

**CALIFORNIA COASTAL COMMISSION**

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# W 13a

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

Consistency Determination No.	CD-015-02
Staff:	JRR-SF
File Date:	March 8, 2002
60th Day:	May 7, 2002
75th Day extended to:	August 16, 2002
Commission Meeting:	August 6, 2002
Hearing on Findings:	October 9, 2002

**FEDERAL AGENCY:** U.S. Army

**DEVELOPMENT****LOCATION:**

Former Army base at Fort Ord, Monterey County (Exhibit 1, 2, 3, and 4)

**DEVELOPMENT****DESCRIPTION:**

Demolition of Stilwell Hall and removal of rock revetment protecting the structure

**PREVAILING****COMMISSIONERS:**

Burke, Dettloff, Hart, McClain-Hill, Nava, Potter, and Chairman Wan

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

See Page 13

**EXECUTIVE SUMMARY**

The Army proposes to demolish Stilwell Hall, a former Soldier's Club located on coastal bluffs adjacent to the ocean. In addition, the Army will remove all associated facilities including parking lots, roads, and fences. Finally, Army will remove the revetment located at the base of the bluffs seaward of Stilwell Hall.

Stilwell Hall is located seaward of Highway 1 and it affects visual resources of the coastal zone. The building is an historic structure that is part of the visual character of

the area and the proposed demolition will change that character. A non-profit organization, the Stilwell Hall Preservation Society, proposes an alternative to relocate the structure. This alternative was never evaluated by the Army and without such an analysis, the Commission cannot determine if the proposed project is consistent with Section 30251 of the Coastal Act. Therefore, the Army's consistency determination lacks sufficient information to determine if the project is consistent with Section 30251 of the Coastal Act, the visual policy of the CCMP.

The project includes the removal an existing revetment that has substantial adverse effects on marine resources including sandy intertidal habitat and local sand supply, and thus the removal will restore the habitat and improve sand resources. In addition, the demolition of the building and the removal of the revetment will be done in a manner that minimizes adverse effects on marine resources and water quality. Therefore, the project is consistent with Sections 30230, 30231, and 30235 of the Coastal Act, and thus is consistent with the Marine Resource and Water Quality Policies of the California Coastal Management Program (CCMP).

Finally, the project is located adjacent to sensitive dune habitat and near snowy plover nesting habitat. The project protects these environmentally sensitive habitat areas (ESHAs) by removing artificial structures that interfere with the natural processes of the habitat, revegetating the site after completion of the demolition, and implementing the project outside of the snowy plover's nesting season. Therefore, the project is consistent with Section 30240(b) of the Coastal Act, and thus consistent with the ESHA policy of the CCMP.

## **STAFF SUMMARY AND RECOMMENDATION:**

### **I. Project Description.**

The Army proposes to demolish Stilwell Hall, a former Soldier's and Community Club located on coastal bluffs adjacent to the ocean. The proposed activity will consists of the following actions:

1. Demolition and removal of the building and parking lots, including the aggregate sub-base, chain link fence, barriers, and associated infrastructure;
2. Abatement and disposal of building debris and hazardous material (lead paint and asbestos);
3. Removal of the basement, foundation, revetment, riprap, and rock seawall;
4. Restoration of the site through grading, interim stabilization, and planting of native vegetation to stabilize the dunes.

Demolition will commence with the removal of the roof tiles, walls, foundation, asphalt parking lots, and basement. The Army will not use heavy equipment until October, after the snowy plover nesting season. After the building is demolished, the Army will remove the revetment and rock protecting the bluff seaward of Stilwell Hall. The equipment will operate from the beach by removing the riprap and armor stone starting from the south side and working north. Removal will progress in a general sequence from top to bottom. The Army will use a small loader to collect rock around the perimeter of the revetment. The Army will transport the rock to a stockpile area and it will be re-used by the contractor for other activities in the region. The Army proposes to remove the rock to mean lower low water (MLLW) unless natural hazards or potential environmental damage prevent complete removal. In order to minimize environmental effects from the removal of the revetment, the Army proposes to: 1) not operate the equipment in the water; 2) remove all the equipment from the beach each day; 3) monitor the beach for hydraulic oil, lubricant, and fuel releases; and 4) contain and clean-up any chemical spills.

The Army will use existing roads and an eroded ocean outfall gully to access the beach for the removal of the revetment. The Army will configure, using onsite material, a temporary road through the floor of the gully and along the beach to the revetment site. Upon completion of the rock removal, the Army will restore the road site to its original conditions.

**II. Background.** The Army proposes to remove Stilwell Hall, a 52,000 square-foot former soldier's club and recreation hall. It was completed in 1943 as part of the development of Fort Ord. Erosion of the bluffs seaward of Stilwell Hall has been a recurring problem since the Army constructed the building. At the time of construction, it, a 400-foot setback separated the building from the bluff edge. Approximately 300 feet of that buffer was lost to erosion from 1943 to 1950. In 1950, the Army constructed a rubble mound revetment to retard the erosion and maintained it by adding broken concrete scrap. In 1983, the revetment failed and the Army reconstructed it. However, the bluffs continued to erode and severe winter storms continue to erode the bluff and the southwest corner of the building extends over the bluff edge. The Army estimates the current erosion rate at six to seven feet per year.

In 1991, the Army proposed the closure of the Army base at Fort Order and subsequently proposed transferred all of the area west of Highway 1 (including Stilwell Hall) to the California Department of Parks and Recreation. The transfer, which has not yet occurred, is dependent on remediation of hazardous waste sites and removal or relocation of Stilwell Hall.

Bluff erosion continues to threaten the building. Last winter, the Army removed the south wing of the structure in an emergency action because bluff erosion was undermining that portion of the building. In response to the continued hazard, the Army

proposed to demolish the remainder of the building and remove the revetment protecting the structure.

### **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 an LCP that the Commission has certified and incorporated into the California Coastal Management Program (CCMP) provides development standards that are applicable to the project site, the LCP can provide guidance in applying Chapter 3 policies in light of local circumstances. If the Commission has not incorporated the LCP into the CCMP, it cannot guide the Commission's decision, but it can provide background information. The Commission has certified Monterey County's LCP and partially incorporated it into the CCMP.

### **IV. Federal Agency's Consistency Determination**

The Army has determined the project to be consistent to the maximum extent practicable with the California Coastal Management Program.

**V. Commission Decision.** On August 6, 2002, the Commission defeated a motion to concur with the U.S. Army's consistency determination CD-015-02 and in doing so adopted the following resolution:

#### **A. Objection**

The Commission hereby **objects** to Consistency Determination CD-015-02 finding that the consistency determination does not contain enough information to determine if the project described therein is consistent with the enforceable policies of the California Coastal Management Program.

**VI. Staff Recommendation on proposed findings.** The staff recommends that the Commission pass the following motion in support of its action.

#### **A. Motion**

*I move that the Commission adopt the revised findings in support of the Commission's action on August 6, 2002, concerning CD-015-02.*

#### **B. Staff Recommendation Of Approval**

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. Pursuant to section 30315.1 of the CCMP, the motion requires a majority vote of the members from the prevailing side present at the August 6, 2002 hearing, with at least three of the prevailing

members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

### **C. Resolution To Adopt Revised Findings**

*The Commission hereby adopts the findings set forth below for its objection to the Army's consistency determination to demolish Stilwell Hall, CD-15-02, on the grounds that the findings support the Commission's decision made on August 6, 2002, and accurately reflect the reasons for it.*

### **VII. Necessary Information**

Section 930.43(b) of the federal consistency regulations<sup>1</sup> requires that, if the Commission's objection is based on a lack of information, the Commission must identify the information necessary for it to assess the project's consistency with the CCMP. That section states that:

*If the State agency's objection is based upon a finding that the Federal agency has failed to supply sufficient information, the State agency's response must describe the nature of the information requested and the necessity of having such information to determine the consistency of the Federal activity with the enforceable policies of the management program.*

As described fully in the Visual section below, the Commission has found this consistency determination to lack the necessary information to determine if the proposed project is consistent with Section 30251 of the CCMP. In order to evaluate the project's consistency with the CCMP, the Commission needs the following information:

A complete analysis of the alternative proposed by the Stilwell Hall Preservation Society to relocate the building.

### **VIII. Federal Agency Responsibility**

The CZMA regulations preclude the Army from proceeding with its proposal to demolish Stilwell Hall despite the Commission's objection to the Army's consistency determination unless the Army determines that such an undertaking is fully consistent with the CCMP. Specifically, Section 930.43(d) provides, in part that:

*... Federal agency shall not proceed with the activity over a State*

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<sup>1</sup> 15 CFR Section 930.42(b)

*agency's objection unless: ... (2) the Federal agency has concluded that its proposed action is fully consistent with the enforceable policies of the management program, though the State agency objects.<sup>2</sup>*

In addition, Section 930.43(e) of the CZMA regulations requires the Army to inform the Commission of its decision to proceed with its proposal to demolish Stilwell Hall over the Commission's objection. This section provides, in part, that:

*If a Federal agency decides to proceed with a Federal agency activity that is objected to by a State agency ... the Federal agency shall notify the State agency of its decision to proceed before the project commences.<sup>3</sup>*

## **IX. Findings and Declarations:**

The Commission finds and declares as follows:

**A. Visual and Recreational Resources.** Section 30251 of the Coastal Act provides that:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The removal of Stilwell Hall raises a complicated question with respect to visual resources. The building has been in this location since 1943 and is part of the visual character of the area. Stilwell Hall is an important component of the visual resources of the coastal zone in this area. The building has been at this location since 1943 and was the first Soldiers' Club in the United States. Over 2,000,000 soldiers trained at Fort Ord and it was the first racially integrated military training site in the United States. In 1993, the building became eligible for inclusion on the National Registry of Historic Places. Stilwell Hall is a significant part of the history of Fort Ord and is visually part of the historic character of the area. The proposed demolition would change that character.

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<sup>2</sup> 15 CFR § 930.43(d).

<sup>3</sup> 15 CFR § 930.43(e).

In addition, the building may have some recreation value in itself. In 1999, State Parks requested that the Army halt the proposed demolition and re-program the funds toward relocation of the building 700 feet inland and allow the building to be part of the future state park.

In January 2000, the Commission's Executive Director objected to a negative determination by the Army for the proposed demolition of Stilwell Hall. That objection was based, in part, on the recreational value of the building. Specifically, the Executive Director concluded the following:

*First, the building proposed for removal is a historic structure that the Department of Parks and Recreation has identified as a potential public recreational resource. State Parks has requested that the Army consider relocating the building so that it can be used as a visitor center and museum when the area is transferred to State Parks. It is the Commission staff's understanding that the State Parks has agreed to provide additional money to support the relocation effort. Therefore, the Commission staff concludes that Stilwell Hall is a potential recreational resource and its demolition will prevent the realization of the recreational benefits this resource can provide.<sup>4</sup>*

The preservation of the building at its current location is not feasible because natural bluff erosion could eventually cause the building to fall into Monterey Bay within the next few years. However, preservation at the existing location is not the only way in which Stilwell Hall could continue to contribute to the visual character and quality of this portion of the California coastline.

The Stilwell Hall Preservation Society (Society) was formed for the purpose of finding the ways and means to relocate the building to a more landward site and preserve it as a historic memorial to the two million soldiers who trained at Fort Ord. As envisioned by the Society, this alternative includes using the building for a train station, visitor center, and other visitor serving uses. The Society is in the process of raising funds to implement its vision. If it can raise sufficient capital, the proposed relocation and reuse of the building would be feasible. Relocation and adaptive reuse of Stilwell Hall would preserve the contribution that Stilwell Hall presently makes to the scenic and visual quality of the area while at the same time enabling the Army to achieve its goals. Relocation would also allow the existing revetment to be removed. The Society is building momentum in the community for support of its goals and is making progress raising the funds necessary to accomplish the relocation of Stilwell Hall and the removal of the revetment from the beach. The Commission finds that community efforts to relocate, restore, and preserve Stilwell Hall is an alternative to demolition by the Army.

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<sup>4</sup> ND-069-99, Objection Letter, January 4, 2000.

The Army did not evaluate this alternative in its consistency determination. Without a complete evaluation of the relocation alternative, the Commission cannot determine whether the proposed demolition is consistent with Section 30251. Although removal of Stilwell Hall from its existing site may be necessary to avoid collapse of the building and adverse effects to marine resources, the Commission cannot find the Army's demolition proposal consistent with the CCMP unless there is no feasible option to relocate the building to a more inland location and preserve Stilwell Hall. Because the Army has failed to analyze adequately the feasibility of this alternative, the Commission finds that it does not have sufficient information to determine if the proposed project is consistent with Section 30251 of the Coastal Act.

**B. Marine Resources.** Section 30230 of the Coastal Act provides that:

*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 of the Coastal Act provides that:

*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.*

Section 30235 of the Coastal Act provides that:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*



**1. Resource Benefits.** The Army proposes to remove the entire rock revetment above MLLW. This component of the project will have a significant benefit to coastal resources. The rocks cover existing sandy beach habitat and adversely affect local sand supply. In addition, by slowing erosion, the rocks are preventing a significant amount of sand from entering the littoral system. Section 30230 of the Coastal Act provides for the restoration of marine habitat where feasible. In addition, the intent of Section 30235 is to protect marine resources from impacts associated with the construction of shoreline protective devices. Although Section 30235 does not address the removal of seawalls (except where they cause water quality problems, which is not the case here), the removal of the revetment is consistent with the intent of this section. After removal of the building, the Stilwell Hall revetment will not protect an existing structure, and thus will serve no purpose. In addition, the revetment causes damage to the marine environment and sand supply. The removal of this structure will eliminate this ongoing impact and will result in the restoration of marine resources.

**2. Construction Impacts.** Although the proposed removal of Stilwell Hall and its revetment will benefit marine resources, the removal activities could cause potential adverse effects. Specifically, the removal activities can result in the discharge of debris and pollutants into the marine environment. However, the Army proposes mitigation measures to protect against this impact. During the demolition of the building, the Army will construct a barrier west of the building to prevent debris from falling into the ocean. In addition, the Army will monitor this debris protection measure to ensure that it is effective. The proposed removal of the revetment involves the use of heavy equipment on the beach, which could result in the discharge of oil, grease, and other pollutants into the marine environment. However, the Army proposes mitigation measures that will minimize these construction-related impacts. Specifically, the Army proposes to: 1) operate all equipment at least five feet away from the edge of the water; 2) remove all equipment at the end of the day; 3) monitor equipment for leaks of hydraulic oil, lubricants, or fuels; and 4) contain and clean-up any chemical spills. With these measures, the project will not adversely affect marine or water quality resources.

Another construction-related issue is the amount of rock that will be removed. Ideally, the Commission would prefer that entire revetment be demolished. However, safety and environmental concerns may prevent complete removal of all of the stones. In order to protect water quality, the Army proposes to keep all vehicles out of the water, which will prevent removal of rocks in deeper waters. In addition, to avoid adverse effects on snowy plover the demolition project will occur during the non-nesting season (winter) season, which is a period of high wave energy. The exposure to wave hazards is further increased by the fact that the revetment will be removed after the building is demolished, otherwise it is possible that the building will collapse into Monterey Bay. Thus, the Army will probably not start the revetment removal until late November or December. With these timing limitations, the Army must remove the rocks during the storm season, and thus worker safety from both waves and bluff failure becomes a

significant issue. The Army's goal is to remove all rock above MLLW, with water quality and safety concerns as the only basis for not completely fulfilling its commitment. Considering the resource values of Monterey Bay and the fact that it is a high-energy wave environment, the concerns of the Army provide a legitimate basis for less than complete removal of the revetment. In order to consider any subsequent issues that might arise from the revetment removal activities, the Army has agreed to provide the Executive Director with a post-project report that describes the final conditions of the site, including the revetment area.

**3. Conclusion.** The proposed project will result in the removal of a revetment that prevents erosion of the bluffs seaward of the building. The removal of the revetment will result in the restoration of marine resources. It will return the beach and intertidal area to natural conditions and eliminate an existing structure that interferes with littoral processes. The Army will remove Stilwell Hall and its revetment using mitigation measures to minimize the amount of debris and other pollutants that are discharged into Monterey Bay. With these mitigation measures, the project will restore marine resources and littoral processes in a manner consistent with Sections 30230, 30231, and 30235 of the Coastal Act. Therefore, the Commission finds that the proposed project is consistent with the Marine Resources and Water Quality policies of the CCMP.

**C. Environmentally Sensitive Habitat Areas.** Section 30240(b) of the Coastal Act provides that:

*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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Stilwell Hall is located within historic coastal dune habitat, which is Environmentally Sensitive Habitat (ESHA) as defined by the Coastal Act. In the environmental assessment for the proposed demolition, the Army describes the habitat value of this area as follows:

*The former Fort Ord coastal zone is considered an environmentally sensitive area. Endangered, threatened, and rare vegetation and wildlife species are present. Much of the area is dominated by disturbed vegetation resulting from small arms firing range development and environmental remediation projects associated with base closure. Coastal strand communities are present along the shoreline....*

*Dune communities characterize the area adjacent to the project site and within the Army's coastal property west of State Highway 1. Four principal vegetation cover types are associated with the former Fort Ord coastal*

*zone. The types are as follows: (1) Exotic Dune, (2) Disturbed Dune, (3) Coastal Strand, and (4) Coastal Dune. Much of the native dune vegetation is supplanted by non-native African ice plan. The native vegetation remains adapted to harsh environmental conditions from salt spray, strong winds, shifting sand, and low moisture. Effects are underway to reestablish local native plants on the sand dune and throughout the coastal zone.<sup>5</sup>*

The Commission agrees with the Army's assessment of this area and finds that most of this area is an ESHA. However, the habitat value of the Stilwell Hall site has been eliminated by the construction of the building, parking areas, roads and fences. These hardened surfaces do not provide any habitat value and they interfere with the natural processes of the dunes that surround the building and its associated facilities. Therefore, the Commission concludes that the project site is not an ESHA, but it is located immediately adjacent to sensitive dune areas. As such Section 30240(b) of the Coastal Act provides the Commission with standards for evaluating the project's effects on ESHA.

As required by Section 30240(b), the proposed removal of Stilwell Hall will not degrade the adjacent ESHAs and will be compatible with the continuance of that habitat resource. The removal of the building and its associated facilities will eliminate an artificial structure within the dunes, whose construction resulted in the loss of dune habitat. These facilities also interfere with the natural movement of the dune sand and the processes that are necessary for the dunes to exist. Thus by removing these structures, the Army will allow the dunes to function more naturally. In addition, based on concerns raised by the Commission, the Army has modified its project to provide for the restoration of habitat resources within the area affected by Stilwell Hall. The Army proposes to work with State Parks to re-vegetate the area with native vegetation. This process is consistent with other restoration efforts occurring within the coastal areas of the former Fort Ord. Therefore, the proposed activity will resulting in the restoration of ESHA resources, and thus the project will not interfere with adjacent sensitive resources and will be compatible with the continuance of these habitat values.

In addition to the adjacent dune resources, the area near Stilwell is an ESHA because it supports nesting habitat for the western snowy plover, a federally listed threatened species. Although the bird does not nest within or immediately adjacent to the Stilwell Hall site, construction noise associated with the demolition could disturb the nesting birds and interfere with nesting behaviors. To avoid this potential impact, the Army proposes to conduct the demolition of the building and the removal of the revetment during the non-nesting season, October through February. Therefore, the Army will avoid any impacts to nesting plovers, and thus will be consistent with the requirements of Section 30240(b) of the Coastal Act.

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<sup>5</sup> Environmental Assessment, June 25, 1999, p. 10.

In conclusion, the Commission finds that the proposed demolition will occur adjacent to ESHAs and will restore the habitat values of the building site, and thus will enhance the ESHA values of the area. In addition, the project will avoid impacts to nesting snowy plovers. Therefore, the Commission finds that the proposed project is consistent with Section 30240(b) of the Coastal Act, and thus is consistent with ESHA policy of the CCMP.

**X.     Substantial File Documents**

1. CD-16-94, U.S. Army, Closure and Re-use of Fort Ord, Monterey County.
2. ND-069-99, U.S. Army, Demolition of Stilwell Hall.
3. Draft Final Environmental Assessment/Finding of No Significant Impact Stilwell Hall Demolition Project, June 1999.

Figure 2-2  
Location of Cities Surrounding Fort Ord

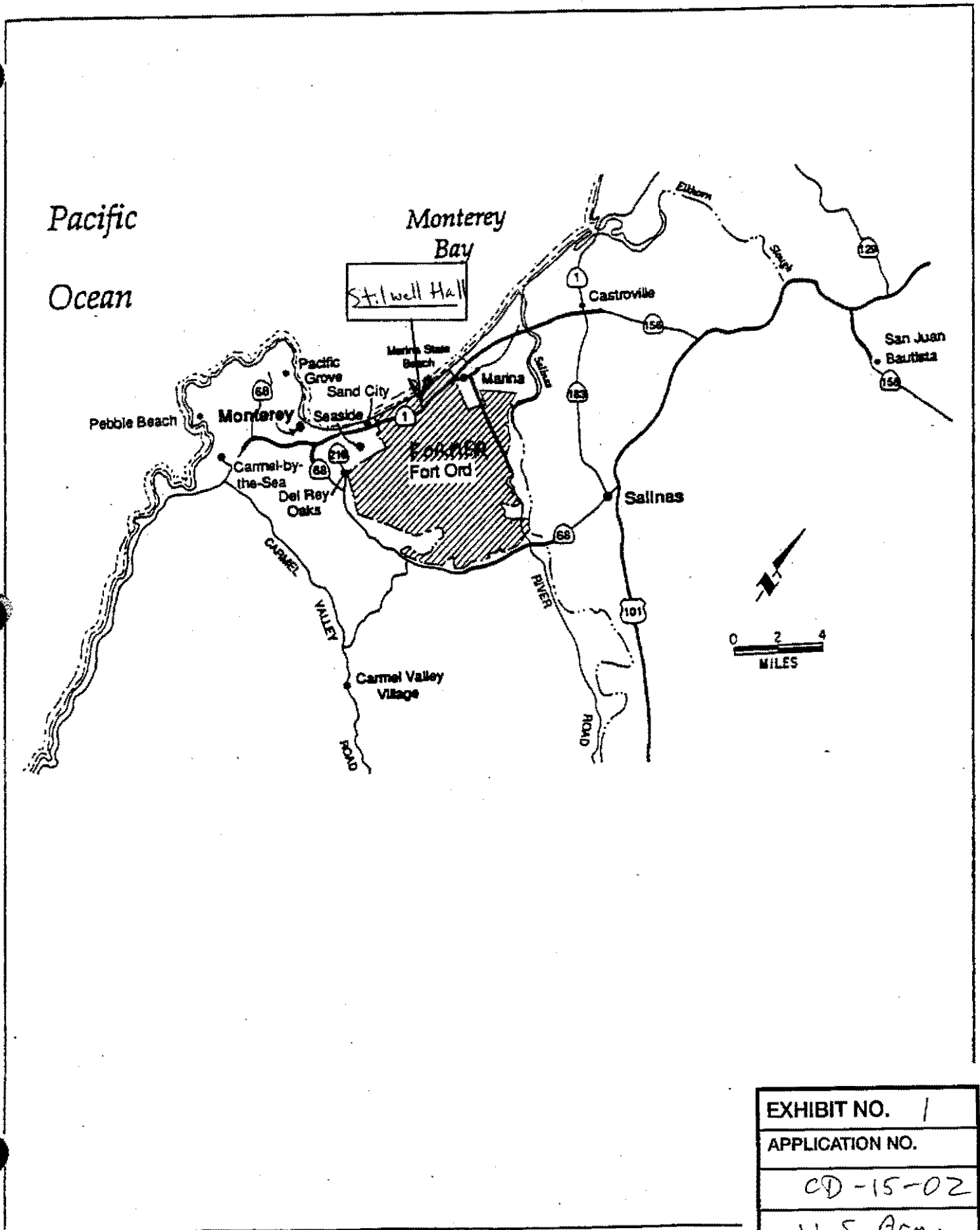
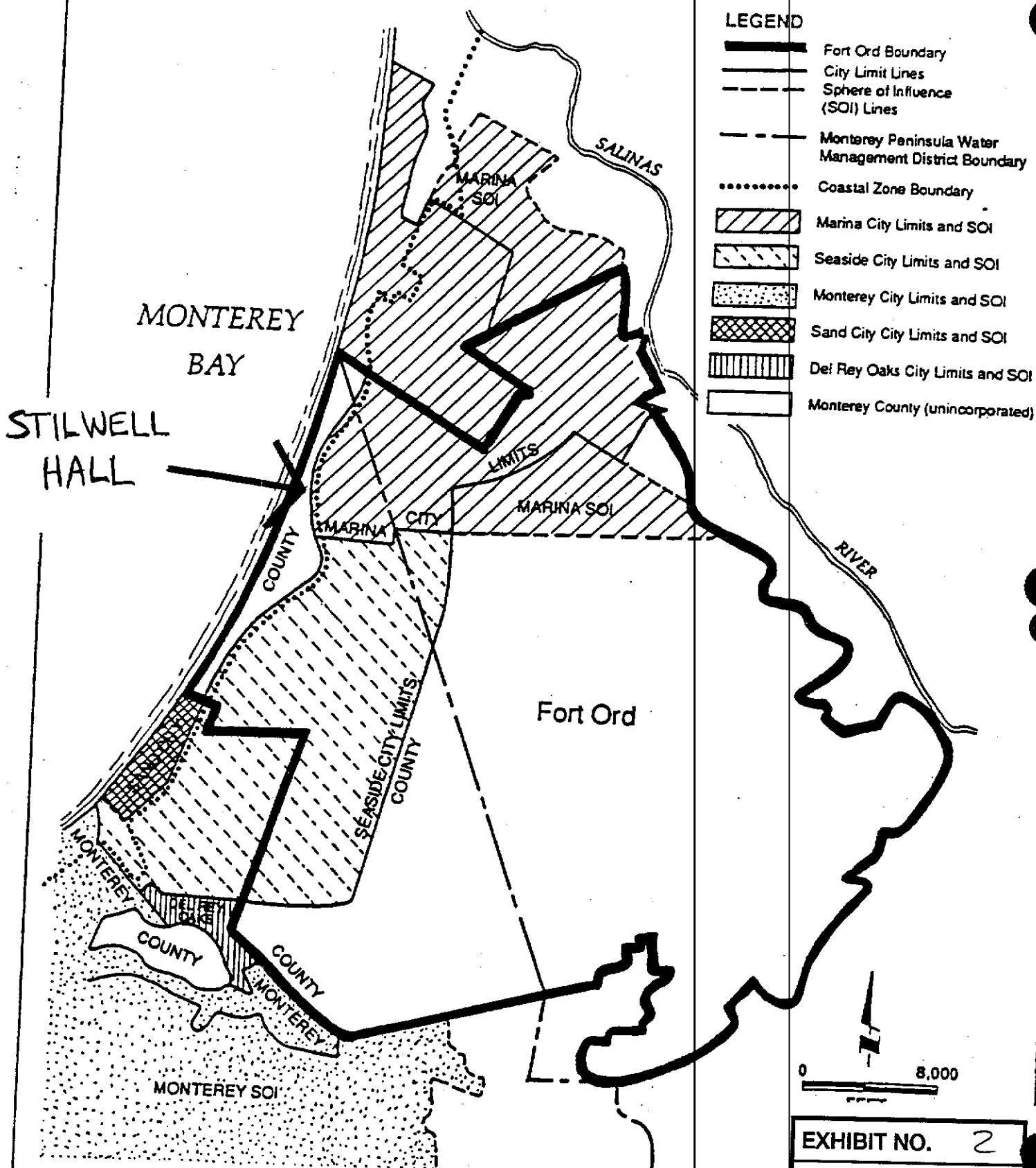


EXHIBIT NO.	1
APPLICATION NO.	
	CD-15-02
	U.S. Army

# Local Jurisdictional Boundaries Surrounding Fort Ord

Figure 2



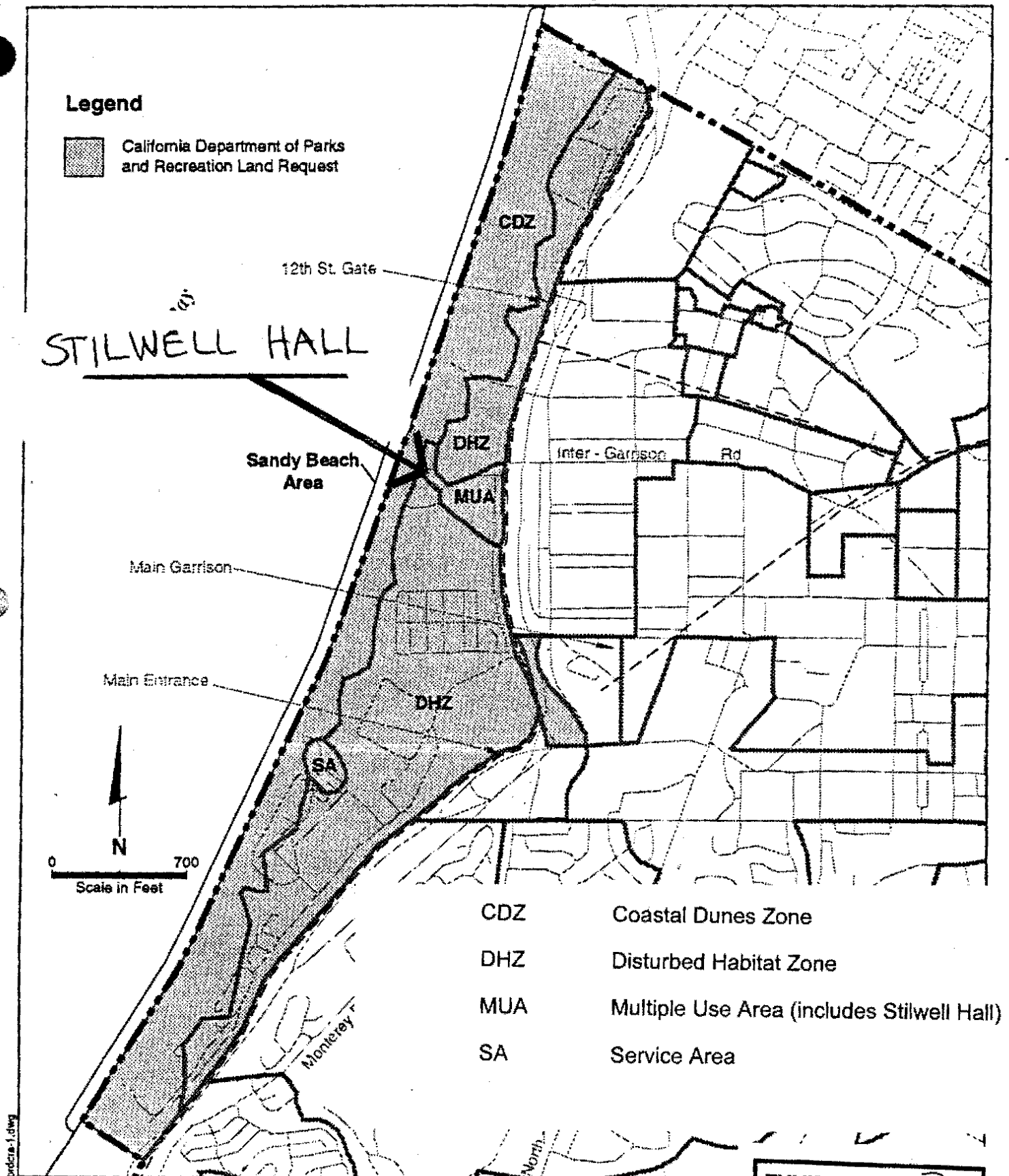
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EXHIBIT NO. 2

APPLICATION NO.

CD-15-02

Figure 10  
CDPR Designations for the Fort Ord Coastal Zone



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US ARMY CORPS  
OF ENGINEERS  
SACRAMENTO DISTRICT

EXHIBIT NO. 3

APPLICATION NO.

CD-15-02



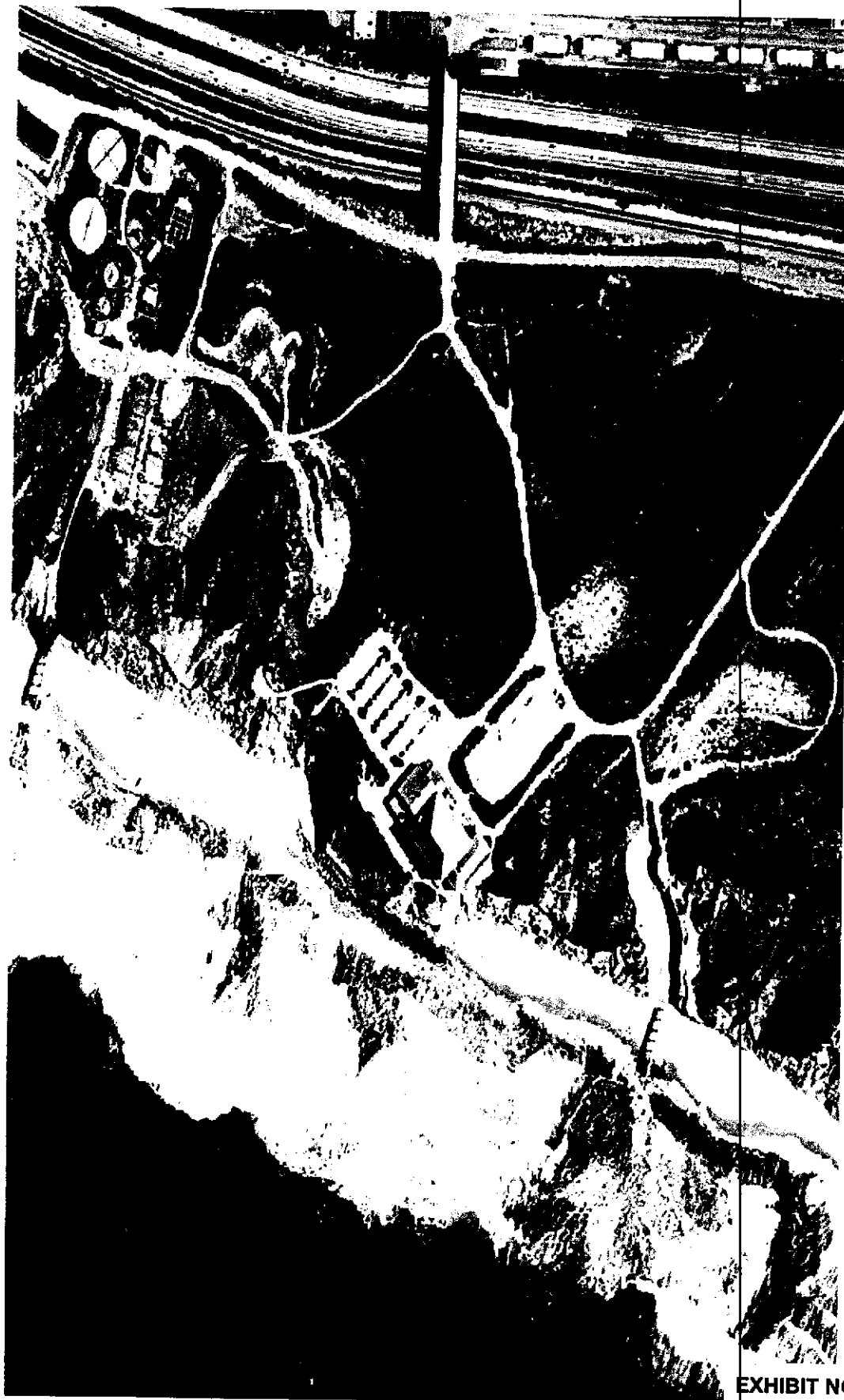


Photo 1. Aerial photo showing Stilwell Hall and extent of rock riprap.

EXHIBIT NO. 4

APPLICATION NO. CD-015-02

 California Coastal Commission