

CALIFORNIA COASTAL COMMISSION

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STAFF RECOMMENDATION
ON CONSISTENCY DETERMINATION

Consistency Determination No.	CD-029-03
Staff:	LJS-SF
File Date:	4/11/03
60 th Day:	6/10/03
75 th Day:	6/25/03
Commission Meeting:	5/6/03

FEDERAL AGENCY: **National Park Service**

PROJECT LOCATION: Ocean Beach (between Noriega and Santiago Streets), Golden Gate National Recreation Area, San Francisco (Exhibit 1).

PROJECT DESCRIPTION: Excavate up to 23,000 cu.yds. of sand that has built up in front of and is overtopping the 2,500-foot-long Ocean Beach Promenade and Seawall, transport the material using dump trucks and/or excavators southward to the beach in front of Sloat Blvd., and place the sand along this stretch of eroding beach.

SUBSTANTIVE FILE DOCUMENTS:

1. November 20, 1995, letter from U.S. Fish and Wildlife Service (Field Supervisor, Sacramento) to Golden Gate National Recreation Area (Superintendent, San Francisco), regarding "Formal Section 7 Consultation on the Proposed Sand Excavation Project at Ocean Beach, San Francisco, California."

EXECUTIVE SUMMARY

The National Park Service has submitted a consistency determination for excavating an area approximately ten feet deep and extending 25 feet seaward along the 2,500-foot length of the Promenade seawall at Ocean Beach in the Golden Gate National Recreation Area. A maximum of 23,000 cu.yds. of sand would be excavated and transported by truck via the Great Highway

south to the Sloat Blvd. parking lots. The sand would then be pushed from the parking lots onto this eroding section of Ocean Beach. All project activity would occur during weekday daylight hours during the May 15 to July 1 time period in order to avoid adversely affecting the western snowy plover, which is usually present on this stretch of beach between early July and April. Temporary interpretive signage will be installed one week prior to and during the project, and additional barriers and signage will be installed to direct the public around the construction site and to alternate accessways. This maintenance project is necessary to restore and protect existing public access and recreational facilities and activities along the shoreline, and is consistent with the public access and recreation and environmentally sensitive habitat policies (Sections 30210, 30220, and 30240) of the Coastal Act.

STAFF SUMMARY AND RECOMMENDATION:

I. Project Description. The National Park Service (NPS) proposes to undertake a beach maintenance project along the western face of the Ocean Beach Promenade and Seawall. This work is necessary in order to ensure safe public access along the promenade and to this stretch of Ocean Beach located between Noriega and Santiago streets in the Golden Gate National Recreation Area. The promenade is a 2,500-foot-long concrete walkway constructed in the late 1980s by the City of San Francisco along the west side of the Great Highway to provide public access to and along this segment of Ocean Beach (**Exhibit 1**). The promenade is used by pedestrians and bicyclists, provides a paved pathway above and along the shoreline, is separated from the Great Highway by a vegetated berm, and provides expansive views to and along the shoreline northward to Pt. Reyes. Concrete stairways provide easy access down to the beach from the elevated promenade and are located at the north and south ends of the promenade and at several locations in-between.

Subsequent to construction, sand periodically builds up on the seaward face of the Promenade seawall, overflows onto the Promenade walk/bikeway and the Great Highway, restricts or blocks access for pedestrians, bicyclists, and handicapped visitors, and intermittently forces closure of the Great Highway (**Exhibits 2-4**). As a result, the City of San Francisco must clear sand from the Promenade and Great Highway in order to keep both facilities open and safe for public use. However, in 1995 the NPS issued a permit to the City to excavate and remove approximately 50,000 cu.yds. of sand from in front of the Promenade seawall. This action kept the Promenade walkway free of sand for approximately seven years. However, the excavated area eventually filled in and over the past two years sand once again has overflowed onto the Promenade and Great Highway, necessitating the resumption of costly mechanical clearing by the City.

As a result, the NPS is proposing, in cooperation with the City of San Francisco, to excavate an area approximately ten feet deep and extending 25 feet seaward along the 2,500-foot length of the Promenade seawall (**Exhibits 5-8**). A maximum of 23,000 cu.yds. of sand would be excavated (using a combination of front-end loaders, dump trucks, and excavators, depending on site conditions) and transported by truck and/or excavator via the Great Highway south to the Sloat Blvd. parking lots. The sand will be pushed from the parking lots onto this eroding section

of Ocean Beach above the jurisdictional boundary of the U.S. Army Corps of Engineers. Excavation equipment will enter and exit the beach at the north end of the Promenade seawall near Noriega Street (and possibly at the south end near Rivera Street) and will be restricted to a 30-foot wide construction zone in front of the seawall.

All project activity will occur only during weekday daylight hours. Only clean sand will be placed back on the beach at the foot of Sloat Boulevard and any trash or debris encountered during excavation and disposal will be removed and transported to an upland site. All project work will occur during a May 15 to July 1 time period in order to avoid adversely affecting the Western snowy plover, which is usually present on this stretch of beach between early July and April. For a period of five years after completion of the project, the City will photo-monitor the project area on a quarterly basis to evaluate the rate of sand movement and the success of the project, and will submit this documentation to the NPS and Coastal Commission staff. Temporary interpretive signage will be installed one week prior to and during the project, and barriers and signage will be installed to direct the public around the construction site and to alternate accessways during the excavation work. Additional conditions developed by the NPS for the proposed project are listed in **Exhibit 9**.

II. Federal Agency's Consistency Determination.

The National Park Service has determined the proposed project consistent to the maximum extent practicable with the California Coastal Management Program.

III. Staff Recommendation.

The staff recommends that the Commission adopt the following motion:

MOTION: I move that the Commission **concur** with consistency determination CD-0xx-03 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:

The staff recommends a **YES** vote on the motion. Passage of this motion will result in a concurrence with 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** with the consistency determination by the National Park Service, 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Public Access and Recreation. The Coastal Act provides the following:

Section 30210. *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. *Coastal areas suited for water-oriented recreational activities that cannot be readily provided at inland water areas shall be protected for such uses.*

The proposed project would excavate up to a maximum of 23,000 cu.yds. of sand in front of the Ocean Beach Promenade and seawall, and transport this material by dump truck and/or excavator via the Great Highway south to the Sloat Boulevard parking lots, where it will be placed on the adjacent eroding beach. The project is expected to take three to four weeks to complete. Work will occur between May 15 and July 1 to avoid adversely affecting the western snowy plover, and as a result will temporarily affect public access and recreation on this section of Ocean Beach at the beginning of the summer season. Excavation equipment will operate on the beach in a narrow, 30-foot-wide corridor in front of the Promenade seawall. Portions of the Promenade walk/bikeway and the narrow excavation corridor on the beach will be closed to public use as the excavation work proceeds downcoast along the 2,500-foot-long Promenade.

However, the project will also significantly improve public access and recreational facilities and opportunities in this area. Presently, tremendous volumes of overflow sand block the stairways that connect the Promenade walkway to the beach, partially and in some locations completely cover the Promenade walkway/bikeway, and at times blow over onto the Great Highway (**Exhibits 2-4**). In addition to blocking existing vertical and lateral public accessways, the overflow sand is a public safety hazard to users of the Promenade. By re-excavating the 25-foot-wide area along the length of the Promenade, the NPS will restore the ability of the public to safely use the Promenade and to safely reach and enjoy the sandy expanse of Ocean Beach. In addition, the eroding beach at Sloat Boulevard will be replenished using the excavated sand, thereby making this location more amenable for recreation.

To minimize adverse effects on public access and recreation, the NPS will complete the work during the latter part of May through the end of June, prior to the peak summer use season. Work will occur only during weekdays and not on weekends or holidays. Temporary interpretive signage for the project will be installed along and at both ends of the Promenade one week prior to and during project construction. Lateral access along this section of Ocean Beach will not be affected as only the narrow excavation corridor directly in front of the Promenade will be temporarily closed to public use during the work period. Sections of the Promenade

walkway/bikeway will be closed during construction; however, barriers and signage will be installed to direct pedestrians and bicyclists to alternate routes around the Promenade sidewalk construction site during the excavation work (e.g., the paved walkway/bikeway on the east side of the Great Highway). Finally, only clean sand will be placed on the eroding beach at the foot of Sloat Boulevard and any trash or debris encountered during excavation and disposal will be removed and transported to an upland site.

In conclusion, the Commission finds that the project impacts will be temporary and limited in their areal extent as excavation proceeds southward along the seaward face of the Promenade seawall. The Commission also finds that the project will result in restored and safer public access to and along the shoreline, and that these benefits outweigh the minor adverse impacts. The Commission therefore finds that the proposed project is consistent with the Section 30210 and Section 30220 public access and recreation policies of the Coastal Act.

B. Environmentally Sensitive Habitat. Section 30240 of the Coastal Act provides the following:

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The proposed project would occur in an area used for foraging and wintering habitat by the Western snowy plover, a federally listed threatened species. The U.S. Fish and Wildlife Service stated in their 1995 Section 7 consultation for the NPS' sand excavation project that year that:

Non-breeding snowy plovers are present [at Ocean Beach] from early July through April occurring along a 2.5 mile stretch between Fulton Street and Sloat Boulevard. High plover use areas occur between Lincoln and Santiago Streets, including the area adjacent to the Noriega-Santiago seawall. . .

At Ocean Beach, snowy plovers forage on invertebrates in the wet sand and amongst surf cast kelp and other debris (wrack) within the intertidal zone, and in dry, sandy areas above the high tide. Plovers typically roost in groups along the backshore in footprint depressions.

Sand removal operations would temporarily impact foraging habitat along the wet sand and wrack line in the southern 1.5 miles of beach utilized by snowy plovers, and would impact

significant roosting habitat in the backshore area adjacent to the seawall from Santiago to Noriega streets.

The NPS proposed to undertake the 1995 sand excavation project (and any future sand excavation projects at this location) only during that period of time (mid-May to early July) when snowy plovers were not present on Ocean Beach. The NPS formally agreed to comply with the following measures contained in the Section 7 consultation:

- 1. The NPS shall ensure that the project is implemented as described.*
- 2. When feasible, the NPS shall ensure that the City addresses sand removal needs in future years within the NPS designated window, during which, the proposed action would not result in take of the western snowy plover.*

As a result, the U.S. Fish and Wildlife Service concluded in its November 20, 1995, Section 7 consultation that:

. . . it is our biological opinion that the proposed sand excavation project, with mitigation measures as proposed, is not likely to jeopardize the continued existence of the western snowy plover or result in the destruction or adverse modification of critical habitat. Nootner listed or proposed species are considered to be present on the site. Critical habitat has been proposed for the plover, however none will be affected.

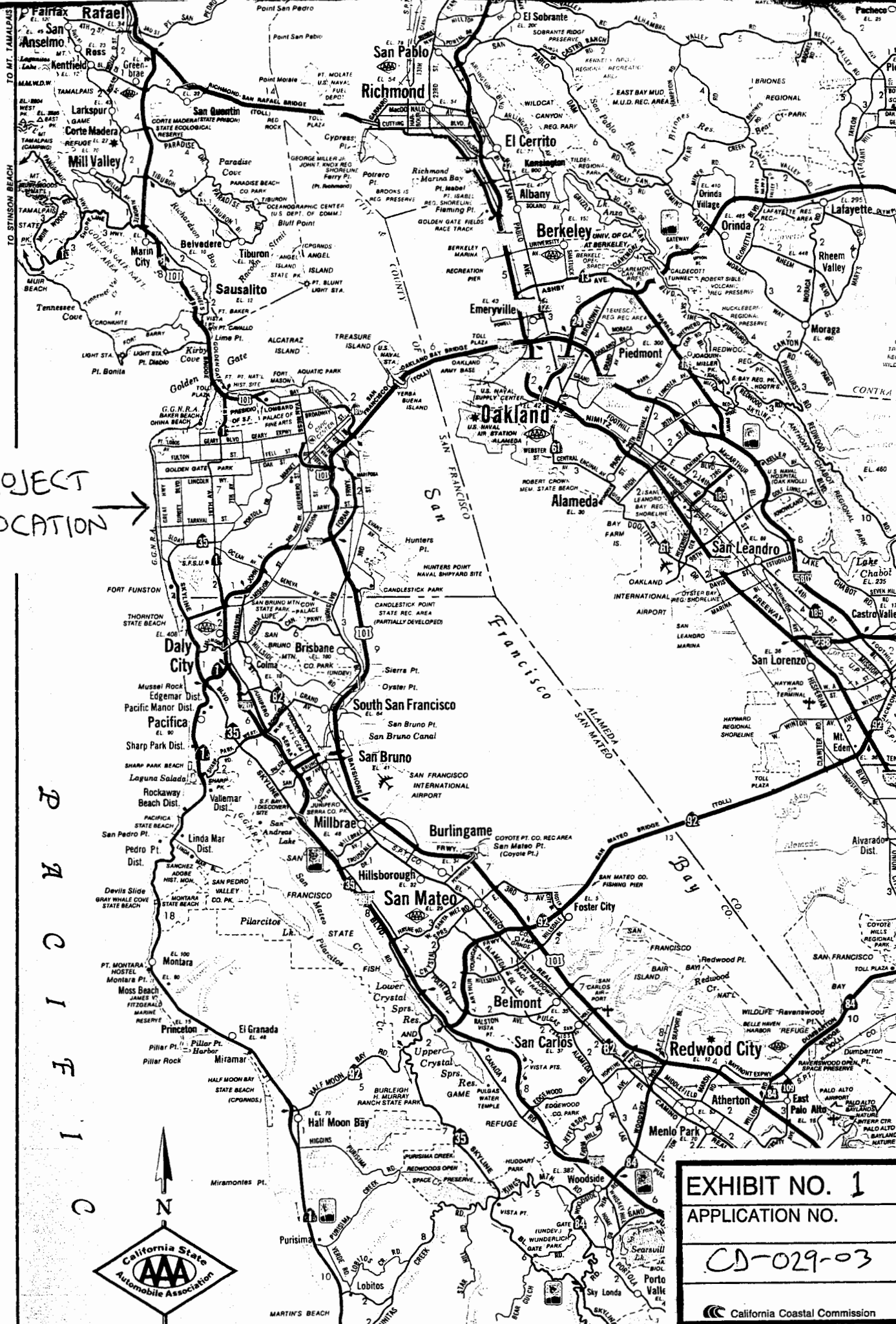
The NPS has contacted the U.S. Fish and Wildlife Service to confirm that NPS will continue to comply with the mitigation measures contained in the 1995 Section 7 consultation by limiting the proposed sand excavation work to the period of time between May 15 and July 1, 2003. With this commitment by the NPS, the proposed sand excavation project will not adversely affect the western snowy plover or its habitat on Ocean Beach. The Commission therefore finds that the proposed project is consistent with the Section 30240 environmentally sensitive habitat policy of the Coastal Act.

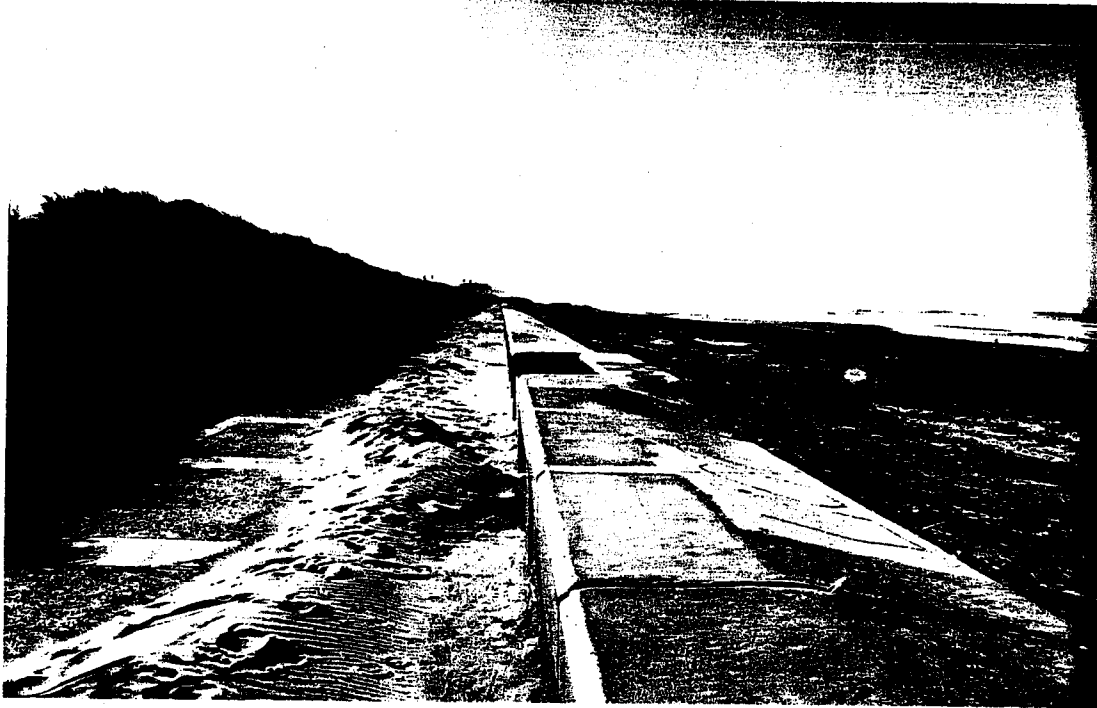
PROJECT LOCATION →

P A N C I F I C




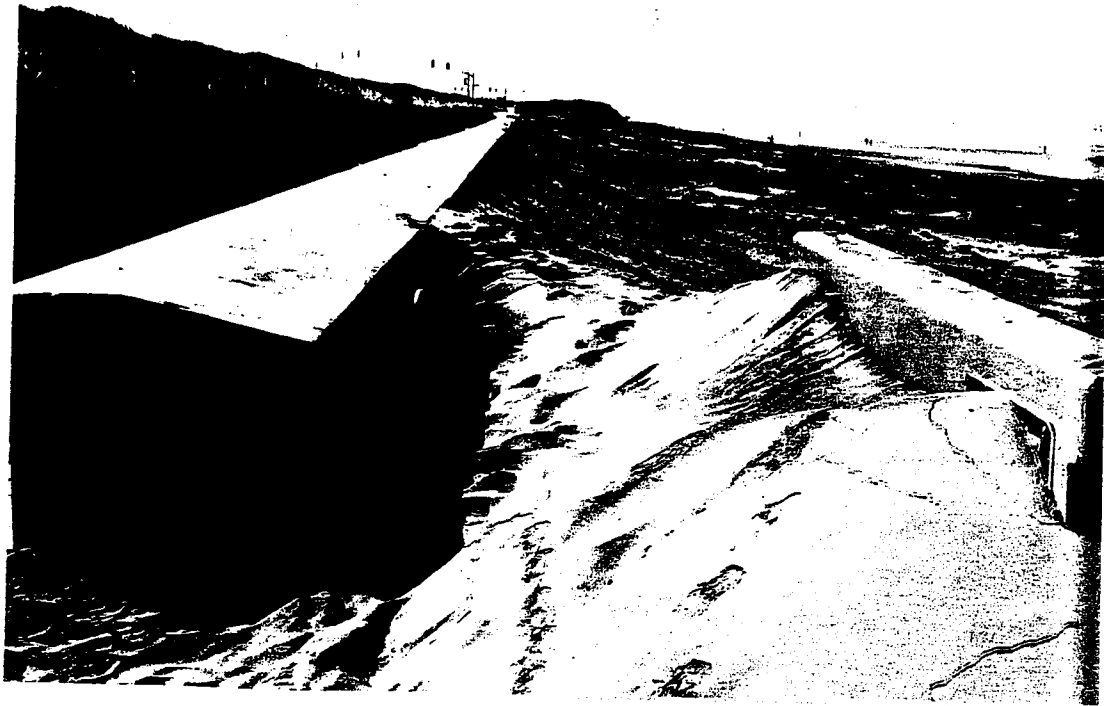
EXHIBIT NO. 1
APPLICATION NO.
CD-029-03
California Coastal Commission






View south along the Promenade seawall at its northern end near Noriega Street. Note overflow sand covering/blocking walkway/bikeway.

EXHIBIT NO. 2
APPLICATION NO.
CD-029-03
 California Coastal Commission




View south of overflow sand blocking a stairway connecting the Promenade walkway/bikeway and the beach; also note sand extending up to the top of the seawall.

EXHIBIT NO. 3
APPLICATION NO.
CD-029-03
 California Coastal Commission



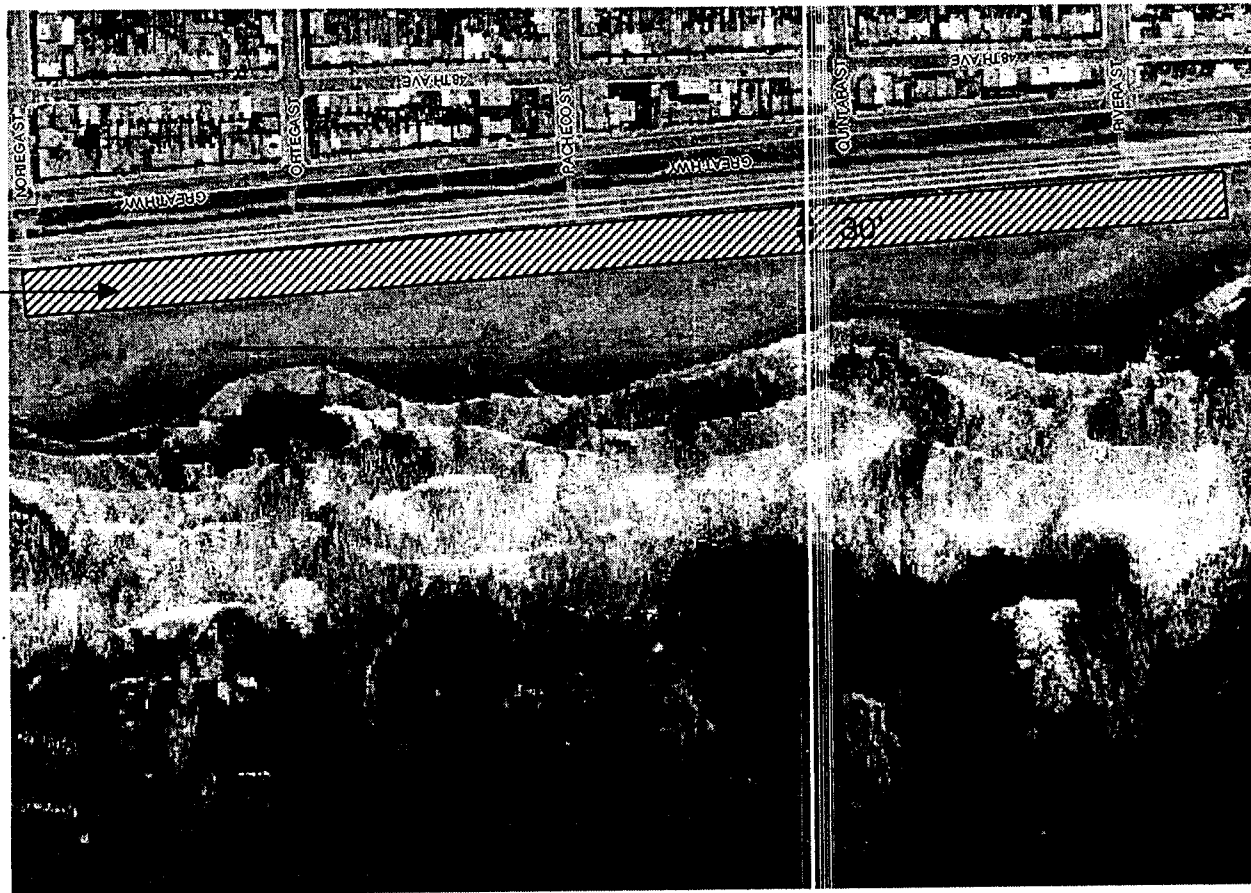
View north along the Promenade seawall; note sand extending up to the top of the seawall.

EXHIBIT NO. 4
APPLICATION NO.
CD-029-03
 California Coastal Commission

Ocean Beach Promenade Sand Maintenance Project

Figure 1. Project area Noriega to Santiago

Area of sand removal from the face of the seawall



NTS



EXHIBIT NO. 5
APPLICATION NO.

CD-029-03

Ocean Beach Promenade Sand Maintenance Project

Figure 2. Profile of Seatwall

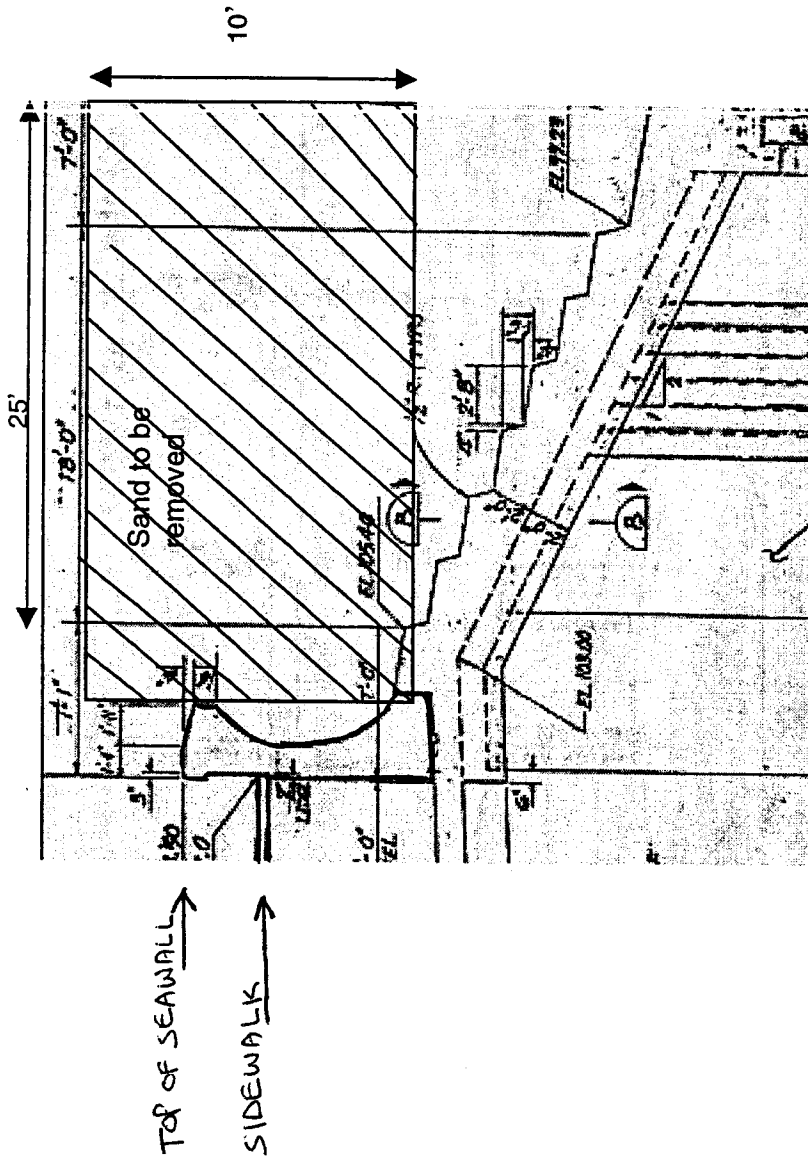


EXHIBIT NO. 6
APPLICATION NO.
CD-029-03
California Coastal Commission

Ocean Beach Promenade Sand Maintenance Project

Figure 3. Work Area ingress and egress



NTS

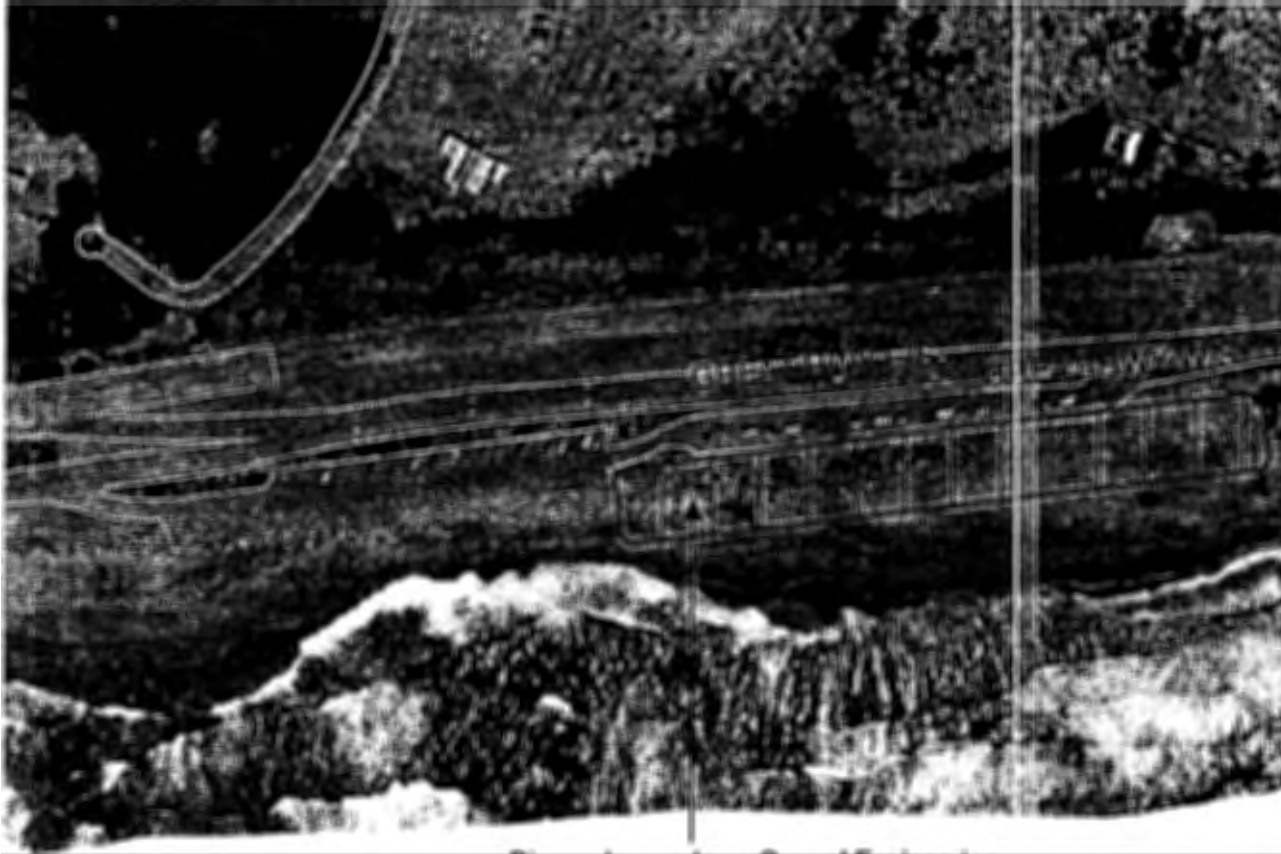
EXHIBIT NO. 7

APPLICATION NO.

D-029-03

Ocean Beach Promenade Sand Maintenance Project

Figure 4. Disposal area



Disposal area above Core of Engineering
jurisdiction
Line approximately +5' - 7"

NTS

EXHIBIT NO. 8
APPLICATION NO.
CD-029-03
California Coastal Commission

EXHIBIT A

GENERAL CONDITIONS FOR THE WORK

1. The work must begin and end between May 15, 2003 and July 1, 2003.
2. Only sand in front of the promenade may be removed. All sand removed will be transported south of Sloat Boulevard and released on the beach.
3. GGNRA Natural Resources will coordinate removal of vegetation.
4. For a period of five years after completion of the project, DPW will photo-monitor the area to evaluate the rate of sand movement and the success of the project. Photos of the sand trap will be taken quarterly and sent to the NPS Project Manager.
5. The GGRA Public Affairs Office and the City of San Francisco will develop a joint press release informing the public about this project at least one week prior to the start date. Chris Powell (415-561-4732) is the GGNRA contact.
6. Temporary interpretive signage, approved by the GGNRA Interpretive Division will be installed one week prior to and during the project.
7. Adequate barriers and signage will be installed to keep the public away from and direct the public around the construction site.
8. Rubble or debris encountered during the construction shall removed and disposed of off-site.
9. The work shall comply with the laws and regulations enforced by the Golden Gate National Recreation Area and the National Park Service. The work shall comply with the specified conditions within the scope of other statutes and lawful regulations, or guidelines thereunder, as may be found applicable to the occupancy and use of the permitted premises.
10. A designated Project Manager will be on-site at all times during construction. The Designated Project Manager must ensure that all permitted activities comply with the permit conditions, directives, and instructions from NPS rangers/officers regarding NPS regulations and policies.
11. Any areas of the beach where ruts are created by equipment use will be by restored to the original surface condition at the end of the construction period.
12. Any damage to curbs, sidewalks or asphalt paving in conjunction with the Project shall be repaired or replaced to its original condition.
13. Any fencing damaged or removed in conjunction with the Project shall be repaired or replaced to its original condition.
14. All repairs shall be made with materials of the same grade and quality as the original.
15. Measures will be taken to protect the catch basins in the parking lots from sediment runoff from any materials that may be used or stockpiled in the parking lots during this project.
16. Fueling of vehicles on the beach is prohibited. Fueling is permitted in the south parking lot on paved surfaces only.
17. The Project will comply with applicable public health and sanitation standards.
18. In accordance with applicable Federal, State and local laws, all waste generated in construction, operation and maintenance of the project facilities, including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes and equipment must be placed in on-site trash containers. If trash volume exceeds container capacity, trash must be bagged and removed from parklands daily OR a dumpster provided.
19. Vehicles are only allowed in the Permitted Premises.
20. Employee and/or visitor accidents will be reported to the NPS Project Manager in conformance with National Park Service requirements and the Golden Gate National Recreation Area safety program.
21. In case of fire or other emergency, the Golden Gate National Recreation Area Dispatch Office at 415-561-5510 will be called, available 24 hours per day. The Golden Gate National Recreation Area Dispatcher will send a patrol unit and contact any other agency needed to handle the emergency.

EXHIBIT NO. 9

APPLICATION NO.

CD-029-03

22. Though archaeological resources are not anticipated to be encountered during this project, if such resources are found, the work must stop in the effected area and contact the Golden Gate National Recreation Area Archaeologist Leo Barker at 415-561-4836 and contact the Park Dispatch at 415-561-5510.
23. Permits required under applicable law will be obtained.
24. Conditions for this Project that may be specified by the U.S. Fish and Wildlife Service review will be adhered to.
25. If activities are within the U.S. Army Corps of Engineers' jurisdiction, a valid Clean Water Act Section 404 permit will be obtained.

The following would prohibited:

- Fires,
- Affixing signs to existing buildings, property, signs, poles, plants (signs may be self-standing only and all signs must be approved by the National Park Service prior to posting),
- Off-road vehicle travel beyond the area specified,
- Marking Park property or grounds with chalks, inks, or paints.