

CALIFORNIA COASTAL COMMISSION

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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number.....3-00-102 Moss Landing Marine Lab Ocean Pier Replacement (Sandholdt Pier)

Applicant.....CSU-San Jose State University, Moss Landing Marine Laboratories; Kenneth Coale, Director

Project location.....7722 Sandholdt Road, Moss Landing Monterey County (APN 133-232-006) (See Exhibits A, B and C)

Project description.....Demolition and replacement of damaged ocean pier and onshore concrete abutment (See Exhibits B, C and D)

File documents.....Certified Monterey County Local Coastal Program, including North County Land Use Plan and Regulations for Development in North County; CDP Application Materials; Emergency permit 3-02-003-G for demolition and removal of Sandholdt Pier due to public safety concerns.

Staff recommendation ...Approve with conditions

Summary:

The San Jose State University and Moss Landing Marine Laboratories have requested to demolish the remaining 100 feet of the wooden Sandholdt Pier and construct a new 500-foot long, 12,832 square foot concrete pier. The new pier will be built in approximately the same location as the remnants of the former pier, which had been damaged over time in part by the Loma Prieta Earthquake, subsequent storm events (1995, El Nino and 1999 high wave events), and deferred repair and maintenance. Demolition of the last 100 feet of the pier already occurred in January of 2002 (under Emergency Permit CDP 3-02-003-G), after partial collapse of a portion of the decking caused concerns regarding the potential for total collapse and threats to public safety. The current permit application therefore serves as both an after the fact authorization for demolition of the remaining 100 feet of the pier, and for construction of a new pier.

Prior to its deterioration, Sandholdt Pier had historically been used for commercial shipping and whaling, and also provided historic recreational use for fishing and served as a coastal destination point for passengers of the narrow gauge Pajaro Valley Consolidated Railway. After acquisition of the pier and the adjacent on-shore parcel by the San Jose State University Foundation in 1988, the pier served as



California Coastal Commission
June 9, 2004 Meeting in San Pedro

Staff: C. Kelly Cuffe Approved by *C.K.C. 5/26/04*

a platform for marine research conducted as part of the educational mission of the Moss Landing Marine Labs.

The project site is located west of Sandholdt Road at the point where the Sandholdt Road Bridge terminates and the road curves north. The landward portion of the pier, and the pier abutment will be located on the parcel owned by San Jose State University Foundation, and used by Moss Landing Marine Labs (APN 133-232-006). The submerged tidelands under the pier are in the jurisdiction of the Moss Landing Harbor District, which has approved a construction permit for the project and entered into a 50-year lease agreement with CSU/MLML for use of the submerged property.

The primary Coastal Act issue raised by the project is the protection and the provision of maximum public access and recreation opportunities. In addition, the Monterey County certified LCP, which provides guidance to the Commission, also requires the protection and enhancement of coastal access and recreation opportunities, and specifically recommends restoring the former Sandholdt Pier as a fishing pier. In addition, the LCP encourages the use of existing piers for access and recreation where compatible with commercial fishing. Although the new pier is a priority use under the Coastal Act, and will serve an important coastal research function, it also will be constructed on public tidelands, and will also likely interfere with lateral beach access at higher tides.

The public access plan submitted by the applicant provides only limited physical public access opportunities on the pier, in the form of pre-arranged escorted tours and occasional open house events, due to MLML concerns about protecting equipment and research activities from public interference. The facility would be otherwise closed to the public. Although MLML has stated that lateral beach access will be protected by a higher elevation of the new pier, access at the base of pier will be difficult at high tides. No specific on-site access mitigation for the use of public lands is proposed beyond the limited tours of the facility. As detailed in the findings of this report, while the MLML has legitimate and important concerns for the protection of the primary research function of the proposed pier, it appears that more extensive public access is feasible, and reasonable to provide at the new pier facility, without undue interference with the proposed research use of the pier. This could take the form of a public deck area at the base of the pier, ideally out over the surf zone, where public education and interpretation of the work of MLML could be presented. Lateral access should also be provided up and over the pier, both for access to the public interpretive area, and for through-lateral beach access at high tides. In addition, in lieu of public access out onto the pier, vertical access across the San Jose State Foundation property from Sandholdt Road to the beach area and base of the pier is reasonable and appropriate mitigation. There is currently a gap in vertical access to the beach at this location, with the nearest accessways approximately 500 feet to the south of the pier location, and approximately 1,000 feet to the north.

The Coastal Commission originally scheduled this permit for public hearing in February 2004. However, the applicants requested the hearing be postponed in order to work with Commission staff on developing a more agreeable public access component. Staff met with the applicants several times to discuss various alternatives for providing some kind of physical access on the pier that would not interfere with potential research activities that might occur on the pier. However, the applicants have



since indicated that they believe that unrestricted access is not appropriate on the pier, that it would constitute a danger to the public, would reduce the security of the facility and compromise instrumentation and research and educational programs that make use of the pier, that it would be cost-prohibitive to provide regular, year round escorted access, and that ample public access is already provided. The applicants have proposed that the "maximum compatible public access" they would be willing to provide on the pier, consistent with research, safety and habitat protection needs, would include adding organized public tours of the pier to the existing marine lab facilities tour program currently carried out by the Friends of Moss Landing Marine Labs, "virtual access" via a website, increasing the height of the pier to allow better lateral access along the beach underneath the pier, locating Harbor District dredge pipelines on the pier to further reduce impediments to lateral beach access, and providing interpretive signage regarding historical and educational activities associated with the pier as well as signage for inquiries regarding pier tours. While the applicants have indicated they would be amenable to locating such signage at the base of the pier, they have reiterated that they are not willing to provide any additional physical public access on the pier itself.

Commission staff continues to believe that alternative pier design and access management measures could be used to safely accommodate some form of physical access on the pier for the general public that would avoid conflicts with research and educational use of the pier, and to improve access to and across the site. Therefore, staff is recommending that the permit be conditioned to incorporate specific public access provisions into the project design. Recommended conditions of approval require the applicant to modify the project plans to include an expanded portion of pier that can serve as a public viewing deck, outside of research activities and upon which interpretive and educational displays and signage may be placed, to provide vertical access along the southern property boundary and to provide stairs or ramps on the north and south side of the pier to allow lateral access across the site at all times, especially when high water prevents safe lateral access beneath the pier. Other recommended conditions of approval ensure protection of water quality, marine resources and environmentally sensitive dune habitat areas adjacent to the project site during construction.

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IV. Exhibits

Exhibit A	Regional Location Map
Exhibit B	Vicinity Map showing Sandholdt Pier, and Moss Landing Harbor
Exhibit C	Aerial Photo of South Moss Landing Harbor Area
Exhibit D	Aerial Photo of Sandholdt Pier and Project Vicinity
Exhibit E	Assessors Parcel Map
Exhibit F	Site Plan and Elevations
Exhibit G	Historic Photos of Pier
Exhibit H	1986 Aerial Photo showing Sandholdt Pier and Moss Landing Marine Labs prior to Loma Prieta Earthquake
Exhibit I	1993 Aerial Photo of Sandholdt Pier after Loma Prieta and removal of damaged MLML buildings (prior to construction of MBARI)
Exhibit J	2002 Oblique aerial photos of project vicinity



Exhibit K	Photos of Pier Remains Prior to Demolition
Exhibit L	Photos of Pier Demolition and Clean-up
Exhibit M	Pier Demolition Monitoring Reports
Exhibit N	Applicant's Proposed Public Access Plan (received January 13, 2004)
Exhibit O	Updated Public Access Plan (submitted February 17, 2004)
Exhibit P	Applicant's submittal regarding Coastal Development Permit requirement, pier extents and public access constraints (submitted April 21, 2004)
Exhibit Q	FEMA Damage Survey Reports for Sandholdt Pier
Exhibit R	Additional Photos Submitted by Applicant
Exhibit S	Historical Photos of Sandholdt Pier
Exhibit T	Correspondence Regarding Historic Public Access on Pier
Exhibit U	Correspondence Received in Support of Project.

I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit No. 3-00-102 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve the Coastal Development Permit. The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.



II. Conditions of Approval

A. 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. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

B. Special Conditions

1. **Revised Final Plans.** Permittee shall submit two copies of final revised construction plans to the Executive Director for review and approval, PRIOR TO ISSUANCE OF PERMIT. Any modifications following Executive Director review and approval must also be submitted to the Executive Director for review and determination of materiality prior to implementation. The final construction plans, including structural plans and elevations, shall be in substantial conformance to the preliminary plans submitted with this application (prepared by Mesiti Miller, dated 2000), and shall also include an expanded platform (of at least 1,000 square feet) and hand railing along the landward end of, and level with, the pier, that will serve as a public viewing deck, upon which shall be located interpretive, educational and directional signage, and stairs on both the north and south sides of the pier to allow lateral access up and over the landward abutment of the pier. The final plans shall include all project elements including pilings, pier abutment, railings and gates, signage, lighting, and drainage features used to prevent polluted runoff from entering Monterey Bay, prepared in accordance with the following requirements:



- a. **Lighting Plans.** All exterior lighting shall be designed and located so that only the intended area is illuminated and off-site glare is prevented. Proposed lighting shall be limited to the minimum necessary for public safety. The lighting plan shall provide for minimization of lighting along the perimeter of the pier and use of lighting fixtures that do not create offsite illumination into the adjacent ocean waters, other than that required to provide illumination for boats/ships berthing alongside the pier, consistent with safety. The lighting plan shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture.
 - b. **Structural Plans.** Project structures shall be designed and constructed in accordance with the recommendations of the geotechnical engineer, as identified in geotechnical reports prepared by Rutherford & Chekene (*Final Report, Geotechnical Engineering Study, Seawater Shore System, Moss Landing Marine Laboratories, CSU, Moss Landing, California*, October 1997, and *Report on Geophysical Exploration for a replacement pier at Moss Landing marine Labs, Moss Landing California*, December 2003), and mitigation measures identified in the Initial Study (dated October 2001, and approved by the Moss Landing Marine Labs December 18, 2001). The recommended design specifications shall be incorporated into the construction plans for the project. The project geotechnical engineer shall review all construction plans to ensure that geotechnical recommendations have been adequately incorporated. The geotechnical engineer shall conduct periodic inspections during construction to ensure effective implementation of geotechnical recommendations.
 - c. **Long-Term Pollution Prevention Plan.** Permittee shall develop a long-term pollution prevention program designed to prevent future adverse water quality impacts from ongoing activities associated with pier use. The plan shall include provisions to provide water quality protection training to all personnel involved in construction, maintenance and research use of the pier. The plan shall indicate that stormwater runoff from impervious surfaces shall be dispersed at multiple points, over the least steep available slopes, with erosion control at outlets, and include any additional directives aimed to prevent any potential future adverse water quality impacts from ongoing activities associated with pier use. Permittee will be responsible for implementing the long-term pollution prevention plan following approval of the plan by the Executive Director.
 - d. **Signage.** Identify the location, design and content of any signs and interpretive displays used for illustrative, educational or directional purposes. Signs should be kept relatively small in size and designed in keeping with the maritime character of the area, and shall be permanently maintained. Public access signs of at least 1 foot by 2 feet shall include the coastal access logo, and be conspicuously posted at 1) the intersection of the accessway and Sandholdt Road, and 2) the accessway and the beach.
2. **Construction Operations Plan.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, permittee shall submit for Executive Director review and approval, a Construction Operations Plan



that specifies measures to be implemented during construction to avoid impacts to adjacent habitats, recreation areas, and water quality. Following review and approval of the plan by the Executive Director, permittee shall be responsible for implementing all elements of the approved plan. Such plan shall include the following:

- a. **Construction Area.** Plans shall identify the location of the entire construction area, including equipment storage and staging locations and construction access routes. The construction area shall be limited to the minimum area needed to construct the project, and shall be delineated with temporary construction fencing. Plans shall minimize the use of sandy beach area and show that no construction materials, heavy equipment, construction activities or personnel will be allowed in environmentally sensitive dune areas. Prior to any construction activity, the permittee shall install temporary construction fencing along the limits of the construction area to prevent any construction activity from encroaching into adjacent dune habitat. The fencing shall be at least 6 feet in height, shall be securely staked and shall be maintained in good condition during the entire construction phase of the project.
- b. **Erosion Control Plan.** Identify all relevant best management practices (BMPs) to be implemented during construction to control erosion associated with construction activities. Erosion control plan shall also include provisions for stockpiling and covering of stored materials, temporary stormwater detention facilities, and shall prohibit grading and earthmoving during the rainy season. Erosion control plans shall contain provisions for specifically identifying and protecting all nearby dune and aquatic habitat areas (with sandbag barriers, filter fabric fences, straw bale filters, etc.) to prevent project-related runoff and sediment from entering the waters of the Pacific Ocean.

The Erosion Control Plan should make it clear that: (a) dry cleanup methods are preferred whenever possible and that if water cleanup is necessary, all runoff will be collected to settle out sediments prior to discharge from the site; (b) off-site equipment wash areas are preferred whenever possible; if equipment must be washed on-site, the use of soaps, solvents, degreasers, or steam cleaning equipment should not be allowed; in any event, this wash water should not be allowed to enter storm drains or any natural drainage; (c) concrete rinsates, if any, should be collected and they should not be allowed into storm drains or natural drainage areas; (d) good construction housekeeping should be required (e.g., clean up all leaks, drips, and other spills immediately; refuel vehicles and heavy equipment off-site and/or in one designated location; keep materials covered and out of the rain (including covering exposed piles of materials used in the treatment process and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather); and finally (e) all erosion and sediment controls should be in place prior to the commencement of grading and/or construction as well as at the end of each day.



- c. **Hazardous Material Storage.** Store petroleum products and other hazardous materials a distance of at least 20 meters (65 feet) from the shoreline and construct a berm around the storage site sufficiently high to retain 1.5 times the amount of stored liquids. The fueling of all vehicles and construction equipment shall occur off site.
- d. **Spill Response Plan.** The Construction Operations Plan shall include a spill response plan or evidence that the applicant has contracted with a qualified local spill containment/cleanup contractor capable of responding to accidental releases of petroleum or other hazardous material.
- e. **Material Containment.** Measures shall be implemented to prevent foreign materials (e.g. construction scraps, wood preservatives, other chemicals, etc.) from entering the sea or other state waters. A floating containment boom, netting, or functional equivalent shall be placed around all active portions of a construction site where wood scraps or other floatable debris could enter the water. For any work on or beneath fixed decking, heavy-duty mesh containment netting shall be maintained below all work areas where construction discards or other materials could fall into the water. The floating boom and net shall be cleared daily or as often as necessary to prevent accumulation of debris. Contractors shall insure that work crews are briefed on the importance of observing the appropriate precautions, implementing these measures, and reporting any accidental spills. Construction contracts shall contain penalty provisions, sufficient to provide for the retrieval and/or clean up of improperly contained foreign materials. No construction activities or material storage shall be allowed on the Salinas River State Beach Property south of the project site.
- f. **Procedures for Concrete Work.** If piling installation requires the pouring of concrete in, adjacent to, or over the water, one of the following methods shall be employed to prevent uncured concrete from entering harbor or other state waters:
 - 1. Complete dewatering of the pour site, within a caisson or other barrier; the site is to remain dewatered until the concrete is sufficiently cured to prevent any significant increase in the pH of adjacent waters; or
 - 2. The tremie method, which involves placement of the form in water, inserting a plastic pipe down to the bottom of the form and pumping concrete into the form so that the water is displaced towards the top of the form. If this method is selected, the displaced waters shall be pumped off and collected in a holding tank. The collected waters shall then be tested for pH, in accordance with Fish & Game regulations. If the pH is greater than 8.5, the water will be neutralized with sulfuric acid until the pH is between 8.5 and 6.5. This pH-balanced water can then be returned to the sea. However, any solids that settle out during the pH balancing process shall not be discharged to the marine environment.



In each case involving such concrete pours in or near state waters, a separate washout area shall be provided for the concrete trucks and/or tools. The washout area shall be designed and located so that there will be no chance of concrete slurry or contaminated water runoff to the harbor other state waters, nor into storm drains or gutters that empty into such bodies of water.

- g. Environmental and Condition Compliance Monitor.** Permittee shall employ an environmental monitor with proven biological monitoring experience who is approved by the Executive Director to ensure compliance with all mitigation requirements and that resource protection measures are carried out during pier demolition and reconstruction. The monitor shall have the authority to halt any action that might result in injury or mortality to southern sea otters, harbor seals, brown pelicans, or other sensitive wildlife or habitat, and shall inform construction workers that construction vehicles and work activities shall avoid dune habitat areas. Monitor shall also have the authority to utilize methods to delay in-water activities if marine mammals or sensitive bird species are within the immediate vicinity of construction. The environmental monitor shall consult with CDFG and USFWS for methods to discourage marine mammals and birds from construction areas (such measures might include use of his/her physical presence, herding boards, hand clapping, or water sprayed from garden hoses to encourage sea otters and harbor seals to leave any area where they may be at risk from project activities). However, the use of "seal bombs" is prohibited per Moss Landing Harbor District Ordinance Code § 14.110(6).
 - h. Minimize interference with Public Access.** Permittee shall also ensure that construction and demolition operations are conducted so as to minimize, to the greatest extent possible, any interference with public access to the beach within and adjacent to the project site. Since parking is available onsite, construction workers shall not use the limited public parking spaces located south of the Seawater Lab facility entrance.
 - i. Site Restoration.** Construction Operation Plans shall also show that within 15 days of conclusion of construction activities, all construction materials shall be removed and the site topography restored to match existing grade adjacent to the site.
- 3. Reporting requirements.** Within 60 days of completion, permittee shall submit a letter report to the Executive Director, that includes:
- a.** Engineers certification that the pier has been constructed in substantial conformance with the preliminary design drawings prepared by Mesiti Miller Engineering, 2000, and approved by this permit.
 - b.** Photo-documentation of resource protection measures implemented as part of the construction process and completed facilities.



- c. Environmental monitoring report confirming that all resource protection measures were implemented in conformance with conditions of this permit, and describing measures taken during any interactions with sensitive wildlife and habitat.
- 4. **Snowy Plovers.** NO MORE THAN TWO WEEKS PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES, a survey shall be conducted on and within 500 feet of the project site, including under the pier, by a qualified ornithologist according to the survey protocol of the USFWS, to determine whether nesting bird species and/or sensitive bird species, including bank swallows and western snowy plovers, are present at the site. If nesting and/or sensitive bird species are not observed, no further action is required. If nesting and/or sensitive bird species are observed, a qualified biologist shall prepare a mitigation plan in consultation with USFWS, for Executive Director Review and approval prior to commencement of construction. The mitigation plan shall at a minimum contain the following elements:
 - a. Description of the habitat characteristics and requirements of the species;
 - b. Description of breeding and nesting behavior of the species;
 - c. Description of the pier replacement project and which project activities are most likely to affect plovers or other nesting species which inhabit areas proximate to the project site;
 - d. Identification of mitigation measures that will be implemented to avoid project impacts to the species (which may include postponement of construction until outside the breeding season); and
 - e. Discussion of consultation activities that have occurred with the USFWS associated with protection of snowy plover and other sensitive bird species.

Permittee shall be responsible for implementing the snowy plover mitigation plan following approval by the Executive Director.

- 5. **Public Access Plan for Pier.** PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT, the applicant shall submit, to the Executive Director for review and approval, an amended public access plan that incorporates, at a minimum, the following:
 - a. Designation of a portion of the landward end of the pier for public use, or modification of the pier design to provide an observation deck of at least 1,000 square feet, structurally integrated in to the pier, with necessary piling supports and handrails, and outside of the area needed for ongoing research activities.
 - b. Signs and interpretive displays to illustrate and describe the Pier's historical role in the cultural and commercial development of the area, as well as educate the public about the research activities being performed and any associated restrictions on access and or activities necessary to prevent interference with the research.



- c. Concrete stairs or ramps on both the north and south sides of the pier abutment to allow lateral access up and over the abutment at all times, especially when high water prevents safe lateral access beneath the pier.
- d. Signs stating that the public viewing deck is available for use by the general public from sunrise to 10 pm everyday

The plan shall detail the specific ways in which the applicant will implement these and any other proposed management measures, over the life of the project, to provide maximum public access opportunities consistent with research, safety, and resource protection needs. All public access improvements and programs shall be in place prior to occupancy of the pier for research purposes.

6. **Lateral Beach Access.** The permittee shall be responsible for providing and maintaining unrestricted lateral access across the sandy beach beneath the pier to allow for unimpaired public access between the Salinas River State Beach south of the site and the beach north of the site. No development shall be allowed beneath the pier that would block or impair public access across this accessway. Future development in this area shall be limited to maintenance and repair activities that may occupy portions of the beach for short periods of time, and the installation of any essential utilities that shall be attached to the pier or buried beneath the sandy beach. Additionally, lateral access shall also be provided atop the abutment of the pier, and stairs constructed to provide for lateral access during high tides and high surf, when water levels prevent lateral access underneath the pier.
7. **Vertical Shoreline Access.** The permittee shall be responsible for providing and maintaining a 10-foot wide unrestricted vertical accessway along the full extent of the southern property boundary to allow for unimpaired public access between Sandholdt Road and the beach at the north end of the Salinas River State Beach parking lot. Public access signs shall be designed, maintained and conspicuously posted as required in Special Condition 1d.
8. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) has imposed the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.



9. **Archaeological Mitigation.** Should archaeological resources be discovered at the project site during any phase of construction, the permittee shall stop work until a mitigation plan, prepared by a qualified professional archaeologist and using accepted scientific techniques, is completed and implemented. Prior to implementation, the mitigation plan shall be submitted for review and approval by the State Historical Preservation Office and for review and approval by the Executive Director of the Commission. The plan shall provide for reasonable mitigation of the archaeological impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted to the Executive Director for review and approval, upon completion of the approved mitigation.
10. **Conformance with Other Agency Requirements.** Prior to Commencement of Operations under this permit, the permittee shall submit to the Executive Director for review and approval, evidence of compliance with the requirements of other agencies, including the following:
- a. **National Oceanic and Atmospheric Administration:** The applicant shall provide the NOAA Office of Coast Surveys with contact information, final project blueprints, and a geographic description or gps location of the reconstructed pier to update any nautical charts that include the pier.
 - b. **United States Coast Guard:** The applicant shall provide evidence of approval by the U.S. Coast Guard, or evidence that no such approval is necessary.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Standard of Review

While Monterey County has a certified Local Coastal Program for development within its jurisdiction, the project, which extends over and into coastal waters below mean high tide, is located within the original jurisdiction of the California Coastal Commission. The standard of review for development within the Commission's original jurisdiction is the California Coastal Act, specifically the Chapter 3 policies for protection of coastal resources and public access.

Additionally, Monterey County's certified LCP, which includes the North County Land Use Plan (LUP) has specific requirements for the Moss Landing Area - including the Harbor and the "Island," which can serve as guidance to the Commission. Since the Monterey County LCP was certified in 1988, however, there have been several developments in the vicinity of the project site that were not originally accounted for in the LCP - including the relocation of the Moss Landing Marine Labs main campus following the Loma Prieta Earthquake in 1989, the ongoing use of the MLML saltwater lab and development of



improved seawater intake facilities, and the construction and development of the Monterey Bay Aquarium Research Institute facilities that now occupy much of the Island north of the MLML saltwater lab site (see Exhibit D).

In light of the many changed circumstances that have occurred since LCP certification, current LCP policies regarding this area of the County may not fully protect public access and natural resources protection as required by the Coastal Act. While not a standard of review, additional relevant concerns identified in the Commission's draft Monterey County LCP Periodic Review have been used in this staff report.

B. Project Location and Description

The Sandholdt Pier, as it is commonly called, historically extended into the Pacific Ocean from the shoreline of what is locally referred to as "the Island," a barrier island, or sand spit located west of the Old Salinas River Channel and Moss Landing Harbor (see Exhibits A through E). The pier and onshore marine lab facility is located west of Sandholdt Road near the western terminus of Sandholdt Road Bridge, where the Old Salinas River enters the Harbor and where Sandholdt Road bends northward to service the northern end of "the Island" (see Exhibits C and D). According to assessors parcel information and information submitted by the applicant, the pier and adjacent onshore parcel were acquired in 1988 by the San Jose State Foundation for expansion of existing marine lab facilities located on two adjacent parcels immediately south of the pier. The marine lab facilities south of the pier (see Exhibit H) housed the Moss Landing Marine Labs from its establishment in 1966 up till 1989, when they were damaged as a result of the Loma Prieta earthquake. The main campus and classrooms were relocated and reconstructed on an inland site along Moss Landing Road (see Exhibit B). As part of the campus relocation, the two parcels south of the pier were gifted by MLML to State Parks and subsequently restored to open space dune habitat as part of Salinas River State Beach. However, the saltwater lab facility (made up of a group of portable trailers, saltwater aquaria and tanks; see Exhibit D) was retained on the parcel that is the subject of this permit application, and the marine labs used the pier as a platform for research activities for less than 12 months, until, as a result of damages sustained by the earthquake and subsequent storms (described more fully below), it was deemed no longer safe for such use.

According to project records submitted by the applicant, Sandholdt Pier was originally constructed about 130 years ago using wooden pilings and wooden decking. The pier was last rebuilt approximately 50 years ago with similar materials. The pier was originally used for commercial shipping and later for commercial whaling (See historic photos in Exhibit G). The pier contained warehouses and residences atop the decking at various times. The pier also provided some public access during its lifetime, and historic photos show that fishing was allowed from the pier, sometimes with a nominal charge for access (see Exhibit G3).

The San Jose State University, Moss Landing Marine Laboratories have requested to demolish the remaining 100 feet of the once 480-foot long, approximately 9,600 square foot wooden Sandholdt Pier



and construct a new 500-foot long, 12,832 square foot concrete pier (see site plans shown in Exhibit F). The new pier would be built in the same location as the former pier, extending into the Pacific Ocean from the western end of the parcel. The primary function of new pier facility would be a marine research pier to support marine and oceanographic research conducted through the Moss Landing Marine Laboratories (MLML) and the Monterey Bay Aquarium Research Institute (MBARI).

As proposed, the new pier will be 20 feet wide for all but the last 60 feet which will be expanded to 60 feet wide to provide an area for a 5-ton jib crane (with 20-foot high boom) to retrieve and lower oceanographic research equipment, including instrumentation and small submersible research vehicles. A 320 square foot (8 foot wide by 40 foot long) floating dock will be located along the north side of the pier adjacent to this expanded deck area, with a gangway access that can be elevated and secured when not in use. Two buildings, both 11 feet high, will also be located on the pier – a 336-square foot research equipment shed, to be located at the south western end of the pier, and a 360-square foot sieve room, to be located on the northern side, somewhat near the middle of the pier (see Exhibit F).

The concrete pier will be supported by 130 24-inch diameter concrete pilings placed 10-feet on center. In addition, nine 12-inch diameter steel pilings will support the expanded area of the pier where the jib crane will be located. The pier will be approximately 10 feet in height at the upper beach area and approximately 30 feet from the sea floor to the deck of the pier (depending on tides, waves, and slope of ocean bottom). The pier will also be equipped with pedestrian guardrails (approximately 42-inches high), security gates, antennas, a weather station and other ocean monitoring equipment. Utilities serving the pier will include a potable water line, seawater line, electric power line, telephone line, and data transmission lines.

The MLML project site includes an onshore parcel of approximately 2.3 acres owned by the San Jose State University (APN 133-232-006), and an approximately 0.3 acre State owned parcel containing submerged lands and tidelands, located directly offshore. The submerged tidelands under the pier are within the jurisdiction of the Moss Landing Harbor District (thorough a grant by the California State Lands Commission). The Harbor District has granted the applicant a construction permit for the demolition and replacement of the Sandholdt Pier and has approved a 50-year lease agreement with CSU/MLML for use of the submerged property. The pier had extended across an 80-foot wide sandy beach located at the seaward end of the parcel. However, now that the pier has been demolished, this beachfront portion is generally vacant except for the remaining concrete abutment from which the pier had extended.

The onshore portion of the MLML parcel is occupied by the Saltwater Lab facility, and as such contains a seawater pump house and several temporary trailers that serve as research labs, classrooms and office space for MLML and the California Department of Fish and Game (CDFG). On-shore facilities include sea lion keeping and research facilities, aquaria, the seawater intake system, and research offices located in several travel trailers, mobile homes, equipment sheds and one-story portable classroom units.

Two overlapping pipeline easements run along the entire northern edge of the parcel (see Exhibit E), which adjoins the MBARI parcel to the north. These easements are deeded to the Moss Landing Harbor



District (MLHD) and National Refractories and Minerals (NRM) for permitted effluent discharge into the ocean. The MLHD has installed a 12-inch diameter pipe on the ground surface within the easement. This pipe terminates at the beach in an open-ended pipe coupling. During Harbor dredging operations, the MLHD uses this coupling to extend the pipeline approximately 500 feet offshore to discharge slurried dredge spoils to the permitted dredge disposal site SF-12, located in approximately 40 feet of water. NRM has an existing 51-inch outfall pipeline that extends from the NRM facility east of Highway 1 (see Exhibit B) to approximately 600 feet offshore in about 50 feet of water. MLML has two 8-inch seawater intakes located in the NRM outfall that service both MLML and MBARI research tanks and aquaria. Return flow from MLML and MBARI seawater systems also discharges through the NRM outfall, mixed with the NRM effluent.

As part of the new pier, a seawater line from the existing saltwater intake would be connected to the sieve house for use in washing biological specimens. MLML will also relocate the dredge spoils discharge pipe, as requested by the MLHD, to the bottom of the pier deck along the entire length of the pier to aid the Harbor District's dredging process and operations. This new pipe would replace the temporary discharge pipe that is currently anchored to the seafloor, and connected to the permanent section of discharge pipe on the beach when Harbor dredging operations are underway.

The US Army Corps of Engineers (USACOE) has approved the project under their Nationwide Permit 3 for maintenance (pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act). The Monterey Bay National Marine Sanctuary (MBNMS) has also stated that authorization by the MBNMS is not necessary, because part of the pier is located outside of the Sanctuary boundaries and because construction, repair and replacement or rehabilitation of docks or piers is excepted from the Sanctuary's prohibitions on altering or placement of structures on the seabed.

In response to concerns about historic public use of the pier, the applicant has provided a public access plan (see Exhibits O and P) that includes: 1) improving lateral beach access beneath the pier by raising the base elevation of the pier where it crosses the beach relative to the old pier facility; 2) expanding their existing program of providing organized public tours of MLML facilities, currently conducted by reservation through the Friends of MLML, to include organized, escorted tours of the pier and other MLML facilities; 3) inviting other educational and environmental organizations to make use of the pier for their own curricula or sampling purposes; 4) including organized tours of the pier as part of annual MLML and MBARI open house events; 5) providing additional controlled access at the discretion of MLML and MBARI, and 6) creating new virtual access opportunities by providing the general public with access to data obtained through research activities using the pier through the Lab's website, and 7) providing interpretive, educational and informational signage to describe the historical and current uses of the pier, and to detail how tours of the pier can be arranged. However, as presently designed, the project does not include any unrestricted public access on the pier, nor does the current design allow for lateral access across the pier abutment when high water conditions prevent safe lateral access beneath the pier.



C. Issue Discussion

1. Coastal Permit Requirements

a. Coastal Permit Requirement Issue

The applicant has recently submitted materials indicating they believe that a coastal development permit is not required for this project (included in Exhibit P), because they feel the proposed project is "replacement of a previous structure damaged in a natural disaster" due to damages sustained as a result of the Loma Prieta earthquake and subsequent El Nino storms.

b. Relevant Regulatory Policies for Coastal Permit Requirements

Coastal Act Section 30600(a) states that:

Section 30600(a). Except as provided in subdivision (e), and in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, any person, as defined in Section 21066, wishing to perform or undertake any development in the coastal zone, other than a facility subject to Section 25500 [for emergency work to protect life or property, repair public facilities or highways], shall obtain a coastal development permit.

Coastal Act Section 30610 provides exceptions for when a coastal development permit is not required, and includes the following:

Section 30610 Developments authorized without permit. Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

... (g) (1) the replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

c. Coastal Permit Requirement Analysis

Damage to the pier.

According to FEMA reports (dated December 28, 1994, September 7, 1995, September 27, 1995, December 13, 1995, and January 11, 1996, attached as Exhibit Q), Sandholdt Pier was severely damaged during the 1989 Loma Prieta earthquake. FEMA staff inspected the pier on December 28, 1994, and the subsequent Damage Survey Report (containing review dates of 2/10, 2/27, and 2/28/95) note that approximately 14 wooden pilings were damaged or lost as result of the earthquake, and gave a total estimate for repairs of \$100,000 (with a breakdown of repair costs of \$84,000 to replace the pilings, and



\$16,000 for inspection and general repairs). An undated narrative report written in response to a letter from the Office of Emergency Services dated January 4th 1995, and a request by the subgrantee (San Jose State University Foundation) that a new Damage Survey Report be written, notes that wooden pilings under the pier had been in bad shape prior to the earthquake, and that as a result of loss of the pilings, the north side of the pier tilted. The narrative report noted that the pier could be repaired back to a safe condition. Other later FEMA correspondence, dated September 27, 1995, states that the pier sustained further damage as a result of major storms, flooding and high ocean wave action that occurred in the late winter of 1995. A new damage survey report, dated 1/11/96, which still referenced the inspection date of 12/28/94, also indicated that 14 pilings had been lost as a result of the earthquake, that the pier had tilted and had been closed because it was unsafe and hazardous. Based on this statement, it is assumed that research use was terminated following the earthquake due to its damaged condition. No repairs were made subsequent to the earthquake. The 1996 damage survey report also notes an estimated cost of \$84,000 to replace 14 pilings, and notes that the pier deck would need to be leveled and angle bracing installed to stabilize the pier. None of the FEMA reports or correspondence includes any indication as to pier length or total number of pilings supporting the pier at the time damages were incurred. However, analysis of FEMA reports and correspondence indicate that while the pier sustained damage as a result of the earthquake and subsequent storm events, the pier was not completely ruined or destroyed at the time. None of the FEMA reports or correspondence discusses demolition of the pier as necessary or as an alternative to repair. Rather, the reports identified the degree and cost of repairs, which indicate that it is reasonable to believe that repair of the structure was feasible following both the Loma Prieta earthquake and winter storm damage incurred in 1995.

The pier was further and significantly damaged in the winter of 2001, when a portion of the pier nearest the onshore abutment collapsed and was considered a public safety hazard for beach goers. Engineers evaluated the condition of the remaining pier and indicated that it had been severely weakened by the partial collapse and continued winter wave attack, and that complete collapse was imminent, thus representing a hazard to life and property (as well as being a potential hazard to adjacent natural resource areas). The engineering evaluation therefore recommended that the pier be removed immediately. As the applicants already had a permit application in to the Coastal Commission Central Coast District Office for the removal and replacement of the existing pier, demolition of the remaining pier was approved under emergency permit 3-02-003-G, with conditions that the applicants complete the pending application for pier demolition and replacement. Therefore, while pier demolition has already occurred, pursuant to emergency permit 3-02-003-G, this staff report also includes findings and conditions related to pier demolition as part of the follow-up permitting requirement of the emergency permit.

Previous structure.

Background information provided by the applicant, and included in the Initial Study/Mitigated Negative Declaration, give dimensions for the pier as it existed in prior times. As described above, according to project records, Sandholdt Pier was originally constructed about 130 years ago using wooden pilings and wooden decking. The pier was last rebuilt approximately 50 years ago with similar materials. The pier was originally used for commercial shipping and later for commercial whaling (See historic photos in



Exhibit G). The pier contained warehouses and residences atop the decking at various times. The pier also provided some public access during its lifetime, and historic photos show that fishing was allowed from the pier, sometimes with a nominal charge for access (see Exhibit G3).

Materials submitted by the applicant (included in this report as Exhibit P) include measurements of the size of the Sandholdt Pier from historical records, though no background documentation was provided showing the pier at these different times, or information identifying the source of these measurements. Measurements made by Commission staff, were taken from topographic maps from 1954 and 1968, as well as from aerial photographs dated 1970, 1977, 1978, 1986, 1993 and 2001 (aerial photos are shown in Exhibits H, I, and D, respectively). Measurements of pier length were made from these maps and aerial photos, and are shown in Table 1, along with pier length provided by the applicant based on unidentified sources.

Table 1. Sandholdt Pier Length Measurements (taken from historic topographic quadrangle maps and aerial photographs as noted).

Date	Source (scale)	Approximate Pier Length ^a (in feet)
1925	Unidentified – from applicant	400
1942	Unidentified – from applicant	705
1949	Unidentified – from applicant	400
1951	Unidentified – from applicant	475
1954	USGS Moss Landing topographic quadrangle map (1:24,000) A square shaped widened area is depicted at seaward end of pier	400
1968	1968 Photo-revised version of 1954 USGS Moss Landing topographic quadrangle map (1:24,000) ^b	400
1970	Aerial photo (scale of 1:12,000) Includes a 50' x 50' platform at seaward end of pier	400
1977	Aerial photo (scale of 1:37,500) 50' x 50' platform is gone	350
1978	Aerial photo (scale of 1:12,000)	350
1986	Aerial photo (scale of 1:12,000)	250
1993	Aerial photo (scale of 1:12,000)	240
2001	Aerial photo (scale of 1:12,000)	200



Date	Source (scale)	Approximate Pier Length ^a (in feet)
2001	Initial study /Mitigated Negative Declaration, dated June 2001	100 ^c
2002	California Coastal Records Project	0

^aApproximate length measured from what appears to be base/abutment of pier.

^b Moss Landing Quadrangle Map also photo revised in 1980 and 1994, shows no revisions in the depiction of the pier. However, this is contradicted by time series of aerial photographs as noted.

^cNo information was provided in IS/MND establishing the basis or actual date of this measurement.

While pier length has varied over time, measurements taken from the 1986 aerial photograph, the latest aerial photo available prior to the Loma Prieta earthquake, give an approximate length of 250 feet for the pier prior to the earthquake. Measurements taken from a 1993 photo of the pier, following the earthquake, give a length of approximately 240 feet. Additionally, information contained in the Initial Study and Mitigated Negative Declaration state that prior to demolition of the pier, only the last 100 feet of the pier remained. Therefore, while the applicant's request for construction of a 500-foot long pier may represent a rebuild of dimensions similar to the extent of the pier at certain times prior to 1968, it does not accurately describe the "previous structure" that was acquired by SJSU and that existed prior to damages sustained from the "natural disasters" identified by the applicant or based on the condition of the pier prior to its ultimate demolition.

Nor does the proposed deck coverage maintain the same area as that which existed prior to damages sustained from the natural disasters or prior to its ultimate demolition. Materials provided by the applicant indicate that the pier area varied from 20,000 square feet (sf) in 1925, to approximately 10,708 sf in 1949, with the latest area calculation provided by the applicant of 13,075 sf in 1951. However, as indicated above, there is no supporting documentation provided identifying the source of these measurements. Estimates of deck area have also been made by Commission staff based on information provided in the file, including historic photos, and site plans provided by the applicant. The estimated coverage of the proposed pier is based on site plans which show a pier, 20 foot wide by 440 feet long (8,800 sf) + an expanded platform at the seaward end of 60 feet long by 60 feet wide (3,600 sf) + an additional platform for the sieve house of 12 feet wide by 36 feet long (432 sf), for a total proposed area of 12,832 square feet (8,800 + 3,600 + 432 sf). While the original pier, as shown in photographs (see Exhibit G4), had a similar plan, with an expanded deck at the seaward end, the structure that remained prior to the Loma Prieta earthquake, and that remained prior to the ultimate demolition of the pier did not, and so a conservative estimate of pier area for these dates could be determined given a similar width of 20 feet by the length of pier at the time, (250 feet in 1986, and 100 feet in 2001), which would result in a pier area of between 5,000 and 2,000 sf respectively. The proposed rebuild of 12,832 sf would be approximately 250% of the size that existed in 1986, prior to the Loma Prieta earthquake, and more than 640% of the size of the pier that existed in 2001, prior to its ultimate demolition.



d. Coastal Permit Requirement Conclusion

Assuming that the previously existing pier was destroyed by a disaster, based on analysis conducted by Commission staff, the project as proposed does not qualify for a coastal development permit exemption under Coastal Act 30610(g) because it is not within 10% of the previous size of the former pier. As the proposed pier to be reconstructed is almost twice the length of what existed at the time of the initial damage of the Loma Prieta earthquake, and exceeds the floor area of the previous structure by much more than 10 percent. Therefore, pursuant to Coastal Act Section 30600, the project requires a coastal development permit.

2. Coastal Dependent Development

a. Relevant Coastal Dependent Development Policies

Coastal Act Section 30255, states:

***Section 30255** Priority of coastal-dependent developments: Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. (Amended by Ch. 1090, Stats. 1979.)*

While Coastal Act policies are the standard of review for coastal development permits in the Commission's original jurisdiction, the County's LCP, and specifically the North County LUP also provides guidance to the Commission as it considers proposals for development in this area of the Moss Landing Community.

With regards to Land Use and Development in this area, the North County LUP contains the following relevant policies:

***LUP Policy 4.3.6.F.1** Lands designated for Heavy and Light Industrial use ...shall be reserved for coastal dependent industry...*

***North County LUP Policy 4.3.6.C.7** The Sandholdt Pier ... should be considered for renovation as fishing piers and docks*

***North County LUP Key Policy 5.3.1.** The County encourages the maximum development of commercial fishing and recreational boating facilities at Moss Landing, consistent with the conservation of the area's wetlands, dunes and other natural resources*

***North County LUP Policy 5.3.2.3.** Due to limited capacity of Highway One and Sandholdt Road, priority should be given on the island to expansion of commercial fishing industries and facilities that generate low volumes of traffic. Some flexibility should be maintained for other*



development on the island that directly serves people engaged in those above industries and would not be suitably located in other areas of Moss Landing.

The Monterey County Periodic Review identified changed circumstances that have occurred within this area of the Harbor since time of certification, especially with regards to coastal-dependant marine research facilities that have been developed and/or expanded in the area. The following excerpts have been taken from the recent draft findings of the Monterey County LCP Periodic Review:

Since certification of the LCP there have been substantial changes in the Moss Landing area, the primary change being the expansion of coastal-dependent marine research facilities on the Island (MBARI) and off of Moss Landing Road (relocated Moss Landing Marine laboratory [main campus])....

Relocation of the Moss Landing Marine Lab (MLML) main campus has resulted in additional open space land adjacent to the Salinas River State Beach. [Two of three] Marine Lab parcels were subsequently purchased by State Parks, and both agencies have been actively involved in restoration of coastal dunes on the site. The Marine Lab retains one parcel northwest of the Sandholdt Bridge where saltwater lab facilities remain, including a saltwater intake system which serves both the MLML saltwater lab and main campus, and which also provides saltwater for MBARI activities. The Marine Lab also has plans for reconstruction of the Sandholdt Pier, which was storm damaged and ultimately demolished in January 2002 after being deemed a safety hazard. The North County Land Use Plan map (Figure 2 in the LUP) needs to be updated in light of the changes in land use that have occurred in this area for both the relocation of the main campus and the remaining saltwater lab facility...

...In light of land use decisions since 1988, available opportunity sites, and projected development, recommendations are made to revise and update the plan for the Moss Landing area to protect community character and prevent resource damage. For some sites, updated designations are needed to accommodate the priority uses that have occurred and to determine the appropriate locations and densities for other priority uses.

b. Coastal Dependent Development Analysis

As defined by Coastal Act Section 30101, "coastal-dependent development or use" means any development or use that requires a site on, or adjacent to the sea to be able to function at all. As the project is for the demolition and replacement of an ocean pier, to be used primarily for marine and oceanographic research, which involves the deployment of sea-going vessels and instrumentation, the project does qualify as a coastal-dependent development and use.

The Monterey County LCP Land Use Designation and zoning for the project area is designated Light Industrial, which allows, among other things, marine related research facilities, including but not limited to laboratories, offices and other reasonable related uses.



According to information provided in the Initial Study and Mitigated Negative Declaration for this project, prepared for the Moss Landing Marine Laboratories by Rincon Consultants in June 2001:

The first Sandholdt Pier was constructed at the site approximately 130 years ago. It was first used for commercial shipping and later for commercial whaling. The pier contained warehouses and residences at various times and as recently as the 1960's. The pier was acquired by the San Jose State Foundation in 1979 along with the on-shore parcel as the site for San Jose State University's marine lab facility. The marine lab has been a functioning research and educational center since 1966. The pier immediately became part of the research program at that time. The pier is currently the only research pier in California north of Scripps Institute Pier in La Jolla.

While North County policies involving the pier focus on its potential renovation and use as a fishing pier, policy 5.3.2.3. does provide "some flexibility ... for other development on the island that directly serves people engaged in [commercial fishing and facilities that generate low volumes of traffic] and would not be suitably located in other areas of Moss Landing." As described above, since certification of the Monterey County LCP, marine research facilities have been allowed to develop and expand in the Moss Landing area. The two main research facilities include the Moss Landing Marine Lab and the Monterey Bay Aquarium Research Institute. Although not directly related to commercial fishing, research conducted by these two institutes does serve to expand the science and our knowledge of the marine environment and marine fisheries.

The Moss Landing Marine Laboratories (MLML) serves a consortium of seven California State Universities in Northern California, and offers a masters degree program in marine science, currently serving approximately 120 students, with nine full time faculty, several adjunct professors and affiliated researchers, and a support staff of about 50 people. The consortium of schools served by MLML includes the CSU campuses at San Jose, San Francisco, Hayward, Stanislaus, Sacramento, Fresno, and Monterey Bay. Since its establishment in 1966, the MLML has become the second oldest marine Lab on the Monterey Bay and has grown an international reputation for excellence in marine research and education. MLML provides its graduate students a hands-on, field-oriented approach in their marine resources curriculum, and its faculty are all actively involved in state-of-the-art research in a wide variety of disciplines, which include Benthic Ecology, Biological, Geological, and Chemical Oceanography, Environmental Biotechnology, Ichthyology, Invertebrate Zoology, Ornithology & Mammalogy, Phycology, and Physical Oceanography. MLML also has one of the largest research diving programs in the nation, and its marine operations department maintains research vessels from a fleet of Boston Whalers, to the 135-foot Research Vessel Point Sur, owned by the National Science Foundation.

Although the main MLML campus is relocated along Moss Landing Road, southeast of Sandholdt Road Bridge (see Exhibit B) following the Loma Prieta Earthquake, it has retained a saltwater lab on the project site, with a seawater intake system that serves both the saltwater lab site and the main campus, as well as MBARI operations and research.



The Monterey Bay Aquarium Research Institute (MBARI) is a world center for advanced research and education in ocean science and technology. MBARI is a private, non-profit research center, funded by the David and Lucile Packard Foundation. MBARI staff includes approximately 170 scientists, engineers, and operations and administrative staff. MBARI staff work in both experimental and theoretical ocean sciences, and developing or adapting supporting technology. MBARI's current efforts span eight research themes, including: benthic processes, midwater research, upper ocean biogeochemistry, MBARI Ocean Observing System (MOOS), remotely operated vehicle enhancements and upgrades, new insitu instruments, infrastructure support, and information dissemination and outreach. MBARI owns and operates two research ships and remotely operated vehicles that are currently berthed within the Moss Landing Harbor. MBARI also maintains moorings offshore, equipped with ocean-monitoring instruments.

The ocean pier replacement will allow for research vessels to tie up directly to the pier, saving valuable time and other resources used in coming all the way into the harbor to dock and exchange crew and equipment (especially difficult during harbor dredging operations and times when sedimentation and shoaling have reduced navigational depths and maneuvering within the harbor). The ocean pier and jib crane will allow for loading and unloading of equipment and staff, as well as direct deployment of oceanographic research instrumentation, thus aiding the mission of these research facilities. Relocation of the MLHD dredge disposal pipe line along the pier will also aid the Harbor District during dredging operations necessary to maintain navigable depths within the main channel and berthing areas of the harbor.

The Sandholdt Pier replacement project is consistent with Coastal Act Policy 30255, because the pier is a coastal dependent structure that will serve coastal dependent uses (marine and oceanographic research, instrument and crew deployment, vessel docking operations) for marine research facilities as well as serving to improve dredge operations conducted by the Moss Landing Harbor District.

3. Coastal Hazards

a. Relevant Coastal Hazards Policies

The Coastal Act, in Section 30253 also requires that:

Section 30253 Minimization of adverse impacts: New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs....*



b. Coastal Hazards Analysis

As identified in the Initial Study, the project site is located on a river-mouth spit composed of unconsolidated aeolian, fluvial, beach and near-shore deposits. Sediment deposited in these low-lying marine/fluvial environments includes fine sand, clay and organic silts, which are susceptible to liquefaction during strong seismic shaking events. While active earthquake faults do not transect the site, the entire Moss Landing area is located between the active San Andreas Fault (located approximately 12.5 miles east of the site) and the Sur-San Gregorio Fault (located offshore, approximately 18 miles west of the site). In addition, the Monterey Bay Fault zone is located approximately 5 to 6 miles southwest of the site.

A geotechnical investigation report, conducted for the reconstruction of the seawater intake and recirculation system ("Final Report, Geotechnical Engineering Study, Seawater Shore System, Moss Landing Marine Laboratories, Moss Landing, CA, Rutherford & Chekene, October 20, 1997), concluded that the site would be subject to one strong earthquake during the life of the proposed structure. The design earthquake for the seawater intake system is a 7.9 magnitude seismic event on the San Andreas Fault lasting approximately 48 seconds and generating a peak ground acceleration of 0.48g.

Because there is no way to completely avoid seismic hazards in this tectonic setting, it is important that structures be designed in accordance with seismic requirements specified in the Uniform Building Code, and by designing and constructing the pier in accordance with recommendations identified in the geotechnical report. The project has therefore been conditioned accordingly (see Special Condition 3).

The project site is located in an area classified as a high liquefaction zone. Historical data from the 1906 and 1989 Loma Prieta earthquakes indicates that there was substantial ground failure due to liquefaction and lateral spreading in the Moss Landing area during those events. The Moss Landing Marine Lab main buildings, which had been located south of the current project site, were damaged and partly collapsed during the Loma Prieta event, and thus were later rebuilt on another parcel further inland. The geotechnical report prepared for the site (1997) concluded that a settlement of 9.5 to 10 inches would be generated at the site by the maximum credible earthquake. Based on the fact that such disturbance has occurred previously during a strong seismic event, it is possible that it can reoccur, given the loose unconsolidated sediments that underlie the site. Such ground failure, including liquefaction, lateral spreading or differential settlement of the project site, could cause damage to the pier and its appurtenances. Therefore it is important that the pilings supporting the pier be made of reinforced concrete or steel pilings, driven deep enough to penetrate any potentially liquefiable soils (at least 50 feet, and embedded to a depth sufficient to support the pier both vertically and laterally. Thus the project has been conditioned accordingly (see Special Condition 4).

The Initial study also identifies the fact that the project is located in a potential flooding zone (potentially inundated by the failure of either the Nacimientos or San Antonio Dam) as well as a potential tsunami zone. However, because of the proposed elevation of the pier (approximately 20 feet above sea level at mean low tide, and approximately 10 feet above the upper beach area), it is unlikely that site flooding in the event of dam failure (which would likely be dissipated over the large distance between the dams and



the project site), or wave impact forces in the event of a tsunami (predicted to exceed 6 feet once every 100 years and 11.7 feet once every 500 years) would cause a significant risk to the proposed pier.

Therefore, As conditioned to be designed and constructed in conformance with Uniform Building Code for seismic safety, with pilings embedded at least 50 feet, the project will be consistent with Coastal Act policies 30253 requiring the minimization of risks to life and property due to seismic, flood and wave hazards.

4. Water Quality and Marine Resource Protection

a. Relevant Water Quality and Marine Resource Protection Policies

Coastal Act Section 30230, states:

30230...Marine resources shall be maintained, enhanced and where feasible, restored...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.

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...

Additionally, Section 30232 requires that:

30232. ...Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Furthermore, Coastal Act Section 30233 provides in part that:

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; (2) maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps...(4) in open costal waters, other than wetlands,...new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (5) Incidental public service



purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

In addition to these policies, the County's LCP also provides guidance to the Commission as it considers proposals for development in this areas of the Moss Landing community.

The North County LUP contains the following policies for protecting water quality:

LUP Policy 2.3.3.B.8. Oil and other toxic substances shall not be allowed to enter or drain into the estuarine system. Oil spill and toxic substance discharge contingency plans shall be developed by the appropriate agencies of Monterey County to coordinate emergency procedures for clean-up operations of all foreseeable conditions. New development shall be permitted adjacent to estuarine areas only where such development does not increase the hazard of oil spill or toxic discharge into the estuaries.

LUP Policy 2.3.3.D. All new and/or expanding wastewater discharges into the coastal waters of Monterey County shall require a permit for the Health Department....

LUP Policy 2.5.2.2. Point and non-point sources of pollution of coastal waters shall be controlled and minimized

With regards to Marine Resource protection, the North County LUP contains the following relevant policies:

LUP Policy 2.3.3.B.6. Dredging or other major construction activities shall be conducted so as to avoid breeding seasons and other critical phases in the life cycles of commercial species of fish and shellfish and other rare, endangered, and threatened indigenous species.

b. Water Quality and Marine Resource Protection Analysis

The pier will extend in and over open coastal waters of the Monterey Bay, with pilings driven into the sandy bottom of the ocean floor. While the site is located near the head of the Monterey Submarine Canyon, the project site it is located in shallow waters atop the southern flank of the canyon rim, which contains broad sand flats and sand bars.

The marine biological assessment prepared for the project by ABA Consultants indicates that the sea bottom in and around the project site is comprised of a sand-dominated habitat that experiences a local wave climate that results in a winter scour/summer rebuild cycle with changes in bottom topography of 1 to 2-feet annually. No rare or endangered benthic species occur within the project area. The dominant benthic species, capable of living in these naturally shifting bottom sediments, are polychaete worms, which are relatively motile and tolerant of extreme environmental disturbances. While piling emplacement may impact some of these benthic organisms, losses are expected to be minimal relative to the number of organisms that inhabit the area. Sediment suspended or shifted by pile driving activities is expected to be minimal compared to that moved regularly by oscillatory wave currents and tidal scour.



Therefore, pile-driving activities are not expected to have any significant adverse impacts on the bottom sediments or benthic organisms.

As the pier will be a replacement for the previous pier which, due to damage sustained over many years, was reduced to less than 1/5th its original length, the new pier pilings will serve to provide additional substrate onto which sessile organisms can attach themselves, and thereby may serve to replace some habitat provided previously by the pilings before destruction of the pier. The pier is not expected to affect any commercial or recreational fishing stock, or fish populations in general, since these species can avoid the project area while construction activities are on going.

Since the project requires work in and adjacent to open coastal waters, which could lead to potential adverse water quality impacts, it has been conditioned to include implementation of best management practices that avoid or minimize any unpermitted discharge of liquids or construction materials into the ocean. Construction staging and storage areas will be located and managed in such a way so that project activities will not adversely impact water quality. Additionally, conditions have been placed to avoid the potential spillage of concrete into marine waters. Since the project site commonly experiences active sediment movement daily, silt curtains are not required, however, containment booms or other in-water methods for containing construction activities and solid waste discharge that may occur are required. As pier construction will be of limited duration, and construction methods have been conditioned by this permit to require use of best management practices to avoid oil spills and construction materials from entering the water, the project is not expected to adversely affect any other marine or marine mammal species.

Additionally, demolition of the pier, as required by emergency permit 3-02-003-G, was carried out with similar water protection conditions. Demolition activities were documented by photos and a letter report (attached as Exhibits L and M), and staff visited the project site at the end of demolition and observed that activities had been conducted in a manner most protective of water quality and sensitive habitat and wildlife.

Finally, although the dredge disposal pipeline, and saltwater intake lines will be attached to the pier, discharges associated with these pipelines are authorized under separate permits. No new discharges to waters of the Monterey Bay are associated with this project, and no other wastewater discharges are allowed as part of this permit. The Sieve building to be located on the pier will use and discharge saltwater through the existing intake and discharge lines; no chemicals or other non-marine materials will be added to the seawater used for research purposes prior to discharge back into the ocean.

As new and diverse operations may be conducted on the pier, which may result in potential unforeseen future adverse water quality impacts, the applicant will be required to develop and implement a long-term pollution prevention program and provide water quality protection training to all persons involved in construction and research use of the pier.

The project has thus been designed and conditioned to protect water quality and marine resources, consistent with Coastal Act policies.



5. Environmentally Sensitive Habitat Areas

a. Relevant Environmentally Sensitive Habitat Area (ESHA) Policies

Coastal Act Section 30240, states:

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.

The Coastal Act, in Section 30107.5, defines an environmentally sensitive area as

30107.5...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

While Coastal Act policies are the standard of review for coastal development, the North County LUP also provides guidance to the Commission as it considers proposals for development in the Moss Landing area. North County LUP Section 2.3 describes environmentally sensitive habitat areas to include, among other things, rare and endangered species habitat, all coastal wetlands and lagoons, all marine wildlife, kelp beds and indigenous dune plant habitats. The LUP also states that only coastal dependent uses are permitted within sensitive habitat areas including nature education and research, hunting, fishing, and aquaculture.

With regards to environmentally sensitive habitat areas, the North County LUP contains the following relevant policies:

LUP Policy 2.3.2.1. With the exception of resource dependent uses, all development, including vegetation removal, excavation, grading, filling, and the construction of roads and structures, shall be prohibited in the following environmentally sensitive habitat areas: riparian corridors, wetlands, dunes, sites of known rare and endangered species of plants and animals, rookeries, major roosting and haul-out sites, and other wildlife breeding or nursery areas identified as environmentally sensitive. Resource dependent uses, including nature education and research hunting, fishing and aquaculture, where allowed by the plan, shall be allowed within environmentally sensitive habitats only if such uses will not cause significant disruption of habitat values.

LUP Policy 2.3.2. Where private or public development is proposed in documented or potential locations of environmentally sensitive habitats - particularly those habitats identified in General Policy No. 1 - field surveys by qualified individuals or agencies shall be required in order to determine precise locations and to recommend mitigating measures to ensure protection of any sensitive habitat present. The required survey shall document that the proposed development complies with all applicable environmentally sensitive habitat policies.



LUP Policy 2.3.3.6. The County shall ensure the protection of environmentally sensitive habitats through deed restrictions or dedications of permanent conservation easements. Where land divisions or development are proposed in areas containing environmentally sensitive habitats, such restrictions or easements shall be established through the development review process. Where development has already occurred in areas supporting sensitive habitat, property owners should be encouraged to voluntarily establish conservation easements or deed restrictions.

LUP Policy 2.3.2.7. Where public access exists or is permitted in areas of environmentally sensitive habitats, it shall be limited to low intensity recreation, scientific or education uses such as nature study and observation, education programs in which collecting is restricted, photography, and hiking....

LUP Policy 2.3.2.8. Where development is permitted in or adjacent to environmentally sensitive habitat areas (consistent with all other resource protection policies), the County, through the development review process, shall restrict the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) to the minimum amount necessary for structural improvements.

LUP Policy 2.3.2.10. Construction activities, industrial, and public and commercial recreational uses which would affect rare and endangered birds shall be regulated to protect habitats of rare, endangered, and threatened birds during breeding and nesting seasons. Regulations may include restriction of access, noise abatement, and restriction of hours of operation of public or private facilities. Regulations shall not prohibit emergency operation of service and public utility equipment.

LUP Policy 2.3.3.A.6. Coastal dune habitats in areas shown as Resource Conservation or as Scenic and Natural Resource Recreation on the plan map shall be preserved and protected. Appropriate uses in such areas shall be limited to scientific, education and low intensity recreational uses, and within the Moss Landing area, essential utility pipelines where no feasible alternative exists. Disturbance or destruction of dune vegetation shall be prohibited, unless no feasible alternative exists, and then only if re-vegetation with similar species is made a condition of project approval. Any resulting dune disturbance shall be restored to the natural condition.

b. ESHA Analysis

As described above, the project site is located in and adjacent to the marine waters of the Pacific Ocean, within the Monterey Bay, and beach and dune habitat of the Salinas River State Beach. As described in the North County LUP, all marine wildlife is considered sensitive, as are special status species. Sensitive wildlife species known to occur within the project area include the southern sea otter, brown pelican, and the western snowy plover.



Pier demolition, and reconstruction may temporarily impact these species by removing existing roosting, foraging and refuge habitat that had been provided by the existing pier. However, this impact would be temporary, and construction of the replacement pier will provide the same features as the existing pier, thus it is expected that these same habitats will quickly redevelop on and around the new pier. While the pier was removed in 2002, it is not believed that any new migratory routes have been established that would be adversely impacted by the replacement of the pier in the same location.

Care will need to be taken during construction to avoid injury to the southern sea otter and other animals that might be attracted to the construction site, thus the permit has been conditioned to require mitigation measures to protect the southern sea otter, which include designating worker(s) to monitor on-site compliance, and halt any activity that might result in injury or death. The monitors will need to consult with CDFG and USFWS for measures to discourage marine mammals and birds from areas where construction activities might otherwise cause them harm. Use of seal bombs or any firearms, however shall not be allowed. The monitors shall be required to record all interactions with sea otters encountered during the project activities, including the approximate number of animals involved, any unusual behavior observed, the response of the sea otters to project activities and the response to the intentional harassment. These mitigation measures have been incorporated as special conditions of this permit to protect marine mammals and shorebirds during construction.

Additionally, the marine biological assessment prepared for the project by ABA Consultants, June 1, 2000, identifies the sandy beach approximately 1/5th of a mile south of the project site as a nesting habitat for western snowy plover. While the sandy beach area in and adjacent to the project site have similar characteristics as the plover nesting habitats, the area around the project site has much more human activity due to existing development and uses in this area. However, since snowy plover have been observed nesting in close proximity to beach areas used for human recreational use, it is important to mitigate for any direct or indirect impacts that project activities may have on this species during breeding and nesting season. Thus the permit has been conditioned to require surveys prior to the start of construction to determine if any nesting bird species, and/or sensitive bird species, including bank swallows and western snowy plovers are present at the project site, and if so, to develop a mitigation plan in consultation with the US Fish and Wildlife Service to prevent impacts associated with project activities.

Finally, numerous sensitive indigenous dune plant species are known to occur within one mile of the site and include central dune scrub, Monterey spineflower, robust spine flower, Eastwood's goldenbush, coastal wallflower, Menzie's wallflower, Yadon's wallflower, sand gilia, beach layia, Tidestrom's lupine, seaside bird's beak. Other sensitive wildlife associated with coastal dune habitats include black legless lizard, bank swallow, globose dune beetle, and Smith's blue butterfly. The Salinas River State Beach property immediately south of the project site include coastal dune habitat restored as part of mitigation associated with relocation of the main MLML campus. To prevent any project related impacts to these areas, construction activities will be sited and designed to avoid these areas; fencing material will be used to mark all dune areas in or adjacent to the Salinas River State Beach within the vicinity of the project area, and no construction workers or construction activities will be allowed in



these protected dune areas. Similarly, project related equipment, vehicles and or materials shall not be stored or operated on unpaved areas south of the project site. Furthermore, all construction equipment will be required to conform to sound control requirements and will be located as far as possible from sensitive receptor locations. These measures will ensure that the project will be compatible with the continued recreational use of these areas and the habitat use of the adjacent beach and dune areas.

Therefore, as conditioned to protect sensitive marine mammals, shorebirds, and existing dune habitat and associated sensitive wildlife, no significant disruption of environmentally sensitive habitat areas will result from the proposed project. Therefore, the project conforms to Coastal Act and LCP policies designed to protect environmentally sensitive habitat areas.

6. Public Access and Recreation

a. Public Access and Recreation Issues

The primary Coastal Act issue raised by the project is the protection and the provision of maximum access and recreation opportunities, as required by Chapter 3, Article 2. The Monterey County certified LCP, which provides guidance to the Commission, also requires the protection and enhancement of coastal access and recreation opportunities, and specifically recommends restoring the former Sandholdt Pier as a fishing pier. In addition, the LCP encourages the use of existing piers for access and recreation where compatible with commercial fishing.

b. Relevant Public Access and Recreation Policies

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea includes a specific finding that the development is in conformance with the public access and recreation policies of Chapter 3 of the Coastal Act. Specifically, Sections 30210 through 30213, 30220 and 30224 of Chapter 3 protect public access and recreation. In particular, these policies require that:

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.

30211. Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization...

30212 (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety... (2) adequate access exists nearby... (b) for purposes of this section, "new development" does not include ... (3) improvements to any structure which do not change the intensity of its use, which do not increase the floor area, height, or bulk of the structure by more than 10 percent,



which do not block or impede public access, and which do not result in a seaward encroachment by the structure

30213: *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

30214. *(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:*

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

With regards to Public Access and Recreation in this area, the North County LUP contains the following relevant policies:

North County LUP Policy 5.3.2.5. *Use of existing piers for access and recreational purposes should be encouraged when compatible with commercial fishing uses.*

North County LUP Policy 5.3.3.6. *The Sandholdt Pier should be considered for renovation as a fishing pier.*

Finally, Section 4 of Article X of the California Constitution, specifically referenced in Coastal Act sections 30210 and 30214, states:

No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude



the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

c. Public Access and Recreation Analysis

As discussed previously, the applicant's main goal of reconstructing the Sandholdt Pier is so it can function as a research pier to support marine and oceanographic research conducted by the Moss Landing Marine Lab (MLML) and Monterey Bay Aquarium Research Institute (MBARI). Both of these organizations also use the process and products of their research activities to teach and educate the public about marine science and oceanographic technologies. While both organizations provide the general public some access and interpretive displays at their main facilities, MLML also serves the public as an educational institution that provides graduate level studies in marine science and oceanography to students enrolled in the California State University system.

Historic photos show that the pier had previously been used for public fishing, with a small fee for day-use (Exhibit G3), and LCP policies recommend restoring the Sandholdt Pier as a fishing pier. Correspondence from a local resident also indicates that pier had provided unrestricted access for fishing between the 1950's and early 1970's (see Exhibit T). Additional investigation also revealed that the pier served as a coastal destination point for passengers of the narrow gauge Pajaro Valley Consolidated Railroad (see photos in Exhibit S).

Although public access and scientific interpretation is an integral part of the MLML mission, the applicants are reluctant to allow full, unmonitored public access and fishing on the pier, or even more limited public access at the base of the pier, due to concerns regarding public safety risks and liability issues related to ongoing experiments conducted from and adjacent to the pier. As described by the applicant,

...[MLML's] ongoing research projects costing hundreds of thousands of dollars rely upon expensive equipment [and] critically controlled laboratory or environmental conditions. The exposure of the public and the risk that the public poses to the execution of these projects precludes even controlled access in many areas...[with regards to the research pier] the risk to the public and the resultant liability that the public poses to ongoing experiments is even larger than in the controlled laboratory situation. The pier will be equipped with high voltage, dangerous heights and millions of dollars worth of scientific equipment and projects...

MLML has also expressed concern about the funding necessary to support additional access amenities with the project. MLML's concerns are based in part on concerns expressed by the manager of the Scripps research pier in La Jolla, California (as presented by the applicant in an email message from Ron McConnaughey, Facilities manager of the Scripps Pier – in Exhibit N3). These concerns include the potential entanglement of fishing lines with scientific equipment and in-water research divers (who apparently have actually been hooked with fishing lines at the Scripps Pier). Thus, the applicant feels



that use of the pier for research activities as described above may conflict with fishing activities conducted from or adjacent to the pier, as well as with full, un-monitored use of the pier by the general public.

The applicant has proposed a public access plan (the MLML Research Pier Public Access Plan attached in Exhibit N), which according to the applicant is intended to provide public access consistent with MLML's education and research goals. The proposed public access plan includes the following components: 1) improving lateral beach access beneath the pier by raising the base elevation of the pier where it crosses the beach to a height of 10 feet above ground level; 2) expanding the current program of providing organized public tours of MLML facilities, currently conducted by reservation through the Friends of MLML, to include organized, escorted tours of the pier and other MLML facilities; 3) inviting other educational and environmental organizations to make use of the pier for their own curricula or sampling purposes; 4) including organized tours of the pier as part of annual MLML and MBARI open house events; 5) providing additional controlled access at the discretion of MLML and MBARI, and 6) creating new "virtual access" opportunities by providing the general public with access to data and information gleaned from research activities conducted from the pier through the Lab's website. The applicant has since updated their earlier plan to also include interpretive signage illustrating the current and historic use of the pier, interpretation of some of the research activities associated with the pier, and information about how to schedule guided tours of the research pier at times that are safe for the public and do not interfere with ongoing research efforts (see Exhibit O).

The public access plan proposed by the applicant is insufficient to meet the requirements of the Coastal Act that call for the protection and provision of for maximum public access, because it provides only very limited access opportunities on the pier, in the form of escorted tours by reservation only and occasional open house events. As discussed below, it appears that other forms of public access, short of full, unmonitored access on the pier, are feasible and reasonable to provide in a manner that is compatible with research and educational use of the pier. In addition, in lieu of full access onto the pier, reasonable and appropriate public access is available in the form of a vertical accessway from the public road to the pier/beach location.

The proposed pier, of course, will be located almost entirely on and over public tidelands and submerged lands. As described earlier, the Moss Landing Harbor District was granted the tidelands of the project location. Chapter 1190 of the Statutes of 1947 provided for the conveyance of certain tidelands to the Moss Landing Harbor District, and includes the following description, conditions and reservations of the grant:

[Description] Section 1. There is hereby granted to the Moss Landing Harbor District, hereinafter called "district" ...all the right, title and interest now held by the State of California ...all lands, salt marsh, tide lands, submerged lands and swamps and overflowed lands described as follows: The Old Salinas River channel from the northerly extremity to its mouth southerly to the existing county road across said channel south of the existing bridge at Moss Landing; the Pacific Ocean opposite said portion of the Old Salinas River with its northerly and southerly boundaries drawn due west...



[Conditions] a. ...that said district...may grant franchises thereon for limited period...for wharves and other public uses and purposes and may lease said lands, or any part thereof, for limited periods...for purposes consistent with the trust upon which said lands are held by the State of California, and with the requirements of commerce and navigation at said harbor. b. That said lands shall ...always remain available for public use for all purposes of commerce and navigation and the State of California shall have at all times the right to use without charge, all wharves, docks, piers, slips, quays, and other improvements and facilities constructed on said lands, or any part thereof, for any vessel or railroad, owned or operated by the State of California...

[Reservations] d. There is hereby reserved, however, in the people of the State of California the absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purposes together with the right of navigation

By its terms, the conditions and reservations of the grant require that public access remain available on all facilities, including piers and wharves, constructed on the tidelands and submerged lands that have been granted by the State to the Harbor District.

The real estate lease between the Harbor and MLML/CSU under which MLML will be using the state lands granted to the Harbor specifically references the lands granted to the Harbor. The Construction Permit from the Harbor to MLML further requires that "the pier will be accessible to the public subject to California Coastal Commission restrictions."

Regardless of these legal instruments, the pier will be constructed on and occupy public tidelands. Providing public access, therefore, is appropriate in the context of mitigation for the pier's occupation of public land, and interference with other public uses of the public tidelands and waters. It might also be noted that public funding is being used for the demolition and reconstruction of the pier, which will be an integral component of the California State University Moss Landing Marine Lab, with a portion of the funding being provided by the Federal Emergency Management Agency (FEMA), to repair damages sustained during the Loma Prieta Earthquake and subsequent winter storms, and additional public funds provided for the project by the California State University System. Thus it is reasonable that the Constitutional and state law requirements to provide maximum public access be accommodated where feasible, and where it can be accomplished without undue interference with the other important public research purposes of the proposed facility.

As discussed previously, there is also evidence of historic public use of the former Sandholdt Pier, including fishing from the pier and as a train stop for recreational visits. The pier was apparently closed to public access, however, at or around the time of acquisition for use by MLML.

Public access does exist south of the site, where the dedication of a vertical accessway from Sandholdt Road to the beach was previously required as mitigation for the MLML main campus relocation following the Loma Prieta earthquake, however the boardwalk access is located at the south end of the



Salinas River State Beach parking lot, approximately 500 feet south of the southern property boundary. The other nearest vertical access exists approximately 1,000 feet north of the site, between the MBARI complex of buildings and Phil's Fish House restaurant; however, these two accessways are more than 1,500 feet apart. Additionally, lateral access does currently exist across the beach during most tidal levels, however during times of high tides and high surf, water levels reach all the way across the beach to the concrete pier abutment that remains on site, and lateral access over the abutment is impaired due to the large boulders and steep ascent necessary to climb over the pier abutment in order to get across the parcel. Without lateral access across the pier abutment at high water levels, continuous lateral access along the beach is difficult, and the public is forced to use the existing vertical access ways, which as described above are more than 1,500 feet apart.

Reconstruction of the pier in this location, the only ocean pier located between Monterey and Seacliff State Beach (approximately 15 and 13 miles away, respectively), allows a rare chance for the public to view the coast and experience the ocean from a different perspective than the average beach experience. Thus efforts should be made to maximize the public access opportunities provided by reconstruction of the pier, such as by allowing some form of unrestricted access atop the pier, in a manner that would be consistent with various research and educational activities that will be ongoing. Because of the complete demolition of the old pier structure, reconstruction of a pier at this location is not constrained by existing physical structures, so changes to the design to incorporate some form of physical access can be made and can enable such improvements to be integral to the basic design, thus incorporating its structural integrity and safety into the design prior to construction. Therefore, to maximize public access in a manner that would least impact research and educational activities that would be conducted on the pier, the permit has been conditioned to submit revised plans to include an expanded deck (at least 1,000 square feet in area) for unrestricted public access at the landward end of the pier, upon which interpretive, educational and directional signage can be located, and which can be designed to be outside of the deck area needed for ongoing research and educational activities. Commission staff has previously discussed the possibility of making the entire pier facility available to the public, including fishing, but the MLML representatives have maintained that providing such access is not feasible, and would unduly interfere with their research activities.

In addition to at least some physical access on the pier, mitigation is required for the project's impacts to lateral access. In addition, as the parcel that will be used to support the base of the pier is located between the nearest road and the sea, lateral and vertical shoreline access should be provided across the parcel as required by the Coastal Act. Both lateral and vertical access across the Moss Landing shoreline also are important elements of the proposed California Coastal Trail alignment in this area, as detailed in recommendations recently submitted by the Coastal Commission to Monterey County as part of the Monterey County LCP Periodic Review. Regulations for coastal access outlined in Monterey County LCP Section 20.144.150, generally require that residential development provide vertical access every 500 feet in urban areas; and that development for industrial uses on shoreline parcels provide vertical access across the parcel between the nearest public road and the sea. While neither of these cases specifically deals with public uses such as the MLML pier proposal, it suggests that public access at least every 500 feet is important in urban areas. Since the distance between the nearest available vertical



accessways is over 1,500 feet, the project has been conditioned to require a vertical access easement between Sandholdt Road and the beach along the southern boundary of the project parcel. This vertical access requirement is reasonable and appropriate in the context of the proposed use of public tidelands that will not be fully mitigated by limited public access at the base of the pier.

Improved lateral access beneath the pier is already part of the project design, which includes raising the base elevation of the pier where it crosses the beach to a height of 10 feet above ground level. However, as described above, lateral access under the pier may be blocked or unsafe at certain times of high water, therefore the permit has been conditioned to require construction of stairs or ramps on both sides of the pier abutment to allow lateral access across the site at all times, especially when high water prevents safe lateral access beneath the pier.

Accordingly, approval of the project has been conditioned to require the provision and maintenance of unrestricted lateral access across the sandy beach beneath the pier to allow for unimpaired public access between the Salinas River State Beach south of the site and the beach north of the site, stairs or ramps on the north and south side of the pier to allow lateral access across the site at all times, and a 10-foot wide unrestricted vertical accessway along the full extent of the southern property boundary to allow for unimpaired public access between Sandholdt Road and the beach. As these public access elements are not currently included on project plans, the conditions of approval require the applicant to submit final pier plans for Executive Director Review and approval that identify the specific location of the accessways, along with any design changes necessary to provide such access. A signage plan is also required to identify the specific location and content of all interpretive and informational signs to be installed within the public access area of the pier, as well as signs indicating restrictions on fishing that may be necessary to prevent conflicts with research activities.

Public access provisions required by this permit will be memorialized through the required recordation of a deed restriction acknowledging the conditions of the permit. Provision of lateral access beneath the pier would provide for public use of the beach, while also allowing for the emplacement of pier abutment and structural pilings, any maintenance and repair activities that may occupy portions of the beach for short periods of time, and emplacement of any essential utilities that may need to be attached to the pier or buried beneath the sandy beach. Provision of lateral access atop the pier would allow for emplacement of any interpretive, educational or directional signage or seating approved by Executive Director review of final plans prior to construction, as well as any maintenance and repair activities that may be necessary as part of ongoing use of the area. Provision of vertical access along the southern property boundary would allow for construction of a boardwalk or wire or rope fencing to keep visitors from entering dune restoration areas or prevent unauthorized entry to the lab facilities, allow heavy equipment access to the beach as part of approved rescue or repair operations, and to allow ongoing maintenance and general repair activities on or adjacent to the accessway itself.

Finally, staff from the National Oceanic and Atmospheric Administration's Office of Coast Surveys has indicated that an update of the coast and ocean charts containing the pier would be needed. Therefore, the permit has been conditioned to comply with NOAA requirements for updating the charts to account for the extent and location of the pier replacement. Additionally, as the new pier will need to provide



adequate lighting and markings to ensure navigational safety in open coastal waters, the pier has been conditioned to require approval by the U.S. Coast Guard.

d. Public Access Conclusions

While concerns expressed by the applicant regarding unrestricted public access are legitimate and should be considered, they are not insurmountable; additional measures could be taken to further maximize public access consistent with public safety and liability concerns. Therefore, the permit has been conditioned to incorporate specific public access provisions into the project design. Special Conditions of approval require the applicant to modify the project plans to include an expanded portion of pier that can serve as a public viewing deck, outside of research activities and upon which interpretive and educational signage may be placed, to provide vertical access along the southern property boundary and to provide stairs or ramps on the north and south side of the pier to allow lateral access across the site at all times, especially when high water prevents safe lateral access beneath the pier.

Only as conditioned to design the pier in a way that enables physical access on a portion of the landward end of the pier outside of ongoing research activities, provide lateral access across the site at all times, provide unimpaired vertical access from Sandholdt Road to the beach, submit necessary information to update navigational charts and receive approval from the US Coast Guard to ensure navigational safety in open coastal waters, the proposed project would maximize public access consistent with Coastal Act policies. Additionally, since the dredge disposal pipelines will be attached to the pier, public access on the beach in the vicinity of the pier will be improved. Locating the dredge disposal pipelines on the pier also helps the Harbor District's dredging program which is necessary to protect Coastal Act priority coastal dependent uses, which include recreational and commercial boating, fishing, and recreational beach opportunities consistent with Coastal Act Sections 30210, 30213, 30220, 30224, 30234 and 30234.5.

6. Archaeological Resources

a. Relevant Archaeological Resources Policies

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Land Use Plan Section 2.4 also provides guidance on this topic as follows:

LUP Key Policy 2.9.1. *North County's archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values. New land uses, both public and private, should be considered compatible with this objective only where they*



incorporate all site planning and design features necessary to minimize or avoid impacts to archaeological resources.

LUP Key Policy 2.9.2.1. *Monterey County shall encourage the timely identification and evaluation of archaeological, historical, and paleontological resources, in order that these resources be given consideration during the conceptual design phase of land use planning or project development.*

LUP Key Policy 2.9.2.2. *Whenever development is to occur in the coastal zone, including any proposed grading or excavation activity or removal of vegetation for agricultural use, the Archaeological Site Survey Office or other appropriate authority shall be contacted to determine whether the property has received an archaeological survey. If not, the parcel(s) on which the proposed development will take place shall be required to have an archaeological survey made if located:*

a) *within 100 yards of the floodways of the Pajaro or Salinas Rivers McCluskey, Bennett, Elkhorn, Moro Cojo, or Tembladero Sloughs, the Old Salinas River Channel or Moss Landing Harbor;*

b) *within 100 yards of any known archaeological site (unless the area has been previously surveyed and recorded).*

The archaeological survey should describe the sensitivity of the site and appropriate levels of development, and development mitigation consistent with the site's need for protection.

b. Archaeological Resources Analysis

According to the Initial Study, a review of historic and prehistoric cultural resource records was conducted through the California Historic Resources Information System at Sonoma State University on April 9, 2001. No archaeological sites were identified, however one previous cultural resource study was conducted in 1981 on the landward portion of the project site, and no cultural resources were identified. The review of the historic resource information system thus suggests that there is a low possibility that historic cultural resources exist on the site. However, since construction activities may unearth previously undisturbed materials, the project has been conditioned to halt work and prepare and implement an archaeological mitigation plan if archaeological resources are encountered.

Therefore, as conditioned to require suspension of work and development of a mitigation plan if archaeological materials are found, the proposed development is consistent with Section 30244 of the Coastal Act and approved LUP archaeological resource policies.



D. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding must be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of 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 that would substantially lessen any significant adverse effect that the activity may have on the environment.

The environmental review of the project conducted by Commission staff involved the evaluation of potential impacts to relevant coastal resource issues, including environmentally sensitive marine and dune habitat, water quality and public access. This analysis is reflected in the findings that are incorporated into this CEQA finding. Commission staff received public comments voicing concerns about the loss of fishing opportunities due to replacement of Sandholdt Pier as a research pier.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions that implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.



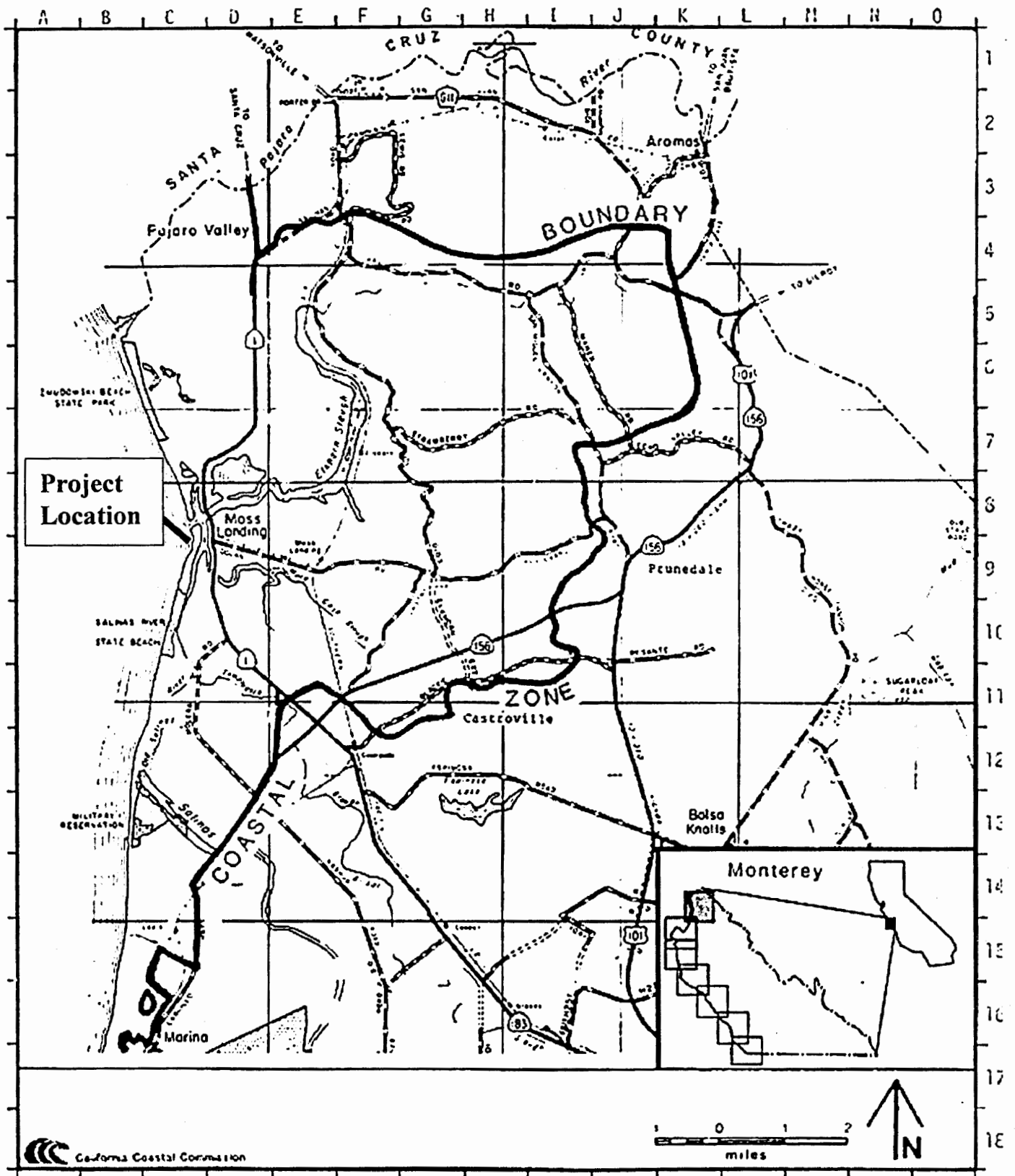


Exhibit A

Regional Location Map
Moss Landing Marine Labs
Sandholdt Pier Replacement

3-00-102

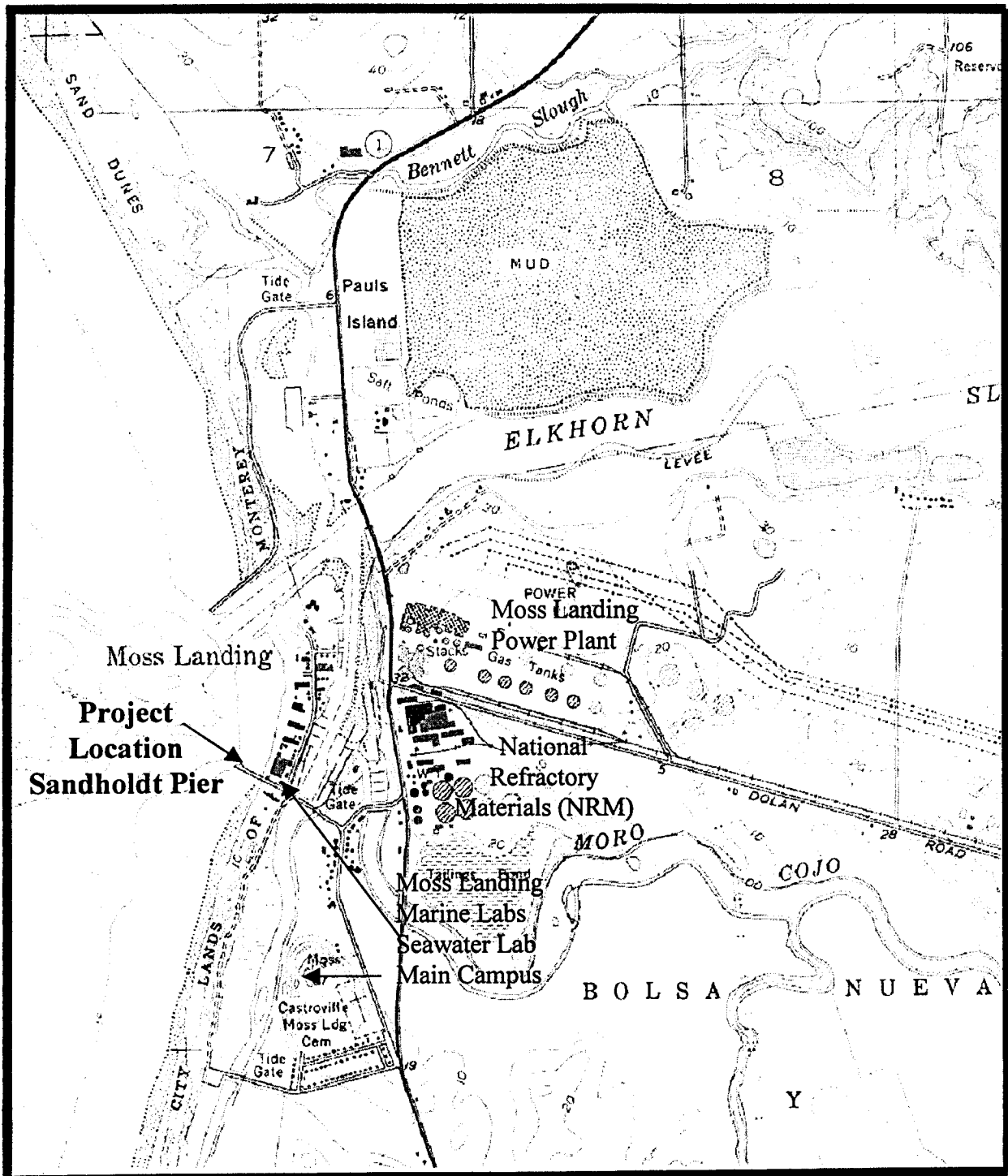


Exhibit B
 Vicinity Map
 Moss Landing Marine Labs
 Sandholdt Pier Replacement
 3-00-102



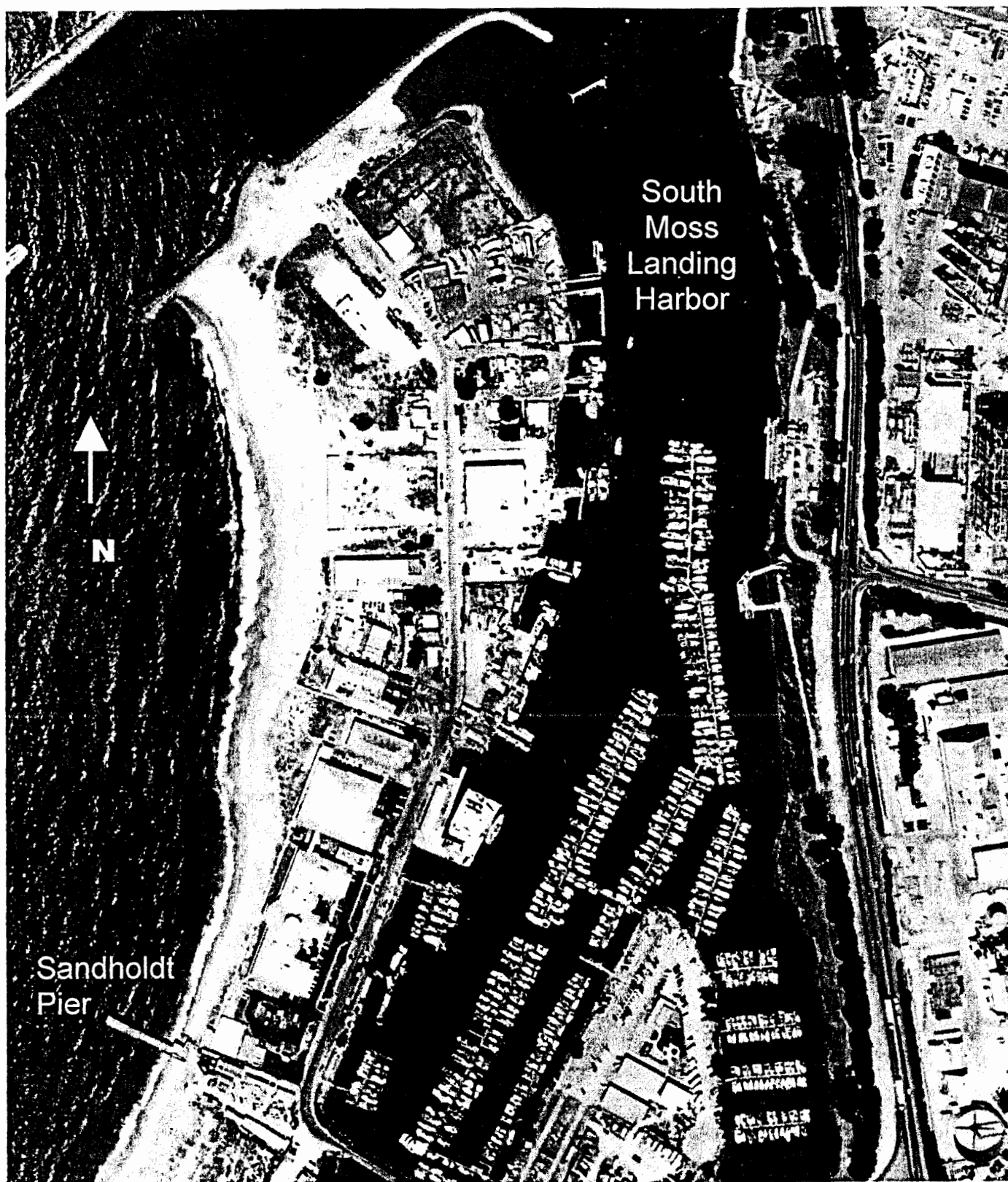
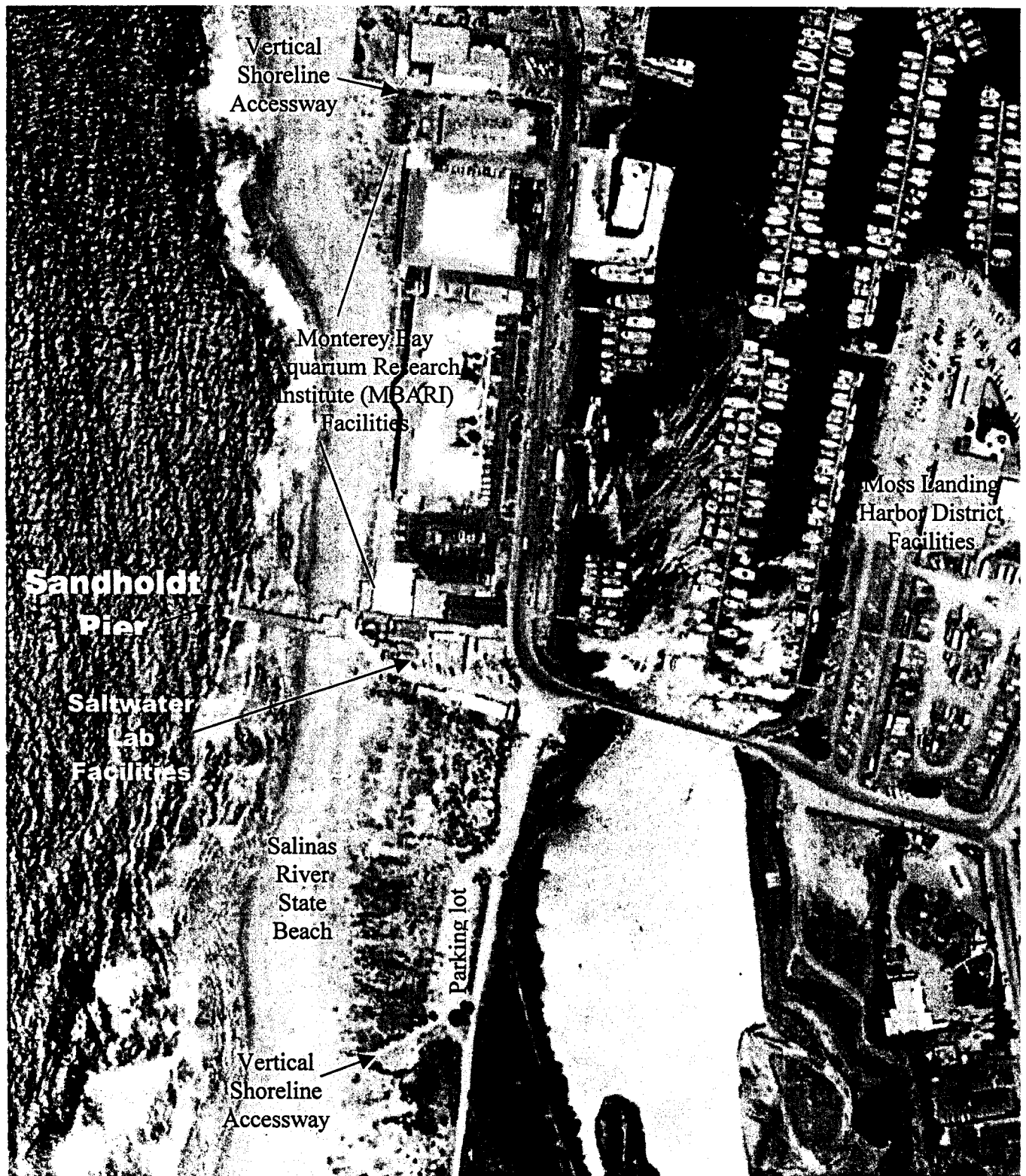


Exhibit C
2001 Aerial Photo of South Moss Landing Harbor Area
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102



**Exhibit D**

2001 Aerial Photo of Sandholdt Pier and Project Vicinity

Moss Landing Marine Labs

Sandholdt Pier Replacement

3-00-102



California Coastal Commission

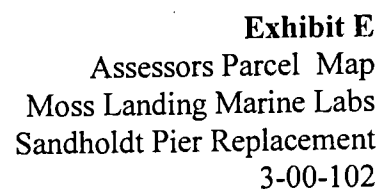




Exhibit F – pg 1 of 2
Site Plan and Elevations – Sheet 1 of 2
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102

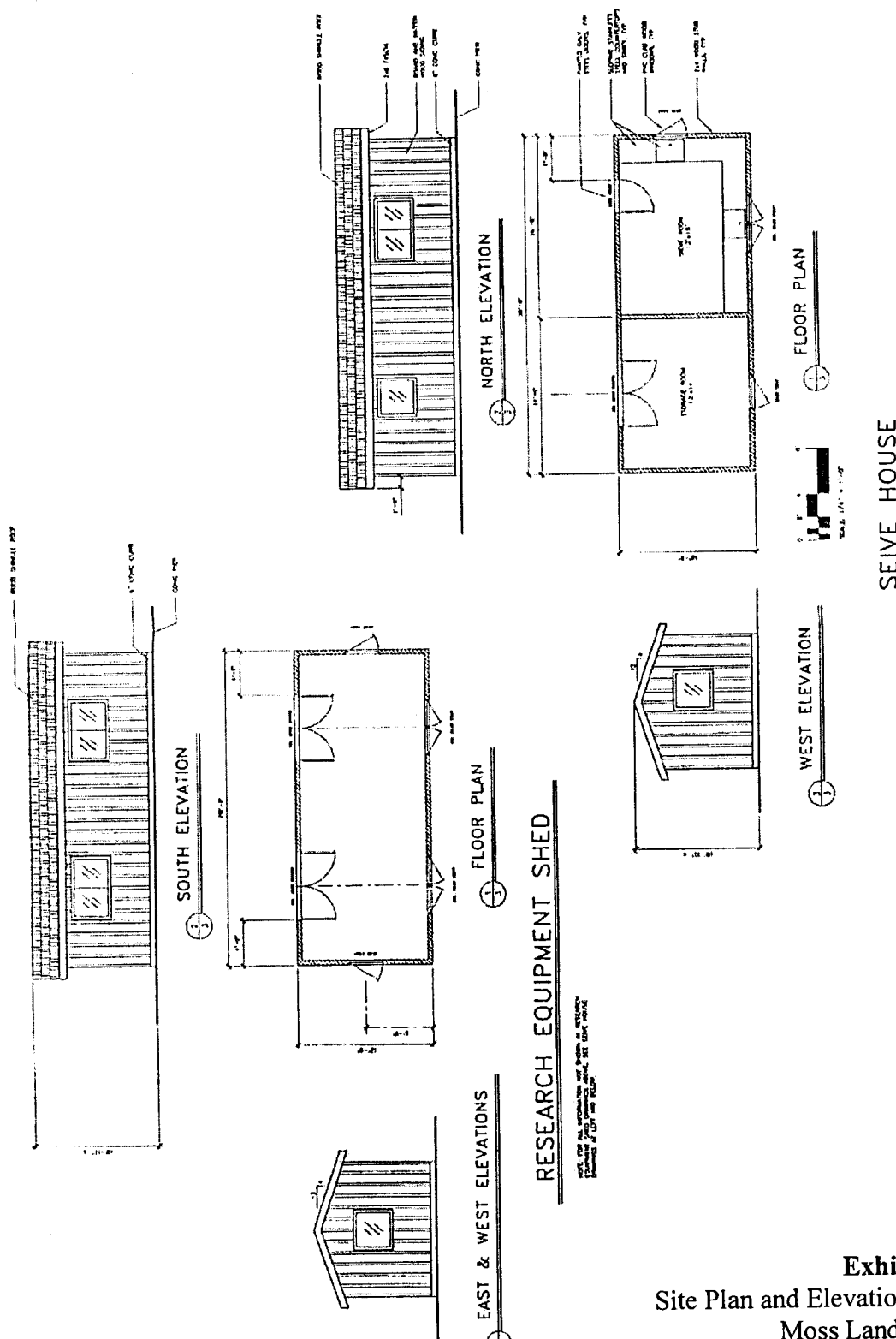


Exhibit F – pg 2 of 2
 Site Plan and Elevations – Sheet 2 of 2
 Moss Landing Marine Labs
 Sandholdt Pier Replacement
 3-00-102

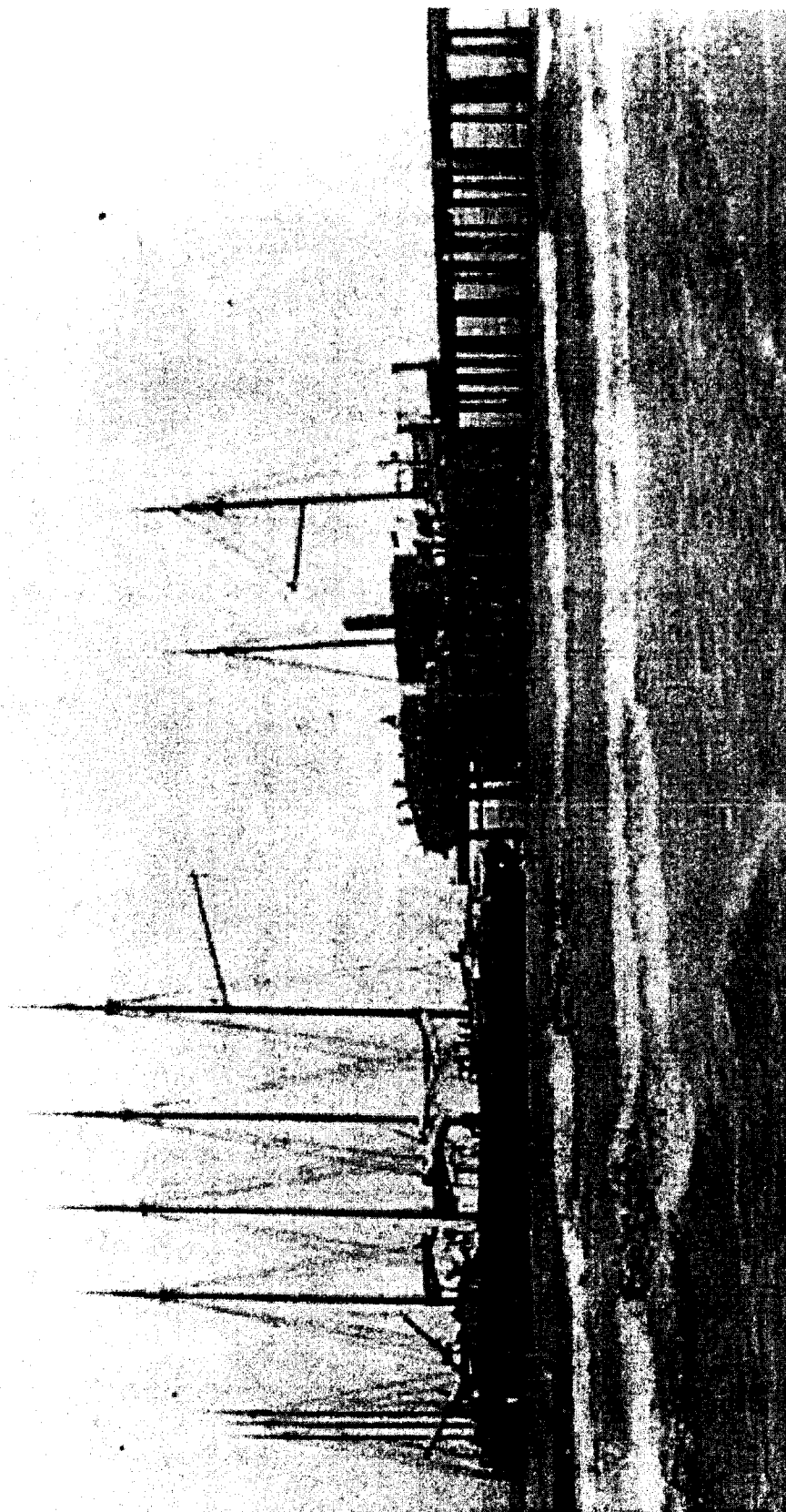


Exhibit G – pg 1 of 4
Historic Photos of Pier
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102



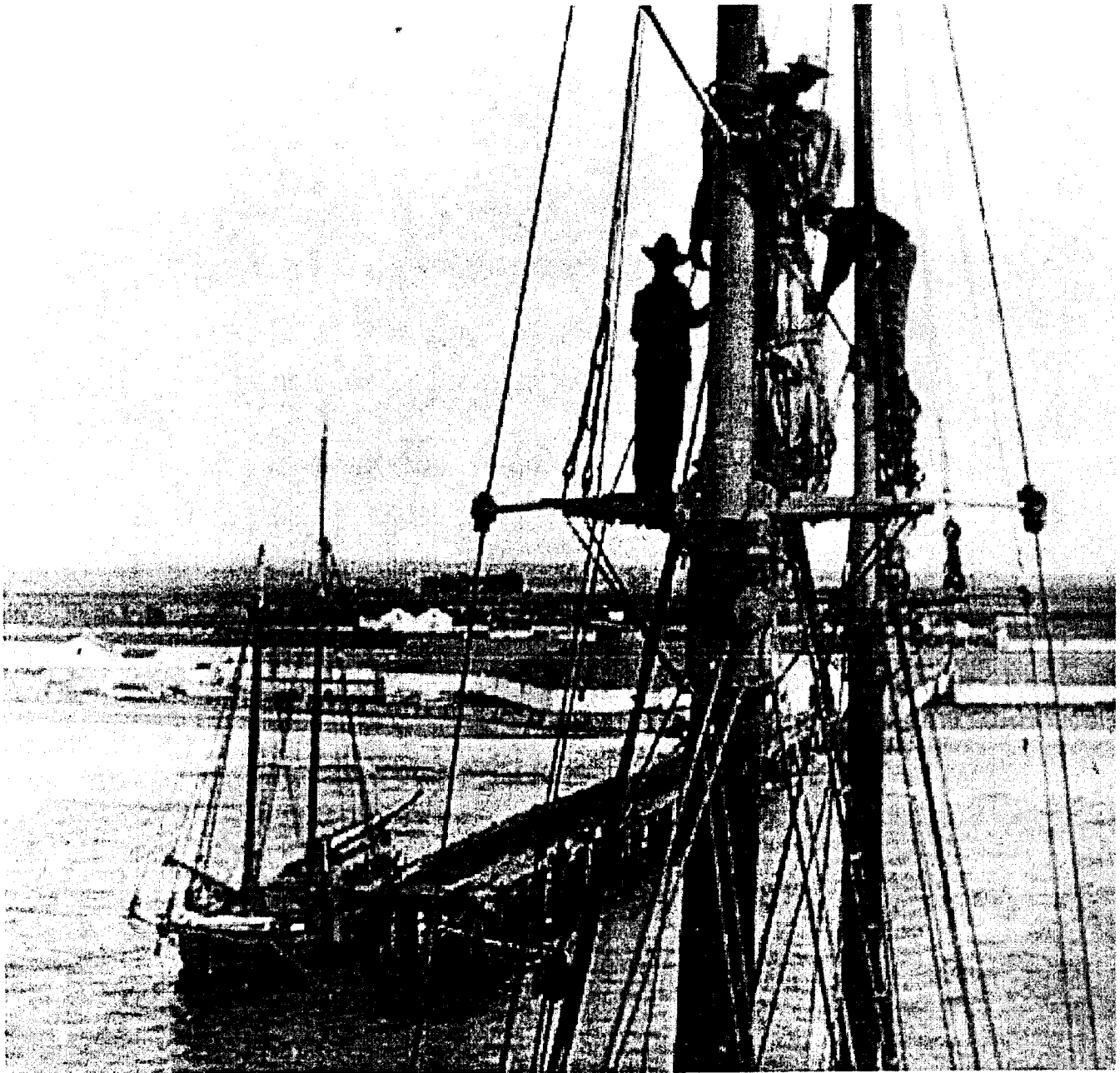


Exhibit G – pg 2 of 4
Historic Photos of Pier
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102



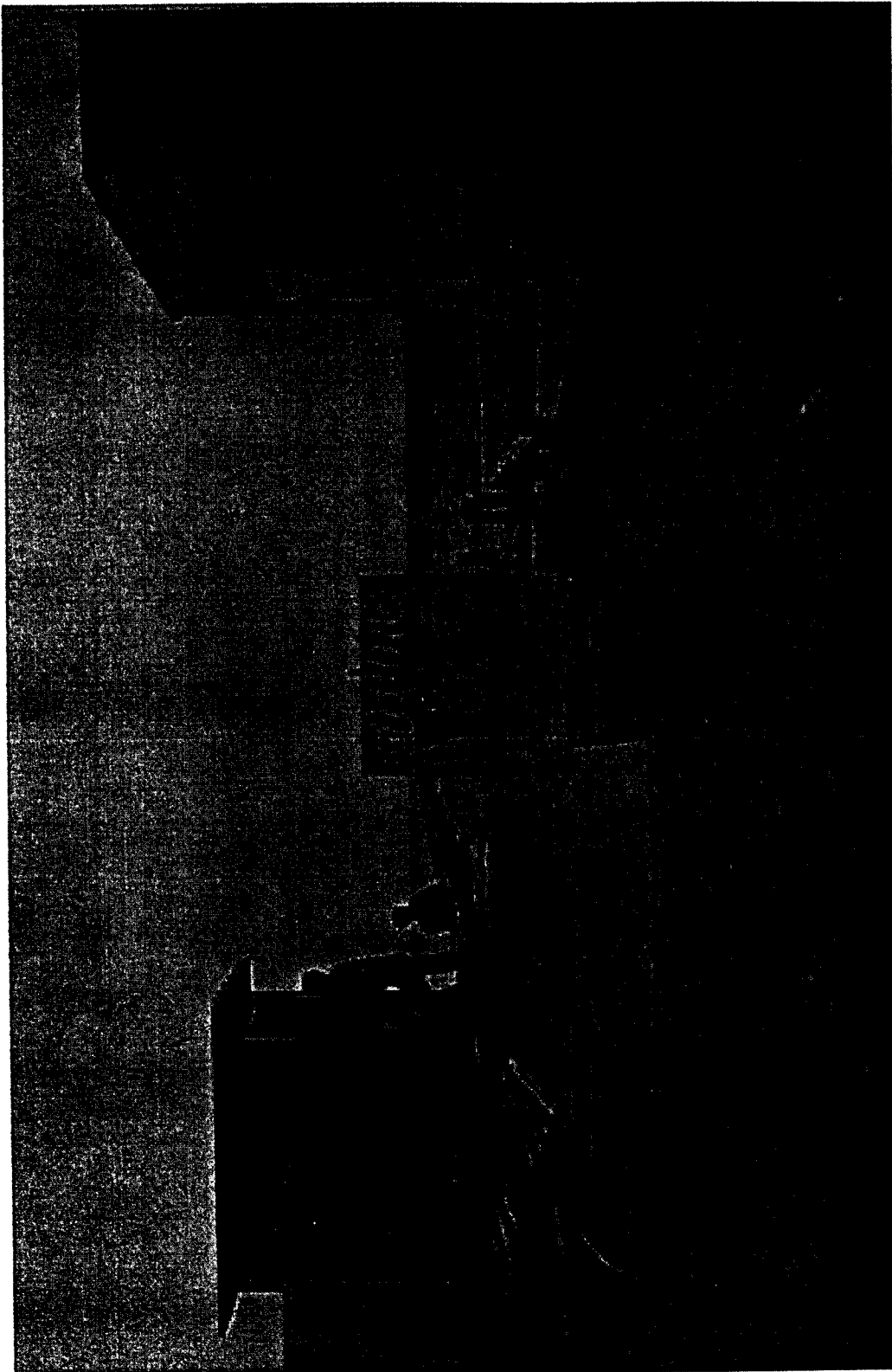


Exhibit G – pg 3 of 4
Historic Photos of Pier
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102





Exhibit G – pg 4 of 4
Historic Photos of Pier
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102



**Exhibit H**

1986 Aerial Photo showing Sandholdt Pier and Moss
Landing Marine Labs prior to Loma Prieta Earthquake
Moss Landing Marine Labs
Sandholdt Pier Replacement

3-00-102



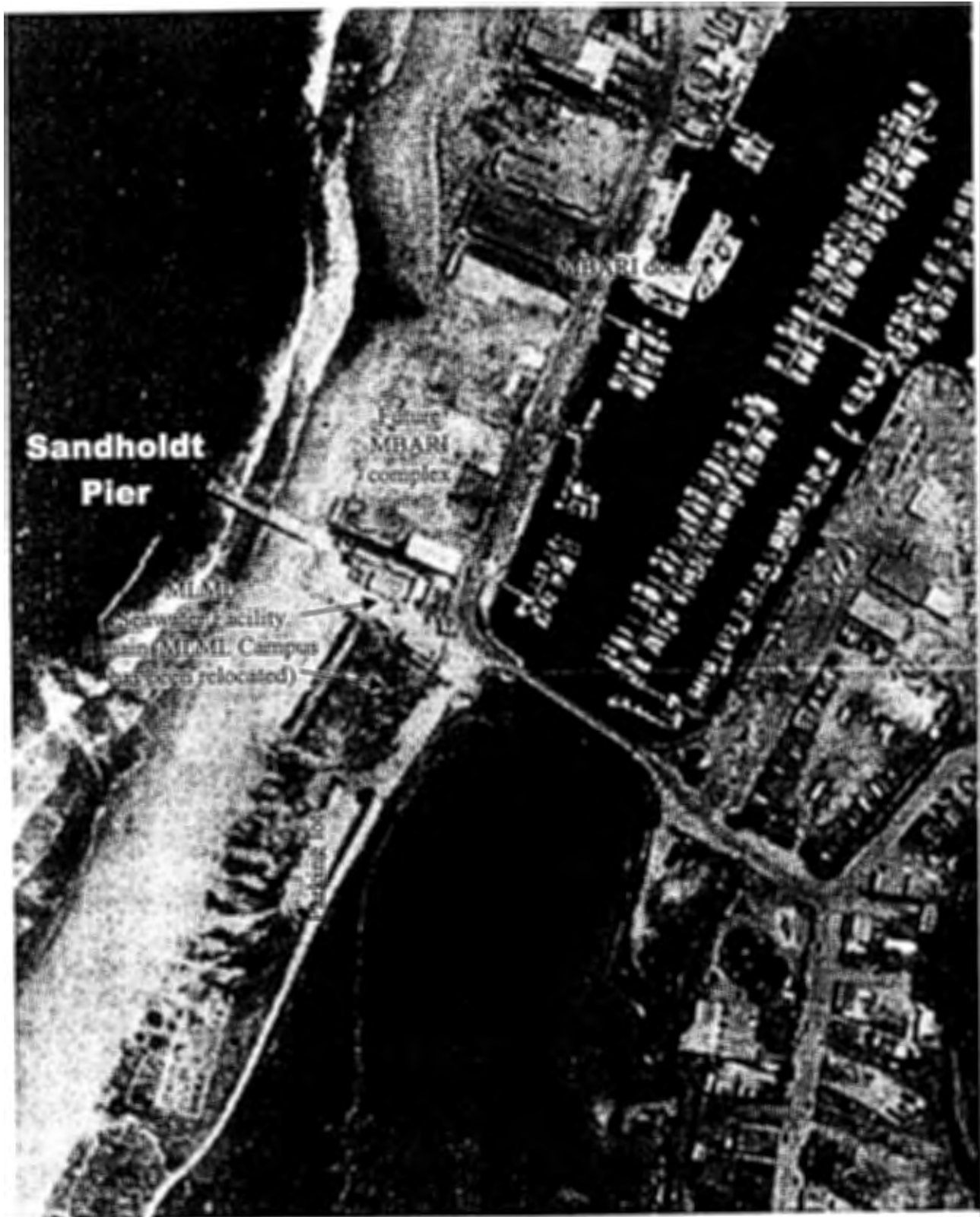


Exhibit I
1993 Aerial Photo of Sandholdt Pier after Loma Prieta and removal
of damaged MLML buildings (prior to construction of MBARI)

Moss Landing Marine Labs
Sandholdt Pier Replacement

3-00-102





Photo 1. Oblique aerial photo of MLML saltwater lab site, showing tide level reaching concrete pier abutment. MBARI parking lot and Science Engineering Building to the north; restored State Parks parcel to the south. (Photo ©California Coastal Records Project, Image #6931, dated 9/30/02)



Photo 2. Oblique aerial photo of MLML saltwater lab site, showing restored State Parks site to the south; note also the boardwalk access at far south end of parking lot. (Photo ©California Coastal Records Project, Image #6932, dated 9/30/02)



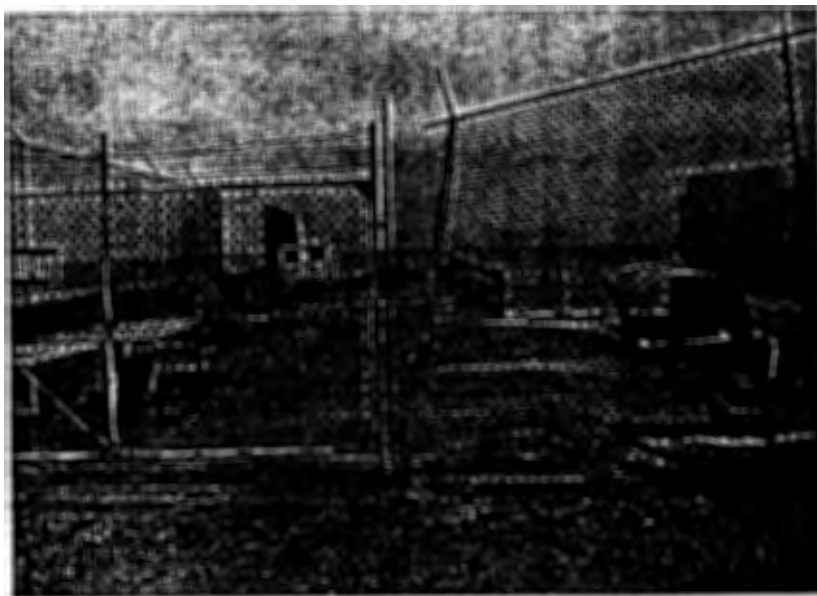
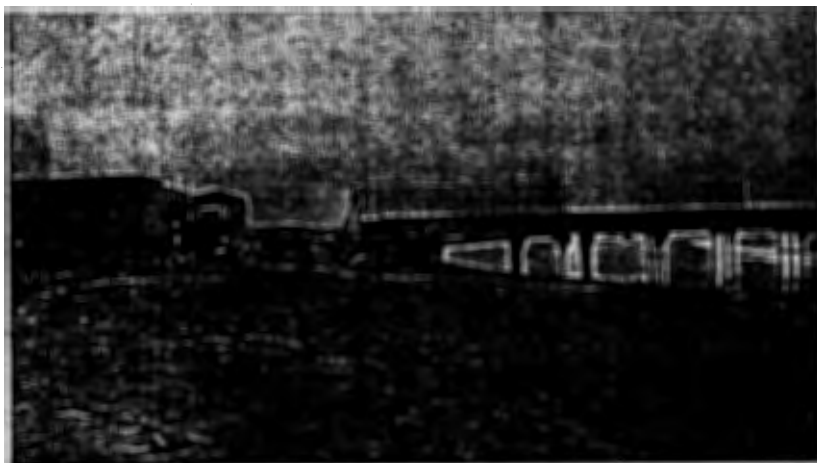


Photo 3. Oblique aerial photo of Salinas River State Beach south of Sandholdt Pier site, showing boardwalk access at far south end of parking lot. (Photo ©California Coastal Records Project, Image #6929, dated 9/30/02)



Photo 4. Oblique aerial photo of MBARI complex north of Sandholdt Pier site; note vertical accessway at far north end of MBARI complex. (Photo ©California Coastal Records Project, Image #768, dated 3/16/02)



**Exhibit K**

Photos of Pier Remains Prior to Demolition in January 2002



California Coastal Commission

MLML Sandholdt Pier Replacement
3-00-102

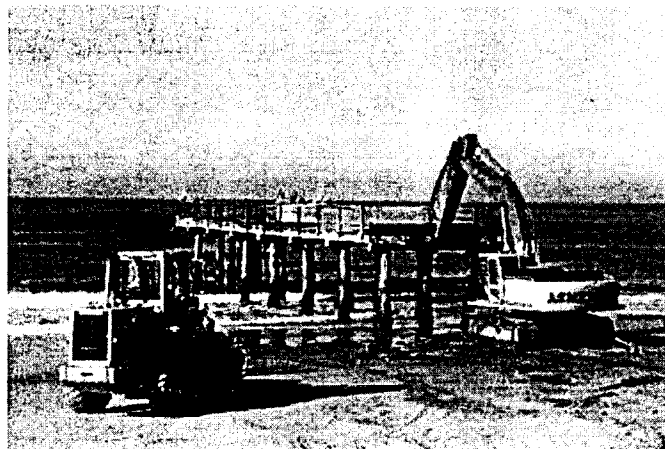
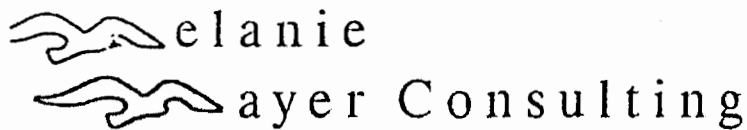


Exhibit L
Photos of Pier Demolition and Cleanup
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102



P.O. Box 570
Moss Landing, CA 95039
Phone: (831) 633-9455
Fax: (831) 633-0455

*Coastal Permits, Project Management
Environmental Planning*

Kelly Cuffe
California Coastal Commission
725 Front St. Suite 300
Santa Cruz, CA 95060

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FEB 28 2002

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

27 Feb. 2002

Re: Moss Landing Marine Laboratories Pier Demolition
Emergency permit #: 3-02-003-G

Dear Kelly,

This is a letter report for the emergency pier demolition in Moss Landing, Monterey County. Moss Landing Marine Laboratories hired Associated Pacific and A&S metals to undertake the demolition.

Demolition was initiated on Jan 9 2002 after verbal emergency authorization was received from the coastal commission staff. During the first day of demolition, the most hazardous and collapsing portion was removed during the afternoon low tide. Demolition was completed on the following day (Jan. 10) during the afternoon low tide.

Biological monitors surveyed the site before work commenced and there were monitors on site during all demolition activity. Please see the enclosed biological monitoring report from ABA Consultants.

A&S Metals did their best to remove pilings as deep into the sand as their equipment could achieve. All Debris was lifted and placed on shore onto a driveway area. From the driveway area, the debris was sorted. All materials with creosote or other materials on it were taken to the landfill in Marina as hazardous material. Remaining debris not deemed to have creosote, paint or other contamination was taken to A&S yard for recycling as

Exhibit M- 1 of 4
Pier Demolition Monitoring Reports
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102



wood chips. Special care was taken during demolition to collect even small debris in an effort by A&S Metals and ABA biological monitors.

Enclosed please find copies of photographs taken during the demolition and two photographs for the beach taken after the pier was removed.

The remaining items for completing the formal application for pier reconstruction will be submitted shortly. The California State University chancellor's office took action on the project just a few weeks ago so I am now preparing a submittal.

If you have any questions or need additional information, please feel free to contact me at 831-633-9455.

Sincerely,



Melanie Mayer Gideon, M.S.

cc: B. Giles, MLML

Encl. Photographs
ABA Consultants Monitoring Report

Exhibit M- pg 2 of 4
Pier Demolition Monitoring Reports
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102



ABA Consultants

P.O. Box 1151, CapHolla CA 95010

VOX: (831) 479-0277 FAX: (831) 465-0123

Environmental Research, Assessment, and Planning

aba@abaconsultants.net

TO: Melanie Mayer
FROM: Jim Oakden, ABA Consultants
DATE: 1/22/02
RE: Monitoring of Moss Landing Marine Lab Pier Demolition

Greetings Melanie,

As a result of structural damage caused by large surf, it was determined that the Pier on the Moss Landing Marine Labs parcel at 7711 Sandholdt Rd should be demolished. In response to concerns about possible impacts to natural habitat and wildlife, ABA Consultants was asked to provide biological monitors. The monitors were asked to do the following: perform a preliminary survey to ensure that no snowy plovers were in the vicinity; assure that sea otters were not using the area; communicate with the demolition crew to ensure that they stayed out of sensitive habitats; intercept people who might otherwise have entered the demolition area; help collect debris resulting from the demolition.

Plover Survey

On the morning of January 9, before demolition commenced, a survey for snowy plovers was performed by Dr. Robert Burton. Rob is recognized by USFW and CDFG as a plover expert, and has performed numerous plover surveys in the past. He surveyed the beach and dunes for a quarter mile on either side of the site, searching for tracks, birds, or signs of nesting activities. No evidence of plovers was discovered, so the go-ahead for the demolition was given.

Sea Otter Survey

Before and during demolition monitors looked for the presence of sea otters using the beach area. None were observed, so demolition proceeded. No sea otters moved into the area while work was underway.

Demolition Monitoring

The demolition commenced on the afternoon of Jan. 9 & 10. Three monitors were present. They had a meeting with the demolition crew, and pointed out the areas that were off limits to equipment and personnel. The route for equipment to get to the beach was laid out.

Poles were pounded into the sand, and yellow warning tape was erected across the beach on either side of the demolition area. One monitor was assigned to the demolition crew, and the

Exhibit M- pg 3 of 4
Pier Demolition Monitoring Reports
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102

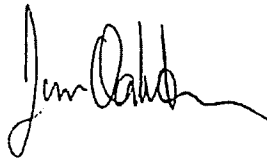


2

other two monitors were posted on the beach to the north and south. Passersby were informed what was occurring, and diverted around the demolition zone. There were no incursions of equipment or personnel into the sensitive habitat areas. The pier was demolished by 1600, with the lumber and other debris stacked at the edge of the beach. The 3 monitors and the demolition crew walked the beach picking up wood fragments and generally cleaning the beach.

The demolition re-commenced the next day. Because all that remained to do was load and haul away the pier remains, it was felt that 2 monitors were sufficient. Because the work on the beach was completed, the area was not roped off. The monitors made sure there were no incursions into sensitive habitat, and helped collect debris.

In summary, the pier demolition went smoothly and rapidly, and there were no negative impacts to sensitive habitats. The demolition site was left very clean.



Moss Landing Marine Laboratories Research Pier Public Access Plan

The Moss Landing Marine Laboratories (MLML) include public access and scientific interpretation as an integral part of our mission. We have been able to accommodate this aspect of our mission through the establishment of a supporting non-profit organization, Friends of Moss Landing Marine Labs, and the use of dedicated volunteers and docents. Together with the Friends, we have established a public seminar series, a visitor center, gifted and subsequently restored 9 acres of beach dune habitat to the State Parks and accommodate thousands of visitors and groups to our laboratories every year. Together, MLML and the Friends are in the process of constructing an interpretive boardwalk and restoring 21 additional acres of nearshore habitat.

Though we allow our visitors access to all areas of our laboratories that are safe and non-disruptive to our educational mission, the docents and volunteers do not allow the public into active research spaces nor do they allow them into the classrooms during classes. Ongoing research projects costing hundreds of thousands of dollars rely upon expensive equipment, critically controlled laboratory or environmental conditions. The exposure of the public and the risk that the public poses to the execution of these projects precludes even controlled access in many areas. The research pier is no different and in most cases, the risk to the public and the resultant liability that the public poses to ongoing experiments is even larger than in the controlled laboratory situation. The pier will be equipped with high voltage, dangerous heights and millions of dollars worth of scientific equipment and projects. The Moss Landing Marine Laboratories is in no position to assume this kind of liability for the public, the students we teach, or for the research projects we sponsor. Where public access has been attempted on research piers (Scripps Institution of Oceanography, two days only), access was controlled again within two days due to problems associated with tangled equipment and public interference with ongoing experiments or facilities (see message below).

Nonetheless, MLML and the Friends of MLML do believe that escorted groups at certain times will be possible and desirable to help us achieve our public outreach objectives, and to teach the public the value of scientific marine research. Our plan to accommodate visitors on the research pier, therefore, reflects our stated limitations while providing greatest possible public access.

Beach Access

The pier, as designed, will be a few feet higher than was the original pier. This will provide for greater beach access underneath and beach-walking continuity will be achieved through a raised platform with piles spaced at greater intervals. This was problematic at high tide with many beachgoers and equestrians unable to get underneath the pier twice per day. Thus, beach access will be improved with the reconstructed pier. Additionally, over 8 acres of property immediately adjacent to the project site was restored to native dune habitat and gifted to the California State Parks by MLML, significantly increasing public access options to the beach.

RECEIVED

JAN 13 2004

CALIFORNIA
COASTAL COMMISSION
OFFICE OF THE SECRETARY

Exhibit N- pg 1 of 3
Applicant's Proposed Public Access Plan
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102



Toured Groups

As part of the Visitor Center and public access component of MLML, the Friends have taken on the responsibility of organizing and conducting public tours of the MLML facilities. This will be extended to include the pier and ultimately other areas of MLML operations. This is now being done by reservation through the Friends office and such tour reservations will be extended to include the pier.

Open House Events

Currently MLML has one open house event per year and MBARI has one per year as well. These events will be expanded to include guided tours of the pier as well as other facilities. At the discretion of the Labs and MBARI, additional controlled access may be added.

The Value of Science to the Public

The purpose of the pier is to extend our understanding of coastal and marine processes. As such the insights learned from the pier will be shared with the public and the scientific communities. In addition, MLML would encourage other educational or environmental groups to take advantage of the pier as a research platform. This may involve the accommodation of school groups or environmental organizations such as the Surfriders Foundation to use the pier as a way to access the coastal environment for their own curricula or sampling purposes in ways that do not interfere with ongoing studies.

Virtual Access

Even though the public will not have unrestricted physical access, we anticipate that the data streams and images flowing from the pier will be made available on the web for general access. These programs are now being supported by NOAA. In this way the public as well as any educational or interested party could view images from the pier and have access to the data streams being generated in near real time. We feel that this new vision of coastal processes will help to draw the public nearer to an environment that they would normally only experience from the end of a monofilament fishing line and not otherwise appreciate from a scientific perspective. In addition, this perspective will lead to a more informed public capable of making more responsible decisions regarding issues of coastal impact.

These modes of public access, in our opinion, are consistent with, and go well beyond, the criteria for access in the California Coastal Act and provisions for coastal dependent research and educational institutions, yet are consistent with the mission of MLML.

Exhibit N- pg 2 of 3

Applicant's Proposed Public Access Plan
Moss Landing Marine Labs
Sandholdt Pier Replacement

3-00-102



E-mail message from Ron McConnaughey, Facilities Manager of the Scripps Pier

Date: Wed, 1 Aug 2001 16:22:42 -0700

To: Kenneth Coale <coale@mlml.calstate.edu>

From: Ron and Mary Lou McConnaughey <mconnaugheys@mail.vei.net>

Subject: Re: Research Pier at MLML

Hi Ken,

Good to hear from you again.

Our pier was closed to fishing, with the exception of scientific collecting, by permit, signed the director, for my entire thirty six years. Occasionally, groups such as the SIO Associates (a wealthy donor group) or Departments not actually using the pier, would wangle special fishing days but those days always ended badly. The concerned core group of pier users always managed to get the pier closed again to fishing and public access. Some unauthorized fishing managed to go on to some extent, but our Campus Police maintain a list of all current fishing permits and are pretty good at policing the pier.

I believe it is imperative to the scientific mission of your Marine Lab. to keep it closed to fishing from the outset. All exceptions should be cleared through the director. Our new pier, dedicated in 1988, was the product of a large Ad Hoc Pier Committee composed of Scripps scientists and staff as well as UCSD and private engineering firms. The committee was chaired by Deputy Director, and member of the California Coastal Commission, the late Jeff Frautchy. It was the consensus of that committee (of which I was also a member) that the pier should remain closed to fishing and to public access.

I have, as a diver, actually been hooked and reeled in by a sport fisherman while collecting for SIO. I have a collection of stories about being hooked, and nearly hooked, while working underwater. I have an equal collection of hooked instrument stories, all of them bad. I am sure that your pier will be heavily instrumented very quickly. Tangling your support divers in monofilament fishing line is, potentially life threatening. It has often been brought up as a topic at our Diving Control Board meetings. Our Department of Risk Management would probably not let us operate a pier with public access. I think your thoughts and arguments stated below are completely valid.

I have recently retired from SIO (36 years is a long time) but my replacement Eddie Kisfaludy can be reached at my email address and his phone number and address are the same. Eddie worked for me for several years as a volunteer while he finished his education at San Diego State University. Among his duties are co-facility manager of SIO pier with Wayne Pawelek, our Diving Safety Officer. I am sure both Eddie and Wayne will be more than happy to help you in any way that they can in the future.

Again, good to hear from you

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JAN 13 2002

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COASTAL COMMISSION
CENTRAL COAST AREA

Exhibit N- pg 3 of 3
Applicant's Proposed Public Access Plan
Moss Landing Marine Labs
Sandholdt Pier Replacement
3-00-102



(revised and
submitted 2/17/04)

Moss Landing Marine Laboratories Research Pier Public Access Plan

Moss Landing Marine Laboratories (MLML) include public access and scientific interpretation as a priority and an integral part of our mission. We have been able to accommodate this aspect of our mission through the establishment of a supporting non-profit organization, Friends of Moss Landing Marine Labs, and the use of dedicated volunteers and docents. Together with the Friends, we have established a public seminar series, a visitor center, gifted and subsequently restored 9 acres of beach dune habitat to the State Parks and accommodate thousands of visitors and groups to our laboratories every year. Together, MLML and the Friends are in the process of constructing an interpretive boardwalk and restoring 21+ additional acres of near-shore habitat, including dunes at the adjacent State Park facility.

Though we allow our visitors access to all areas of our laboratories that are safe and non-disruptive to our educational mission, the docents and volunteers do not allow the public into active research spaces nor do they allow them into the classrooms during classes. Ongoing research projects costing hundreds of thousands of dollars rely upon expensive equipment, critically controlled laboratory or environmental conditions. The exposure of the public and the risk that the public poses to the execution of these projects precludes even controlled access in many areas. The research pier is no different and in most cases, the risk to public safety and the resultant liability that the public poses to ongoing experiments is even larger than in the controlled laboratory situation. The pier will be equipped with high voltage, dangerous heights and millions of dollars worth of scientific equipment and projects. In addition, vessels of all sizes will be approaching and securing to the pier at unpredictable hours. This is not a safe environment for those who do not understand operations. The Moss Landing Marine Laboratories is in no position to assume this kind of liability for the public, the students we teach, or for the research projects we sponsor. Where public access has been attempted on research piers (Scripps Institution of Oceanography, two days only), access was controlled again within two days due to problems associated with tangled equipment and public interference with ongoing experiments or facilities (see message below). Unmonitored access would jeopardize ours and our research partners' ability to do our jobs, which support the primary educational mission of the Laboratories and the California State University to increase the understanding of our local marine environment and convey that knowledge to our students and the public.

Nonetheless, MLML and the Friends of MLML, do believe that escorted groups will be possible and desirable to help us achieve our public outreach objectives, and to teach the public the value of scientific marine research. Our plan to accommodate visitors on the research pier, therefore, reflects our stated limitations while providing greatest possible public access for our current situation. We are open to exploration of other opportunities for increased public involvement as they present themselves.

Response to specific points raised on pages 28-29 of the Staff Report 01.29.04

Exhibit O – pg 1 of 5

Updated Public Access Plan (submitted 2/17/04)

MLML Sandholdt Pier Replacement

3-00-102



- 1) Interpretive signage: Great Idea! Interpretive signage illustrating the current and historic use of the pier is consistent with both our missions and we would gladly incorporate this into the project.
- 2) Design and construct specific area of pier for public access: We did query the engineering team with regards to outboard walkways when we were considering placement of the Harbor District's dredge lines and other utilities. They indicated that because the deck was restricted in height (10 feet above mean low tide level) that one could expect that during certain storms, waves could tear off any appended structures, not protected by the concrete bents and precast decking. Even when storm waves do not crest the deck, they can heave logs against the pier and cause extensive damage to unprotected structures. This is why we needed to keep the utilities (seawater, power and dredge lines, etc...) inboard of the main structure. For this reason alone, a caged catwalk is not a safe way to accommodate pedestrians. The best place to accommodate pedestrians is on the deck of the pier. If we were to cage off a section to keep them from the equipment and utilities, docking cleats and edge, there would be no room to drive trucks and cranes. For these reasons, I think pedestrians would be safest on the deck and we will be happy to accommodate them there (see below).

More on fishing: There are several species of extremely rare sharks that are found at the head of the canyon. Both *Hexanchus griseus* (Six-gilled shark) and *Echinorhinus cookei* (Prickley Shark) are extremely rare and they have, surprisingly, been caught from the Sandholdt pier in the past. These are both deep-water species that have never before been caught from shore and are normally found in water thousands of meters deep. From our acoustic tagging experiments, we have determined that the prickley shark uses the canyon as a habitat, migrating from the head to the deep-water (20 miles offshore and 3000 m deep) on a weekly cycle. These studies are ongoing. We would love to share these stories with the public, but to allow the public to fish for these extremely rare species would have catastrophic consequences on our research and could possibly alter the behavior or migratory extent of these species. For these reasons, and those I have shared with you before, I cannot overestimate the negative impact that public fishing would bring to the pier and I hope that the Commission would see that, in fact, there is added public and scientific value to a pier where public fishing is not allowed.

- 3) Use of fencing: Yes, we do plan to install fencing in order to control access. We believe it is impractical to secure each piece of equipment, (it would be like locking up the appliances in one's kitchen) so there will be a gate at the entrance to the pier. We plan to allow controlled (escorted) public access as per the plan below. As the plans show and the utility of the pier dictate, no railings will be placed where ships may dock.
- 4) Establishment of specific hours: The research pier will have sensors deployed continuously and experiments running at all hours. The deck of the pier may also be used to accommodate temporary activities such as the flensing/scientific processing of large marine mammals, the placement of productivity, or mammal holding tanks, etc... It is not practical to designate permanent hours where unescorted public would not interfere. Yet, we can

accommodate the public. Currently we allow visitors on tours of our building by appointment. We are happy to do this and Lisa and I have forwarded to you the schedule of the visitors we have hosted at the labs and it is summarized below. As you can see from the schedule, we have accommodated groups on weekdays and weekends, yet we do not open our laboratories to the unescorted public. I have discussed the proposal of establishing regular hours where a docent or staff member could accompany visitors on the pier. We are open to the idea but this has major impacts on staffing and funding, and we have yet to see what the demand will be. I suggest that we establish signage indicating how to arrange for a tour, and we see if there is sufficient interest to warrant the posting of regular hours where we would provide a tour guide.

The measurements, sensors and experiments will take place all over the pier. Although some will be specific to the pier terminus, acoustic sensors for beach height, settling plates suspended from pilings, acoustic arrays, light sensors, antennae, etc... can be deployed all along the length of the pier. The pier serves as a framework for the layout of arrays, experiments and observation.

Public Access We Can Provide

Beach Access

The pier, as designed, will be a few feet higher than was the original pier. This will provide for greater beach access underneath and beach-walking continuity will be achieved through a raised platform with piles spaced at greater intervals. This was problematic in the past when at high tide, many beachgoers and equestrians were unable to get underneath the pier twice per day. Thus, beach access will be improved with the reconstructed pier.

Additionally, over 9 acres of property immediately adjacent to the project site was restored to native dune habitat and gifted to the California State Parks by MLML, significantly increasing public access options to the beach, and the walking trail, in the Moss Landing community.

Interpretive Signage

Interpretive signage illustrating the current and historic use of the pier is consistent with both our educational and research missions and we will incorporate this into the reconstruction project. We will include interpretation of some of our research activities associated with the pier as well. In addition, we will post signs with information about how to contact us to schedule a guided tour of the research pier at a time that is safe for the public and does not immediately interfere with ongoing research efforts.

Toured Groups

Exhibit O – pg 3 of 5
Updated Public Access Plan (submitted
2/17/04)
MLML Sandholdt Pier Replacement
3-00-102



As part of the Visitor Center and public access component of MLML, the Friends of MLML have taken on the responsibility of organizing and conducting public tours of the MLML facilities. Below is a summary of these, and other public activities conducted in 2003. The Friends staff consists of one full-time and one part-time employee plus volunteer student docents when available. This tour program will be extended to include the research pier when construction is complete, and ultimately other areas of MLML operations as well. This is now done by reservation through the Friends office and such tour reservations will be extended to include the pier. This policy will be re-evaluated and potentially expanded to a more formal schedule based on demand and utilization, as well as manpower.

CURRENT PUBLIC PROGRAMS AT MLML conducted by Friends and other Affiliated Groups

- Present 6 public seminars per year (2003 attendees = 947)
- All academic seminars and thesis defenses are open to the public (4:00pm every Friday when classes are in session – schedule published on the website)
- Publish the WAVE newsletter, twice per year, highlighting MLML research and events. These are mailed to members and available to the public in our front lobby.
- In process: develop, design and construct the MLML Coastal Boardwalk Trail and Visitor's Center.
- Conduct docent training and provide guided tours to visitors to the Labs (in 2003 – More than 1000 visitors, including student groups from 10 different Middle and High Schools and many drop-ins.)
- MLML Student Open House (estimated 5000+ visitors in 2003)
- Endless Summer (approximately 200 attendees)
- Teacher Enhancement Program (Train local teachers how to incorporate field and lab science activities into their lesson plans. This is a rapidly expanding and very popular program.)
- SLEWTHS K-12 Ocean Stewardship Program (Hosted 8 K-12 groups primarily from inland cities such as Salinas and Hollister – training is held on the beach).
- In addition, any qualified (possessing a bachelor's degree) member of the public can enroll in our 100-level classes through CSUMB's Open University.

Open House Events

Exhibit O – pg 4 of 5
Updated Public Access Plan (submitted
2/17/04)
MLML Sandholdt Pier Replacement
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Currently MLML has one open house event per year and MBARI has one per year as well. The MLML open house is a highly popular event organized by our students and always well-attended. Last year's event attracted over 5000 visitors. These events will be expanded to include guided tours of the pier as well as other facilities. At the discretion of the Labs and MBARI, additional controlled access may be added.

The Value of Science to the Public

The purpose of the pier is to extend our understanding of coastal and marine processes. As such the insights learned from the pier will be shared with our students, the public and the scientific communities. In addition, MLML will encourage other educational or environmental groups to take advantage of the pier as a research platform, as we do with our main facility and seminar room. This may involve the accommodation of school groups or environmental organizations such as the Surfriders Foundation to use the pier as a way to access the coastal environment for their own curricula or sampling purposes in ways that do not interfere with ongoing studies.

Virtual Access

Even though the public will not have unrestricted physical access, we anticipate that the data streams and images flowing from the pier will be made available on the web for general access. These programs are now being supported by NOAA. In this way the public, as well as any educational or interested party, could view images from the pier and have access to the data streams being generated in near real time. We feel that this new vision of coastal processes will help to draw the public nearer to an environment that they would normally only experience from the end of a monofilament fishing line and not otherwise appreciate from a scientific perspective. In addition, this perspective will lead to a more informed public capable of making more responsible decisions regarding issues of coastal impact.

These modes of public access, in our opinion, are consistent with, and go well beyond, the criteria for access in the California Coastal Act and provisions for coastal dependent research and educational institutions, yet are consistent with the mission of MLML.

Exhibit O – pg 5 of 5
Updated Public Access Plan (submitted
2/17/04)
MLML Sandholdt Pier Replacement
3-00-102



Staff Note: Most recent submittal from applicant regarding need for coastal development permit, historic extents of pier, and public access constraints – sent via email 4/21/04 from McCabe and Company.

Moss Landing Marine Laboratories

Executive Summary

Moss Landing Marine Laboratories is requesting to replace the 480-foot long, 20,000+ square foot wooden Sandholdt Pier with the construction of a new 500-foot long, 13,909 square foot concrete pier. The original 150+year-old structure was severely damaged in the 1989 Loma Prieta earthquake and before the labs had the opportunity to repair the pier, major storms, flooding, and high wave action from the 1995 El Nino and 1999 winter storm events irreparably damaged the structure. The pier was demolished in January 2002 due to further storm damage and concerns of potential collapse and threats to public safety.

This project is exempt from permitting requirements of the California Coastal Commission because, pursuant to policy 30610 of the Coastal Act:

- It is the replacement of a structure destroyed by natural disaster
- There will be no increase in area or length of the structure into the water
- It will be built over the same footprint
- It will be used for the same purposes

Furthermore, even if the project did require a coastal permit, we do not believe that the public access requests being proposed by staff are feasible or reasonable for this project because:

- Ample and sufficient public access is already provided
- Unrestricted access is not site appropriate
- Regular, year-round escorted access would be cost-prohibitive
- Unrestricted access constitutes a danger to the public
- Public access would reduce the security of the facility and compromise the instrumentation and research and educational programs supported there

Background on Moss Landing Marine Laboratories

Moss Landing Marine Laboratories is a program within the San Jose State University Foundation, a private, nonprofit 501(c)3 organization. Moss Landing Marine Laboratories [MLML] are the marine teaching and research facilities that serve a consortium of seven California State Universities in Central California. These include the CSU campuses at San Jose, San Francisco, Hayward, Stanislaus, Sacramento, Fresno, and Monterey Bay. It serves approximately 120 students with nine full time faculty, several adjunct professors and affiliated researchers, and a support staff of 50.

Since its establishment in 1966, MLML has earned an international reputation for excellence in marine research and education, and is the second oldest marine lab on Monterey Bay. The MLML mission is to: "*Provision the Pioneers of the Future.*" This is done through a hands-on, field-oriented approach to the curriculum that places graduate students at the frontiers of marine science where discoveries are being

Exhibit P – pg 1 of 7

Applicant's submittal regarding Coastal
Development Permit requirement, pier extents and
public access constraints

MLML Sandholdt Pier Replacement

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made. Our faculty and researchers are actively involved in state-of-the-art research in a wide variety of disciplines that will derive significant benefit from replacing the pier. Our graduates are employed throughout the nation in research, educational, environmental and public service positions.

History of MLML Facility

The first Sandholdt Pier was constructed at the site over 150 years ago. It was first used for commercial shipping and later for commercial whaling. The pier contained warehouses and residences at various times and as recently as the 1960s. The San Jose State Foundation acquired the pier in 1988 along with the on-shore parcel as the site for expansion of the marine lab facility. The marine lab has been a functioning research and educational center since the 1950s. The pier immediately became part of the research program at that time. The pier was the only research pier in California north of Scripps Institute Pier in La Jolla. A gift by UNOCAL to CSU San Luis Obispo recently established another educational/research pier in Avila Beach.

The landward portion of the new pier abutment will be located on property owned by San Jose State University Foundation and will be used by Moss Landing Marine Labs to establish a coastal observatory for faculty, students, and regional scientists. It will also provide docking space for research vessels. It will become a training facility for the research diving program and a testing facility for the development of coastal monitoring instrumentation. The submerged tidelands under the pier are in the jurisdiction of the Moss Landing Harbor District, which has approved a construction permit for the project and entered into a 50-year lease agreement with California State Universities/MLML for use of the submerged property.

No Coastal Commission Permit is Required for MLML Project

MLML's pier replacement project is consistent with Coastal Act policies regarding structures damaged due to natural disasters, as described in policy 30610(g):

Section 30610 (g) Development authorized without permit:

Notwithstanding any other provision of this division, no coastal development permit shall be required pursuant to this chapter for the following types of development and in the following areas:

(g) (1) The replacement of any structure, other than a public works facility, destroyed by a disaster. The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.

(2) As used in this subdivision:



- (A) "Disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.
- (B) "Bulk" means total interior cubic volume as measured from the exterior surface of the structure.
- (C) "Structure" includes landscaping and any erosion control structure or device which is similar to that which existed prior to the occurrence of the disaster.

This construction project is a *replacement*, not new development, and qualifies for an exemption from the permitting requirement under Section 30610 of the Coastal Act. The pier sustained severe damage during the 1989 Loma Prieta Earthquake. The President of the United States declared this region of California a National Disaster Area in 1989, making FEMA funding available for reconstruction of damaged property and structures. The San Jose State University Foundation (a 501(c)3 non-profit and owner of the property and pier) applied for and received a Damage Survey Report (# 845-83437) for the repair of the structure. During the pier reconstruction planning and permitting process, subsequent storms further damaged the pier necessitating its emergency removal. The California Flood and storms of 1995, Federal Disaster #1046, further damaged the pier. In the subsequent storms, high waves and log impact were recognized by the Coastal Commission as the cause of this damage. Piers in Seascape, Capitola and Santa Cruz also sustained storm damage during this period. An emergency demolition permit (#3-02-003-G) was issued by the Coastal Commission (citing impact by storm currents, large debris and storm wave activity) for the removal of the structure and demolition was completed January 10, 2002. The new pier will be built in approximately the same footprint as the remnants of the former pier.

The proposed replacement conforms to local zoning requirements and will be used for exactly the same purpose, marine research and education, that it was used prior to the damage. Additionally, the new 13,909 square foot structure will not be more than 10% larger than the 1951 pier; that structure was 13,075 square feet, from the most recent county records, therefore the increase will only be 6.4%. The data below show that the replacement pier is very close to the 1951 size, uses fewer piles and extends to the original seaward extent, if not a little less. In addition, the replacement pier plans have been modified by increasing its height by two feet solely to improve public access, a Coastal Act goal, along the entire beach from Salinas River State Beach to the South MLML Harbor jetty.

Size of the Sandholdt Pier from Historical Records			
Date	Length	Width	Area (sq ft)
1925	400	50	20,000
1942	705	27.5	20,095
1949	400	25	10,708
1951	475	25	13,075

Proposed: 2004 500 22 13,909

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Applicant's submittal regarding Coastal
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Coastal Commission Position re Exemption

The staff at one time asserted that the project could not be exempted from public access requirements because reconstruction would result in an increased floor area greater than 10% (Staff Report, January 1, 2004). Having been shown the error in their calculations, the staff in their February 18, 2004 Addendum now states that the project is not exempt because "the project constitutes development of a new replacement pier, not an 'improvement' to an existing structure, which is the intent of the 30213(b)(3) (*sic*) exception." It is believed that the staff meant to cite policy 30212(b)(3), but regardless, neither policy 30212 nor 30213 is at issue, as the correct policy to apply here is 30610.

As discussed above, the project clearly meets the requirements of Section 30610, as referenced in Section 30212(b)(1). This is clearly a replacement of a previous structure damaged in a natural disaster. MLML received an emergency demolition permit after the damage occurred and secured FEMA repair funding immediately. The structure was further demolished by other El Nino storms, and due to public safety had to be demolished. The project therefore meets all provisions of Section 30610 and is exempt from the permit requirements of the Coastal Commission.

Additionally, staff have recently discussed with MLML that they believe the pier reconstruction is a public works project and, therefore not exempt under Section 30610. They cite Section 30114(d) defining public works as "all community college facilities." MLML is not a community college facility. MLML is a program within the California State University, administered by San Jose State University with all of their research activity administered by the San Jose State University Foundation, a private, nonprofit 501(c)3 organization. Moss Landing Marine Laboratories are the marine teaching and research facilities that serve a consortium of seven California State Universities, making it neither a public work nor a community college facility.

Public Access Opportunities Provided by MLML

While MLML strongly believes that the exemption under Section 30610 is appropriate, nonetheless we will address staff concerns regarding public access. We concur with staff that it is reasonable to expect that some form of access for the general public be provided on the pier, consistent with public safety and the safety of ongoing research activities. To this end, MLML already provides "maximum compatible public access on the pier" consistent with our research, safety and habitat protection needs.

As part of MLML's Visitor Center and public access component, the Friends of MLML have taken on the responsibility of organizing and conducting public tours of the our facilities which accommodate thousands of visitors and groups every year. The attached table contains a summary of these opportunities for public access, and other public activities conducted in 2003. The tour program will be extended to include the research pier when construction is complete, which will include an interpretive boardwalk and the restoration of 21+ acres of near-shore habitat. Also, MLML will provide additional controlled access and will create new "virtual access" opportunities via the web.

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In another example of public access already provided by MLML, the staff report states that "public access does exist immediately south of the site, where the dedication of a vertical accessway from Sandholdt Road to the beach was previously required." To clarify this point: following the 1989 earthquake, the two parcels immediately south of the project site were gifted to State Parks by MLML and subsequently restored to open space dune habitat as part of the Salinas River State Beach. In fact, MLML has restored nine acres of this dune habitat altogether. It is now a matter for State Parks to determine vertical access across this restored habitat.

Furthermore, as staff correctly point out, "the dredge disposal lines will be attached to the pier, public access on the beach in the vicinity of the pier will be improved. Locating the dredge disposal pipelines on the pier also helps the Harbor District's dredging program which is necessary to protect Coastal Act priority coastal dependent uses, which include recreational and commercial boating, fishing, and recreational beach opportunities consistent with Coastal Act Sections 30210, 30213, 30220, 30224 and 30234.5."

Also, the replacement pier will be higher than the original therefore there will be greater beach access underneath and beach-walking continuity will be improved. Beachgoers and equestrians will no longer be impeded by high tide conditions.

Finally, the purpose of the pier is to extend our understanding of coastal and marine processes. As such the insights learned from the pier will be shared with our students, the public and the scientific communities. The public funds that are being used for the demolition and reconstruction of the pier will serve the general public by providing public tours, educating students about oceanic sciences, and enhancing collective knowledge of the field. MLML's educational mission, augmented by our public programs, strongly support the goals and requirements of Section 30011 of the Coastal Act that "an educated and informed citizenry...is necessary to protect California's finite natural resources including the quality of its environment."

Coastal Commission Position re Public Access

MLML allows visitors access to all areas of the laboratories that are safe and non-disruptive to their educational mission, but the docents and volunteers do not allow the public into active research spaces or into classrooms. The Coastal Commission staff has made the suggestion that "general public access on the pier shall be provided during daylight hours, 365 days per year. At a minimum, the public access shall be accommodated along the entire length of the pier, within a designated access route with a minimum width of 10 feet." There are several reasons why it is not appropriate or feasible to have this type of unrestricted public access at this site.

Unrestricted Access Is Not Appropriate for This Site

The laboratories contain highly sensitive technology and unrestricted access would pose significant risks to research equipment, activities, and public safety. Ongoing research projects costing hundreds of thousands of dollars rely upon expensive equipment and critically controlled laboratory or environmental conditions. The exposure of the public and the risk that the public poses to the execution

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of these projects precludes even controlled access in many areas. The risk to the public and the resultant liability that the public poses to ongoing experiments is even larger than in the controlled laboratory situation. The pier will be equipped with high voltage, dangerous heights and millions of dollars worth of scientific equipment and projects. In addition, vessels of all sizes will be approaching and securing to the pier at unpredictable hours. This is not a safe environment for those who do not understand these operations. MLML is in no position to assume this kind of liability for the public the students we teach, or for the research projects we sponsor.

Moreover, where public access has been attempted on research piers, in particular at Scripps Institution of Oceanography, the experiment lasted only two days. Access was limited after two days due to problems associated with tangled equipment and entanglement of fishing lines with scientific equipment, and with in-water research divers who were actually hooked with fishing lines at the pier. Also, public interference with ongoing experiments or facilities was an issue in the decision to limit public access.

As a matter of fact, no other similar facilities have been required to have daily, year-round access. The La Jolla research pier has been closed to the public and patrolled by campus police since it was built, except the two days mentioned above. The recent donation of the UNOCAL pier in Avila Beach to the California State Polytechnic University in San Luis Obispo is the only other structure. Because the use of the pier changed (fuel oil transfer to research), a coastal permit was required. To date, no public access plan has been accepted by the Coastal Commission. The University of California maintains a research reserve at Big Creek on the Big Sur Coast. No public access is allowed on this site. The Stanford University maintains the Hopkins Marine Station and Research Reserve in Pacific Grove. No public access is allowed on this site. The University of California at Santa Cruz maintains the Lick Observatory, no public access is allowed into these research facilities. The MLML pier never allowed public access, is a similar facility to these others, and should not be required to make their facilities freely available to the public when no other program has been required to do so.

Yet another reason fishing is not appropriate at this site is that we have discovered since the 70s (the last time there is any mention of a fishing pier) several species of extremely rare sharks that are found at the head of the canyon, and have been caught from the pier in the past. To allow the public to fish for these extremely rare species would have catastrophic consequences on our research and could possibly alter the behavior or migratory extent of these species. As staff point out "design, construction and designation of specific areas of the pier for general public access and fishing, *where such uses can be accommodated without interfering with research activities* (emphasis added). Fishing is simply not appropriate here and cannot be accommodated without interfering with research activities.

Finally, the type of access requested is not compatible with the mission of the MLML. MLML is the graduate program in marine sciences serving seven CSU campuses. Its mission is to provide high quality educational and research opportunities for its students and faculty. In this regard, well controlled and secure places are needed in which to conduct these teaching and research activities. Our institutional infrastructure, budget and staffing is not set up to accommodate the recreational interests of the public.

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Applicant's submittal regarding Coastal
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We do not allow the public into our labs, ships and classrooms, nor should we be expected to allow unsupervised public into our other research spaces. The requirement to provide public recreational opportunities is inconsistent our research and teaching mission.

Unrestricted Access Is Not Practical

In consultation with the engineering team on the project regarding outboard walkways, such as the 10 foot walkway suggested by staff, it was determined that such a walkway would not be practical. During storm events, waves could tear off any appended structures, or heave logs against the pier. For this reason alone, a caged catwalk is not a safe way to accommodate pedestrians. The best place to accommodate pedestrians is on the deck of the pier. If we were to cage off a section to keep them from the equipment and utilities, docking cleats and edge, there would be no room to drive trucks and cranes.

Another impractical idea suggested by staff is to use fencing to secure each piece of equipment in order to protect it from tampering from the public. It would be like locking up the appliances in one's kitchen. Furthermore, no railings can be placed where ships may dock.

Finally, the research pier will have sensors deployed continuously and experiments running at all hours. The deck of the pier may also be used for temporary activities such that it is not practical to designate permanent hours where unescorted public would not interfere. The measurements, sensors and experiments will take place all over the pier, and although some will be specific to the pier terminus and other fixed places, acoustic sensors for beach height, settling plates suspended from pilings, acoustic arrays, light sensors, antennae, etc. may be deployed all along the length of the pier.

The pier will become a central node in a series of coastal observatories now being established nationwide. Federal funding for the establishment of such a regional observatory has been granted MLML for such purposes over the last few years. The aim of these programs is to establish observatories in support of coastal monitoring programs designed to maintain maritime domain awareness, detect environmental change and threats to coastal security. A long list of research and educational activities and instrumental installations has been identified. Public access will put such installations at risk and compromise the security of this observatory, thereby threatening the quality of the data and the funding of programs on the pier. Furthermore, MLML has been involved in the testing of instrumentation used for coastal monitoring. Stakeholders in the Alliance for Coastal Technologies require secure platforms from which to deploy their prototype sensors in order to have confidence in the comparison studies. For all of the reasons, it is not practical to have daily, year-round public access at this site.

Escorted Access Would Be Cost Prohibitive

The budget for our institution has just been cut another 15%. To accommodate this budgetary reduction we have been forced to reduce our staff. The cost of staffing additional public access on the pier would be equivalent to another staff position, about \$100,000 (salary plus benefits). This would cost us a faculty position. In addition the added liability insurance would run an additional \$25,000 per year for

Exhibit P – pg 6 of 7

Applicant's submittal regarding Coastal
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3-00-102



\$1,000,000 coverage. It is not clear whether this would be enough considering the nature of the injuries the public could sustain by diving off the pier into the surf. Modifications to the pier to accommodate public traffic would add significantly to the construction and long term maintenance costs. Neither the San Jose State University nor the San Jose State University Foundation will fund these added expenses. It is unreasonable and unacceptable to require the MLML to divert significant funds from a dwindling budget in support of public recreational activities that are unrelated to research and education.

Conclusion

The MLML pier replacement project is exempt from Coastal Commission permitting requirements under Section 30610 of the Coastal Act. Even if this were not the case, MLML already provides ample and sufficient public access opportunities to the maximum extent feasible.

CURRENT PUBLIC PROGRAMS AT MLML (Conducted by *Friends of MLML* and other Affiliated Groups)

- MLML Student Open House – in 2003 there were an estimated 5000+ visitors
- Docent guided tours to visitors to the Labs - in 2003 there were more that 1000 visitors, including student groups from 10 different middle and high schools and many drop-ins
- Public seminars (6 per year) - in 2003 there were 947 attendees
- All academic seminars and thesis defenses are open to the public (4:00pm every Friday when classes are in session – schedule published on the website)
- SLEWTHS K-12 Ocean Stewardship Program - (Hosted 8 K-12 groups primarily from inland cities such as Salinas and Hollister – training is held on the beach).
- Publication and distribution of the WAVE newsletter, twice per year, highlighting MLML research and events available to the public in our front lobby
- Teacher Enhancement Program - Train local teachers how to incorporate field and lab science activities into their lesson plans. This is a rapidly expanding and very popular program
- “Endless Summer” – annual public fundraising event (approximately 200 attendees)
- CSUMB’s Open University - Any qualified (possessing a bachelor’s degree) member of the public can enroll in our 100-level classes
- In process: MLML Coastal Boardwalk Trail and Visitor’s Center.



September 27, 1995

Daryl Wait, Infrastructure
Federal Emergency Management Agency
FEMA/State Disaster Field Office
3695 Bleckely St, Building 3875
Mather, CA 95655

Post-It® Fax Note	7671	Date	# of pages 7
To	Kelly Coffe	From	JIM MORALEZ
Co./Dept.		Co.	
Phone #	427	Phone #	845-8234 (916)
Fax #	831-4877	Fax #	

Dear Mr. Wait:

Subject: Request for New DSR
FEMA-1046-DR P.A. 085-90502 ←
Subgrantee: San Jose State University Foundation

Enclosed is a letter from William Petchauer, Director of Business and Finance, dated September 7, 1995 describing damage sustained by the pier used by Moss Landing Marine Laboratory. As stated by Mr. Petchauer, the pier was severely damaged in the Loma Prieta Earthquake in October 1989 and abandoned at that time because it was unsafe. DSR 83437 was written for repairs to the pier, however the DSR has been suspended for NEPA review and floodplain management compliance.

The pier sustained further damage in the Late Winter Storms 1995, FEMA-1046. The subgrantee is requesting that a new DSR be written for repairs to the pier. Without repairs at this time, the pier will most likely be completely lost if hit with another storm the magnitude of the Winter Storms of 1995.

This office supports the subgrantee's position, and recommends an inspection team be assigned to assess the damages and prepare a DSR for all eligible costs. If you have questions regarding this matter, please do not hesitate to contact Carolee St.Clair of my staff at the Office of Emergency Services, Public Assistance Section, (916) 364-2356.

Sincerely,

RICHARD RAY
Acting Public Assistance Officer

attachment

cc: Peter Crase, OES
William Petchauer, SJSU
files

clw

Exhibit Q – pg 1 of 6
FEMA Damage Survey Reports for Sandholdt Pier
MLML Sandholdt Pier Replacement
3-00-102



DATE: 01/11/96
TIME: 09:29AM

FEDERAL EMERGENCY MANAGEMENT AGENCY
DAMAGE SURVEY REPORT
PART I - PROJECT DESCRIPTION

DSR NO: 83437
SUPP TO DSR:

APPLICANT NAME - SAN JOSE STATE UNIVERSITY FOUNDATION

COUNTY - SANTA CLARA

PROJECT TITLE - PILINGS
DAMAGED FACILITY - PIER

INSPECTION DATE: 12/28/94

DISASTER NO: 0845
P.A.ID 085-90502

LOCATION - MOSS LANDING, 7722 SANDHOLDT ROAD

CATEGORY G
PROJECT NO: 799
% COMPLETE 0
WORK ACCOM BY: CONTRACT

DAMAGE DESCRIPTION AND SCOPE OF ELIGIBLE WORK:

WOOD PILINGS UNDER THE MOSS LANDING PIER WERE DAMAGED OR LOST AS A RESULT OF THE EARTHQUAKE. THE PIER HAS TILTED AND HAS BEEN CLOSED BECAUSE IT IS UNSAFE AND HAZARDOUS. PERFORM SAFETY INSPECTION. INSTALL APPROXIMATELY 14 PILINGS. LEVEL PIER AND INSTALL ANGLE BRACING TO STABILIZE PIER.

RECOMMENDATION BY INSPECTOR	INSP NO.	AGENCY	ELIGIBLE	F.O
FEDERAL - BROWN, DAN	9478	TAC	Y	
STATE - ROY WALLS				
LOCAL - WILLIAM PETCHAUER				

PART II - ESTIMATED COST OF PROPOSED WORK

ITEM	CODE	MATERIAL AND/OR DESCRIPTION	UNIT	QTY	UNIT PRICE	COST
1	9999	REPLACE PILINGS	EA	14.00	\$6,000.00	\$84,000
TOTAL:						\$84,000
AMOUNT ELIGIBLE:						\$84,000
75 % FEDERAL SHARE:						\$63,000

PART III - FLOOD PLAIN MANAGEMENT/HAZARD MITIGATION REVIEW

IN OR AFFECTS FLOOD- PLAIN OR WETLAND:	FLOODPLAIN LOCATION:	% DAMAGE	DISASTER HISTORY:	LAND USE U - D	FPM RECOMMEN- DATION:

PART IV - FOR FEMA USE ONLY
SPECIAL CONSIDERATIONS

AMOUNT	ELIGIBLE	FLOODPLAIN REV. NO.	WORKSITE
\$84,000	Y		

SUPP# DATE PAPPED
8

COMMENTS/CHANGES

STATUTORILY EXCLUDED FROM ADDITIONAL ENVIRONMENTAL CONSIDERATION. ANY CHANGE TO THE ABOVE APPROVED SCOPE OF WORK WILL REQUIRE RESUBMISSION TO FEMA FOR REEVALUATION FOR COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICIES (44 CFR PART 10). NON COMPLIANCE WITH THIS REQUIREMENT COULD JEOPARDIZE RECEIPT OF FEDERAL FUNDS.

FEMA REVIEWER

[Signature]

DATE

1/11/96

DSR NO: 83437



FEDERAL EMERGENCY MANAGEMENT / VCY DAMAGE SURVEY REPORT - DATA - ET		V. DECLARATION NO. FEMA- 845 -DR. CA.		SR NO. 83437		SUPP TO DSR NO.	
PART I - PROJECT DESCRIPTION				LOG 6484			
APPLICANT NAME/COUNTY SAN JOSE State University Foundation				3. PA IDENTIFICATION NO. 085-90502			
10. PROJECT TITLE Wharf				4. INSPECTION DATE 12-28-94		5. PROJECT NO. 399	
11. DAMAGED FACILITY Moss Landing Marina Lab. Pier				6. % COMPLETE 0		7. WORK ACCOM BY F © FC	
12. FACILITY LOCATION 7722 Sandholdt Road, Moss Landing.				8. FINAL DSR YES <input type="checkbox"/>		9. CATEGORY X G	
13. DAMAGE DIMENSIONS/DESCRIPTION/SCOPE OF ELIGIBLE WORK DIMENSIONS: approx. 14 missing pilings, sea water intake pipe broken. DESC/SCOPE: Replace missing pilings, repair sea water intake pipes & pumps Do Safety Inspection & General Repair							
14. INSP NO. 9478		15. NAME OF FEDERAL INSPECTOR (Print) DAN L. BROWN DSB.		16. AGENCY CODE 4		RECOMMENDATION (Y) N	
18. INSP NO. 9813		NAME OF STATE INSPECTOR (Print) ROY L. WALLS		AGENCY CODE OES		RECOMMENDATION (Y) N	
19. NAME OF LOCAL REPRESENTATIVE (Print) William Patchler - (408) 924-1400		FAX 2-23-95		CONCUR Y (N)		ATTACHMENTS 4	
PART II - ESTIMATED COST OF PROPOSED WORK							
ITEM	CODE	MATERIAL AND/OR DESCRIPTION (a)	UNIT OF MEAS (b)	QUANTITY (c)	UNIT PRICE (d)	COST (e)	
1	9999	Replace Pilings	EA.	14	6,000.	84,000.	
2	9999	Sea water supply repair	EA.	1	2,000.	2,000.	
3	9999	Inspection & General Repair	EA.	1	18,000.	18,000.	
4							
5							
6							
7							
8							
20. EXISTING INSURANCE TYPE - F: \$ G: \$						21. TOTAL \$ 100,000	
PART III - FLOODPLAIN MANAGEMENT/HAZARD MITIGATION REVIEW							
22. IN OR AFFECTS FLOOD-PLAIN OR WETLAND (F) W N		23. FLOODPLAIN LOC 1 2 3 4 5		24. % DAMAGE 1 2 3 4		25. DISASTER HISTORY (Y) N U	
						26. LAND USE U 1 2 3 4-D 1 2 3 4	
						27. FPM REC 1 2 3 4 5 6 7	
PART IV - FOR FEMA USE ONLY							
28. AMOUNT FLIG \$ 100,000		29. ELIGIBLE (Y) N S V		30. SPECIAL CONSIDERATIONS MI SI CI		31. FLOODPLAIN REVIEW NO. IV 1411/10X/15	
33. INSURANCE COMMITMENT REQUIRED F. Building: \$ Content: \$		G. Property: \$ Content: \$		34. DURATION (Years) F. B. G. C.		32. WORKSITE NO.	
35. COMMENTS/CHANGES Eligible sea water intake system repairs are covered under PA 000-92010 (California State University) / DSR 22011.							
FIRST REVIEW (Signature) James L. Jones				DATE 2-10-95			
SECOND REVIEW (Signature) OES/K. Bandy				DATE 2-27-95			

FEMA Form 90-91, AUG 87

REPLACES EDITION OF APR 85, WHICH IS OBSOLETE.

★ U.S. GOVERNMENT PRINTING OFFICE: 1980-781-001

Exhibit Q - pg 3 of 6

FEMA Damage Survey Reports for Sandholdt Pier
MLML Sandholdt Pier Replacement

3-00-102



California Coastal Commission

SL
11/1/96
Statutory
CATEGORICAL EXCLUSION
Federal Emergency Management Agency
Region IX

FEMA PROJECT TITLE: Moss Landing Sandholdt Road Pier
Pilings Replacement
DR-845-CA, P.A. 085-90502
DSR 83437

PROJECT APPLICANT: San Jose State University Foundation

DESCRIPTION OF PROPOSED PROJECT:

The project involves the replacement of 14 piles, a portion of the damaged decking, rails and caps to the pier located at 7722 Sandholdt Road, Moss Landing, California. The scope of work also involves repairing cracked and damaged shoreline abutment and utilities. These facilities were damaged during the 1989 Loma Prieta earthquake and this project involves repair and replacement within the pre-disaster location.

ENVIRONMENTAL CONSIDERATIONS:

The subject project is within the jurisdiction (California Special District) of the Moss Landing Harbor District. Because the project involves repairs to the pre-disaster condition, the Harbor District Board of Directors exempted the project under the California Environmental Quality Act (CEQA). The project is also located within the Monterey Bay National Marine Sanctuary (MBNMS), administered by the National Oceanic and Atmospheric Administration. Under the MBNMS regulations, the proposed project does not require a permit. The proposed repairs are consistent with the County of Monterey Local Coastal Plan, and the California Coastal Commission plans to issue an emergency permit for the work. The U.S. Army Corps of Engineers indicates that the project will qualify for a Nationwide Permit, and will be exempt from environmental review.

The U.S. Fish and Wildlife Service and the California Department of Fish and Game indicate that with certain construction conditions the project will have a minimal effect on natural resources. Replacement of pilings would not adversely affect any threatened or endangered species or species proposed for state or federal listing.

Standard conditions for replacement of the pier include: (1) debris control; (2) a sea otter observer; (3) pH control for concrete used; (4) staging area limits; and, (5) a prohibition against using creosote-treated pilings.

The project is not adjacent to nor affects pre-historic or historic sites or properties.



PAGE 4 OF 12
PA# 085-90502
DSR# 83437

Applicant: SAN JOSE STATE UNIVERSITY FOUNDATION

P.A. - 085-90502

FEMA - 0845

Category - ~~X~~ G

Subject: Pier at Moss Landing Marine Lab.

NARRATIVE

INTRODUCTION

This DSR is written in response to a letter from OES, dated January 4th, 1995, with a request from subgrantee attached, dated November 18th, 1994, requesting a new DSR be written for repairs or replacement of the pier located at Moss Landing Marine Labs research facility.

BACKGROUND

The wooden pier at Moss Landing, (owned by San Jose State University Foundation) which is fair to assume was damaged or at least aggravate by the Loma Prieta Earthquake. The wood pilings under and supporting the pier appear to have been in bad shape prior to the earthquake, but at the time of earthquake several pilings gave way and the north side of pier tilted. This was due to several pilings completely snapping at worn areas. These pilings apparently washed out to sea. Shortly after the earthquake the pier was closed and the top was fenced off by San Jose State personnel as it was seen as unsafe and hazardous.

PRESENT

On December 28th, 1994, This DSR team visited the site and photographed the pier and pilings. The north side of pier, in the opinion of this team constitutes a serious hazard and could collapse at any time. Which puts the general public in harms way, as they use the beach both around and under the pier. In the time that this team was there, (90 to 120 minutes) There was approximately 5 people observed playing or traveling under this unsafe pier. The south side (longside) is in much better shape and looks newer. It has damage at the west end, with five (5) pilings missing. (See layout sketch, page 3)

SEA WATER INTAKE

San Jose State University had closed this pier to any kind of entry immediately after the earthquake because of the tilting and lack of support under the pier. Moss Landing Marine Laboratories had their sea water intake pipes and pumps suspended under pier and extending to end of south side.

Exhibit Q - pg 5 of 6

FEMA Damage Survey Reports for Sandholdt Pier
MLML Sandholdt Pier Replacement

3-00-102



California Coastal Commission

SENT BY: OES P A;

916 845 8388;

NOV-13-02 9:48AM;

PAGE 7/7

PAGE 2 OF 12PA# 085-90502DSR# 83437

Applicant: SAN JOSE STATE UNIVERSITY FOUNDATION

P.A.- 085-90502

FEMA - 0845

Subject: Pier at Moss Landing Marine Lab.

(Continued)

Because of the no entry onto pier, they lost their water supply. FEMA then allotted money to put in a temporary well to furnish sea water, which MLML has been using. This does not have the clean, pure salt water needed for MLML experiments. In repairing pier back to a safe condition, The sea water intake can be restored to a pre-disaster condition, thus satisfying the needs of MLML and their research can resume as it did prior to Loma Prieta Earthquake.

SCOPE OF WORK

This repair would constitute the installation of approximately 14 pilings. This would be about nine (9) on north side and five (5) at end of south side. Plus the leveling of pier and the installation of angle bracing to stabilize pier. Due to the pier being closed for such a long period of time without any general maintenance, A safety inspection should be performed to determine the condition of pier's safety features, (handrails, ect,) Since the piles will be driven from the pier, and heavy equipment will be used, this becomes a necessity.

~~The seawater supply lines and pump will also need repair and tested prior to Moss Landing Marine Laboratories changing from the temporary well back to this system.~~

COSTS

The estimated repair cost of the pier is \$ 100,000. These costs can and will be adjusted to actual costs as this is a large project. It is the recommendation of this FEMA/OES team, that this amount of \$ 100,000. be approved as an eligible reimbursable cost to repair the pier to a safe and useable condition.

PHOTOGRAPHS

Attached are photo's taken by DSR team at time of site inspection with explanation of each. These pictures show the remains of pilings in beach or surf, plus the tilt/sag at end of pier on north side. Also the unsafe condition of pier and the hazard to the general public.

Exhibit Q - pg 6 of 6

FEMA Damage Survey Reports for Sandholdt Pier
MLML Sandholdt Pier Replacement

3-00-102





Photo 1. Oblique aerial photo of Moss Landing Harbor from north jetty south to Sandholdt Pier. (No date given, but based on early harbor configuration, and lack of docks, circa late 40's early 50's.)



Photo 2. Oblique aerial photo of Moss Landing Harbor and Sandholdt Pier. (No date given, but based on early harbor configuration, estimate circa early 50's)

Exhibit R – pg 1 of 7
Additional Photos submitted by Applicant
MLML Sandholdt Pier Replacement
3-00-102



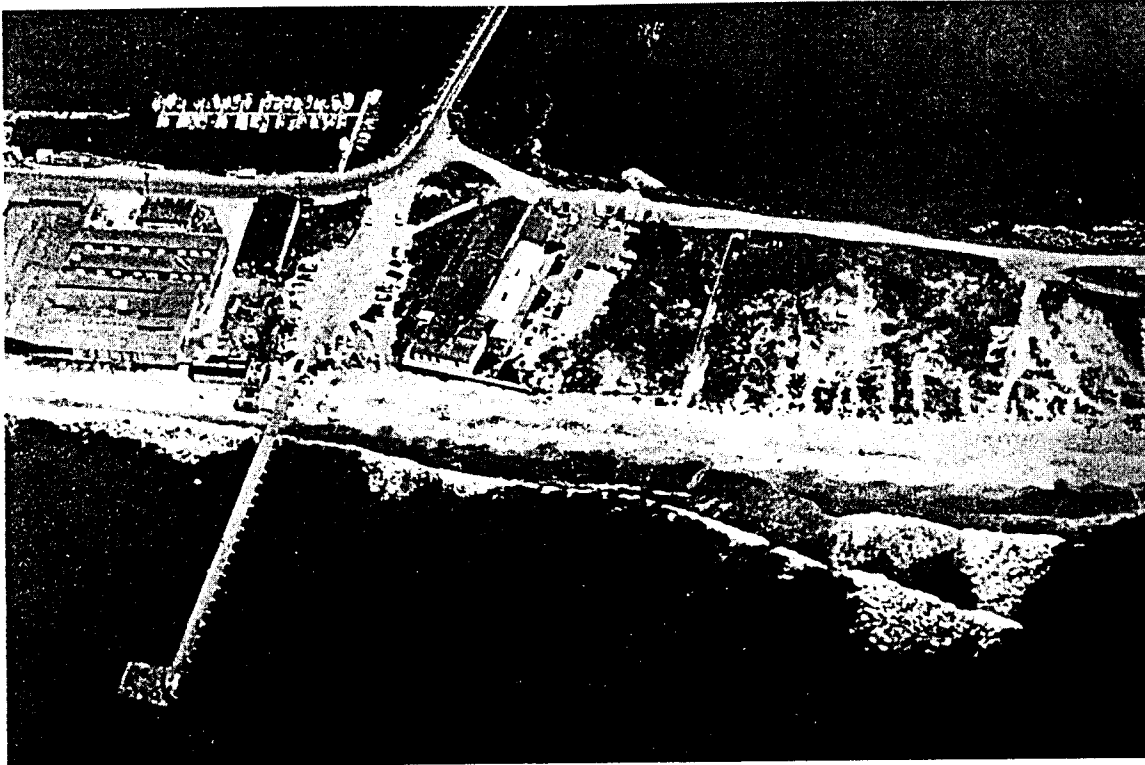


Photo 3. Aerial photo of old pier and previous Marine Lab location south of pier (land has since been gifted to State Parks and dune habitat restored; no date given).

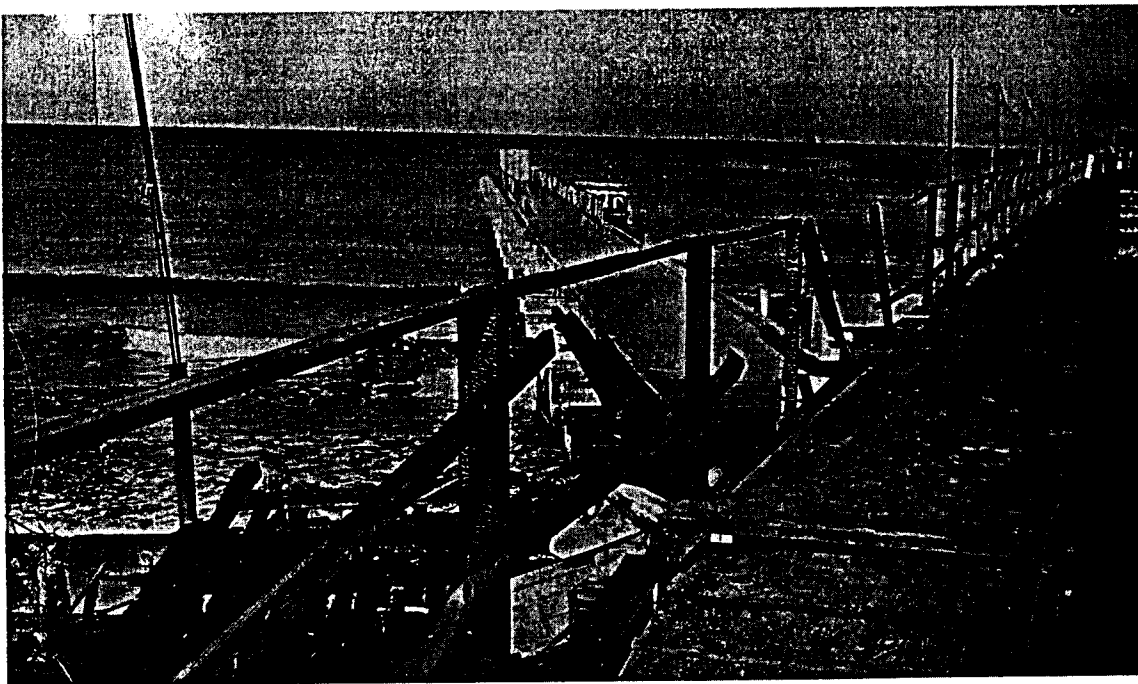


Photo 4. Photo of old pier.

Exhibit R – pg 2 of 7
Additional Photos submitted by Applicant
MLML Sandholdt Pier Replacement
3-00-102



California Coastal Commission

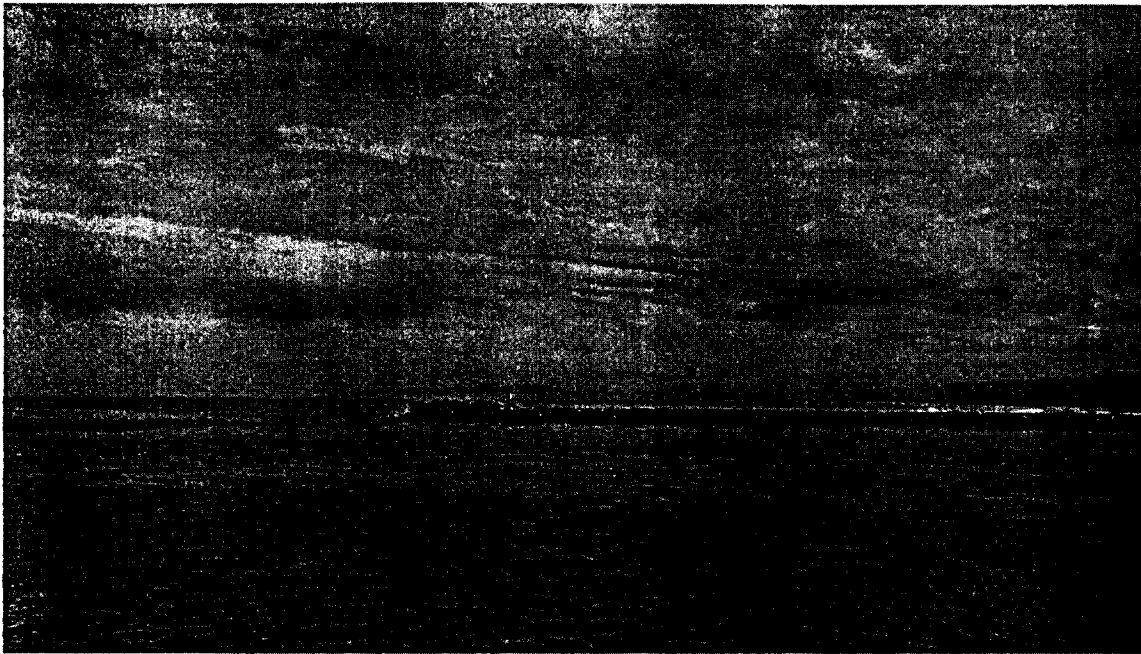


Photo 5. Looking at North Jetty



Photo 6. Looking north at Moss Landing State Beach from north jetty.





Photo 7. Looking landward from outboard end of South Jetty.



Photo 8. Looking north.



Photo 8. Looking at North Jetty.

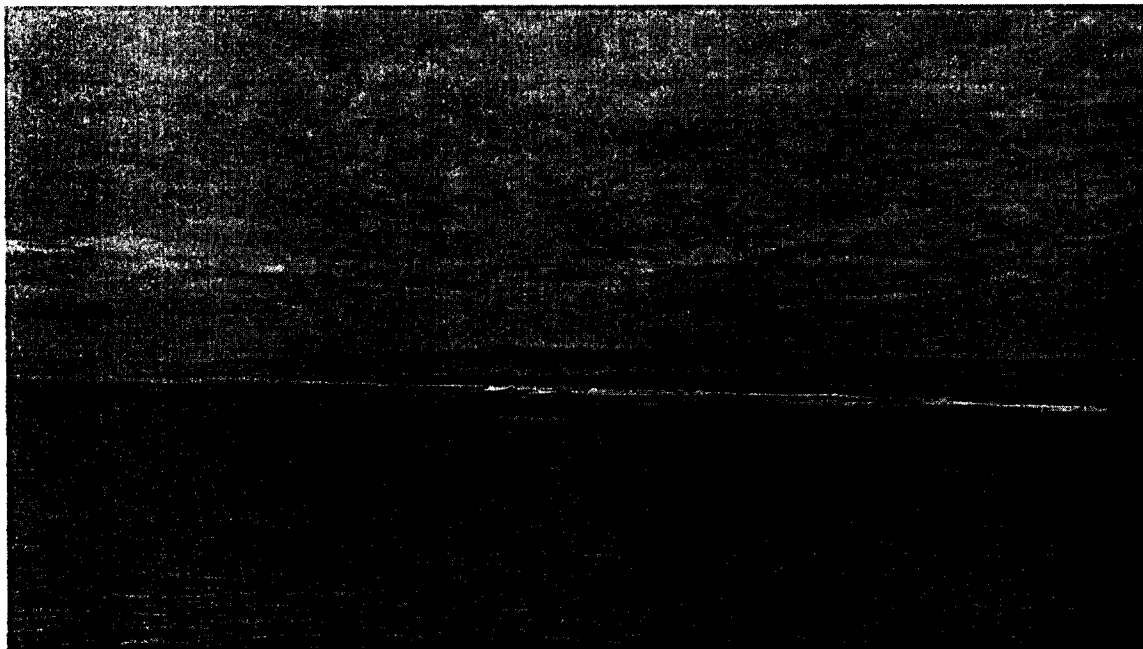


Photo 8. Looking north toward Zmudowski Beach and Watsonville.





Photo 8. Looking south.

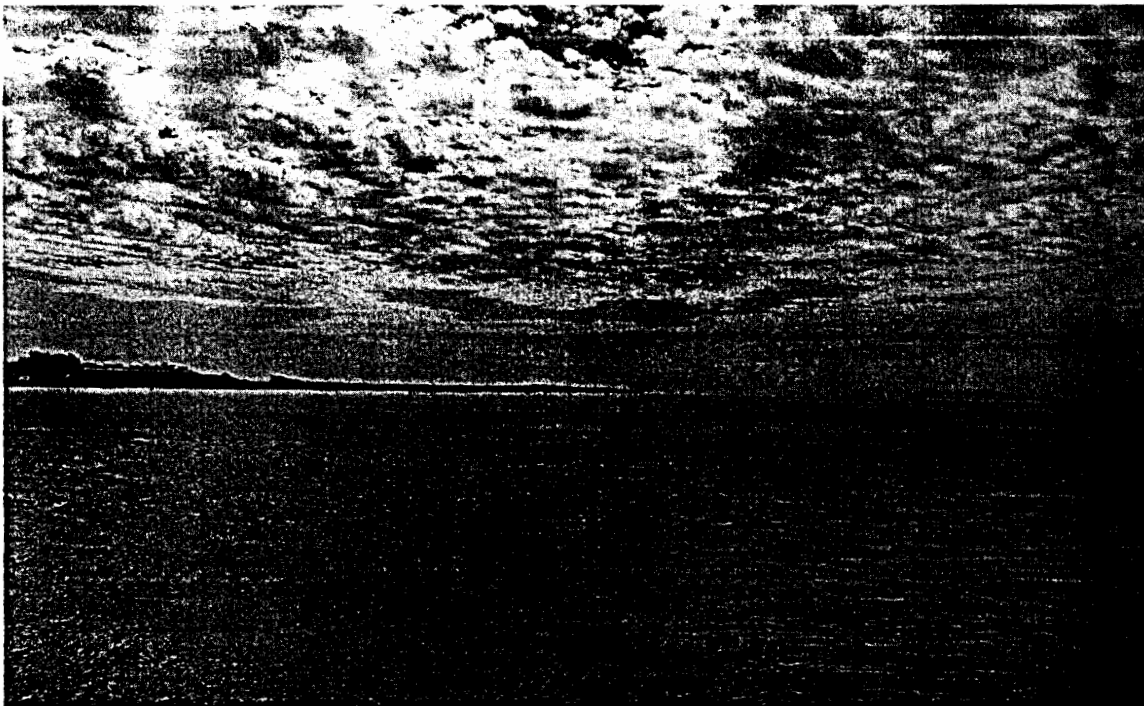


Photo 8. Looking south.

Exhibit R – pg 6 of 7

Additional Photos submitted by Applicant

MLML Sandholdt Pier Replacement

3-00-102



California Coastal Commission

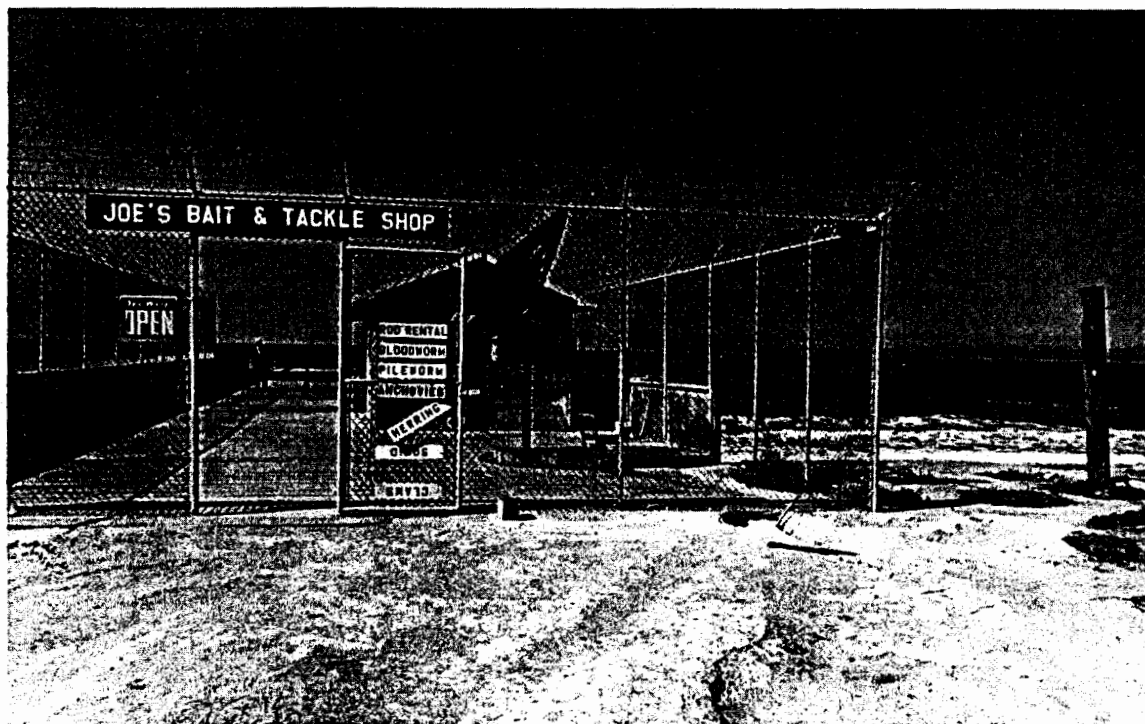


Photo 4. Joes Bait and Tackle Shop on pier, with fenced entrance.

Exhibit R – pg 7 of 7

Additional Photos submitted by Applicant
MLML Sandholdt Pier Replacement

3-00-102



California Coastal Commission

0



Moss Landing Wharf. Cover photo from "Steinbeck Country Narrow Gauge" by Horace W. Fabing and Rick Hamman, 1985, Pruett Publishing Company, Boulder, Co.

Exhibit S – pg 1 of 2
Historical Photos of Sandholdt Pier
MLML Sandholdt Pier Replacement
3-00-102





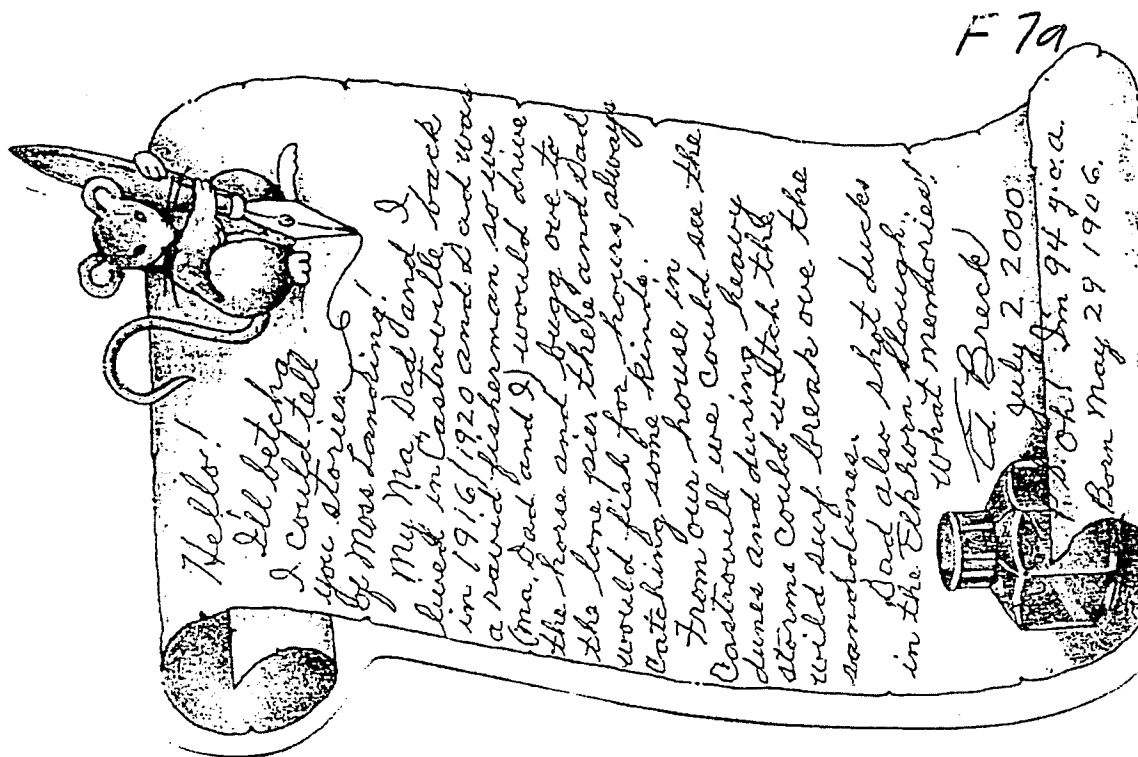
Photo of a group of ladies on a Pacific Coast Steamship Company grain car during a Sunday afternoon outing. (from "Steinbeck Country Narrow Gauge" by Horace W. Fabing and Rick Hamman.)



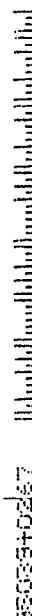
Photo of several people fishing in the surf for perch and flounder. (From "Steinbeck Country Narrow Gauge" by Horace W. Fabing and Rick Hamman.)

Exhibit S – pg 2 of 2
Historical Photos of Sandholdt Pier
MLML Sandholdt Pier Replacement
3-00-102





Monterey Bay Bird Festival
% Elkhorn Slough Foundation
P.O. Box 267
Moss Landing, CA 95039



126



California Coastal Commission

PUBLIC COMMENTS OF JACK COMPTON

My name is Jack Compton and I am a resident of Monterey County. My comments on the June, 2001 Initial Study and Mitigated Negative Declaration for the replacement of the ocean pier for the Moss Landing Marine Laboratories are submitted by me as in individual and not as a representative of any entity whatsoever.

1. Ocean public access for the boating public will be restricted due to the pier extending some 500 feet into the Monterey Bay. What about salmon and halibut trolling? This pier will close off part of the ocean to the public to the public. How this will be mitigated not only concerns me, but all who fish in Central California.
2. Fishing on the pier in the '50's, '60's and the early '70's and parking on the adjacent property was unrestricted and open to the public at no charge. A number of individuals who can verify this include Mr. And Mrs. Twitt, former operators of the Skipper's Restaurant; Dennis and the people from Woodward Marine, and Mr. Whitney, Sr., and the Eugene Elmore, the man who has a boat repair business on the old Western Salt Co. property and many more. It would be possible to obtain a petition if necessary. When I voted for the Coastal Act back in 1976 it did not refer to anything about limited access. "Good stewards" is a nice buzz word, but do I need a Ph.D. in front of my name to enjoy coastal access and fishing?
3. Will the pier be open for handicapped access and fishing?
4. Will the shoreward pier abutment restrict beach access? This means up to the high tide mark or the wet sand mark, for people walking, walking their dog, riding their horse, surfing, fishing, watching birds, or many other user groups?
5. If any or all rights are taken away, what will be given back to the public? This will not be short term impact.
6. The public rights are being diminished! As an example I have emphysema (shortness of breath), and therefore am handicapped. Where do I park? This leaves a long way to walk; or do I have to walk one-quarter mile to go fishing? Do I have to go through a locked gate when fish are running, or the smelt are in the surf? Fish don't keep business hours. How do I fish?
7. Will the new pier restrict Moss Landing Harbor District access to the dredged materials dispersal site known as SF-12?

These complaints are being made by me, but they concern my friends or yours, and because of the long term impacts, maybe your great grandchildren.

Thank you for your time and consideration of these comments....

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JUL 23 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA**Exhibit T - pg 2 of 2**

Correspondence Regarding Historic Public Access on Pier
MLML Sandholdt Pier Replacement
3-00-102



California Coastal Commission



San José State
UNIVERSITY
FOUNDATION

Chief Operating Officer

PO Box 720130
San José, CA 95172-0130
Voice: 408-924-1400
Fax: 408-924-1499

Business and Finance
Office of Sponsored Programs
Human Resources
Management Information
Services

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FEB 09 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

February 6, 2004

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Reference: Application Number 3-00-102 Moss Landing Marine Lab
Ocean Pier Replacement (Sandholdt Pier)

Dear Commissioners,

As the owner of record for the property identified as the eastern anchor of the Moss Landing Marine Lab Ocean Pier, San Jose State University Foundation submits to you our endorsement of the Public Access Plan as submitted to the Commission by Moss Landing Marine Laboratories.

Due to the planned scientific and educational uses of this facility, we believe that modification to the plan would pose a significant risk to the safety of the public, students, and scientists using the pier. Further, we do not believe that there is a precedent for full public access to this site.

We appreciate the importance of public access in the area of the Sandholdt Pier. The Friends of Moss Landing Marine Labs have an excellent reputation and history in developing and providing accessible and informative public programs for visitors to the current facilities. As an organization focused on public outreach, please be assured that they are committed to providing outstanding service to the public at the new pier.

Thank you for your consideration of this matter affecting critical university scientific and educational programs.

Respectfully,

Mary Sidney
Chief Operating Officer
San Jose State University Foundation

The California State University:
Chancellor's Office
Bakersfield, Chico, Dominguez Hills,
Fresno, Fullerton, Hayward, Humboldt,
Long Beach, Los Angeles, Maritime Academy,
Monterey Bay, Northridge, Pomona,
Sacramento, San Bernardino, San Diego,
San Francisco, San José, San Luis Obispo,
San Marcos, Sonoma, Stanislaus



California Coastal Commission

Exhibit U - pg 1 of 10
Letters in Support of the Project
MLML Sandholdt Pier Replacement
3-00-102



**San José State
UNIVERSITY**

Office of the President

One Washington Square
San José, CA 95192-0002
Voice: 408-924-1177
Fax: 408-924-1199
E-mail: sjsupres@sjsu.edu
<http://www.sjsu.edu>

Interim President:
Dr. Joseph N. Crowley

February 10, 2004

Ms. Kelly Cuffe
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

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FEB 18 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

SUBJECT: Public Access/MLML Pier Reconstruction

Dear Ms. Cuffe and Honorable Coastal Commissioners:

I am writing in support of the Coastal Development Permit Application submitted by the Moss Landing Marine Laboratories (MLML) for the reconstruction of the research pier. This structure will re-establish the coastal observation capabilities lost when the original pier was destroyed. In the past, MLML generously offered this platform for observational purposes to many research and educational institutions throughout the Monterey Bay area and when securely reconstructed, it will once again be of great value to those seeking a better understanding of coastal processes and the factors driving variability in our coastal zone.

San José State University is one of the institutions that will be using this platform for scientific study. We wish to emphasize the scientific nature of its use and hope that the Coastal Commission will recognize the value of such a structure and the need to limit public recreational use. This is an extension of a community laboratory facility for scientists and educators. We understand the priorities of the Coastal Commission and have drafted a public access plan that allows for scheduled, guided tours by laboratory employees or volunteers from the Friends of MLML, similar to the public free access we have provided to our laboratories and classrooms. MLML is willing to continue this open approach to the public, but are concerned that access to the pier beyond the staff-accompanied tours proposed would severely compromise both public safety and the functions of the pier that MLML now seek to restore. I strongly urge you to accept the public access plan as submitted by MLML.

Sincerely,


Joseph N. Crowley
Interim President

JNC:ms



California Coastal Commission

The California State University:
Chancellor's Office
Bakersfield, Channel Islands, Chico,
Domínguez Hills, Fresno, Fullerton,
Hayward, Humboldt, Long Beach,
Los Angeles, Maritime Academy,
Monterey Bay, Northridge, Pomona,
Sacramento, San Bernardino, San Diego,
San Francisco, San José, San Luis Obispo,
San Marcos, Sonoma, Stanislaus

Exhibit U - pg 2 of 10
Letters in Support of the Project
MLML Sandholdt Pier Replacement
3-00-102

M B A R I

MONTEREY BAY AQUARIUM RESEARCH INSTITUTE



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February 6, 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Ms Kelly Cuffe
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Public Access/MLML Pier Reconstruction

Dear Kelly and Honorable Coastal Commissioners:

I am writing in support of the Coastal Development Permit Application submitted by the Moss Landing Marine Laboratories for the reconstruction of their research pier. This structure will reestablish coastal observing capabilities lost since the destruction of the original pier during the Loma Prieta earthquake and subsequent storms. MLML has been generous in offering this platform for observational purposes to many research and educational institutions throughout the Monterey Bay. MBARI has several planned uses for this pier for projects of great value in understanding coastal processes and the factors driving variability in our coastal zone.

I was pleased to see in the documents I received that the Coastal Commission staff supports the permit application, but am concerned that the Commission might require expanded public access to the pier beyond what MLML has proposed. In the last century, it was reasonable to view such piers as artificial wooden extensions of the shoreline, and therefore rightfully subject to public access. However, modern piers, such as the Moss Landing rebuild proposed here, are sophisticated structures equipped with cranes, winches, seawater systems, and complex scientific instrumentation. This pier is, in essence, an extension of a community laboratory facility for scientists and educators. We understand the priorities of the Coastal Commission, yet we do not now allow the public free access to our laboratories and classrooms, and could not possibly ensure the safety of the public or the integrity of our experiments if we did. We have had examples here at MBARI recently of young people lighting fires under our building (to dry themselves off after surfing) and nearly colliding with moving equipment while using our ramps and stairs as a skateboard or bicycle park. These incidents lead me to question whether the public always shows good judgement in determining what is safe and what isn't safe.

The MBARI dock is not open to the public because it is a working dock with cranes and forklifts operating constantly and no safety rails as they would impede usage. Exhibit U - pg 3 of 10
for its intended purpose. It is not possible to assign times when the dock could be used. Letters in Support of the Project

MLML Sandholdt Pier Replacement
3-00-102

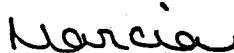


accessed by the public in that the ships leave and return at all times of the day and night and on all days of the week. That is the nature of science research. Usage of the Moss Landing pier will be no different. Scientific research will be ongoing 24 hours per day, seven days per week.

Finally, this pier will provide a platform for essential measurements on the health and environmental quality of Monterey Bay. With all of the concern since 9/11 about homeland security, I believe that it is critical that we be able to trust those measurements to raise an alarm if needed, and that we know instantly if someone is out on the pier with malicious intent. The only proven way to ensure that is to limit access to escorted groups or researchers involved in experiments on the pier.

I believe that MLML has always been very accommodating of the public but am concerned that access beyond the staff-accompanied groups they propose will severely compromise both public safety and the functions of the pier that MLML now seek to restore. I strongly urge you to accept the public access plan as submitted by MLML.

Best regards,



Marcia McNutt
President and CEO

Exhibit U - pg 4 of 10
Letters in Support of the Project
MLML Sandholdt Pier Replacement
3-00-102



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FEB 10 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA



HOPKINS MARINE STATION
STANFORD UNIVERSITY

OCEANVIEW BLVD.
PACIFIC GROVE, CA 93950-3094

TEL: (831) 655-6200
FAX: (831) 375-0793

6 February 2004

Ms. Kelly Cuffe
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Ms. Cuffe and Members of the Coastal Commission:

I have recently learned that the Moss Landing Marine Laboratories' proposal for the reconstruction of their research pier is soon to come before the Coastal Commission. One item in your review, that involving public access to the reconstructed pier, strikes me a potential trouble spot that, if not addressed correctly, could adversely impact the Laboratories' research.

As Director of a neighboring marine institution, I am highly aware of the delicate balancing act that must be maintained between two factors that often cannot be easily reconciled: the need to maintain a research facility in an 'off limits' context, to ensure that research projects are not interrupted or damaged by visitors who may be unaware of how their activities could negatively impact research, and the desirability of allowing the public to visit our research sites, to learn about the exciting and important work we are doing. At the Hopkins Marine Station, which has been a designating State of California Marine Life Reserve since 1931, we encourage the public to visit our site, but only when we can provide the appropriate guides to ensure that visits are not disruptive of our research. Even the best-intentioned visitors can, in their naiveté, inadvertently damage on-going field experiments. Furthermore, the potential for vandalism or illegal collecting of organisms when unregulated public access is given to a research site has to be considered.

The very same concerns apply in the case of the Moss Landing Marine Laboratories' pier: a balance must be reached between the need to protect sensitive research projects, on the one hand, and the public's desire to use this facility for purposes other than science, on the other. The compromise that has been suggested by the Laboratories, namely that public access will only be granted when visitors can be provided with guides to ensure that their activities are appropriate, strikes me as very wise. This is essentially the policy that has governed our interactions with the public for many decades, and it's a policy that has worked very well. I note that the Moss Landing Laboratories host frequent and very well organized open houses for the public. The Laboratory has been

Exhibit U - pg 3 of 10

Letters in Support of the Project
MLML Sandholdt Pier Replacement
3-00-102



California Coastal Commission

exemplary in presenting its scientific and educational activities to a wide audience. I am confident that they will provide the public with adequate access to their new pier, while maintaining the type of supervision of the pier that is needed to allow the important science done at the Laboratory to be carried out without disruption.

In summary, I urge the Coastal Commission to approve the permit request now under your review. The Moss Landing Marine Laboratories' request is well thought-out in all respects, including the difficult issue of striking a balance between public access and protection of scientific programs.

Sincerely,



George N. Somero
David and Lucile Packard Professor of Marine Science
Director-Hopkins Marine Station



California Coastal Commission

Exhibit U - pg 4 of 10
Letters in Support of the Project
MLML Sandholdt Pier Replacement
3-00-102

West Coast & Polar Regions Undersea Research Center
Global Undersea Research Unit
School of Fisheries and Ocean Sciences
University of Alaska Fairbanks



Dr. C. Geoffrey Wheat
Research Associate Professor
Regional Coordinator



PO Box 475 • Moss Landing, California 95039
Phone: 831 633-7033 • Fax: 831 633-6872
E-mail: wheat@mbari.org • www.wcnurc.uaf.edu

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February 6, 2004

FEB 10 2004

Ms Kelly Cuffe
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Public Access/MLML Pier Reconstruction

Dear Ms Cuffe, Honorable Coastal Commissioners

I am writing in support of the Coastal Development Permit Application by the Moss Landing Marine Laboratories for the reconstruction of their research pier. This structure will reestablish coastal observing capabilities lost since its destruction. MLML has been generous in offering this platform for observational purposes to many research and educational institutions throughout the Monterey Bay and as securely reconstructed it will be of great value to many seeking a greater understanding of coastal processes and the factors driving variability in our coastal zone.

I am the Regional Coordinator for the West Coast and Polar Regions Undersea Research Center, which is one of six Centers that comprise NOAA's Undersea Research Program. The Center headquarters is in Fairbanks, AK, but my office is in Moss Landing, CA in one of MBARI's facilities. My mandate is to promote, facilitate and fund undersea research along the west coast of the United States and the polar regions. For the past eight years through a peer-review competition we have supported academic and government researchers and institutions in the Monterey Bay region. Our current level of support to institutions in this area is about \$500,000 per year. We are interested in supporting peer-reviewed science that uses the proposed science research pier. However, I am particularly concerned about public access and would like to limit public access to the maximum extent possible. This research pier is an extension of a community laboratory facility for scientists and educators. I understand the priorities of the Coastal Commission yet, the public is not allowed free access to our laboratories and classrooms. MLML has always been very accommodating of the public but I am concerned that access beyond the staff-accompanied groups they propose will severely compromise both public safety and the functions of the pier that MLML now seek to restore. I strongly urge you to accept the public access plan as submitted by MLML.

Sincerely,



California Coastal Commission

Exhibit U - pg 7 of 10
Letters in Support of the Project
MLML Sandholdt Pier Replacement
3-00-102



CALIFORNIA STATE UNIVERSITY
Monterey Bay
EARTH SYSTEMS SCIENCE & POLICY INSTITUTE

100 CAMPUS CENTER
SEASIDE, CALIFORNIA 93955-8001
831-582-4110 • FAX 831-582-4122
WWW.CSUMB.EDU

February 6, 2004

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FEB 10 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Ms Kelly Cuffe
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Public Access/MLML Pier Reconstruction

Dear Ms. Cuffe, Honorable Coastal Commissioners

This letter is being sent in support of the Coastal Development Permit Application by the Moss Landing Marine Laboratories for the reconstruction of their research pier. This structure will re-establish important coastal observing capabilities lost since its destruction. MLML has been generous in offering this platform for observational purposes to many research and educational institutions throughout the Monterey Bay and as securely reconstructed it will be of great value to many seeking a greater understanding of coastal processes and the factors driving variability in our coastal zone. As a member of the MLML Consortium, the Division of Science and Environmental Policy at California State University Monterey Bay is one such institution who will be using and supporting use of this platform. It is important that the Commission recognize the inherent value of such a structure and limit public access. This is an extension of a community laboratory facility for scientists and educators. To retain the research and educational aspect of the pier, public access must be limited to the maximum extent possible.

We understand the priorities of the Coastal Commission and the need to increase public access to California's coast. As with other educational institutions, the public is not generally allowed free access to our science laboratories and classrooms for many obvious reasons. These same restrictions are necessary for the research pier to maintain the functionality of the structure for its intended use by researchers and educators. Allowing open access by the public for fishing or other activities will greatly hamper the activities for which the pier is being designed.

MLML has always been very accommodating of the public but are concerned that access beyond the staff-accompanied groups they propose will severely compromise both public safety and the functions of the pier that MLML now seek to restore. I strongly urge you to accept the public access plan as submitted by MLML.

Best regards,

Sharon Anderson, PhD
Chairperson
Division of Science and Environmental Policy

Cc: Kenneth Coale

Exhibit U - pg 8 of 10
Letters in Support of the Project
MLML Sandholdt Pier Replacement
3-00-102



COOPERATIVE EXTENSION
UNIVERSITY OF CALIFORNIA

CALIFORNIA
SEA GRANT

SEA GRANT EXTENSION PROGRAM

8272 Moss Landing Rd., Moss Landing, CA 95039 Phone (831) 771-4442 FAX (831) 632-4441

February 7, 2004

Ms Kelly Cuffe

Re: Public Access/MLML Pier Reconstruction

California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Dear Ms Cuffe,

I am writing in support of the Coastal Development Permit Application by the Moss Landing Marine Laboratories (MLML) for the reconstruction of their research pier. There are many reasons to strongly support the pier reconstruction. High among the list of reasons is that Moss Landing Marine Laboratories has a strong reputation for helping solve real problems in the coastal zone, especially in the Monterey Bay region. The rebuilding of their research pier will help MLML faculty and students monitor ocean health and learn about oceanographic processes occurring in Monterey Bay. These studies will be invaluable in helping preserve our quality of life in central California. This structure will also reestablish coastal observing capabilities lost since its destruction. The new pier will be an important part of Coastal Ocean Observing System; which is currently a high priority for our nation's marine research efforts. MLML has a proven track record of scientific collaboration among the many research and educational institutions throughout the Monterey Bay, and I think the new pier will increase the collaborative study of our coastal ocean.

My institution is very supportive of the Coastal Commission's policy on public access, but I believe that, in this case, the Commission should recognize the value of a secure research facility and limit public access to the maximum extent possible. I have seen very valuable marine research projects ruined or greatly hampered by open public access, and believe that the MLML pier should be restricted to public tours. MLML has always been very accommodating of the public, and I expect that they will be more than glad to provide regular public tours and events at the pier. However, access beyond the staff-accompanied groups they propose will severely compromise both public safety and the functions of the pier that MLML now seeks to restore. There are other piers and jetties in this region for public use; it makes most sense to me to maximize the safety of the public and scientific personnel and equipment by limiting public access. I urge you to accept the public access plan as submitted by MLML.

Sincerely,

Richard M. Starr

Dr. Richard M. Starr
University of California Sea Grant Extension



California Coastal Commission

University of California, The United States Department of Agriculture, and the United States Department of Commerce Cooperating

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FEB 10 2004

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Letter in Support of the Project
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA 3-00-102



California Coastal Commission



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Fisheries Science Center
Santa Cruz Laboratory
110 Shaffer Road
Santa Cruz, California 95060

February 9, 2004

F/SWC5

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FEB 13 2004

Ms Kelly Cuffe
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, CA 95060

Re: Public Access/MLML Pier Reconstruction

Dear Ms Cuffe, Honorable Coastal Commissioners:

I am writing in support of the Coastal Development Permit Application by the Moss Landing Marine Laboratories (MLML) for the reconstruction of their research pier. This structure will reestablish coastal observing capabilities lost since it's destruction. MLML has been generous in offering this platform for observational purposes to many research and educational institutions throughout the Monterey Bay and as securely reconstructed it will be of great value to many seeking a greater understanding of coastal processes and the factors driving variability in our coastal zone. We are such an institution who will be using and supporting use of this platform. For example, we are a member institution of the Central California Ocean Observing System, and this pier will allow MLML to better support that program. I am particularly concerned that the Commission recognize the value of such a structure and limit public access to the maximum extent possible. This is an extension of a community laboratory facility for scientists and educators. We understand the priorities of the Coastal Commission, yet we do not now allow the public free access to our laboratories and other facilities. We believe MLML has always been very accommodating of the public but are concerned that access beyond the staff-accompanied groups they propose will severely compromise both public safety and the functions of the pier that MLML now seek to restore. I strongly urge you to accept the public access plan as submitted by MLML.

Sincerely,

Churchill B. Grimes, Ph.D.
Director, Santa Cruz Laboratory

cc: K. Coale, MLML



California Coastal Commission

Exhibit U - pg 10 of 10
Letters in Support of the Project
MLML Sandholdt Pier Replacement

