

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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RECORD PACKET COPY

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Staff Report: April 18, 1997
Hearing Date: May 13-16, 1997
Staff: J. Chase
Doc.No. 397019REP.

STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 3-97-019

APPLICANT: MOSS LANDING HARBOR DISTRICT
AGENT: Frances Huston

PROJECT LOCATION: "A" and "B" Docks, South Moss Landing Harbor, Moss Landing, Monterey County

PROJECT DESCRIPTION: Replacement of six (6) pilings

ZONING: RC (CZ) Resource Conservation

LUP DESIGNATION: Wetlands and Coastal Strand

LCP JURISDICTION: North Monterey County

LOCAL APPROVALS: Moss Landing Harbor District Board of Commissioners February 20, 1997; Monterey County - None required. CEQA: Categorically Exempt, Class 15301.

SUBSTANTIVE FILE DOCUMENTS: Monterey County Local Coastal Program, North County Land Use Plan, Coastal Implementation Plan, certified January 1988.

SUMMARY OF STAFF RECOMMENDATIONS

The staff recommends that the Commission approve the project subject to conditions to provide evidence of Regional Water Quality Control Board and Department of Fish and Game approval.

EXHIBITS: Exhibit 1 - Location Map
Exhibit 2 - Vicinity Map Showing Proposed Pilings

STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following Resolution:

Approval with Conditions

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to implement a Local Coastal Program in conformance with the provisions of Chapter 3 of the Coastal Act, is located on tidelands and over open coastal waters and is seaward of the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

RECOMMENDED CONDITIONS

Standard Conditions

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

Special Conditions

1. Containment and Piling Requirements. Particular care shall be exercised to prevent foreign materials (e.g. construction scraps, discarded pilings, wood, wood preservatives, other chemicals, etc.) from entering the water. Where additional wood preservatives must be applied

to cut wood surfaces, the materials shall wherever feasible be treated at an onshore location to preclude the possibility of spills into Bay waters. Unless an alternative containment plan is approved by the Executive Director, a floating containment boom shall be placed around all active portions of the construction site where wood scraps or other floatable debris could enter the water. Also, heavy duty mesh containment netting shall be maintained below all work areas where the construction discards or other material could fall into the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Any cut creosote-treated timber piles shall be taken to a proper disposal site.

Piling installation shall be performed in accordance with Department of Fish and Game recommendations (condition 2 below). Generally the new pilings shall be installed according to the method that results in the least disturbance of bottom sediments. Where feasible, disturbed sediments shall be contained with a flexible skirt surrounding the driven pile.

2. Department of Fish and Game. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and approval evidence that the Department of Fish and Game has reviewed and approved the plans, operations and materials for the repairs.

3. Regional Water Quality Control Board. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review evidence that the Regional Water Quality Control Board has reviewed and approved the piling installation.

4. U.S. Army Corps of Engineers. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for review a copy of the U. S. Army Corps of Engineers Permit, letter of permission, or evidence that no Corps permit is necessary.

FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

1. Project Description and Marine Resources

The proposed project consists of the replacement installation of six pilings on docks A and B in the south harbor of Moss Landing Harbor. The pilings were damaged during the 1995 flood. An emergency permit was previously issued for this project but the work was not done. The existing pilings will be pulled out by cable or, if that is not successful, will be cut off at mud line. The new pilings will be pile driven into place. The pilings are cheminite pressure treated wood. The Department of Fish and Game (DFG) (telecon April 1997) has reviewed the proposed construction operations and the materials. The DFG reports that the method will create limited, temporary turbidity, that the piling material is acceptable, and that they will submit written comments. The Regional Water Quality Control Board (Adam White, April 21, 1997) indicates that no water quality impacts are expected and that the piling replacement proposal will be processed as a Waiver to be heard by the RWQCB Executive Board on May 30, 1997. The State Lands Commission has indicated that no permits are required from them. The applicant reports that the U.S. Army Corps of Engineers has indicated that the replacement pilings fall under a Nationwide permit #3 and that evidence from the Corps will be submitted

Moss Landing Harbor provides for commercial and recreational boating, a Coastal Act priority use (PRC 30234) which is to be protected and upgraded. The proposed replacement of pilings is routine maintenance that assures the harbor docking facilities are in a safe and usable condition. The materials and methods of construction will have no significant impact on the environment and have been approved verbally by the Department of Fish and Game and the Regional Water Quality Control Board. The coastal development permit has been conditioned to require written evidence of these approvals prior to transmittal of the coastal development permit and has been conditioned to require submittal of U.S. Army Corps of Engineers approval before commencement of construction. In addition the Commission's standard condition to prevent foreign materials from entering the water has been included.

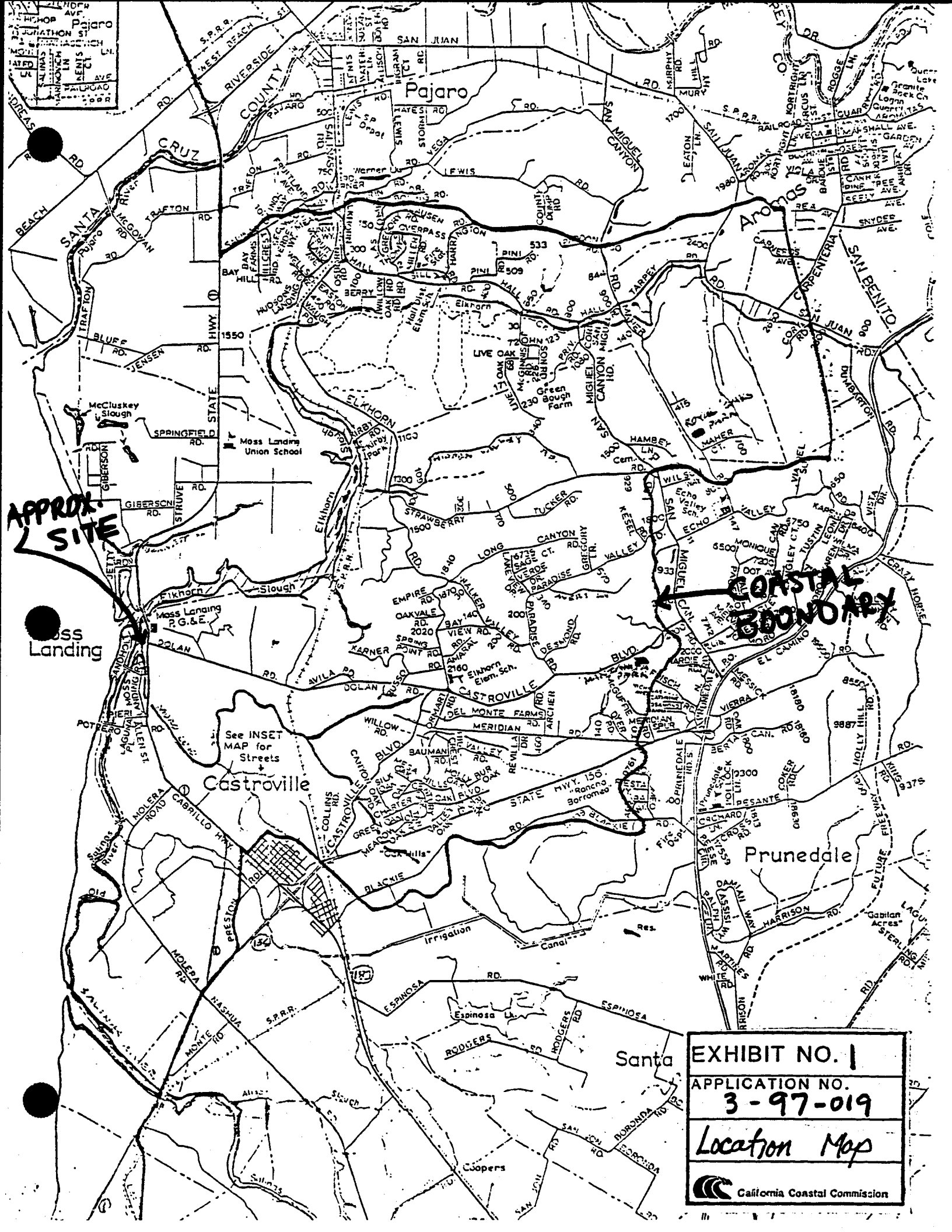
The proposed development provides for maintenance of commercial and recreational boating facilities and is, therefore, consistent with Section 30234 of the Coastal Act. As conditioned to assure compliance with the Department of Fish and Game and Regional Water Quality Control Board standards, the proposed development will be consistent with the marine resource policies of the Coastal Act which protect the biological productivity and water quality of coastal waters (PRC 30231).

2. Coastal Access

The site is located seaward of the first public road paralleling the sea. The repaired docks will secure and enhance public pedestrian and boating access and are consistent with the public access policies of the Coastal Act which protect and promote enhancement of public access (PRC 30210-14).


3. LCP/CEQA

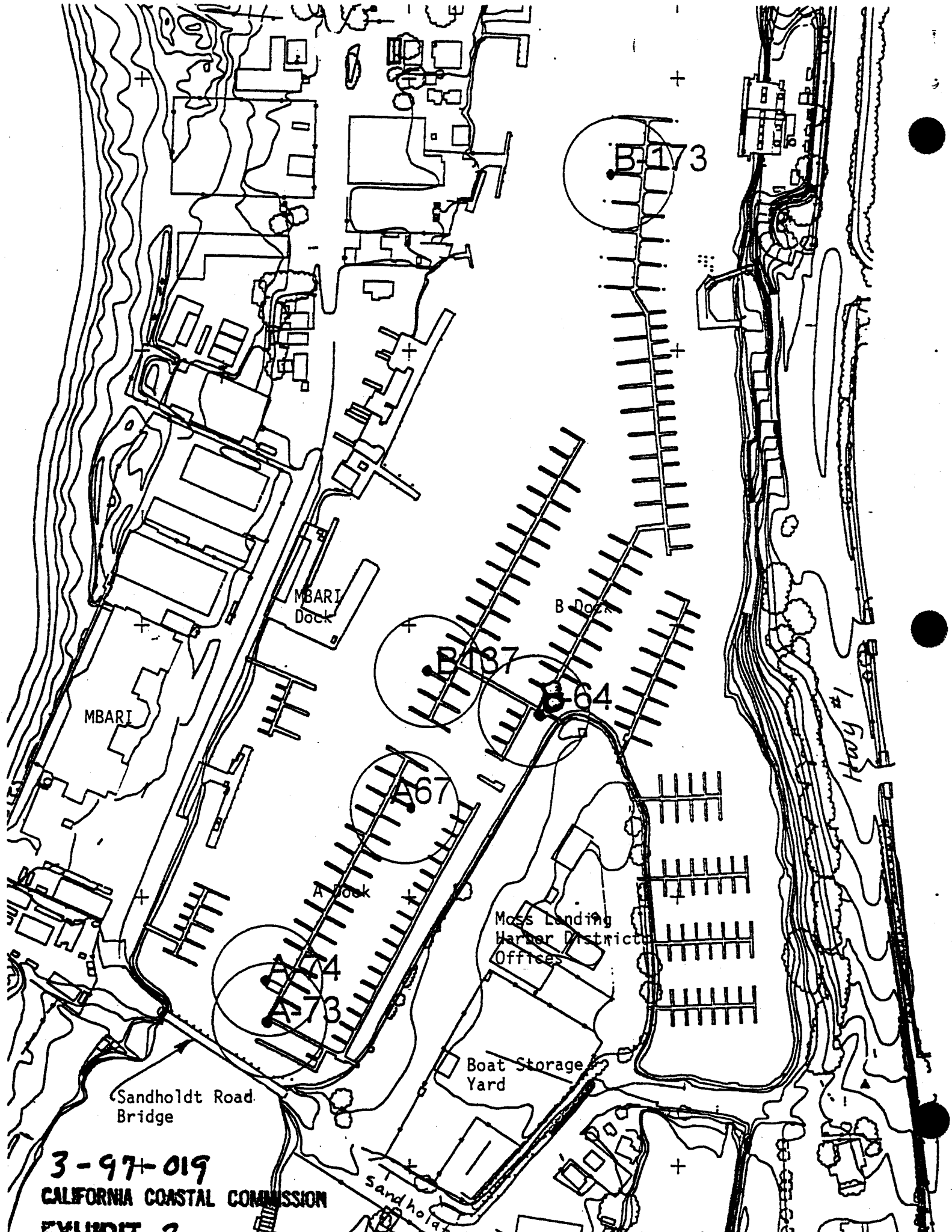
The Moss Landing Harbor District found the proposed expansion to be Categorical Exempt under CEQA. The site is located on tidelands and over open coastal waters and is therefore within the Commission's original jurisdiction. The proposed development, as conditioned, will be consistent with the California Coastal Act, and will not create any significant adverse impacts within the meaning of the California Environmental Quality Act. The proposed development is also consistent with the North Monterey County Land Use Plan and Implementation.



APPROX. SITE

COASTAL BOUNDARY

EXHIBIT NO. 1
APPLICATION NO.
3-97-019
Location Map
 California Coastal Commission



3-97-019
CALIFORNIA COASTAL COMMISSION
EXHIBIT 2