

**CALIFORNIA COASTAL COMMISSION**

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## RECORD PACKET COPY

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

Consistency Determination No.	<b>CD-16-01</b>
Staff:	MPD-SF
File Date:	5/7/2001
60th Day:	7/06/2001
75th Day:	7/21/2001
Commission Meeting:	6/14/2001

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

**DEVELOPMENT  
 LOCATION:**

Oceanside Harbor, northern San Diego County (Exhibit 1)

**DEVELOPMENT  
 DESCRIPTION:**

Removal of portion of existing groin and placement of the stones at an adjacent underwater site (Exhibits 2-3)

**SUBSTANTIVE FILE  
 DOCUMENTS:**

See page 6.

**EXECUTIVE SUMMARY**

The U.S. Army Corps of Engineers (Corps) proposes to remove a little over half of an existing underwater groin in Oceanside Harbor. The groin is no longer needed for shoreline protection but is a navigation hazard. The stones forming the groin will be removed by crane (from a barge) and placed on another, flat-decked barge, and towed to the adjacent disposal site, located immediately west of the groin and still within the harbor.

Underwater rock structures provide habitat benefits. To offset the loss of habitat due to removal of the stones, the National Marine Fisheries Service requested that the Corps place the stones in the harbor in a manner maximizing their availability as a reef-like formation, and

providing habitat benefits comparable to that which is being removed. The Corps has redesigned the project to comply with this recommendation, and as modified, the project is consistent with the marine resources, water quality, diking/filling/dredging, and environmentally sensitive habitat policies (Sections 30230, 30231, 30223(a), and 30240) of the Coastal Act. The project would benefit recreational boating and is consistent with the public access and recreation policies (Sections 30210 and 30220) of the Coastal Act. The project would not adversely affect sand supply and is consistent with Section 30233(b) of the Coastal Act.

### **STAFF SUMMARY AND RECOMMENDATION**

**I. Project Description.** The U.S. Army Corps of Engineers (Corps) proposes the removal of 85 meters (m) of an existing, 150 m long underwater groin, adjacent to the entrance channel to Oceanside harbor (Exhibits 1-3). The groin is a navigation hazard; an average of ten recreational vehicles run aground on the groin each year. Approximately 3,000 metric tons of stone will be removed by crane (from a barge) and placed on another, flat-decked barge, and towed to the disposal site, located immediately to the west of the existing jetty and still within the harbor (Exhibit 3). All stones will be below -1 m MLLW (mean lower low water) and will be evenly distributed throughout the approximately 2,600 sq. m. disposal area. The existing groin footprint (the area to be removed) is 2,300 sq. m. The construction period will be one month and construction will start August 1, 2001.

**II. Background.** The Corps constructed the groin in 1963, when it was authorized as part of the Oceanside small craft harbor entrance. Over the ensuing few years, the groin settled, and by 1968, was submerged during high tides. It continued to subside, and in the 1970s the entire structure was submerged at all tides. New harbor entrance jetties and a breakwater were subsequently constructed (Exhibit 2), rendering the submerged groin superfluous as an entrance structure, and it was allowed to continue to subside. In 1993 a marker was placed near the head of the jetty to warn boaters of the navigation hazard.

**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 Oceanside LCP has been certified by the Commission and has been 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** in consistency determination CD-16-01 that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the California Coastal Management Program (CCMP).

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote on the motion. Passage of this motion will result in a concurrence in the determination and adoption of the following resolution and findings. An affirmative vote of a majority of the Commissioners present is required to pass the motion.

**RESOLUTION TO CONCUR WITH CONSISTENCY DETERMINATION:**

The Commission hereby **concurs** in the consistency determination by the Corps of Engineers, on the grounds that the project described therein is fully consistent, and thus is consistent to the maximum extent practicable, with the enforceable policies of the CCMP.

**VI. Findings and Declarations:**

The Commission finds and declares as follows:

**A. Habitat/Marine Resources.** The Coastal Act provides:

*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....*

*Section 30233. (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: ...*

*(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*

...

*(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*

...

*(7) Restoration purposes.*

Section 30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.*

Section 30233(a) of the Coastal Act imposes a three-part test on dredging and filling projects: (1) an allowable use test; (2) an alternatives test; and (3) a mitigation test. The proposed project is an allowable use under Section 30233(a)(1), (4), and (7) as a coastal dependent boating facility (the removal of the stones to benefit boating), and as a restoration activity (the placement/disposal as habitat enhancement (see next paragraph)).

The primary marine resource issue raised by the project is the loss of subtidal habitat from removal of the stones. The project meets the alternatives and mitigation tests because the Corps will replace any habitat values disturbed by the activity. As the Commission often notes when authorizing underwater rock structures in the marine environment, the structures can provide unique habitat values. Removal of the over 50% of the underwater groin poses disturbance or loss of these values, as well as minor turbidity and noise impacts from the construction activity itself. The Corps has provided an analysis showing that noise and turbidity impacts would be inconsequential; very little least tern foraging occurs in this portion of the harbor, and pelicans do not use the groin for roosting. Turbidity impacts in this sandy area from groin removal would be minimal. The National Marine Fisheries Service (NMFS) was initially concerned over the Corps' initial proposal to scatter the rocks in a haphazard

fashion nearby or possibly remove the stones from the marine environment altogether. Therefore NMFS requested that the Corps redesign the project so that the rocks would remain available in the marine environment and be placed in a configuration providing comparable habitat values to those at the existing groin. The Corps has redesigned the project to retain these habitat values, and NMFS agrees that, as modified, the habitat values will be comparable. Accordingly, the Commission concludes that, as modified in response to NMFS' recommendations, the project complies with the allowable use, alternatives, and mitigation tests of Section 30233(a) of the Coastal Act for dredging and fill within open coastal waters, as well as with the requirements of Sections 30230, 30231 and 30240 to protect marine resources, water quality, and environmentally sensitive habitat.

**B. Public Access and Recreation.** Section 30210 of the Coastal Act provides, in part, that:

*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 30220 provides:

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

The Corps constructed the groin in 1963 as part of the Oceanside small craft harbor entrance. By 1968 the groin was submerged during high tides, and, while it continued to subside, it remained a navigation hazard. The Corps states that approximately ten recreational vehicles run aground on the groin each year. The proposed removal of the groin would eliminate this navigation hazard. The Commission finds that while the construction activities to remove the groin would cause a slight disturbance to recreational boating (all navigation channels will remain open during construction), this would be more than offset by the recreational benefits of removing the hazard. In addition, the rocks will be placed at depths where they would not pose navigation hazards. The tops of all stones will be below -1 m MLLW (mean lower low water), the stones will be placed outside any navigation channels, and the disposal area will be marked with buoys to warn small recreational boats (kayaks and personal water craft) that may use the area. The Commission concludes that the project is consistent with the public access and recreation policies (Sections 30210-30214) 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.*

Overall, Oceanside harbor disrupts downcoast sand supply, and the Corps regularly dredges large quantities of sand from the harbor channels and deposits them on Oceanside beaches to the south of the harbor (see Substantive File Documents list of Commission concurrences with Corps consistency determinations for dredging and sand bypass experiments). The proposed partial groin removal would not appreciably benefit or detract from sand movement, as it is located in between the north breakwater and the south jetty (Exhibit 2). In addition, the Corps proposes to leave 65 meters of the 150 meters of the groin in place, which will assist as a barrier to sand migration into the harbor entrance channel. The Commission finds that the project will not adversely affect downcoast sand supply and is consistent with the requirements Section 30233(b) of the Coastal Act.

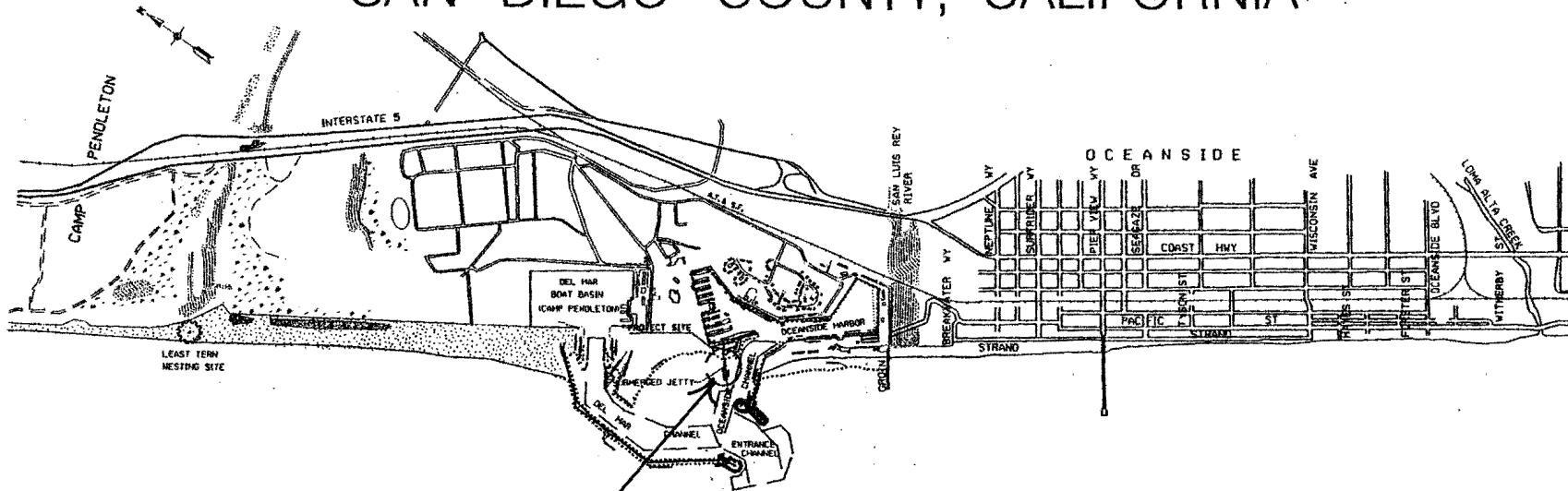
**VII. Substantive File Documents.**

1. Draft Environmental Assessment for Oceanside Harbor Submerged Groin Removal, U.S. Army Corps of Engineers, February 2001.

2. Consistency and Negative Determinations for U.S. Army Corps of Engineers Oceanside Harbor experimental sand bypass, shoreline structures and dredging/beach disposal activities:

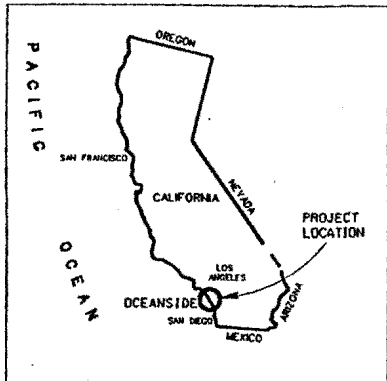
- CD-3-84 (Construction of experimental sand bypass);
- CD-55-87 (Maintenance Dredging/Beach Disposal);
- CD-3-89 (Breakwater Improvements);
- CD-44-92 (Modifications to north breakwater);
- CD-53-94 (6-Year Maintenance Dredging/Beach Disposal);
- CD-18-95 (Modifications to sand bypass)
- ND-31-96 (Removal of experimental sand bypass); and
- ND-75-00 (1-Yr. Dredging).

# OCEANSIDE HARBOR SUBMERGED JETTY REMOVAL SAN DIEGO COUNTY, CALIFORNIA



**LOCATION MAP**

SCALE: 1:12 500



**PROJECT  
SITE**

**DRAFT**  
05/01/2001

**NOTES:**

1. THE GRID SYSTEM IS THE STATE PLANE COORDINATE SYSTEM OF 1983 AND IS BASED ON LAMBERT CONIC CONFORMAL PROJECTION FOR ZONE Y1 STATE OF CALIFORNIA AND REFERENCED TO THE NORTH AMERICAN DATUM (HORIZONTAL DATUM OF 1983-METERS).
2. VERTICAL DATUM IS MEAN LOWER LOW WATER (MLLW-0.0m).
3. ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE STATED.

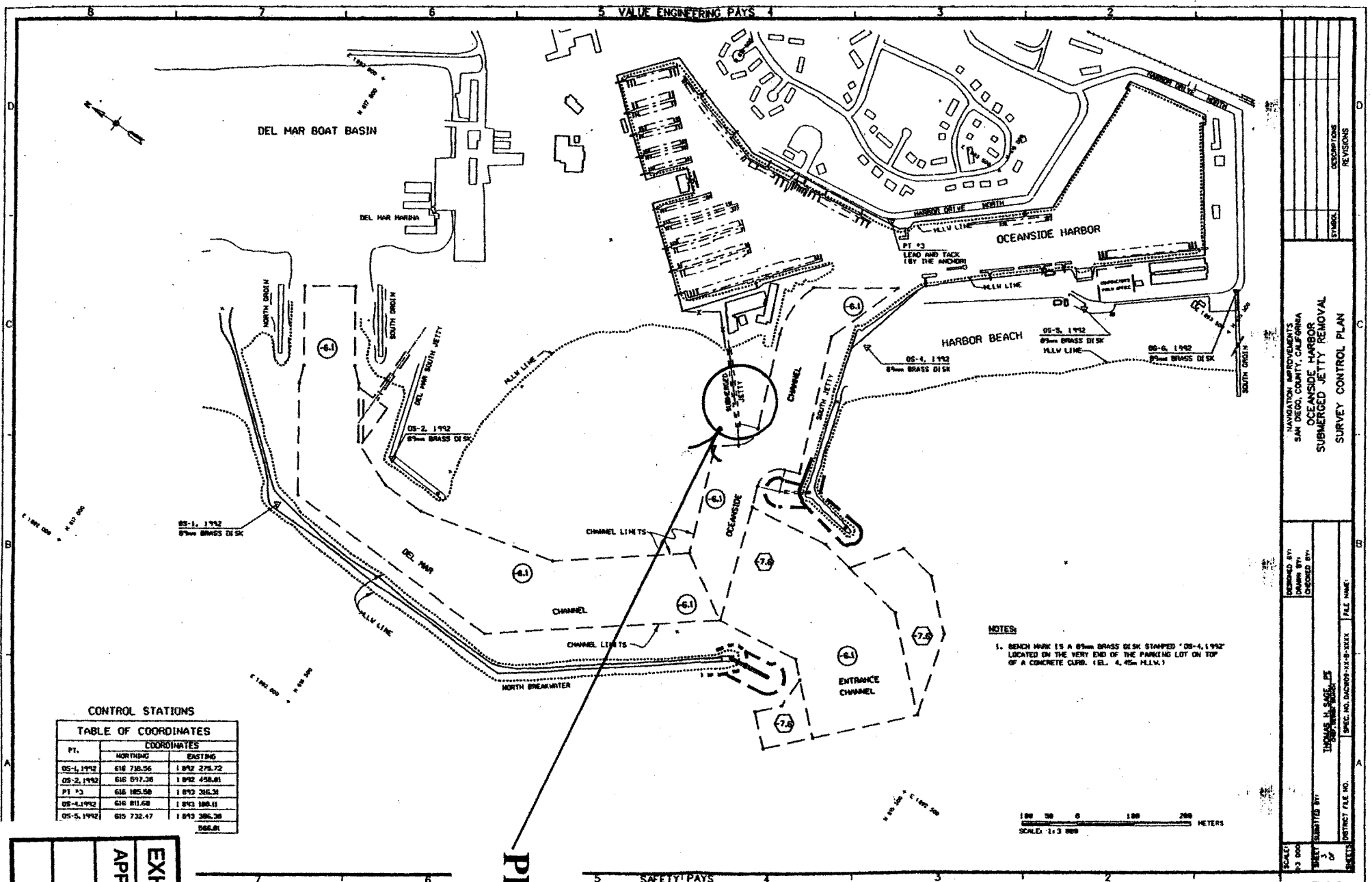


EXHIBIT NO.	1
APPLICATION NO.	
CD-16-01	

THIS PROJECT WAS DESIGNED BY THE LOS ANGELES DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS UNDER THE SUPERVISION AND CLOSE PERSONAL SUPERVISION OF AN OFFICER OF THE U.S. ARMY CORPS OF ENGINEERS. THE DESIGN AND CONSTRUCTION OF THESE PROJECT DOCUMENTS WITHIN THE SCOPE OF THEIR EMPLOYMENT AS REQUIRED BY E.O. 11911-1-82. SIGNATURES AFFIXED HERETO INDICATE OFFICIAL RECOMMENDATION AND APPROVAL OF ALL THE DRAWINGS IN THIS SET.	
DESIGNED BY: SRM	DATE: 05/01/2001
DRAWN BY: JAR	CHECKED BY: JIS
DATE APPROVED:	DATE: 05/01/2001
U.S. ARMY ENGINEER DISTRICT LOS ANGELES CORPS OF ENGINEERS	FILE NAME: oshw001_2001.dwg
DESIGNED AND DRAWN BY: SRM	FILE NAME: oshw001_2001.dwg
CHECKED BY: JIS	FILE NAME: oshw001_2001.dwg
DATE: 05/01/2001	FILE NAME: oshw001_2001.dwg
FILE NAME: oshw001_2001.dwg	FILE NAME: oshw001_2001.dwg

NAVIGATION IMPROVEMENTS  
SAN DIEGO COUNTY, CALIFORNIA  
OCEANSIDE HARBOR  
SUBMERGED JETTY REMOVAL  
VICINITY AND LOCATION MAPS

**Figure 1. Vicinity Map**



**PROJECT SITE**

**Figure 2. Project Map**

**EXHIBIT NO. 2**  
**APPLICATION NO.**  
 CD-16-01

NAVIGATION IMPROVEMENTS  
 SAN DIEGO COUNTY, CALIFORNIA  
**OCEANSIDE HARBOR  
 SUBMERGED JETTY REMOVAL  
 SURVEY CONTROL PLAN**

DESIGNED BY: [ ]  
 DRAWN BY: [ ]  
 CHECKED BY: [ ]

ISSUED BY: [ ]  
 DATE: [ ]

DISTRICT FILE NO. [ ]  
 SHEET NO. [ ] OF [ ] SHEETS

FILE NAME: [ ]

SYMBOL REVISIONS





