

**CALIFORNIA COASTAL COMMISSION**

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**PROPOSED FINDINGS****ON CONSISTENCY DETERMINATION**

Consistency Determination No.	<b>CD-80-98</b>
Staff:	MPD-SF
File Date:	7/3/1998
45th Day:	8/17/1998
60th Day:	9/1/1998
Commission Vote:	8/12/1998
Hearing on Findings:	10/15/1998

**FEDERAL AGENCY:**      **U.S. Army Corps of Engineers**

**DEVELOPMENT****LOCATION:**

Crescent City Harbor, Del Norte County (Exhibits 1-2)

**DEVELOPMENT****DESCRIPTION:**

70,000 cu. yds. of maintenance dredging of Inner Harbor Basin and Entrance Channels, with disposal as follows:  
(a) Entrance Channel material - beach/nearshore disposal adjacent to the harbor next to Whaler Island; and  
(b) Inner Channel material - upland disposal (Exhibits 1-2)

**PREVAILING****COMMISSIONERS:**

Commissioners Allen, Armanasco, Flemming, Kehoe, Potter, Tuttle, Vice Chair Wan, and Chairman Areias

**SUBSTANTIVE FILE****DOCUMENTS:**

See Page 8

**EXECUTIVE SUMMARY**

The U.S. Army Corps of Engineers (Corps) has submitted a consistency determination for the maintenance dredging of 70,000 cu. yds. of material at the Inner Harbor Basin and Entrance channels in Crescent City Harbor. The material would be used for beach replenishment and disposed of adjacent to the harbor at Whaler Island. Issues raised by the

proposed Corps project are (1) the need to assure the materials are uncontaminated and predominantly sandy, and therefore suitable for beach replenishment; and (2) the need to assure the disposal will not occur in an area where environmentally sensitive habitat would be adversely affected.

For most past Corps Crescent City dredging operations, the Corps has used SF-1 as a disposal site. Since that offshore site is outside the littoral cell the Commission has urged the Corps to consider beach replenishment, assuming a site can be found where disposal would not adversely affect sensitive wildlife resources. One site previously considered has been South Beach (south of the harbor), which is inappropriate from both habitat and recreation perspective due to potential adverse effects on razorback clams. Another site used a number of years ago, a pocket beach to the north of the harbor, is inappropriate because disposal would smother sensitive intertidal habitat. The proposed Whaler Island disposal site has not been previously used by the Corps, although it has been permitted by the Commission and used at least once by the Crescent City Harbor District. Assuming the material is clean and predominantly sand, disposal at this site would avoid adverse impacts to sensitive wildlife resources, and this site is within the littoral cell. The only remaining issue, then, is the suitability of the material for beach replenishment.

After completing its sediment grain size and sediment chemistry analyses, the Corps modified the proposal to consist of disposal of 65,000 cu. yds. of Entrance Channel material at Whaler Island (i.e., beach replenishment) and 17,000 cu. yds. of Inner Channel material at the Harbor District's upland site (assuming the upland site has available capacity; if not the inner channel would not be dredged) (Exhibit 3). With this modification, which provides for beach replenishment of suitable material and upland disposal of unsuitable silty material, the project is consistent with the dredging, marine resources, and public access and recreation policies of the Coastal Act.

#### **STAFF SUMMARY AND RECOMMENDATION**

**I. Project Description.** The Corps proposes to dredge 70,000 cu. yds. of material at the Inner Harbor Basin and Entrance channels in Crescent City Harbor. The Inner Harbor Basin would be dredged to -15 ft. mean lower low water (MLLW), involving 18,000 cu. yds. of sandy/silty material. The Entrance Channel would be dredged to -20 ft. MLLW, involving 52,000 cu. yds. of sandy material. Dredging would be by hopper dredge, hydraulic-pipeline dredge, or clamshell/barge. As originally proposed the disposal site was to be adjacent to the harbor at Whaler Island, which can be considered a form of beach replenishment as the material would remain within the littoral cell. However the project was modified at the public hearing to consist of disposal of 65,000 cu. yds. of Entrance

Channel material at Whaler Island (i.e., beach replenishment) and 17,000 cu. yds. of Inner Channel material at the Harbor District's upland site (assuming the upland site has available capacity; if not the inner channel would not be dredged) (Exhibit 3).

**II. Disposal History/Related Commission Action.** The Corps has historically dredged the federal channels at Crescent City approximately every five years. For most past Corps Crescent City dredging operations, the Corps has used SF-1, which is an offshore site outside the littoral cell (Exhibit 1). Previous Commission actions on Corps Consistency and Negative Determinations for Maintenance Dredging in Crescent City include the following:

(1) Commission concurrence with CD-19-81, a consistency determination for 138,000 cu. yds. of dredging, with disposal at SF-1.

(2) Commission staff objection to CD 28-88, a negative determination for 70,000 cu. yds. of dredging, with disposal at SF-1. The basis for the objection was because the sediment test results were not available. (This project was resubmitted as CD-43-88.)

(3) Commission staff concurrence with CD-43-88, a negative determination for the same 70,000 cu. yds. of dredging, with disposal at SF-1. This submittal now included the test results. In addition, because of a large quantity of organic material in the sediment the Commission staff agreed that beach replenishment was inappropriate.

(4) Commission staff concurrence with ND-71-93, a negative determination for 40,000 cu. yds. of dredging, with disposal at SF-1.

In addition, the Crescent City Harbor District has historically dredged the inner channels, including in at least one instance disposal at the proposed Whaler Island site. In 1988 the Commission approved a permit with conditions to the Harbor District (CDP 1-88-115), which authorized a 10 year dredging and disposal operation for up to 75,000 cu. yds./year. Since that permit recently expired, the Harbor District has applied for an extension to the permit. One of the available disposal options for the Harbor District in that permit was the proposed Whaler Island site, which, according to the Commission's findings in that permit, "received a one-time disposal of dredging spoils a few years ago [i.e., prior to 1988] under separate coastal development permits without any significant adverse environmental impacts on coastal resources."

Finally, the Corps has submitted a consistency determination for Crescent City Harbor Deepening, including dredging of 19,400 cu. yds. of dredging, with upland disposal at the Harbor District's disposal site just north of the small boat basin. The Commission concurred with that project on September 10, 1998 (CD-81-98).

**III. Status of Local Coastal Program.** The standard of review for federal consistency determinations is the policies of Chapter 3 of the Coastal Act, and not the Local Coastal Program (LCP) of the affected area. If the LCP has been certified by the Commission and incorporated into the CCMP, it can provide guidance in applying Chapter 3 policies in light of local circumstances. If the LCP has not been incorporated into the CCMP, it cannot be used to guide the Commission's decision, but it can be used as background information. The Crescent City LCP has been certified by the Commission and incorporated into the CCMP.

**IV. Federal Agency's Consistency Determination.** The Corps of Engineers has determined the project consistent to the maximum extent practicable with the California Coastal Management Program.

**V. Staff Recommendation:**

The staff recommends that the Commission adopt the following motion and resolution in support of its action:

**MOTION.** I move that the Commission adopt the resolution and findings below in support of its August 12, 1998, action concurring with the Corps' consistency determination.

The staff recommends a **YES** vote on this motion. A majority vote in the affirmative by the prevailing Commissioners (see page 1) will result in adoption of the following resolution and findings:

**Concurrence**

The Commission hereby **concurs** with the consistency determination made by the Corps of Engineers for the proposed project, finding that the project is consistent to the maximum extent practicable with the California Coastal Management Program.

**VI. Findings and Declarations:**

The Commission finds and declares as follows:

**A. Need for Dredging/Navigation.** Maintenance dredging of existing navigation channels in Crescent City Harbor supports the dredging needs of the Crescent City Harbor District, the Coast Guard, and commercial fishing and recreational boats using the harbor. The Coastal Act contains strong policy language and legislative direction supporting and

encouraging protection of existing shipping and boating uses, including commercial and recreational fishing activities. Section 30220 provides that:

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

Section 30224 provides that:

*Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

Section 30234 provides, in part:

*Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded ....*

Section 30234.5 provides in part:

*The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

Maintenance of the channels within the harbor is necessary to provide access to berthing, unloading and loading, and repair areas. These channels need regular dredging in order to maintain the depth necessary for ingress and egress into the bay. The Coastal Act supports the proposed maintenance dredging in Crescent City Harbor, because it is necessary to accommodate high priority uses such as those identified in Sections 30220, 30224, 30234 and 30234.5 of the Coastal Act.

**B. Dredging and Marine Resources.** Section 30233(a) of the Coastal Act states in part that:

*(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following [, including]: ...*

*(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. ...*

Section 30230 of the Coastal Act provides:

*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 provides, in part:

*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 ...*

Both of these sections mandate the protection of marine resources. In addition, Sections 30234 and 30234.5 of the Coastal Act, quoted on page 5 above, provide for the protection of commercial and recreational fishery resources.

The proposed maintenance dredging constitutes dredging and filling within coastal waters. Section 30233(a) of the Coastal Act sets up a three part test for such projects: (1) an allowable use test; (2) an alternatives test; and (3) a mitigation test. The first test is met because the project qualifies as an allowable use under Section 30233(a)(2) as "Maintaining existing, ... previously dredged, depths in existing navigational channels ...".

Addressing the second (alternatives) test of Section 30233(a), without the dredging navigation in the harbor would become hazardous and eventually impassable due to sedimentation. No other dredging alternatives are feasible or less damaging. As it has determined previously, the Commission finds that the proposed maintenance dredging of existing navigation channels in Crescent City Harbor to previously dredged depths represents the least damaging feasible dredging alternative.

Turning next to the disposal alternatives, the Corps considered: (1) the proposed Whaler Island site (Exhibits 1-2); (2) the historically used SF-1 site (Exhibit 1); (3) the "HOODS" site offshore of Humboldt Bay, which the Corps uses for Humboldt Bay disposal; (4) South Beach, the relatively wide sandy beach south of the harbor (Exhibit 1); (5) several pocket beaches to the north of the harbor; (6) the upland disposal site used by the Harbor District; (7) offshore berm creation within the littoral system; and (8) the "no-project" alternative.

SF-1 is located approximately 1.25 miles southwest of the harbor, and was a historically available site. However the site's availability as an approved disposal site under the Marine Protection Research and Sanctuaries Act of 1972 (MPRSA) lapsed on January 1, 1997; therefore this site is not usable under Section 102 of the MPRSA. It could be used under Section 103 of the MPRSA; however the Corps has not prepared the necessary analysis that would need to accompany an application for a "103" disposal request. Therefore this site is not a feasible alternative at this time.

The HOODS site is too far away to be economically feasible. Disposal at South Beach and/or the pocket beaches to the north would be more environmentally damaging than the proposed Whaler Island site, due to razorback clam habitat at South Beach and sensitive intertidal habitat at the pocket beaches to the north. Berm creation was rejected because the Corps stated additional studies would be needed to determine habitat and material dispersal impacts. Upland disposal of all the material was rejected due to the limited capacity of the Harbor District's available site, including the need to reserve capacity for the upcoming Harbor Deepening Project (CD-81-98). (That project is scheduled for a public hearing at the Commission's September 1998 meeting.) However, as modified the Corps is proposing to dispose of the Inner Channel material at the upland site. The no project alternative was rejected because, as stated in the previous section of this report, not dredging the harbor would conflict with Coastal Act goals supporting boating, fishing, and other high priority uses.

To conclude regarding disposal alternatives, assuming the material is suitable for beach replenishment, the proposed Whaler Island disposal site would represent the least environmentally damaging feasible alternative; for non-suitable material the Harbor District's upland site would represent the least environmentally damaging feasible alternative.

After completing its sediment grain size and sediment chemistry analyses, the Corps modified the proposal to consist of disposal of 65,000 cu. yds. of Entrance Channel material at Whaler Island (i.e., beach replenishment) and 17,000 cu. yds. of Inner Channel material at the Harbor District's upland site (assuming the upland site has available capacity; if not the inner channel would not be dredged) (Exhibit 3). With this modification, which provides for beach replenishment of suitable material and upland

disposal of unsuitable silty material, the Corps' proposal is consistent with the alternatives test of Section 30233.

Finally, with this modification the Commission finds that no mitigation measures are needed to further avoid or minimize environmental effects and that the project is consistent with the mitigation test of Section 30233(a). The Commission concludes that the project is consistent with all applicable tests of Section 30233(a), and, for similar reasons, with the marine resources, water quality, fisheries, and recreation sections (Sections 30230-30234.5) of the Coastal Act.

**C. Sand Supply.** Section 30233(b) of the Coastal Act provides:

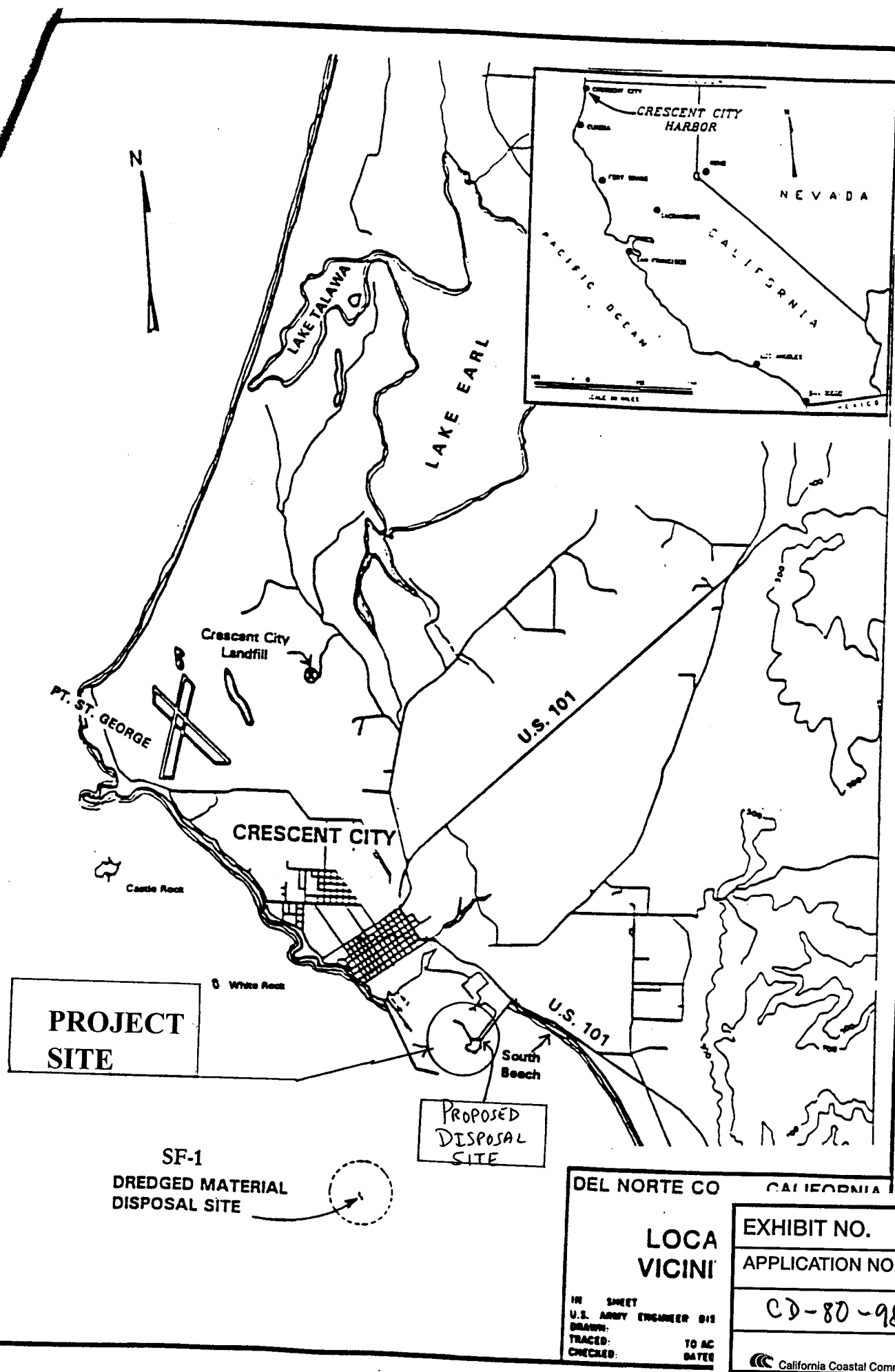
*(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.*

This section of the Coastal Act encourages placement of sandy dredge spoils in a manner that will ensure their return to the longshore transport system, when possible. One of the concerns of any dredging project and spoils disposal is the loss of sand to the particular littoral cell, and the possible resulting erosion up- or down-coast. The Commission has expressed concerns over past Corps disposal at SF-1 because it removes material from the littoral system, and the Commission has in fact encouraged such solutions as are currently proposed by the Corps in its proposal to dispose of the material at Whaler Island. With the project modification based on the grain size and other test results to only use the Entrance Channel material for beach replenishment (because the Inner Channel material is too silty), the Commission finds that the material is suitable for beach replenishment and that the project is consistent with the sand supply policy Section (30233(b)) of the Coastal Act.

## **VII. SUBSTANTIVE FILE DOCUMENTS**

1. Previous Corps Consistency and Negative Determinations for Maintenance Dredging in Crescent City - ND-71-93, CD-43-88, ND 28-88, CD-19-81.
2. Consistency Determination No. CD-81-98, for Corps Crescent City Harbor Deepening Dredging.
3. Crescent City Harbor District Dredging Permits 1-88-115 and NCR-76-C-282.
4. Evaluation of Dredged Material Proposed for Ocean Disposal, Testing Manual, Environmental Protection Agency and the Corps of Engineers, February, 1991.





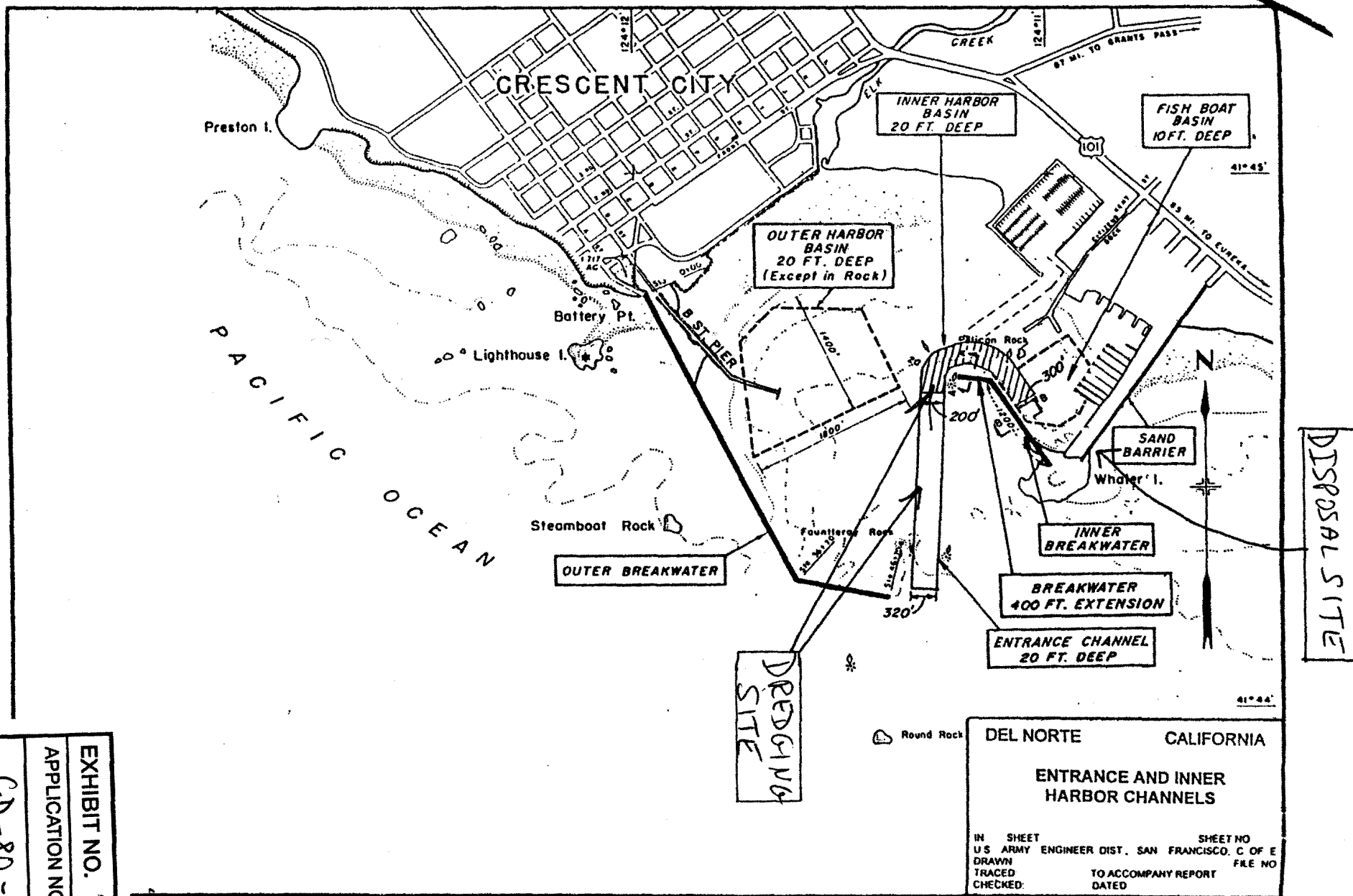


FIGURE 2.

EXHIBIT NO. 2
APPLICATION NO.
CD-80-89
California Coastal Commission



DEPARTMENT OF THE ARMY  
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS  
333 MARKET ST.  
SAN FRANCISCO, CALIFORNIA 94105-2197  
August 11, 1998

Planning/Engineering

Mr. Peter Douglas, Executive Director  
Attn: Mark Delaplaine, Steve Schoal  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, California 94105

Subject: "Amendment to CD-80-98 - Crescent City Harbor Federal Channels O&M Dredging Project - FY 1998"

Dear Mr. Douglas:

This letter is in reference to CD-80-98, contained within the *Draft Environmental Assessment for Crescent City Harbor Federal Channels O&M Dredging, Del Norte County, California*, dated June 1998. Presently, the California Coastal Commission is considering concurrence on this proposed project at their commission meeting in Huntington Beach, August 11-14<sup>th</sup>. Due to recent sediment results (received August 7-11<sup>th</sup>) for the dredged material from the Inner Harbor Channel; the Corps has found it necessary to change the project description. The proposed action would be as follows: (1) maintenance dredging of an estimated 17,000 cys of silty/sandy dredged material from the Inner Harbor Basin Channel (approximately 5,000 cys is 1-foot of overdepth), (2) disposal of this estimated 17,000 cys of silty/sandy dredged material at the Crescent City Harbor District's (CCHD's) upland disposal site; (3) if upland disposal not viable, avoid dredging Inner Harbor Channel until suitable arrangements are determined; (4) maintenance dredging of an estimated 65,000 cys of sandy dredged material from the Entrance Channel (approximately 24,000 cys is one foot of overdepth); and (5) disposal of this estimated 65,000 cys of sandy dredged material by *indirect beach nourishment* at the *Whaler Island Disposal Site*. The grain size analysis conducted for the Inner Harbor Basin Channel dredged material found the material to be too silty, in addition to having an elevated total organic carbons (i.e. too woody) for beach nourishment. The proposed maintenance dredging and disposal of dredged material at the CCHD's upland site will only occur if the upland site is presently ready for use during the proposed dredging schedule beginning in late August to mid-September, and concluding in late September to mid-October.

Therefore, we request your immediate concurrence to amend CD-80-98 to reflect this new revised project description. If you have any questions regarding this proposed project, please direct them to Lindsay Marks (CCHD Harbormaster), in attendance at your ongoing commission meeting, and/or Tamara Terry, of our Environmental Planning Section staff at (415) 977-8545.

Sincerely,

A handwritten signature in dark ink, appearing to read "T.R. Kendall".

Thomas R. Kendall  
Acting Chief, Planning/Engineering Division

EXHIBIT NO. 3

APPLICATION NO.

CD-80-98

