Lwr 4-23-97

STATE OF CALIFORNIA - THE RESOURCES AGENCY PETE WILSON, *Governor*

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W16a

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49th day:	06/10/97
180th day:	10/19/97
Staff:	R Hyman-SC
Staff Report:	04/23/97
Hearing Date:	05/13-16/97

STAFF REPORT
REGULAR CALENDAR

APPLICATION NUMBER: **3-97-030**

APPLICANT: **CALIFORNIA STATE UNIVERSITY, MOSS LANDING MARINE LABORATORIES**

AGENT: Melanie Mayer Consulting

PROJECT LOCATION: offshore of and on 7722 Sandholdt Road, Moss Landing, Monterey County (see Exhibits 1 & 2)

PROJECT DESCRIPTION: "Seawater Shore System Project," including replacement seawater intake system, with pump house and storage tank and removal of a trailer (see Exhibits 2-5).

LOCAL APPROVALS RECEIVED: none needed

SUBSTANTIVE FILE DOCUMENTS: *Monterey County Coastal Implementation Plan*

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission **approve** the coastal development permit, subject to special conditions designed to protect water quality and marine habitat in the project vicinity, on the basis that as conditioned, the project is consistent with Coastal Act Chapter 3 policies.

I. STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

Approval with Conditions. The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that, as conditioned, the development will be in conformance 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 implement a Local Coastal Program in conformance with the provisions of Chapter 3 of the Coastal Act, is located seaward of the first public road nearest the shoreline and in open coastal waters and is in conformance with the public access and public recreation policies of

Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permitee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any 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 project during its development, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. SCOPE OF PERMIT

This permit is for the installation and operation of a replacement seawater system as described in the permit application. Any change in the proposed structures (i.e., structures other than shown on Exhibits 2-5, such as armor rock over the intake pipes), use (i.e., use of seawater for other than marine laboratory aquaria or tanks), user (i.e.,other than Moss Landing Marine Laboratories), quantity of seawater used (i.e., substantially greater than currently proposed), water treatment (e.g., any treatment or introduction of chemicals, pathogens, etc. as none is proposed), or agreement with National Refractories (i.e., materially different than that of March 22, 1995 letter) shall be submitted to the Executive Director for review and approval and/or determination of subsequent permit requirements (e.g., an amendment to this permit) prior to taking effect.

2. **FINAL CONSTRUCTION PLANS**

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, the permittee shall submit, for Executive Director review and approval, a final construction plan indicating: project timing, location of staging area and access routes for all construction equipment and materials, procedures to install the concrete pilings, and type of equipment used. The final construction methods shall be designed to avoid any adverse impacts on public beach use or access or on the nesting or foraging of any sensitive species (e.g., the Western snowy plover). The plan submittal shall be accompanied by written authorization from the California Department of Fish and Game if the proposed construction area includes any environmentally sensitive habitat.

3. **REGIONAL WATER QUALITY CONTROL BOARD REVIEW AND APPROVAL**

PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permitee shall submit, for Executive Director review and approval, written evidence that the Regional Water Quality Control Board has approved the project or waived jurisdiction.

4. **ARMY CORPS OF ENGINEERS, NATIONAL MARINE SANCTUARY, COAST GUARD APPROVAL**

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for review and approval documentation from the U.S. Army Corps of Engineers that the project has been reviewed for conformance with Federal agency requirements, including the Monterey Bay National Marine Sanctuary regulations and U.S. Coast Guard requirements and that the the project is permitted, or that no Corps, Sanctuary, or Coast Guard permits are necessary.

5. **POST-PROJECT ENGINEER CERTIFICATION**

Within two weeks of project installation, the permittee shall submit written engineering certification that the project was installed in accordance with the final construction plans approved by the Executive Director pursuant to Special Condition #2 above.

6. **MAINTENANCE**

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit for Executive Director review and approval, a maintenance plan indicating frequency of maintenance, procedures for inspecting all of the facilities, any special equipment needs, and procedures for addressing any problems discovered. This permit authorizes routine maintenance and repair that is provided for in the approved maintenance plan without the need for a separate coastal development permit. Any more substantive maintenance and repair activities proposed for in the water or on the beach shall be submitted to the Executive Director for determination of subsequent permit requirements (e.g., an amendment to this permit).

IV. FINDINGS AND DECLARATIONS

A. Project Description:

The proposed "Seawater Shore System Project" consists of a replacement seawater intake system for Moss Landing Marine Laboratories, a part of California State University. The Marine Lab mostly was temporarily relocated to Salinas after the Moss Landing complex was destroyed in 1989 Loma Prieta Earthquake; however, some coastal-dependent laboratory activities are currently occurring adjacent to the Bay at their facilities on Sandholdt Road, Moss Landing. A rudimentary intake and outfall system currently exists; after the earthquake damaged the previous seawater utility system. The seawater is used for maintaining live organisms in aquaria and tanks.

According to the application the proposed utility function consists of two screened seawater intake structures approximately 700 feet offshore at a water depth of about 50 feet. Each intake structure would be anchored to the seafloor with buried concrete pilings approximetely 65 feet long. Eight inch intake pipelines would extend about forty feet along the seafloor and then be carried shoreward through the existing National Refractories and Minerals corporation 51" diameter outfall pipe. The pipes will exit the existing outfall on the grounds of the Marine Laboratory facility on Sandholdt Road. On this property a pump house and 10,000 gallon storage tank will be constructed. Marine-related research facilities are permitted uses on the site, which is designated for Coastal-dependent light industry in Monterey County's Local Coastal Program. The seawater will be returned to the ocean through an outfall pipeline emptying into the existing National Refractories outfall.

The project is also being designed to be able to serve the nearby Monterey Bay Aquarium Research Institute in the future if it needs a seawater intake system, as well as a proposed new, replacement Moss Landing Marine Laboratories nearby, currently undergoing permit review by Monterey County. Any future hookups to these facilities from the current proposed system will require separate coastal permit review.

B. Marine Resources:

1. Coastal Act Policies.

The following Coastal Act policies protecting marine resources apply to the proposed project:

Section 30230.

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

Section 30231.

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be

maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

2. Analysis.

The proposed coastal-dependent project conceptually complies with these policies. A comparatively small amount of seawater will be continually extracted from Monterey Bay, used in aquaria and tanks, and returned to the Bay in the same condition. None of the resource agencies expressed any concern with such an operation which is common among the area's other marine facilities (e.g., Monterey Bay Aquarium and Stanford's Hopkins Marine Station joint seawater system, Long Marine Laboratory).

The seawater intakes will be anchored to the ocean floor by two pilings 30 inches in diameter. This negligible coverage of the seafloor habitat will be offset by the opportunity for marine organisms to grow on the pilings.

The intakes will be attached to the pilings approximately five feet above the seafloor. Although these should not present any hazard to vessels, it is important for the Coast Guard to be aware of the project and impose any safeguards that it deems necessary for navigation.

The only other marine-related concerns with the proposal involve details which remain unspecified at this time or future project changes which could result in some inadvertent impact that can not be known at this time. Lacking are final construction plans, including method of access to the underwater site, staging area, method of installation, and timing of work. It can be anticipated that the offshore installation will be fairly simple and not result in impacts, with work occurring in a day or two off of a barge. However, in the absence of construction plans, this can not be known for certain.

The other details lacking involve on-going maintenance. Maintenance and repair activities in the water or on the beach generally need coastal permits. To obviate the need for the applicant to obtain additional permits, the Commission can authorize future routine activities as part of this permit.

Finally, if aspects of the project change, such as using some types of chemicals which could pollute the marine environment, the project will have to be reassessed.

As conditioned to specify the limits of this approval and to provide for Executive Director review and approval of final construction plans, maintenance plans, and other agency approvals, the the project is consistent with the cited Coastal Act policies.

C. Public Access and Recreation:

1. Coastal Act Policies.

The following Coastal Act policies protecting public access and recreation opportunities along the coast apply to the subject project:

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 30211.

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

2. Analysis.

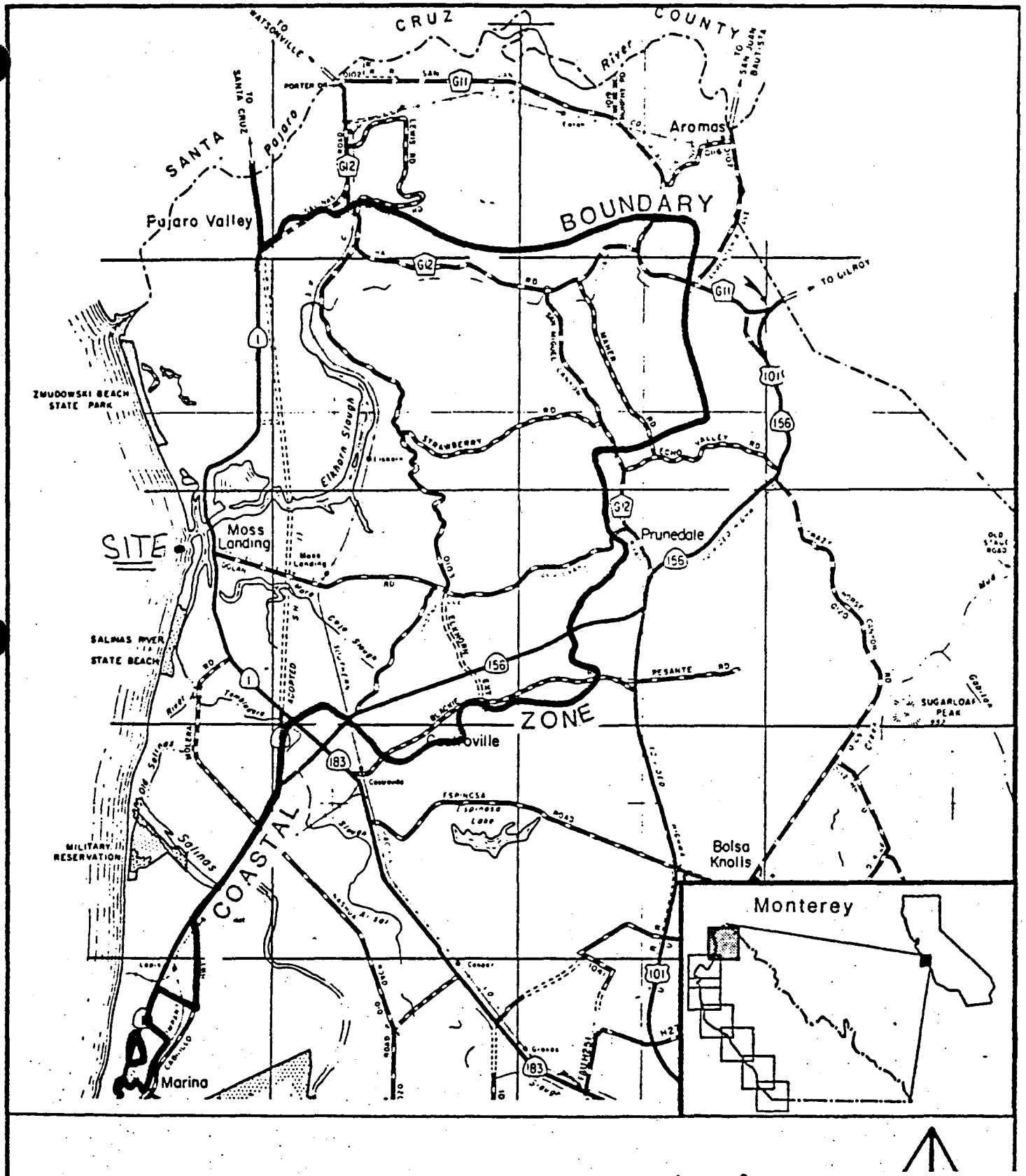
The proposed project is located seaward of the first public road. The land-based work is on a publicly-owned parcel used to support Moss Landing Marine Laboratory facilities. The proposed structures will not interfere with access on the site. No new structures will be placed on the beach as the proposed intake lines will be enclosed within an existing subsurface outfall pipeline. As noted above, the separate structures as proposed in the ocean will not interfere with public use of the nearshore waters. Some construction equipment or staging now or in the future for maintenance and repair purposes may have the potential to temporarily interfere with public access. As conditioned for Executive Director review and approval of construction and maintenance plans, the proposed project is consistent with the cited public access provisions.

D. California Environmental Quality Act

As detailed in the previous findings of this staff report, special conditions have been attached to this permit which will prevent the project from resulting in significant adverse impacts to marine resources, or to public access and recreation opportunities. As a result, the project, as conditioned, will not have a significant effect on environmental resources within the meaning of the California Environmental Quality Act.

EXHIBITS

1. Location Map
2. Ocean Intake Site Plan
3. Sea Floor Section
4. Pump Station Site Plan
5. Pump House Elevations



LOCATION MAP

1 0 miles

California Coastal Commission

County of Monterey

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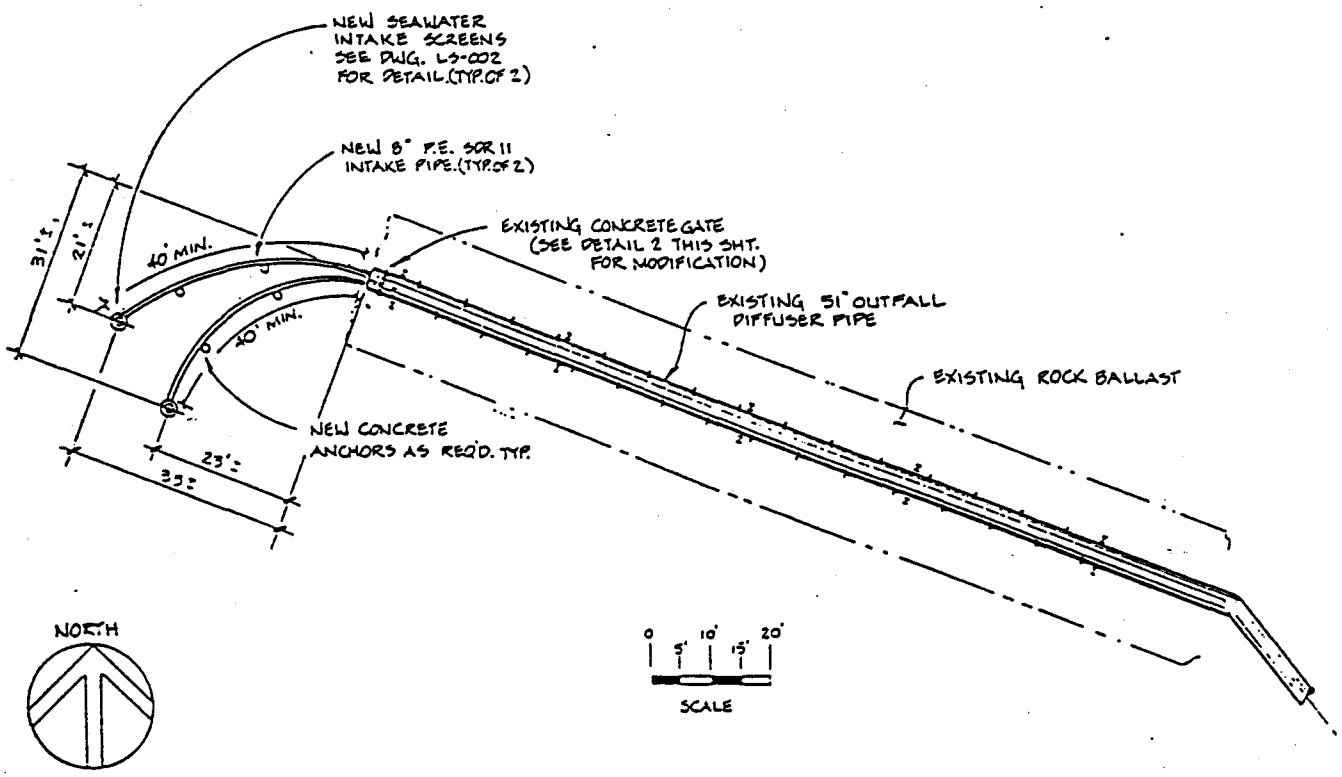
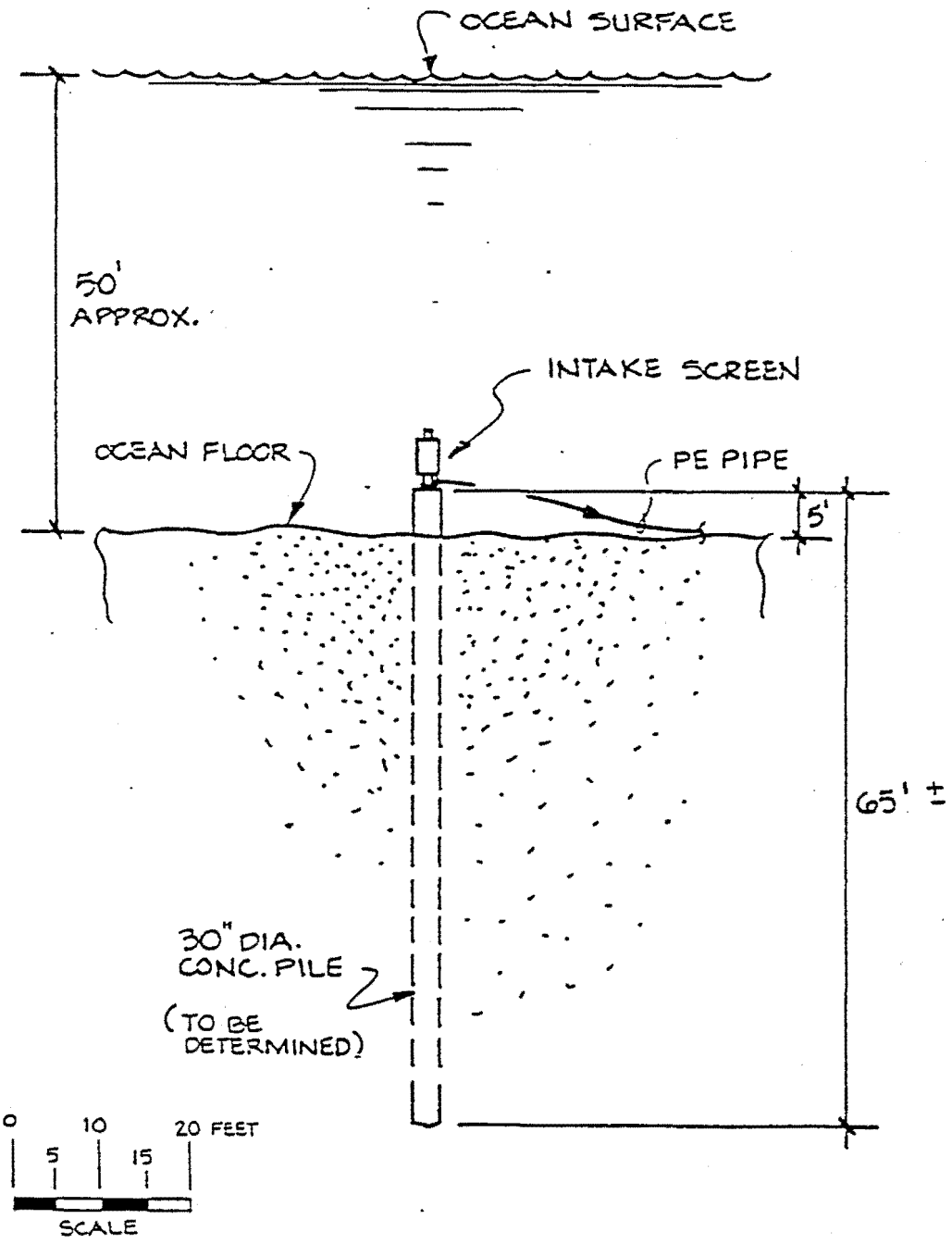
EXHIBIT NO. 1
APPLICATION NO.
3-97-30 MLML



DETAIL 1

PURPOSED : SEAWATER INTAKE TO MOSS LAN ING MARINE LABS. DATUM: NGVD	OCEAN INTAKE SCALE AS SHOWN MOSS LANDING MARINE LABORATORIES	IN: OCEAN AT: MOSS LANDIN COUNTY OF: MON APPLICATION BY: SHEET 2 OF 11

EXHIBIT NO. 2
APPLICATION NO.
3-97-30 MLML



PURPOSED : SEAWATER INTAKE TO MOSS LANDING MARINE LABS.

DATUM: NGVD

ADJACENT PROPERTY OWENERS:

SEA FLOOR PILING

MOSS LANDING MARINE LABORATORIES

IN: OCEAN

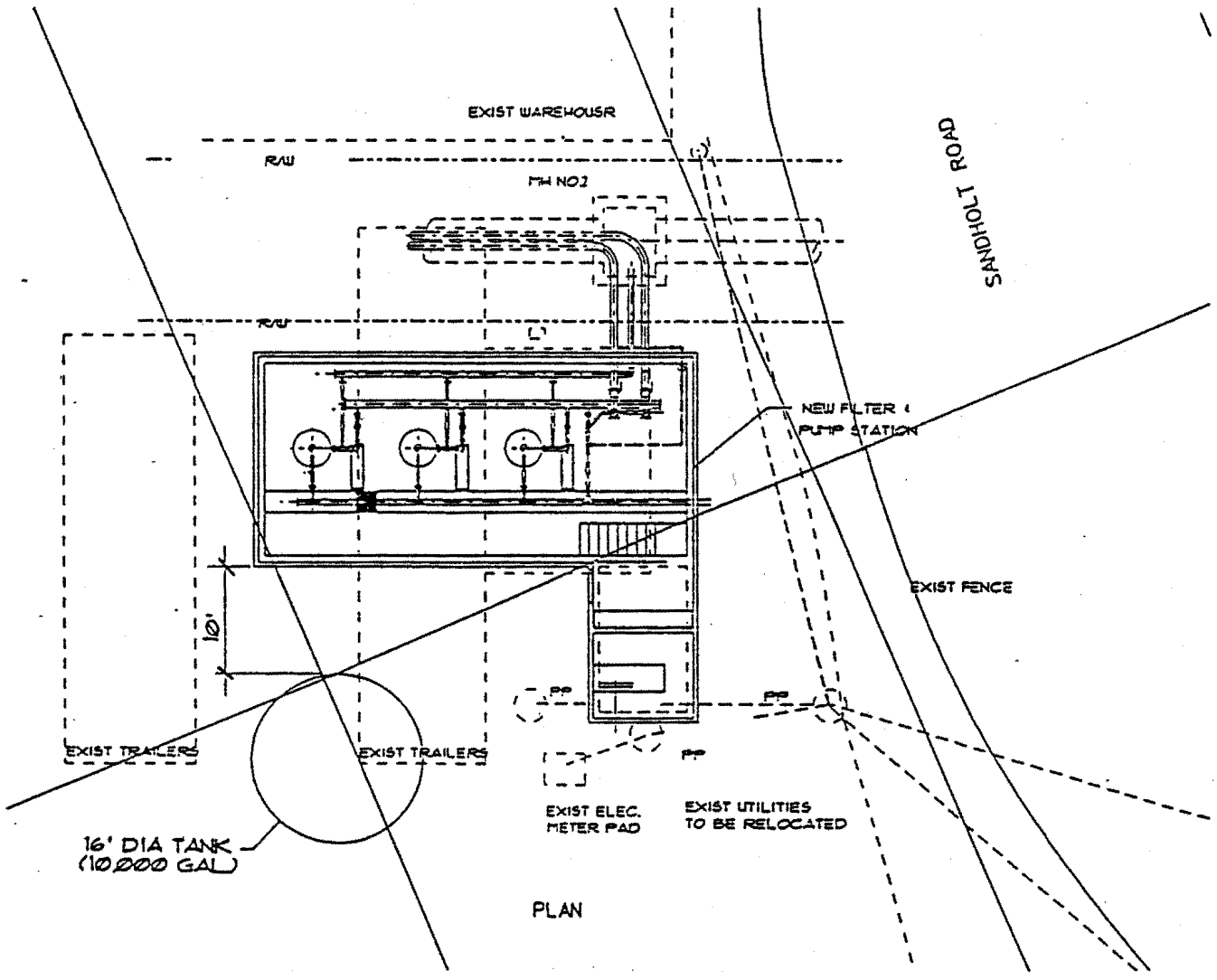
AT: MOSS LANDING

COUNTY OF: MONTE

APPLICATION BY: C:

SHEET 3 OF 11

EXHIBIT NO. 3
APPLICATION NO.
3-97-30 MLML



PURPOSED : SEAWATER INTAKE TO MOSS LANDING MARINE LABS.

DATUM: NGVD

ADJACENT PROPERTY OWENERS:

① CA. DEPT. OF STATE PARKS

② MBARI

③ SANDHOLT ROAD

PUMP HOUSE SITE

0 8.3 16.6 24.9

1/16"-1'-0"

MOSS LANDING MARINE LABORATORIES

ON: LAND

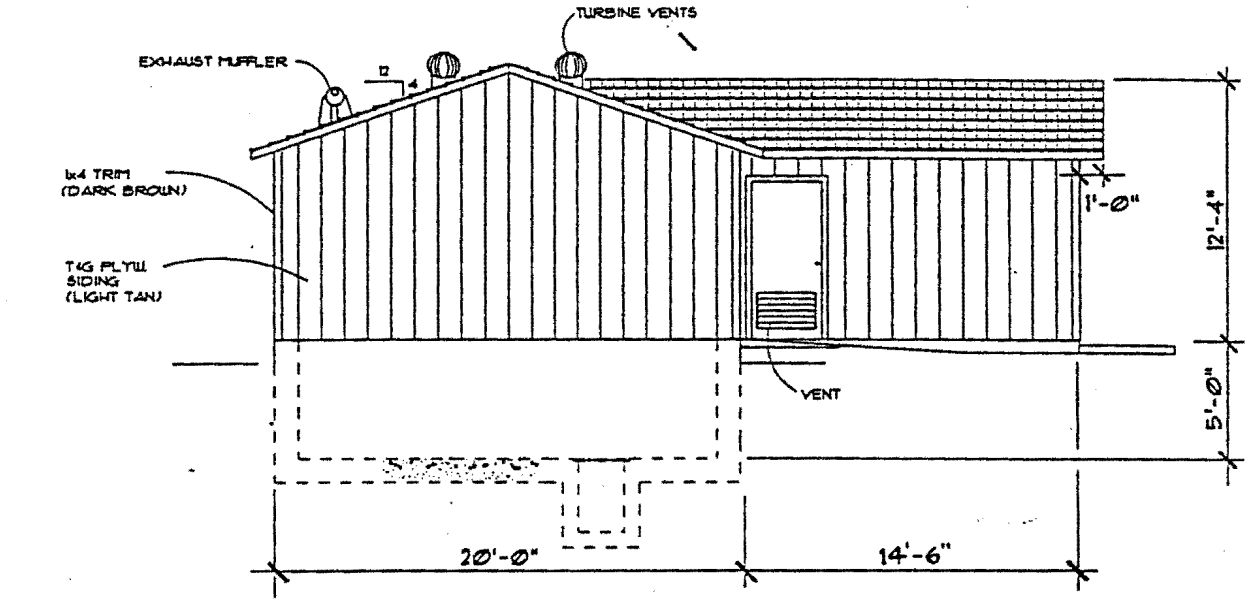
AT: MOSS LANDING

COUNTY OF: MC

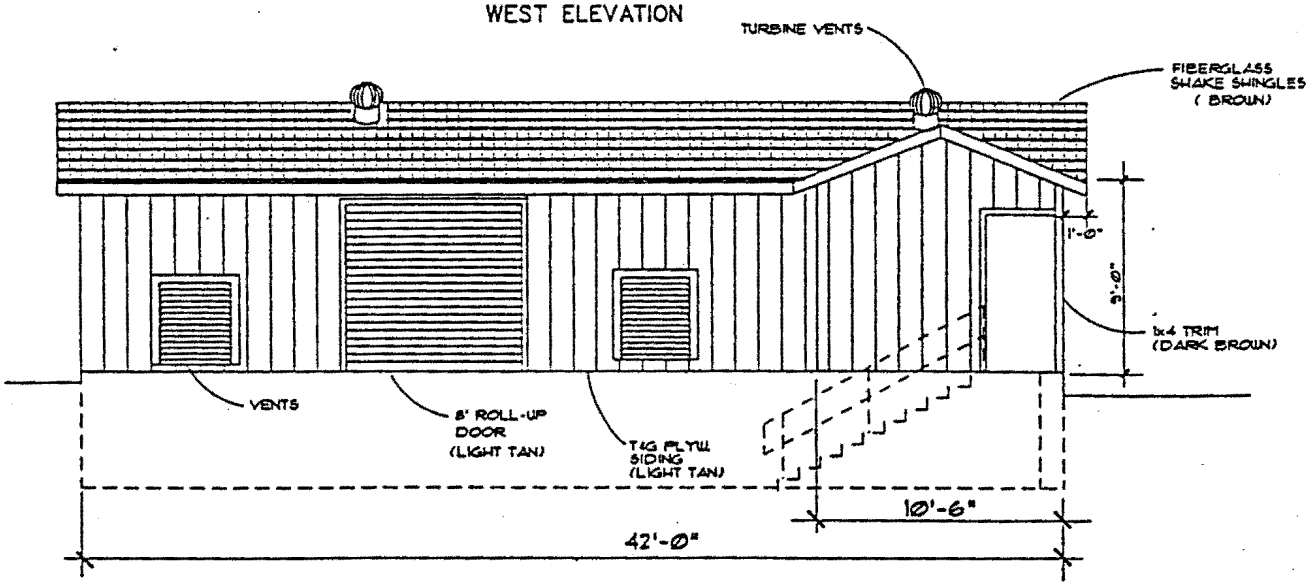
APPLICATION B

SHEET 7 OF

EXHIBIT NO. 4
APPLICATION NO.
3-97-30 MLML



WEST ELEVATION



COLOR SCHEME
MATCH EXISTING TRAILERS

SOUTH ELEVATION

PURPOSED : SEAWATER INTAKE TO MOSS LANDING MARINE LABS.

DATUM: NGVD

ADJACENT PROPERTY OWENERS:

① CA. DEPT. OF STATE PARKS

② MBARI

③ SANDHOLT ROAD

PUMP HOUSE ELEV.

0 4 8 12

1/8"-1'-0"

MOSS LANDING
MARINE LABORATORIES

ON: LAND

AT: MOSS L

COUNTY OF

APPLICATION

SHEET 11 (

EXHIBIT NO. 5

APPLICATION NO.

3-97-30 MLML