibility.

22 I want some assurances from you, that we are going
23 to get that other dredging.

24 MR. CHOMYN: The other dredging of the inner --

25 VICE CHAIR WAN: Of the inner and middle lagoons.

1 MR. CHOMYN: -- and middle lagoons?

2 VICE CHAIR WAN: That is correct.

3 MR. CHOMYN: We have already applied for permits
4 for the inner and middle lagoons.

5 VICE CHAIR WAN: Yes, but I keep hearing this, and
6 we will proceed if money is available.

7 MR. CHOMYN: Well, I can't, unfortunately,
8 Commissioner, commit the corporation, right at this time, to
9 the funding that will be required for the dredging of the
10 inner and middle lagoon.

11 But, I can tell you this, that I fully support the
12 funding of the inner and middle lagoon, and I will meet with
13 the officers and do what it takes to get the funding
14 available. That is my commitment to the organization. I
15 can't do anything more than that.

16 VICE CHAIR WAN: Well, I haven't decided how I am
17 going to vote yet, but I can tell you that if we do this now,
18 and you don't get the funding -- and you can send this
19 message back to your chairman -- if we don't get that funding
20 next time around, they are not getting anymore dredging
21 permits from us.

22 CHAIR AREIAS: And, I will second that.

23 MR. CHOMYN: Well, I appreciate that, and that
24 will help. I appreciate that.

25 COMMISSIONER ARMANASCO: Mr. Chairman.

1 COMMISSIONER KEHOE: Question to staff.

2 Could we grant the 200,000 yards dredging, the
3 applicant's request, contingent on them -- requiring them to
4 dredge on the inner and middle lagoons?

5 MR. CHOMYN: If I might, from a --

6 CHAIR AREIAS: Staff.

7 You will have an opportunity.

8 Staff.

9 DISTRICT DIRECTOR DAMM: From the staff's
10 perspective, I think the Commission needs to make their
11 decision on this application request, as to whether or not it
12 conforms to Coastal Act policies --

13 COMMISSIONER ALLEN: I would like to say
14 something.

15 DISTRICT DIRECTOR DAMM: -- on its merits, not
16 based on some future proposal, or future requirement for
17 dredging, either --

18 COMMISSIONER KEHOE: Well, how can we --

19 DISTRICT DIRECTOR DAMM: -- this does, or it --

20 COMMISSIONER KEHOE: -- get to the point? If they
21 have been working with whatever, the Army Corps, for years
22 and years, and it never quite seems to happen, how can we
23 bring closure to that process, so that we actually see the
24 dredging go forward on the inner and middle lagoon.

25 COMMISSIONER ALLEN: If I can make a suggestion --

1 CHAIR AREIAS: One thing --

2 Ms. Allen.

3 COMMISSIONER ALLEN: -- this is an annual renewal,
4 so they are not going to get a long term -- they are going to
5 have to continue to do dredging year after year, after year,
6 to keep this plant in operation.

7 I think the message has gotten out very clearly,
8 that that is the priority for this Commission, is to have
9 that dredging in the inner lagoon. I mean, it seems -- I am
10 almost incredulous to think that even you have been in
11 operation for 40 years, and it didn't occur to somebody that
12 maybe there was some sand that drifted into the middle and
13 inner lagoon. I mean, it stretches credulity a little bit.

14 But, be that as it may, I don't think we should
15 hold this up now, but I do think that we would want some
16 assurances, the next time you come back to us, that that
17 money is in place, and that that dredging will take place,
18 because that actually is going to accrue to your benefit, in
19 the long term, anyway, if you have the scouring action, and
20 there is less need for dredging then. It is a win - win --

21 MR. CHOMYN: Exactly.

22 COMMISSIONER ALLEN: -- and we would like to give
23 you whatever encouragement we can, as a Commission, to say,
24 you know, that is something that we are interested in seeing
25 in the long term as well.

1 And, I would also like to say to the City of
2 Carlsbad, that I am real sensitive to your needs to have
3 recreation on the beaches. You have done an amazing job as a
4 city, to make your city just one of the finest, and I live in
5 San Diego County, and I am not in Carlsbad, but I have to say
6 you have got one of the finest cities in all of San Diego
7 County. You have done a wonderful job.

8 I think that the monitoring that is going to be
9 put into place in this staff recommendation, to look at the
10 impacts of the sand, you are going to be getting, to look at
11 the impacts of SDG&E, look at the impacts of the railroad
12 line, and all of these other things, and figure out, really,
13 what the responsibility is. Where the sand should be going.
14 What is going to happen with the new sand.

15 And, then, next year when we have the chance to
16 look at this, we will really have the opportunity to make
17 some good decisions based on sound, scientific information,
18 that we have real credibility, and we have confidence in.

19 So, I think, you know, your problems will be
20 addressed in the future, and we are not unaware of those.

21 MR. CHOMYN: Could I make a --

22 CHAIR AREIAS: Commissioner Armanasco, you have
23 the floor. I am sorry.

24 COMMISSIONER ARMANASCO: I think Commissioner
25 Reilly was before me, then I was next.

1 CHAIR AREIAS: Well, you know, I don't know. No
2 one --

3 COMMISSIONER REILLY: Briefly, Mr. Chairman, I was
4 just going to say that if Commissioner Kehoe wanted to
5 incorporate her original three points into a motion, I would
6 be happy to "second" that.

7 CHAIR AREIAS: Okay.

8 Commissioner Armanasco.

9 COMMISSIONER ARMANASCO: I just do want to point
10 out that it is very clear here that in this application they
11 have mentioned the five-year plan, and I think that we need
12 to remember that. We are talking about what can be done in
13 one year, and the amount we are trying to set these limits,
14 but it sounds to me that some of this problem has been
15 recognized, and that that is the purpose of setting up a
16 five-year plan, so that you can put a budget against a five-
17 year plan.

18 And, that is an important aspect here that we
19 should not let go of, because the idea is that we are looking
20 for some long-term planning here, to arrive at a solution,
21 and I think that that is very important that we keep that in
22 mind.

23 Secondly, I am not a scientist, but I have lived
24 along the coast all of my life, and when the City of Carlsbad
25 put that slide up on the screen that we all saw, we all know

1 we have dealt with this for a long time, when you have
2 jetties out there, jutting out into the ocean, and you have a
3 current coming strongly from one direction, the sand is going
4 to pile up at the end, where the obstruction is, where it
5 stops.

6 And, it is very clear from that photo that the
7 sand is all piling up against those jetties, being driven
8 from the current from the north, so there is no question,
9 that if we are talking about trying to push that sand back up
10 to the north, that we ourselves are defeating our own goal,
11 which is each of us sitting at this dais would like to see
12 them move into the inner lagoon and start pulling that sand
13 out.

14 But, if you put it back on the north, it is going
15 to wash back in. It is a pretty simple, physical situation
16 that you can see.

17 So, I think that what we should be doing here is
18 supporting staff on this, with strong language that
19 encourages a five-year look at this, so that we can see that
20 they can come back and say a budget has been committed
21 against it.

22 CHAIR AREIAS: Okay.

23 Commissioner Nava.

24 COMMISSIONER NAVA: I just can't help but remember
25 the trip that we had in Santa Barbara, and by way of analogy,

1 when we went by one of those oil refinery facilities, and
2 when that project went in, the county was told that the
3 landscaping would be complete, you would not be able to see
4 that unit from the roadway in 10 years. And, what happened?
5 they abandoned it before the 10 years.

6 I am not saying that we are going to do that here,
7 but what I am suggesting is I understand why people want a
8 short fuse on what is going to happen with those lagoons,
9 because there is absolutely no guarantee that at some point
10 those lagoons will silt up, they will be unusable, and all of
11 a sudden it won't be economically viable to operate that
12 facility, and it will be bye-bye.

13 VICE CHAIR WAN: Right.

14 CHAIR AREIAS: And, you know, and frankly, given
15 -- it was pointed out by Commissioner Pavley that given what
16 is happening with deregulation, and the changing front, as it
17 relates to the utility business in the state, we don't know
18 who we are going to be dealing with next year.

19 MR. CHOMYN: Hopefully, it will be me and others

20 --

21 CHAIR AREIAS: I hope so, too --

22 MR. CHOMYN: -- but, I agree.

23 CHAIR AREIAS: -- but we don't know that.

24 MR. CHOMYN: Could I make a comment?

25 CHAIR AREIAS: Yes, and then Commissioner Kehoe.

1 MR. CHOMYN: Commissioner Wan, you mentioned that
2 you wanted a commitment. One of my associates just reminded
3 me that we do have a commitment to do the middle lagoon, and
4 if you can permit it by -- or we can get a permit by the
5 first of December, we can go ahead and start dredging the
6 middle lagoon this year, and I think be done by mid-January.

7 So, the only budgeting that has not been made yet,
8 is the inner lagoon, so after roughly 40 years, you are going
9 to see, hopefully this December, some dredging in the middle
10 lagoon.

11 Now, one other comment I would like to make, is
12 that again, we are going to try to get the funding for the
13 inner lagoon. You have my commitment to that, and we are
14 going to try and do that from the corporation. We have got
15 it for the middle lagoon.

16 When I came up to the Encina Power Plant in 1994,
17 dredging was a big issue, roughly \$450,000 a year. We wanted
18 to try and find out where the sand was coming from. So, I am
19 a registered professional engineer in the State of
20 California, but I am not an expert, as I don't think Steve
21 Jantz is, with the city, on littoral drift. In fact, I
22 didn't know what it was until we hired Dr. Jenkins.

23 So, what we wanted to do was find out where the
24 sand was coming from, and the conclusion is, it is coming
25 from the north. If the sand was coming from the south, we

1 would want to put it on the north beach, so that is basically
2 the comment I wanted to make, with respect to littoral drift.

3 We want to continue to operate the power plant, we
4 do have sand that is coming in. We do need to deal with it.

5 CHAIR AREIAS: Okay.

6 COMMISSIONER KEHOE: Okay.

7 CHAIR AREIAS: Good, staff, and then Commissioner
8 Kehoe.

9 DISTRICT DIRECTOR DAMM: Thank you, Mr. Chairman.
10 I just wanted to make a brief comment as to the dredging of
11 the middle lagoon.

12 That is not something that the staff wants to rush
13 into, because otherwise you will be facing the same problem a
14 few months from now: the scientific data that we want won't
15 be available that soon, so as admirably as it is to move
16 forward on that, I think our position would be hold off on
17 the middle lagoon until you have the information.

18 CHAIR AREIAS: Okay.

19 Commissioner Kehoe.

20 COMMISSIONER KEHOE: Thank you, Mr. Chairman.

21 Just one question, and then I will give you a
22 motion --

23 CHAIR AREIAS: Why don't you give us the motion --

24 COMMISSIONER KEHOE: Okay.

25 CHAIR AREIAS: -- and then you can ask the

1 question.

2 [MOTION]

3 COMMISSIONER KEHOE: Then I will move the staff
4 recommendation of the partial approval of the applicant's
5 request to allow a one-time dredge of up to 200,000 yards on
6 middle beach. So, that takes care of the amount, and the
7 location.

8 And, then I would also like to add to the motion
9 that -- I think we should get a report back from staff, and
10 the SDG&E on what a real time line is for both middle and
11 inner lagoon dredging, because if it involves federal
12 permits, and SDG&E's budgets, those overlapping cycles could
13 take years to get them together. And, staff also sounds like
14 they need more time to look at the environmental issues of
15 the middle lagoon dredging, so we need a better understanding
16 of what to do in the middle and the inner lagoons.

17 COMMISSIONER TUTTLE: Mr. Chairman --

18 COMMISSIONER ALLEN: I'll second that.

19 COMMISSIONER TUTTLE: -- a question for the motion
20 maker.

21 COMMISSIONER KEHOE: Yes.

22 CHAIR AREIAS: Is she done making her motion?

23 COMMISSIONER TUTTLE: Yes, she is.

24 COMMISSIONER KEHOE: Yes.

25 COMMISSIONER ALLEN: And, I will second that

1 motion.

2 CHAIR AREIAS: I have something that I wanted to
3 add.

4 COMMISSIONER ARMANASCO: I'll second it.

5 COMMISSIONER TUTTLE: Okay --

6 CHAIR AREIAS: Yes, Commissioner Tuttle.

7 COMMISSIONER TUTTLE: -- there are some other
8 conditions in the staff report regarding a monitoring
9 program, eel grass and so on --

10 COMMISSIONER KEHOE: Yes.

11 COMMISSIONER TUTTLE: -- and I assume those are
12 included --

13 COMMISSIONER KEHOE: Yes, they are.

14 COMMISSIONER TUTTLE: -- and I think that -- my
15 question has to do with the adequacy of the monitoring
16 program that is being requested by staff. How does it tie to
17 the Navy's monitoring program? is this a sufficient
18 monitoring program, or are there some other things that we
19 can, other pieces of information that will be needed for the
20 middle and back lagoon, inner lagoon?

21 COASTAL STAFF ANALYST SARB: This monitoring
22 program is designed to get information --

23 COMMISSIONER TUTTLE: Who is talking?

24 COASTAL STAFF ANALYST SARB: -- yes -- designed to
25 get information for the beach disposal site that has been

1 approved historically for dredging by SDG&E, and that is from
2 Oak Street south.

3 The Home Porting sand will extend from Oak Street
4 to the north, and there will also be monitoring provided for
5 that sand. So, I believe that --

6 COMMISSIONER TUTTLE: Between the two --

7 COASTAL STAFF ANALYST SARB: -- the answer is,
8 yes.

9 COMMISSIONER TUTTLE: -- of them?

10 COASTAL STAFF ANALYST SARB: Between the two of
11 them --

12 COMMISSIONER TUTTLE: Covering it.

13 COASTAL STAFF ANALYST SARB: -- we should be able
14 to get all of --

15 COMMISSIONER TUTTLE: Okay.

16 COASTAL STAFF ANALYST SARB: -- the information
17 you need.

18 CHAIR AREIAS: And, that monitoring will include
19 what the average erosion is from that Home Porting sand?

20 COASTAL STAFF ANALYST SARB: It will address the
21 transport rate, yes --

22 CHAIR AREIAS: Right, the transport rate.

23 COASTAL STAFF ANALYST SARB: -- of that sand,
24 right.

25 CHAIR AREIAS: Okay.

1 What I would hope we would end up with, with all
2 of this monitoring, is get some idea -- I think we owe it to
3 the City of Carlsbad to get some idea of just who are the
4 responsible parties, as it relates to the effect that SDG&E
5 operations have had on this, the piers, and other non-natural
6 barriers that have been established, that are affecting this
7 sand transport.

8 And, then it would seem like it would be logical
9 that we could assign some responsibility to SDG&E, who is
10 going to be dredging annually anyway to replenish whatever
11 they are responsible for. That would seem like a responsible
12 way to proceed, and if Ms. Kehoe's motion does that, and the
13 monitoring is in place, then I would be glad to support it,
14 okay.

15 COMMISSIONER KEHOE: Yes.

16 COMMISSIONER REILLY: You need a "second".

17 CHAIR AREIAS: Is there a second to the motion?

18 COMMISSIONER ALLEN: I seconded it.

19 CHAIR AREIAS: Seconded by Commissioner Allen.

20 Okay, Commissioner Kehoe, do you want to speak?
21 no? Okay.

22 Commissioner Pavley.

23 COMMISSIONER PAVLEY: I just wanted to know if it
24 would be permissible to allow the city representative from
25 Carlsbad to make a comment. We have had a wonderful dialogue

1 back and forth with SDG&E.

2 CHAIR AREIAS: Okay, yeah, I think that is right,
3 and Commissioner Johnson has also asked to speak at some
4 time.

5 MR. CHOMYN: And, if we can, we have some further
6 information regarding the status of the inner and middle
7 lagoon, to explain it.

8 COMMISSIONER REILLY: I think we would like you to
9 let the lady come up to the podium at this point.

10 MS. NYGAARD: Thank you very much. I know this
11 isn't what you usually do.

12 I agree with the staff's recommendation, and the
13 motion that is on the floor. What I would like is for SDG&E
14 to pay for the study, but for the Commission to actually
15 commission the study, and do it. That is how we do it in the
16 City of Carlsbad, and that keeps the fox out of the chicken
17 coop.

18 MR. CHOMYN: I agree.

19 MS. NYGAARD: So, if you don't mind making that
20 slight change.

21 CHAIR AREIAS: Yes.

22 COMMISSIONER KEHOE: I'll add that to the motion,
23 Council --

24 COMMISSIONER ALLEN: And, I will accept that, as
25 the seconder.

1 COMMISSIONER KEHOE: -- member Nygaard.

2 CHAIR AREIAS: And, what process are we going to
3 -- in other words, the staff would select --

4 COMMISSIONER PAVLEY: Find someone who is --

5 CHAIR AREIAS: -- right, okay, I understand.

6 Thank you, Ms. Nygaard.

7 MS. NYGAARD: Thank you.

8 CHAIR AREIAS: Okay --

9 COMMISSIONER REILLY: Call for the question, Mr.
10 Chairman.

11 CHAIR AREIAS: -- Councilman Johnson.

12 MR. JOHNSON: Yes, Commissioners, let me say, and
13 I will be very brief, as a council member to the city north
14 of Carlsbad, the City of Oceanside, and also a member of the
15 SANDAG Shoreline Erosion Committee, I am in agreement with
16 this motion.

17 I would also say that the Shoreline Erosion
18 Committee has endorsed a monitoring program through the Boat
19 and Waterways Department, to the tune of \$125,000. That
20 study started, roughly, about a month-and-a-half ago, and it
21 will continue through the spring of 1998. So, the issue of
22 monitoring and recording what is going on is in the process
23 right now.

24 So, in conclusion, I am very supportive for the
25 motion.

1 CHAIR AREIAS: Okay, thank you. Councilman
2 Johnson, would you take a moment and fill out one of these
3 for the record?

4 COMMISSIONER ALLEN: That was helpful, and I would
5 just like to make a comment to staff, which is it sounds to
6 me as if the Navy is going to be doing some studying of the
7 affects of the Home Porting sand transport, obviously, the
8 Shoreline Erosion Task Force has made a financial commitment
9 to do some study. We need probably to coordinate those, and
10 maybe we are the appropriate agency to do that, since we now
11 have our own need for those studies, just to insure that
12 those questions that we have are adequately addressed, and
13 particularly what Chairman Areias has said, in terms of where
14 the responsibility lies for the erosion on the beaches in
15 Carlsbad, and specifically what impact the operation of this
16 plant facility has on sand transport in the vicinity of the
17 plant, because those are decisions that we need, and they may
18 not be the decisions that other people are looking at, so I
19 think that we ought to be involved in that, and coordinate
20 with other entities, and make sure that we are not
21 reinventing the wheel, but that we get the information that
22 we want.

23 CHAIR AREIAS: Okay.

24 Counsel.

25 CHIEF COUNSEL FAUST: Just to clarify, Mr.

1 Chairman.

2 What you have, in terms of the motions, is a
3 motion, per staff, to approve per staff, and then an amending
4 motion by Commissioner Kehoe to add the elements that she had
5 suggested, and were seconded, to amend the staff
6 recommendation.

7 So, you have an amending motion on the floor.
8 After you finish with that, you have the main motion to
9 approve the entire project.

10 CHAIR AREIAS: Okay, applicant, did you have
11 something you wanted to add?

12 MR. DODSON: I just wanted to add that --

13 COURT REPORTER: I need your name for the record,
14 please.

15 MR. DODSON: Dr. James Dodson, from SDG&E -- that
16 Dr. Jenkins has conducted extensive studies already, with
17 respect to sand transport and this issue, and in terms of any
18 kind of study regarding the affect of the power plant's
19 operations, I would like those to be considered, rather than
20 contracting and starting from scratch.

21 CHAIR AREIAS: Okay, the motion is before us.

22 Secretary, call the roll.

23 COMMISSIONER KEHOE: Is this the amending motion?

24 VICE CHAIR WAN: The amending motion.

25 CHAIR AREIAS: Yes, the amending motion is before

1 us.

2 Secretary, call the roll.

3 SECRETARY GOEHLER: Commissioner Pavley?

4 COMMISSIONER PAVLEY: Yes.

5 SECRETARY GOEHLER: Commissioner Potter?

6 COMMISSIONER POTTER: Aye.

7 SECRETARY GOEHLER: Commissioner Reilly?

8 COMMISSIONER REILLY: Yes.

9 SECRETARY GOEHLER: Commissioner Staffel?

10 COMMISSIONER STAFFEL: Yes.

11 SECRETARY GOEHLER: Commissioner Tuttle?

12 COMMISSIONER TUTTLE: Yes.

13 SECRETARY GOEHLER: Commissioner Wan?

14 VICE CHAIR WAN: Yes.

15 SECRETARY GOEHLER: Commissioner Allen?

16 COMMISSIONER ALLEN: Aye.

17 SECRETARY GOEHLER: Commissioner Armanasco?

18 COMMISSIONER ARMANASCO: Yes.

19 SECRETARY GOEHLER: Commissioner Flemming?

20 COMMISSIONER FLEMMING: Yes.

21 SECRETARY GOEHLER: Commissioner Kehoe?

22 COMMISSIONER KEHOE: Aye.

23 SECRETARY GOEHLER: Commissioner Nava?

24 COMMISSIONER NAVA: Yes.

25 SECRETARY GOEHLER: Chairman Areias.

1 CHAIR AREIAS: Yes.

2 SECRETARY GOEHLER: Twelve, zero.

3 CHAIR AREIAS: Okay --

4 DISTRICT DIRECTOR DAMM: Mr. Chairman.

5 CHAIR AREIAS: -- Commissioner Allen, for a
6 comment.

7 COMMISSIONER ALLEN: We have the main motion, but
8 my comment was simply, I just, for the record, would like to
9 clarify -- and maybe Commissioner Kehoe can help me on this
10 -- the suggestion by Council Woman Nygaard, that this study
11 be independent. I agree that we would want to use --

12 COMMISSIONER PAVLEY: I thought that was a part --

13 COMMISSIONER ALLEN: -- the material from SDG&E,
14 but I want to make sure that that is part of the motion.

15 COMMISSIONER KEHOE: We have an independent study
16 --

17 VICE CHAIR WAN: Yes, that was part of the motion.

18 COMMISSIONER ALLEN: Paid for by SDG&E.

19 COMMISSIONER KEHOE: -- paid for by SDG&E.

20 CHAIR AREIAS: Correct.

21 COMMISSIONER KEHOE: I am sure the staff is going
22 to consider all of the --

23 CHAIR AREIAS: Right.

24 COMMISSIONER KEHOE: -- other information, too.

25 CHAIR AREIAS: I think we are all clear --

1 COMMISSIONER ALLEN: I just wanted it clear on --

2 CHAIR AREIAS: -- very clear on that.

3 Okay.

4 DISTRICT DIRECTOR DAMM: Mr. Chairman, I just --

5 CHAIR AREIAS: One more motion.

6 DISTRICT DIRECTOR DAMM: -- I just want to make
7 sure that the staff is clear on what is occurring here.

8 I think we are clear with regards to the study,
9 and SDG&E's involvement in that study, and funding for the
10 study, and that it be independently done. Also, with regards
11 to Commissioner Kehoe, it was my understanding it would be a
12 one-time only, up to 200,000 cubic yards of dredging in the
13 outer lagoon, which is consistent with the staff
14 recommendation, and that there was concerns that this study
15 not reinvent the wheel, but take into account working through
16 SANDAG, and with the Navy, and with the City of Carlsbad, and
17 the Shoreline Erosion Committee, work that has already been
18 done in this regards.

19 Is there anything else that I have left out?

20 COMMISSIONER PAVLEY: Placed on middle --

21 COMMISSIONER ALLEN: Deposited on middle --

22 DISTRICT DIRECTOR DAMM: And, that it be placed on
23 middle beach, yes.

24 VICE CHAIR WAN: And, that --

25 COMMISSIONER KEHOE: That is correct.

1 DISTRICT DIRECTOR DAMM: Okay, thank you very
2 much.

3 CHAIR AREIAS: Okay, the main motion is before us.

4 COMMISSIONER ALLEN: Substitute the roll call?

5 Any opposition to substitute roll?

6 VICE CHAIR WAN: Commissioner Flemming is out.

7 CHAIR AREIAS: Okay, secretary, call the roll on
8 the main motion.

9 COMMISSIONER KEHOE: Substitute the --

10 VICE CHAIR WAN: No, Nancy is not here.

11 COMMISSIONER PAVLEY: And, Mike Reilly --

12 CHAIR AREIAS: No.

13 Secretary, call the roll on the main motion.

14 SECRETARY GOEHLER: Commissioner Potter?

15 COMMISSIONER POTTER: Aye.

16 SECRETARY GOEHLER: Commissioner Reilly?

17 [No response.]

18 Commissioner Staffel?

19 COMMISSIONER STAFFEL: Yes.

20 SECRETARY GOEHLER: Commissioner Tuttle?

21 COMMISSIONER TUTTLE: Yes.

22 SECRETARY GOEHLER: Commissioner Wan?

23 VICE CHAIR WAN: Yes.

24 SECRETARY GOEHLER: Commissioner Allen?

25 COMMISSIONER ALLEN: Aye.

1 SECRETARY GOEHLER: Commissioner Armanasco?

2 COMMISSIONER ARMANASCO: Yes.

3 SECRETARY GOEHLER: Commissioner Flemming?

4 [No response.]

5 Commissioner Kehoe?

6 COMMISSIONER KEHOE: Aye.

7 SECRETARY GOEHLER: Commissioner Nava?

8 COMMISSIONER NAVA: Yes.

9 SECRETARY GOEHLER: Commissioner Pavley?

10 COMMISSIONER PAVLEY: Yes.

11 SECRETARY GOEHLER: Chairman Areias?

12 CHAIR AREIAS: Yes.

13 SECRETARY GOEHLER: Ten, zero.

14 CHAIR AREIAS: Okay, motion carries.

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17 [Whereupon the hearing was concluded.]

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