

## CALIFORNIA COASTAL COMMISSION

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## RECORD PACKET COPY

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Staff Report: September 29, 2004  
Hearing Date: October 14, 2004

## STAFF REPORT: REGULAR CALENDAR

**APPLICATION FILE NO:** 2-02-008

**APPLICANTS:** Stinson Beach County Water District

**PROJECT DESCRIPTION:** Replacement of approximately 800 feet of water pipeline Route 1, Bolinas Lagoon Stinson Beach, Marin County.

**PROJECT LOCATION:** Route 1, Bolinas Lagoon, Stinson Beach, Marin County.

## 1.0 EXECUTIVE SUMMARY

The Stinson Beach County Water District (District) seeks after-the-fact authorization for the replacement of approximately 800 feet of water supply pipeline by installing a new 6-inch diameter water pipeline, and disposing of the existing 4-inch and 6-inch water pipeline in place, portions of which are adjacent to Bolinas Lagoon, and Route 1, in Stinson Beach, Marin County. The District completed the work between March 14, 2002 and May 1, 2002 in response to a reported failure of the existing pipeline, without obtaining a regular or emergency coastal development permit. The proposed project is located within and adjacent to Bolinas Lagoon and is within the retained jurisdiction of the Coastal Commission.

To avoid unnecessary but significant adverse impacts to coastal resources from disposal of the existing pipeline, Commission staff recommends that the Commission impose **Special Condition 1** requiring the applicant to remove the existing pipeline in a manner that minimizes the disturbance to Bolinas Lagoon and associated wetland and riparian areas no later than one year after the Commission's approval of this coastal development permit. Commission staff also recommends **Special Condition 2**, which requires, within 90 days of the Commission's approval of this coastal development permit, the submission of a restoration plan for areas disturbed during the removal of the existing pipeline.

Staff recommends that the Commission determine that the proposed project, as conditioned, would comply with the Chapter 3 policies of the Coastal Act.

## 2.0 STAFF RECOMMENDATION

The staff recommends conditional approval of Coastal Development Permit Application 2-02-008.

**Motion:** *I move that the Commission approve Coastal Development Permit Application 2-02-008, subject to the conditions specified below.*

### Staff Recommendation of Approval

The staff recommends a YES vote. To pass the motion, a majority of the Commissioners present is required. Approval of the motion will result in the adoption of the following resolution and findings.

### Resolution

The Coastal Commission hereby grants permit 2-02-008, subject to the conditions below, for the proposed development on the grounds that (1) the development is in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 and (2) there are no feasible alternatives or feasible mitigation measures other than those specified in this permit that would substantially lessen any significant adverse impact that the activity may have on the environment.

### 2.1 Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
3. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
4. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### 2.2 Special Conditions

#### 1. Removal of Existing Pipeline

- A. WITHIN 90 DAYS OF COMMISSION APPROVAL OF CDP 2-02-008, the applicant shall submit for review and written approval of the Executive Director, and in consultation with the Gulf of the Farallones National Marine Sanctuary and the Point Reyes National Seashore, a plan for the removal within one year of the date of Commission approval of this coastal development permit of all portions of the existing pipeline that are located within any tidelands, submerged lands or public trust lands as generally depicted on Exhibits 2 and 3. The pipeline removal plan shall ensure that the timing and method of removal minimize any impacts to Bolinas Lagoon, its associated wetland and riparian areas, and traffic on Route One.

- B. The permittee shall complete the removal of the existing pipeline in accordance with the approved pipeline removal plan within one year of the date of Commission approval of this coastal development permit. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Restoration Plan

- A. WITHIN 90 DAYS OF COMMISSION APPROVAL OF CDP 2-02-008, the applicant shall submit for review and written approval of the Executive Director in consultation with the California Department of Fish and Game, the U.S. Fish and Wildlife Service, National Park Service, and the Gulf of the Farallones National Marine Sanctuary a wetland restoration plan for any areas disturbed during the removal of the existing pipeline. The restoration plan shall be prepared by a qualified wetland biologist and shall at a minimum include the following:
1. Restoration plan including planting design, plant palette, source of plant material, plant installation, erosion control;
  2. Final restoration success criteria including target vegetation cover, target species composition, and methods of monitoring which comply with the following:
    - a. Before pipeline removal, the applicant shall document the vegetation within the area to be disturbed by photographs, identify all plant species that are present, and estimate their vegetative cover. The post-restoration vegetation shall be documented using the same methods and replication after at least 3 years without remediation or maintenance activities other than weeding. The restoration will be considered a success if all species identified in the pre-disturbance sample are present at the restored site and all dominant species have similar vegetative cover as observed in the pre-disturbance sample. Dominant species will be determined using the Army Corps of Engineers "50/20" rule. Pre-disturbance and post-restoration samples will be considered similar if the same species are dominant and there is no significant difference in the total vegetative cover of all dominant species when compared with a two-sample t-test with  $P=0.10$ .
  3. Provisions for submission of an initial restoration report describing the initial biological and ecological status of the "as built" restoration site within 30 days of establishment of the site in accordance with the approved restoration program. This report must describe completed restoration efforts, including a description of planting design, plant palette, source of plant material, and plant installation to the Executive Director upon initial completion of the restoration work.

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4. Provisions for submission of a final monitoring report to the Executive Director at the end of the final performance-monitoring period. Final performance monitoring shall take place only after at least three years without the need for remediation or maintenance other than weeding. The final report must be prepared in conjunction with a qualified wetlands biologist. The report must evaluate whether the restoration site conforms to the goals, objectives, and performance standards set forth in the approved final restoration program. The report must address all of the monitoring data collected over the monitoring period.
  - B. If the final report indicates that the restoration project has been unsuccessful, in part, or in whole, based on the approved success criteria, the permittee shall submit within 90 days a revised or supplemental restoration program to compensate for those portions of the original program which did not meet the approved success criteria. The revised restoration program, if necessary, shall be processed as an amendment to this coastal development permit.
  - C. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.
3. Permit Expiration and Condition Compliance  
Because the proposed development has already commenced, this coastal development permit shall be deemed issued upon the Commission's approval and will not expire. Failure to comply with the special conditions of this permit may result in the institution of action to enforce those conditions under the provisions of Chapter 9 of the Coastal Act.
4. Coastal Development Permit to Remove Pipeline Authorized by CDP 2-02-008  
If the permittee chooses to no longer utilize the new pipeline authorized by CDP 2-02-008, the permittee shall submit a coastal development permit application for removal and/or disposal of the pipeline authorized by CDP 2-02-008 within 90 days of the date that operation of the pipeline ceases. Such application shall include an analysis of the potential significant adverse impacts associated with the removal and/or disposal of the pipeline authorized by CDP 2-02-008.

### **3.0 FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares as follows:

#### **3.1 Project Location**

The project site is located along the northeast shore of Bolinas Lagoon and includes an easement adjacent to and directly beneath a portion of Route 1 in Stinson Beach, Marin County (Exhibit 1, Regional Map & Exhibit 2, Vicinity Map). Wetland and riparian vegetation is located along the shore of Bolinas Lagoon.

### 3.2 Project Background

In December 2001, the District contacted Commission staff requesting an emergency permit to replace a portion of the water supply line, near Stinson Creek Gulch, which had experienced several small leaks. The District intended to replace approximately 800 feet of pipe within an existing District waterline easement in the area where these leaks had previously occurred. Staff determined that the project did not qualify for an emergency permit, and recommended that the District apply for a regular coastal development permit (CDP) instead. The District submitted an incomplete CDP application on March 26, 2002 for the proposed pipeline replacement. The District then undertook and completed installation of the new water pipeline between March 14, 2002 and May 1, 2002 in response to a reported failure of the existing pipeline, without obtaining a regular or emergency coastal development permit. The existing water pipeline was left in place. A portion of the project inland of Route 1 occurs in areas subject to the permit jurisdiction of the Marin County Local Coastal Program. The District is seeking a separate CDP from Marin County for that portion of the project.

### 3.3 Project Description

The district requests after-the-fact authorization for the replacement of approximately 800 feet of water supply pipeline by installing a new 6-inch diameter water pipeline, and disposing of the existing 4-inch and 6-inch water pipeline in place, portions of which are adjacent to Bolinas Lagoon and Route 1, in Stinson Beach, Marin County. The new water pipeline consists of (1) approximately 480 feet of C-900 polyvinyl chloride (PVC) pipe which connects an existing 4-inch diameter pipeline near an existing water supply well in Stinson Gulch to a new concrete valve box adjacent to Highway 1, and (2) approximately 320 feet of 6-inch high density polyethylene (HDPE) pipe connecting the new valve box to an existing 6-inch diameter water pipeline. A portion of the PVC section of the pipeline was installed within an easement across land owned by the National Park Service. The HDPE section of the pipeline was installed in the upland area along the shoulder of the road outside of the lagoon, within an easement along the State Highway Route 1 right-of-way. The PVC section of the pipe was installed using traditional trenching techniques. The HDPE section of the pipeline was installed using directional boring (trenchless) techniques, involving the drilling of a pilot bore hole, which is subsequently enlarged to enable the new HDPE pipe to be pulled into place through the borehole.

### 3.4 Coastal Act Consistency Analysis

#### 3.4.1 Visual

Section 30251 of the Coastal Act requires the protection of the scenic and visual qualities of coastal areas as a resource of public importance

*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.*

Bolinas Lagoon and the adjacent shoreline is a highly scenic area. Marin County's Unit I LCP states "to travelers on the highway bordering the Bolinas Lagoon, the outstanding visual elements are the mountains rising on one side and the expanse of the Lagoon itself on the other."

Rather than replacing the old pipeline with the new pipeline, the District proposes to replace the existing waterline by installing a new pipeline in an adjacent location and disposing of the existing waterline in place. The installation of the new pipeline eliminates the need for and use of the existing pipeline. Even though the District will no longer be using the existing pipeline because of the installation of the new pipeline, portions of the existing pipeline will remain exposed within plain view of motorists, bicyclists and pedestrians from Route 1 (Exhibit 4). In addition, once the new pipeline has eliminated the need for and use of the existing pipeline, there will be no need or obligation to maintain the existing pipeline and it is likely that more of the existing pipeline will become exposed over time. This corroded and deteriorating pipeline is unsightly and will continue to degrade the visual quality of this highly scenic natural area in direct conflict with the requirements of Coastal Act Section 30251 even though it will no longer be utilized and is replaced by a new pipeline. Therefore, in order to prevent unnecessary significant adverse impacts to the visual resources of Bolinas Lagoon, **Special Condition 1** requires the applicant to remove all portions of the existing pipeline that are located within the Commission's retained coastal development permitting jurisdiction. In addition, **Special Condition 2** requires the District to restore the areas temporarily disturbed by pipeline removal in accordance with an approved wetland restoration plan. These conditions are necessary to ensure that the proposed development does not cause significant adverse visual impacts inconsistent with Section 30251. Therefore, as conditioned, the Commission finds that the proposed development is consistent with Coastal Act Section 30251.

### 3.4.2 Biological Resources

Coastal Act Section 30230 states:

*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.*

Coastal Act Section 30231 states:

*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 discharged 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.*

The proposed development is located along the shoreline of Bolinas Lagoon. Bolinas Lagoon is within the Gulf of the Farallones National Marine Sanctuary, one of four national marine sanctuaries in California and one of thirteen in the nation. The Sanctuary was designated in 1981 to protect and manage the 1,255 square miles encompassing the Gulf of the Farallones, Bodega Bay, Tomales Bay, Drakes Bay, Bolinas Bay, Estero San Antonio, Estero de Americano, Duxbury Reef, and Bolinas Lagoon. The approximately 2.2-square-mile (1,400-acre) lagoon contains environmentally sensitive habitat, including wetland and mudflats. The lagoon provides an important haul-out and birthing site for harbor seals. In addition, benthic invertebrates and fish in the lagoon support a great diversity and abundance of wintering and migratory shorebirds, waterfowl, gulls, and other water-associated birds (Marin County LCP 1981). The lagoon is the only designated "Wetland of International Significance" on the Pacific Flyway as determined by the Convention on Wetlands of International Importance in 1998, and was recognized particularly for its waterfowl habitat. Approximately 245 species of birds have been identified at the Lagoon and its surrounding watershed. Twenty-three of these species are considered rare, threatened, or endangered. Shorebirds and waterfowl such as the brown pelican, snowy plover, dunlin, great blue heron, black crowned night heron, willet, sandpiper, and greater sand plover have been observed on the lagoon. Heron and egret are known to nest in the lagoon. Of the fifty or so estuaries that have formed along the Pacific Coast, Bolinas Lagoon is one of only 13 that sustain large numbers of migratory shorebirds. The Bolinas Lagoon Management Plan prepared by Marin County in 1996 also identified three species each of amphibians and mammals that frequent Bolinas Lagoon as rare, threatened, or endangered. Marin County designates Bolinas Lagoon as a County Nature Preserve. The U.S. Army Corps of Engineers found that Bolinas Lagoon is part of a larger natural habitat complex that is part of or adjacent to the Sanctuary, encompassing the Pt. Reyes National Seashore, Golden Gate National Recreation Area, Central California Coast Biosphere Preserve, Mt. Tamalpais State Park, and the Audubon Canyon Ranch Bird Sanctuary.

Section 30230 states that marine resources, especially those areas and species of special biological significance, shall be maintained and where possible enhanced. Section 30231 protects the biological productivity and the quality of coastal waters, and wetlands. The construction activities associated with the installation of the new pipeline could potentially allow sediments and materials to wash into and impact the water quality of Bolinas Lagoon. Specific construction methods combined with implementing erosion and stormwater runoff controls can be utilized to prevent the release of sediments and materials into Bolinas Lagoon. The District utilized directional drilling and erosion control measures, including the placement of straw wattles to control runoff, to minimize the potential impacts to Bolinas Lagoon during their construction activities.

In addition, as stated above, the installation of the new pipeline has eliminated the need for and the use of the existing pipeline. This unusable, corroded and deteriorating pipeline is unsightly and degrades the visual quality of this highly scenic natural area in direct conflict with the requirements of Coastal Act Section 30251 (Exhibits 4, 5 and 6). In order to prevent unnecessary significant adverse impacts to the visual resources of Bolinas Lagoon, **Special Condition 1** requires the applicant to remove all portions of the existing pipeline that are located within the Commission's retained coastal development permitting jurisdiction. If debris, sediment, or other materials are introduced into Bolinas Lagoon during the required removal of the existing pipeline or any future removal of the newly installed pipeline, the

project may significantly adversely impact sensitive marine habitat and water quality in the project area, inconsistent with Sections 30230 and 30231.

Should the newly installed pipeline no longer be necessary, or the permittee chooses to no longer utilize the pipeline, at some point in the future, there may be potential impacts to water quality or biological resources associated with improper disposal of the pipeline. For example, a pipeline that is not disposed of properly (e.g., backfilled with grout, or removed altogether) may act as a conduit for migration of contaminants, pollutants or other substances, which could impact water quality or the biologic resources of Bolinas Lagoon. Therefore, **Special Condition 4** requires the permittee to submit a coastal development permit application to remove and or dispose of the pipeline to ensure that appropriate procedures are implemented to avoid significant adverse impacts to the environment consistent with the scenic quality, water quality, and biological resources protection policies of the Coastal Act.

Potential significant adverse impacts of the proposed development, as conditioned, can also be avoided by restricting the manner in which either the existing pipeline, or in the future the newly installed pipeline, are removed. Therefore, in order to prevent the impacts to the water quality and biological resources of Bolinas Lagoon, **Special Condition 1** requires the applicant to submit a plan to remove the existing pipeline in a manner that minimizes the disturbance to Bolinas Lagoon. **Special Condition 1** also requires that the timing and method of removal of the existing pipeline minimize any impacts to Bolinas Lagoon. **Special Condition 2** requires the submission of a restoration plan for areas disturbed during the removal of the existing pipeline. Finally, **Special Condition 4** requires the applicant to submit a coastal development permit application for removal and/or disposal of the new pipeline authorized by CDP 2-02-008 once the new pipeline is no longer utilized as a water supply pipeline. These conditions are necessary to ensure that the proposed development does not cause significant adverse impacts inconsistent with Sections 30230 and 30231. Therefore, the Commission finds that, as conditioned, the proposed development is consistent with Coastal Act Sections 30230 and 30231.

### 3.4.3 Public Works Facilities

Section 30254 of the Coastal Act states:

*New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.*

The existing 4-inch and 6-inch pipeline has deteriorated and failed and can no longer be utilized by the applicant. The proposed development would result in the installation of an



## **2-02-008 (Stinson Beach County Water District)**

800-foot long section of water pipeline, portions of which were both 4-inches and 6-inches in diameter, with a new 6-inch diameter pipeline. Because the replacement pipeline is larger in diameter than portions of the existing pipeline, the project has a limited potential to expand the District's water delivery infrastructure. Pursuant to Coastal Act Section 30254, such expansion of public works capacity may not be permitted except where assessment for, and provision of, the service would not induce new development that would be inconsistent with the Coastal Act.

The proposed new 6-inch diameter section of pipeline would connect an existing 4-inch diameter pipeline near a water supply well in Stinson Gulch to an existing 6-inch diameter water pipeline located within the State Highway Route 1 right-of-way. The District reports that the 6-inch diameter pipe was selected to match the existing pipeline within the Route 1 right-of-way, and that this decision was based on the need for adequate supply for fire-flow considerations rather than to provide for growth. The existing 4-inch diameter pipeline near the water supply well in Stinson Gulch will be a continuing capacity constraint upon the system.

Additionally, there are no large areas suitable for development within the area served by the District. A significant portion of the surrounding area is National Park and state park lands, and areas suitable for development have previously been subdivided or are zoned by the County for development. Therefore, there is no significant potential for growth inducing impacts associated with the installation of the new replacement 6-inch water pipeline and the proposed development is consistent with Section 30254 of the Coastal Act.

### **3.5 Alleged Violation**

Between March 14, 2002, and May 1, 2002, without benefit of a coastal permit, the applicant undertook development consisting of the replacement of approximately 800 feet of water supply pipeline by installing a new 6-inch diameter water pipeline, and disposing of the existing 4-inch water pipeline in place, portions of which are adjacent to Bolinas Lagoon, and Route 1, in Stinson Beach, Marin County. In March 2002, the applicant applied for after-the-fact authorization of the above-mentioned development.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the policies of Chapter 3 of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to the alleged violation, nor does it constitute an admission as to the legality of any development undertaken on the site without a coastal permit.

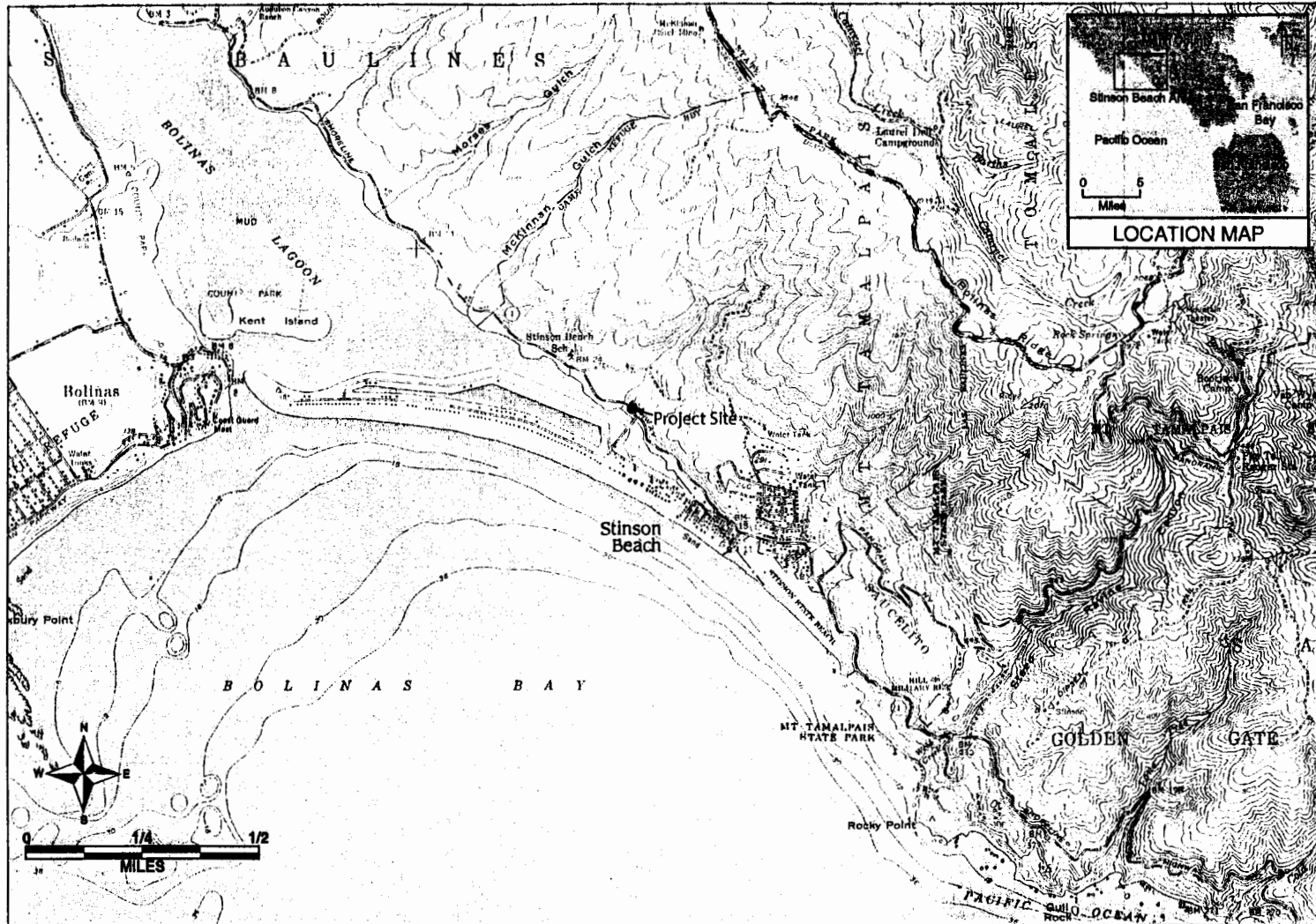
### **3.6 California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effects, which the activity may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. The proposed project has been conditioned to be found consistent with the policies of the Coastal Act and to minimize or eliminate all significant adverse environmental effects. Mitigation measures have been imposed to (1) ensure that the existing pipeline is removed in its entirety to avoid adverse impacts to the scenic qualities of the area, (2) minimize any temporary impacts caused by the removal of the existing pipeline, (3) restore the areas disturbed by removal of the existing pipeline, and (4) properly dispose of and/or remove the replacement pipeline at the end of its service life in a manner that conforms to the resource protection policies of the Coastal Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impacts, which the development may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with Coastal Act requirements to conform to CEQA.

**EXHIBITS:**

1. Regional Map
2. Vicinity Map
3. As Built Drawing
4. Site Photographs of Pipeline Alignment and Exposed Pipe
5. Site Photographs of Pipeline Alignment Along Bolinas Lagoon
6. Site Photographs of Various Aspects of Pipeline Alignment



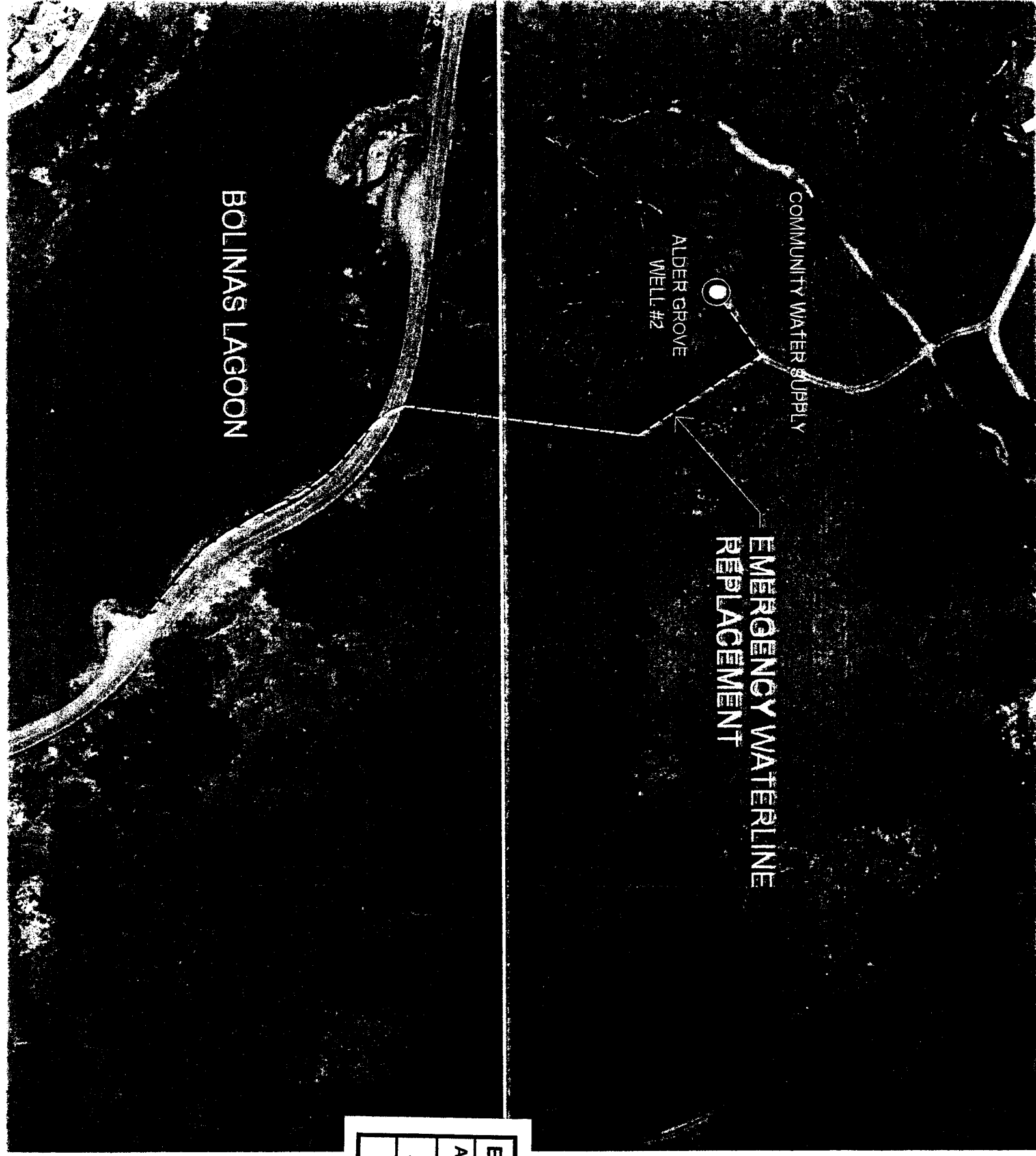
Site Map for 2002 Water Main Replacement  
Stinson Beach County Water District



EXHIBIT NO. 1

APPLICATION NO.  
2-02-008

STINSON BEACH CO.  
WATER DISTRICT



# WATERLINE EASEMENT AERIAL VIEW

EMERGENCY WATERLINE REPLACEMENT

EXHIBIT NO. 2

APPLICATION NO.  
2-02-008

STINSON BEACH CO.  
WATER DISTRICT

## SBCWI

STINSON BEACH COUNTY WATER DISTRICT  
3785 SHORELINE HIGHWAY  
STINSON BEACH, CA 94970





EXHIBIT NO. 4
APPLICATION NO. 2-02-008
STINSON BEACH CO. WATER DISTRICT

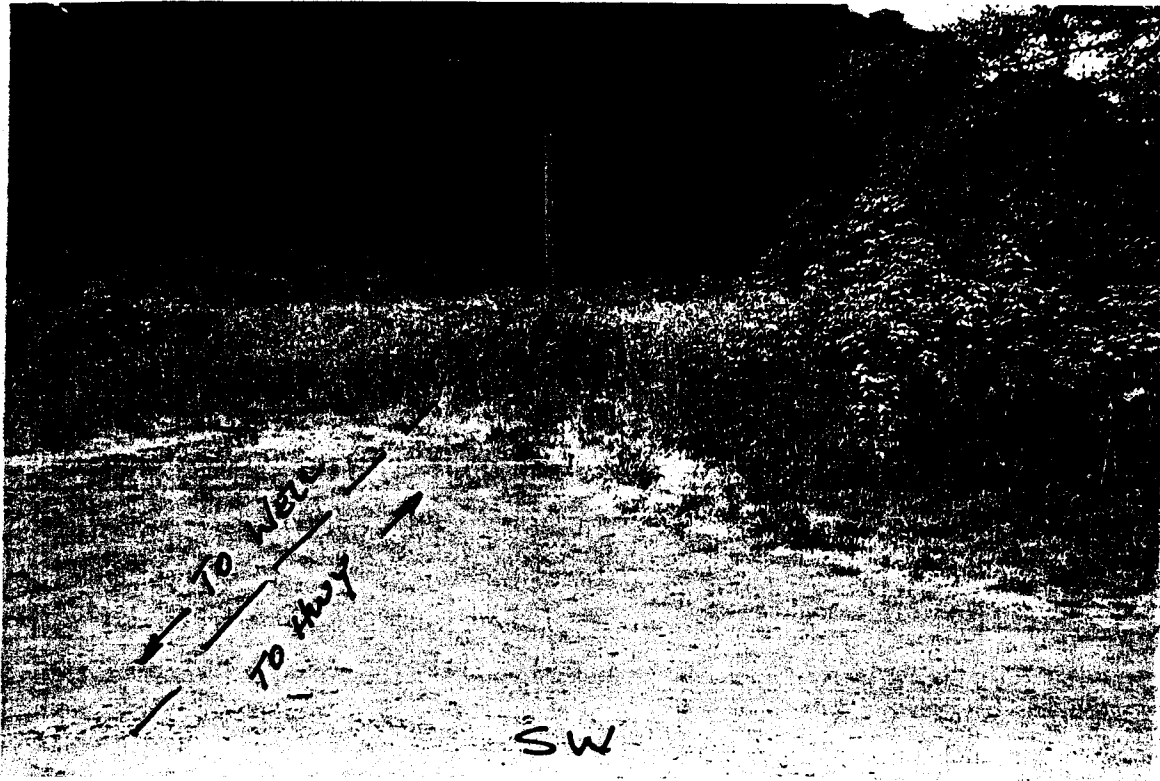
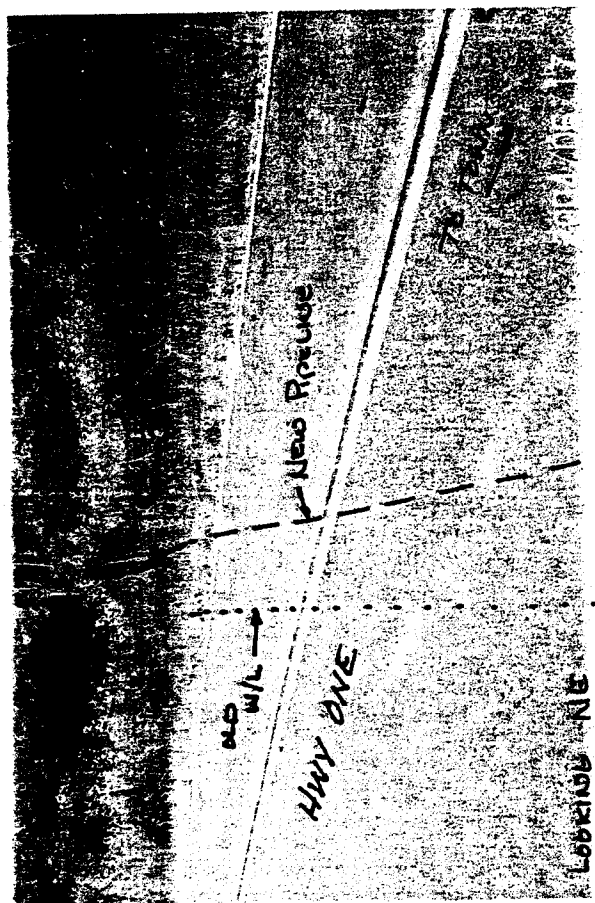
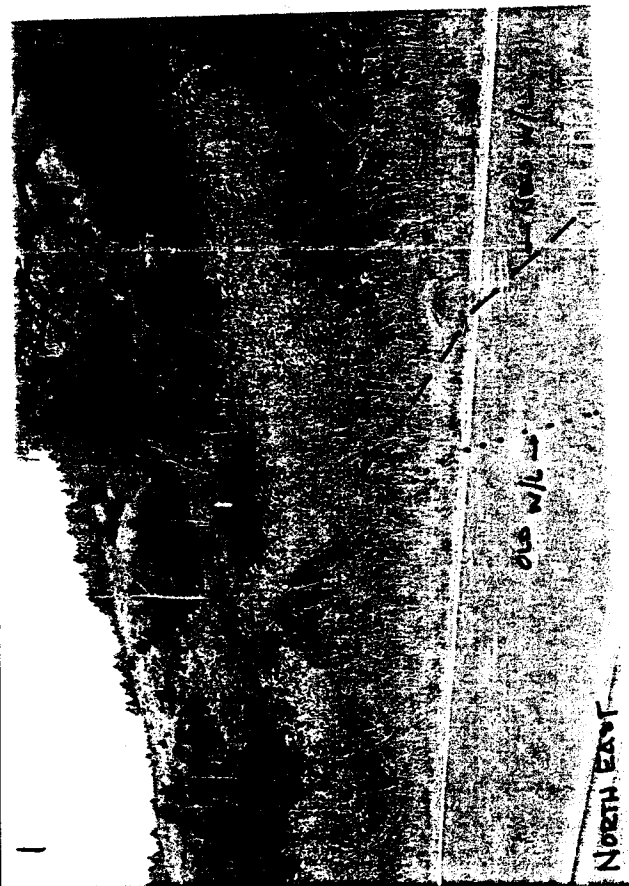


EXHIBIT NO.	5
APPLICATION NO.	2-02-008
STINSON BEACH CO. WATER DISTRICT	





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2004/06/17

EXHIBIT NO. 6
APPLICATION NO. 2-02-008
STINSON BEACH CO. WATER DISTRICT