

CALIFORNIA COASTAL COMMISSION

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**Th 5c****STAFF RECOMMENDATION****ON CONSISTENCY DETERMINATION**

Consistency Determination No.	CD-81-98
Staff:	MPD-SF
File Date:	7/7/1998
45th Day:	8/21/1998
60th Day:	9/5/1998
Extended to:	9/12/1998
Commission Meeting:	9/10/1998

FEDERAL AGENCY: U.S. Army Corps of Engineers

**DEVELOPMENT
LOCATION:**

Crescent City Harbor, Del Norte County (Exhibits 1-3)

**DEVELOPMENT
DESCRIPTION:**

Federal Channel Extension Dredging Project, consisting of dredging 19,400 cu. yds. of material along a 1,200 ft. long channel between the Small Boat Basin and the Federal Inner Harbor Channel, with disposal at the Crescent City Harbor District's upland site northwest of the small boat basin (Exhibits 1-4)

**SUBSTANTIVE FILE
DOCUMENTS:**

See Page 7

EXECUTIVE SUMMARY

The U.S. Army Corps of Engineers (Corps) has submitted a consistency determination for the dredging of 19,400 cu. yds. of material in the access channel between the Small Boat Basin and the Federal Inner Harbor Channel in Crescent City Harbor. The material would be disposed of at the Crescent City Harbor District's upland site northwest of the small boat basin. The Commission recently concurred with disposal at this same site for material from the Corps' Inner Harbor channel dredging (part of CD-80-98). Like the Inner Harbor material, the access channel material is not suitable for beach replenishment and no designated ocean site is available. The Corps therefore has no alternative to disposal at the upland site. 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 19,400 cu. yds. of material in the access channel between the Small Boat Basin and the Federal Inner Harbor Channel in Crescent City Harbor. The material would be disposed of at the Crescent City Harbor District's upland site northwest of the Small Boat Basin. The access channel would be dredged to -14 ft. mean lower low water (MLLW), with a two ft. overdredge allowance (Exhibit 4). The Corps would use a hydraulic dredger, and the material would be transported to the upland site by pipeline. The dredging would take 4-5 days and is scheduled for winter 1998/1999.

The project is needed to eliminate tidal delays, accommodate larger vessels, and increase the efficiency of the harbor. The Harbor District is unable to adequately maintain needed depths in the access channel, as the rate of shoaling exceeds the ability of the District's dredge plant to keep the channel open. While the Corps has historically dredged the federal channels at Crescent City, the Corps has not previously maintained the access channel to the Small Boat Basin.

II. Crescent City Dredging History. At the August Commission meeting the Commission reviewed the Corps' proposal for 82,000 cu. yds. of maintenance dredging of the Inner and Entrance channels (CD-80-98). As the project was modified at the hearing, the Commission concurred with 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). The Corps had initially proposed disposal of all the material at Whaler Island. However once the test results showed the Inner channel material to be unsuitable for beach replenishment, the Corps revised the proposal.

In prior years, for most past Corps dredging operations in Crescent City Harbor, the Corps used SF-1, which is an offshore site outside the littoral cell (Exhibit 1). Aside from the August Commission decision, 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. That permit expired this year, and the Harbor District recently applied for and received an extension to the permit.

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:

MOTION. I move that the Commission **concur** with the Corps of Engineers' consistency determination.

The staff recommends a **YES** vote on this motion. A majority vote in the affirmative will result in adoption of the following resolution:

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 (CCMP).

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 4 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 disposal alternatives, the Corps considered: (1) the historically used SF-1 site; (2) beach replenishment at the Whaler Island site proposed as part of the Corps project reviewed last month in CD-80-98; (3) development of an anchorage area within the outer harbor area; (4) the "no-project" alternative; and (5) the proposed upland disposal site.

The SF-1 site, located approximately 1.25 miles southwest of the harbor (Exhibit 1), 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 Whaler Island site would only be appropriate if the material were suitable for beach replenishment. The Corps' sediment size analysis (based on 1996 data) indicates that the sand content ranges from 40-70% sand (and with some samples showing high organic carbon content), which renders it too silty for beach replenishment disposal at Whaler Island. Therefore Whaler Island disposal is not appropriate given the currently available test results. The outer anchorage alternative was rejected as infeasible due to safety reasons. 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. The Commission therefore finds that the proposed upland disposal at the Harbor District's designated dredge disposal site represents the least environmentally damaging feasible disposal alternative, and that the project is consistent with the alternatives test of Section 30233(a).

Addressing the third (mitigation) test of Section 30233(a), the Commission finds that no mitigation is warranted for maintenance dredging with upland disposal. The Commission concludes that the project meets all the applicable tests of Section 30233(a) and the other applicable requirements of the marine resources, water quality, fisheries, and recreation sections (Sections 30230-30234.5) of the Coastal Act.

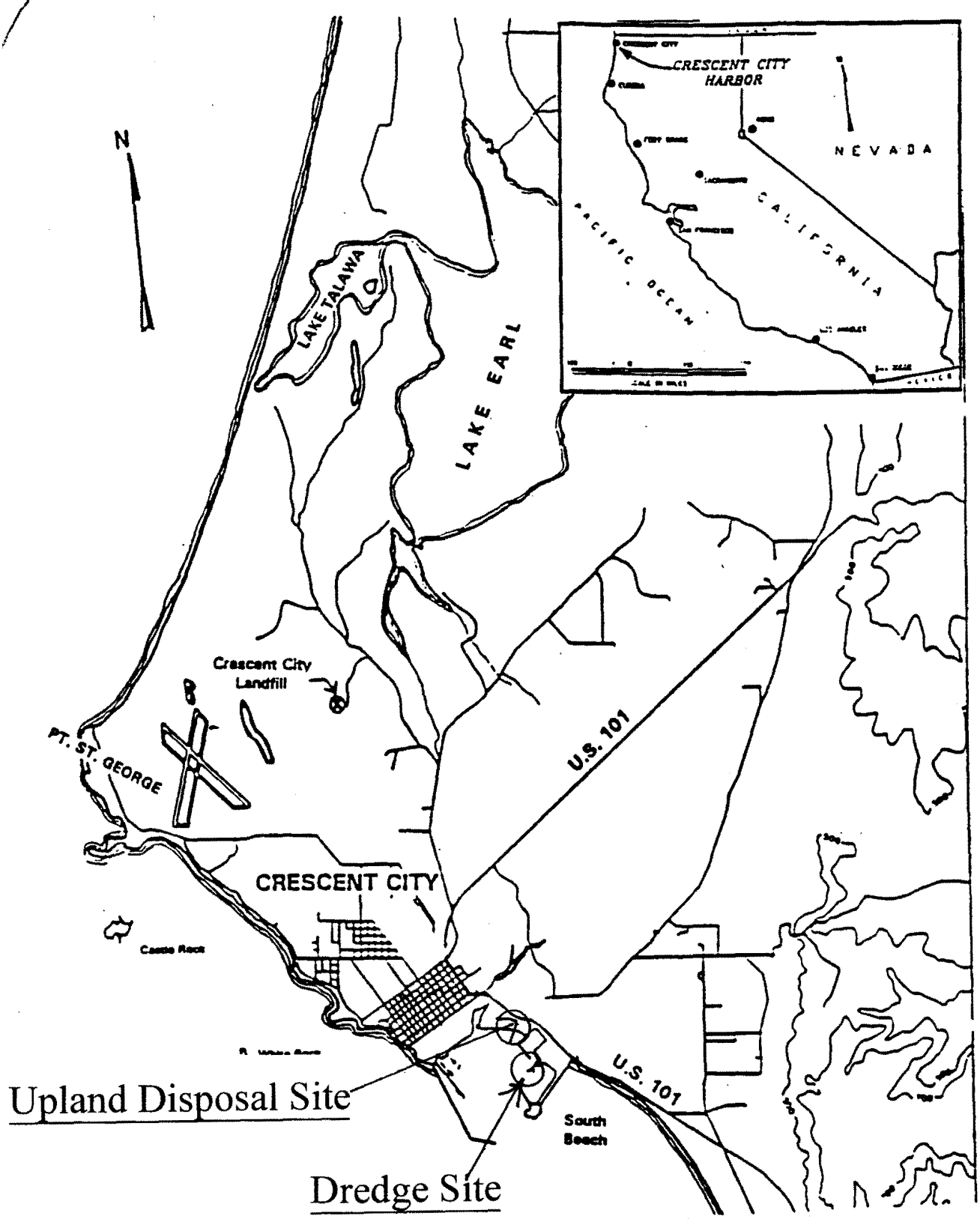
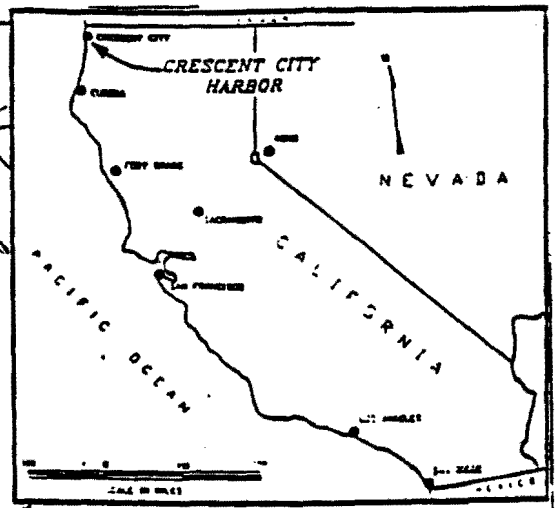
C. Sand Supply. Section 30233(b) of the Coastal Act provides:

(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. The Commission has in fact encouraged consideration of beach replenishment for Crescent City dredging, where appropriate. At the last Commission meeting in reviewing CD-80-98 the Commission concurred with the Corps' proposal to dispose of sandy Entrance Channel material at Whaler Island (the remainder of the material, the Inner channel material, was not suitable for beach nourishment). However, in this case the Corps' test results (based on 1996 data) indicate the material contains too little sand (40-70% sand), and in some instances containing too much total organic carbon, to be suitable for beach nourishment. The Commission would consider beach replenishment if the Corps could provide current data indicating the material's suitability for beach replenishment. However, given the currently available data, the Commission finds that the material is not suitable for beach replenishment and that the proposed upland disposal 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 - CD-80-98, ND-71-93, CD-43-88, ND 28-88, CD-19-81.
2. Crescent City Harbor Del Norte County, CA, General Investigation Study, Draft Environmental Assessment With Biological Assessment and Consistency Determination.
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.



Upland Disposal Site

Dredge Site

SF-1
DREDGED MATERIAL
DISPOSAL SITE

DEL NORTE CO CALIFORNIA

LOCA
VICINI

EXHIBIT NO. 1

APPLICATION NO.

CD-81-98

IN SHEET
U.S. ARMY ENGINEER DIST
DRAWN:
TRACED:
CHECKED: TO ACC
DATED:

FIGURE 1.

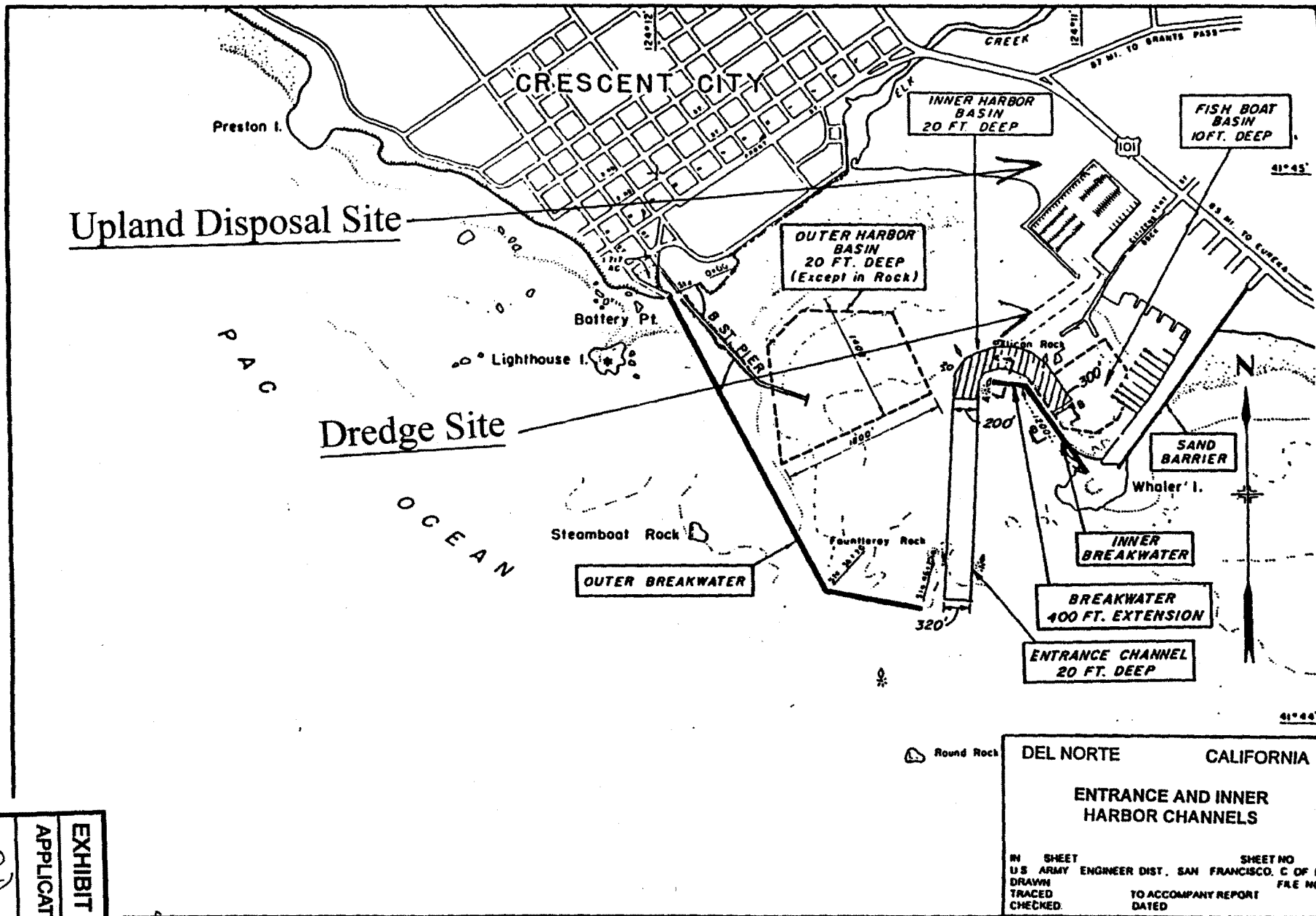


FIGURE 2.

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EXHIBIT NO. 2
APPLICATION NO.
CD-81-98

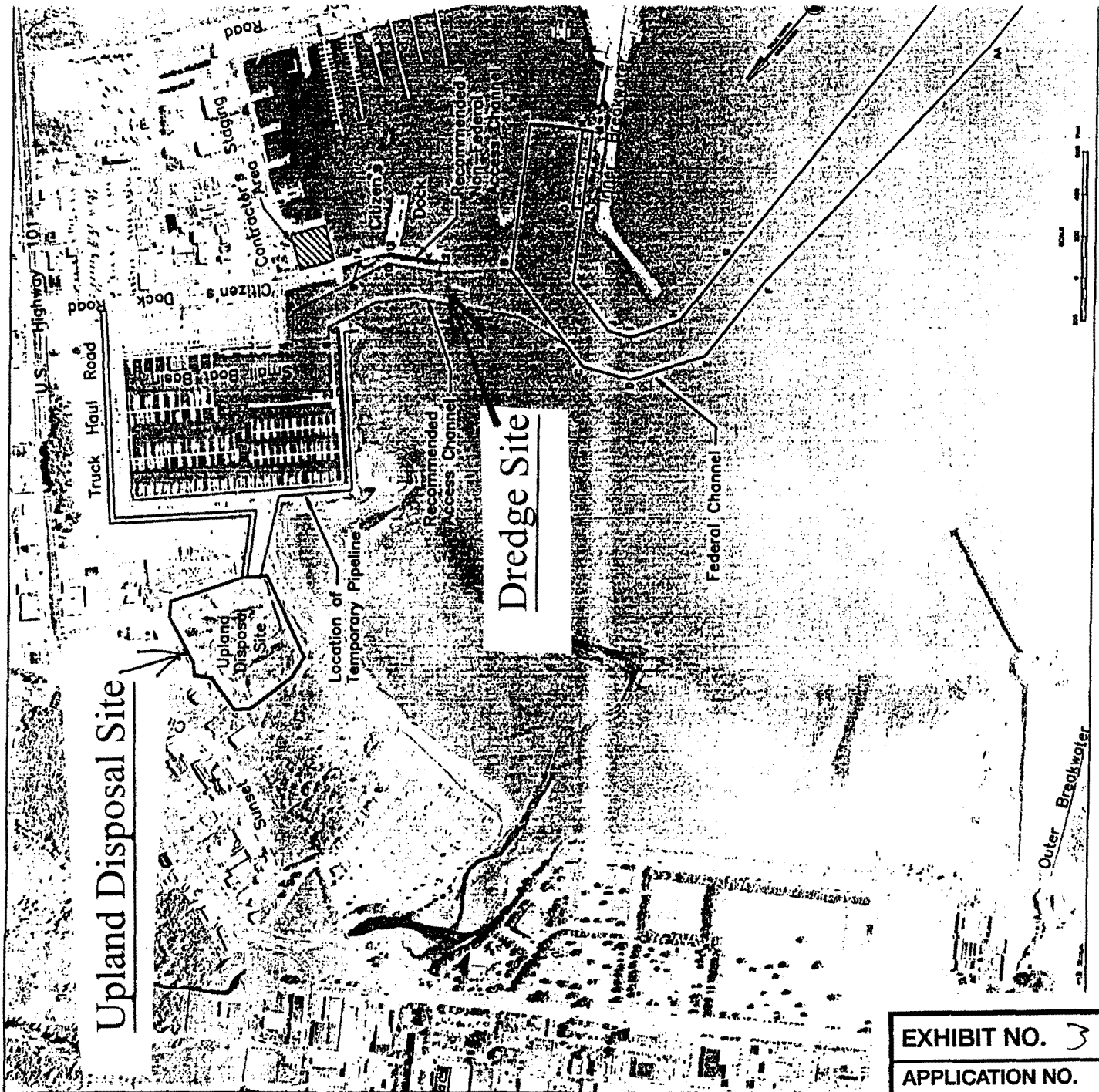


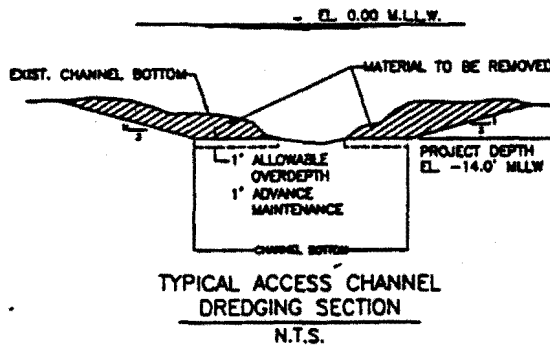
EXHIBIT NO. 3
APPLICATION NO.
CD-81-98

RECOMMENDED CHANNEL POINTS

POINT	NORTH	EAST
1	886,007.92	1,403,284.28
2	886,049.00	1,403,540.21
3	886,303.10	1,403,984.37
4	886,434.00	1,404,110.31
5	886,669.85	1,404,210.44
6	886,711.00	1,404,177.00
7	886,828.00	1,404,300.00
8	886,723.00	1,404,385.00
9	886,429.38	1,404,260.61
10	886,258.40	1,404,188.17
11	886,135.40	1,403,973.17
12	886,092.00	1,403,998.00
13	886,215.00	1,404,213.00
14	886,341.00	1,404,302.00

FEDERAL CHANNEL POINTS

POINT	NORTH	EAST
A	885,320.00	1,404,100.00
B	885,907.50	1,403,719.25
C	886,037.97	1,403,134.12
D	885,940.16	1,402,934.90
E	885,823.01	1,402,744.40
F	885,173.16	1,402,755.60
G	885,173.16	1,402,955.60
H	885,569.54	1,402,945.78
I	885,783.11	1,403,073.85
J	885,828.05	1,403,174.33
K	885,782.83	1,403,455.34
L	885,467.45	1,403,647.08
M	885,156.92	1,403,848.20
N	885,181.10	1,403,890.17
O	885,491.83	1,403,689.03
AA	883,837.04	1,402,660.10
BB	883,845.00	1,402,980.00
CC	882,945.22	1,402,997.42
DD	882,937.25	1,402,877.52



REVISIONS	U.S. Army Corps of Engineers San Francisco District		
DRAWN BY: S. D. CHECKED BY: DESIGNED BY: DATE:	DEL NORTE COUNTY CALIFORNIA CRESCENT CITY HARBOR GRR LOCATION OF PROPOSED ACCESS CHANNEL AND UPLAND DISPOSAL SITE		
PREPARED UNDER THE DIRECTION OF RICHARD G. THOMPSON LT. COLONEL, U.S. ARMY ENGINEER			

EXHIBIT NO. 4
APPLICATION NO.
CD-81-98

FIGURE 2