

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863



RECORD PACKET COPY

Item W7c

August 19, 2004

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: Charles Lester, Deputy Director
Rick Hyman, Deputy Chief Planner, Central Coast District
Elizabeth Fuchs, AICP, Manager, Statewide Planning
Kelly Cuffe, Coastal Analyst, Central Coast District

SUBJECT: FURTHER COMMENTS AND RESPONSES TO THE PERIODIC REVIEW OF
THE MONTEREY COUNTY LOCAL COASTAL PROGRAM

Summary: As directed by the Commission at the March 18, 2004 hearing, staff used the recommendations of the periodic review in developing input to the County's proposed comprehensive General Plan/LCP Update. One set of comments was sent to Monterey County Board of Supervisors on March 26, 2004. Staff also submitted comments on the companion GPU Draft Environmental Impact Report (DEIR) April 2, 2004. However, on May 25, 2004, the Monterey County Board of Supervisors voted to delay its General Plan/Local Coastal Program update process for at least 16 months, thereby triggering a corresponding delay in considering comments from the periodic review Commission staff plans to transmit additional comments and to continue working with the County on the update as a way to incorporate periodic review concerns, to the extent that our resources allow.

Background: Coastal Act Section 30519.5 requires the Coastal Commission to periodically review the implementation of certified local coastal programs (LCPs) to determine whether the LCP is being effectively carried out in conformity with the policies of the Coastal Act. As many LCPs were developed in the early 1980s, and amended many times, the periodic review provides the Commission the opportunity to comprehensively evaluate program implementation and to make recommendations to address changed circumstances, new information and the cumulative effects of incremental permitting.

The Coastal Commission authorized a review of Monterey County's LCP in May 2001, at the request of Monterey County. On November 26, 2003, Coastal Commission staff released a staff report summarizing basic conclusions of its periodic review of Monterey County's local coastal program along with a series of preliminary recommendations. In late December 2003, the complete draft of findings, recommendations, and supporting material ("Draft Findings of the Monterey County LCP Periodic Review," dated 12/22/03, consisting of ten chapters and five appendices, along with figures and tables)

**California Coastal Commission****September 2004 Meeting in Eureka**

Staff: R. Hyman & E. Fuchs Approved by: *[Signature]*
MCO Periodic Review status rpt 9.8.2004.doc

was made available to the public for review and comment, placed on the Commission's website and distributed to the Commissioners and Monterey County via CD-Rom.

Two sets of public comments and staff responses to comments, dated February 26, 2004 and March 17, 2004, were distributed to the Coastal Commission. On March 18, 2004, the Coastal Commission held a public hearing on the periodic review and heard further comments. No formal action was taken at that time, however, because as reported to the Commission, Monterey County's planning priority had been on completing the 2004 *Monterey County 21st Century General Plan Update* which was to include a comprehensive update of the County's local coastal program. Thus, and in light of extreme budget constraints on both the Commission and the County, staff recommended and the Commission concurred that it would be more efficient to integrate the relevant periodic review recommendations into the review of the *Monterey County 21st Century General Plan Update* rather than expend more time in final editing and formal adoption of the periodic review findings, pursuant to Coastal Act Section 30519.5 at this time. The Commission could choose to consider more formal action in the future.

Recent Happenings: Additional comments on the periodic review have been received since the March 2004 Coastal Commission meeting. Also, subsequent to the March hearing, Coastal Commission staff participated in two more County "Town Hall" meetings regarding the periodic review. The notes from those meetings, held in Carmel and Big Sur, are included in this packet (see Attachment 4). Based on all the public comments received, an "Errata Sheet" to the recommendations contained in the draft periodic review documents has been prepared (See Attachment 5). (At this time staff is not prepared to recommend any accompanying changes to draft findings.)

With regards to the County's General Plan Update process, Monterey County held some hearings on the *Draft 21st Century Monterey County General Plan Update* in the spring. Then, on May 25, 2004, the Board of Supervisors directed that work on the current version be halted and its staff prepare a brand new version. Prior to that time, Coastal Commission staff submitted two sets of comments to the County: *Comments Regarding the Draft 21st Century Monterey County General Plan Update* (dated March 26, 2004) and *Comments on Draft 21st Century Monterey County General Plan Environmental Impact Report* (dated April 2, 2004). Coastal staff has also had discussions with County staff on their plans for preparing the new draft plan, which is projected to take 16 months.

Future Work: At this point, Commission staff intends to continue working with the County on two fronts regarding the periodic review process, to the extent that our resources allow: 1) to discuss periodic review recommendations that pertain to the General Plan update, and 2) to discuss implementing some procedural recommendations not dependent on the General Plan update. Commission staff also has and will continue to use the information and recommendations generated by periodic review in our discussions with other agencies regarding new and ongoing projects and/or particular jurisdictions in Monterey County.

The Commission may, at some point in the future, still adopt and transmit final findings and recommendations to the County, thereby initiating the one year time period under the Coastal Act that the County has to respond to the Commission's transmitted recommendations. However, to the extent



that the final version of the County's General Plan Update/LCP Amendment can effectively address the concerns identified in the Periodic Review, such future action may not be necessary.

Attachments: Attached to this report is a draft transmittal letter to the County to be sent by the Commission summarizing the periodic review work to date (Attachment 1). Also, attached to this report is a list of all correspondents from which comments have been received (Attachment 2), the text of all correspondence not contained in the first two packets (Attachment 3) and excerpts of some significant comments and Commission staff's response (Attachment 4). Finally, Attachment 5 is an Errata Sheet to the periodic review report recommendations representing revisions to address the comments.



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**ATTACHMENT 1****DRAFT TRANSMITTAL LETTER**

September xx, 2004

Monterey County Board of Supervisors
PO Box 1208
Salinas, CA 93902

Chairperson Calcagno and Honorable Members of the Board:

The Coastal Commission respectfully submits to you the preliminary findings and recommendations of the Periodic Review of Monterey County's certified Local Coastal Program (LCP) and comments that we received on it during the course of the Commission's review.

Coastal Act Section 30519.5 requires that the Commission periodically review the implementation of certified LCPs. . Our staff prepared these documents pursuant to Coastal Act Section 30519.5 and your May 2001 request that we select the County for our next LCP review.. The documents were released in December 2003, and the Commission held a public hearing on March 18, 2004. At that hearing, the Commission did not take a formal vote to adopt recommendations pursuant to 30519.5. Rather, the Commission directed staff to provide the County with the documents and to use them in providing input into the County's ongoing General Plan/LCP update process. By not formally adopting the recommendations the one year timeline specified in PRC 30519.5 for the County to formally respond to the periodic review transmittal would not be triggered. Given limited resources available both to the County and to the Commission, this would provide additional time for our staffs to discuss and coordinate input and responses in conjunction with the County's General Plan update process.

We understand that you have directed your staff to prepare a new draft General Plan update. As part of that effort, your staff will be reviewing existing policies to determine their continued relevance and adequacy. That directly parallels the work that our staff undertook in the periodic review with regard to certain local coastal program policies. We urge you to give serious consideration to the information and recommendations contained in the periodic review documents in preparing the new General Plan draft. The issues raised and the documentation provided in this periodic review give the County guidance in preparing an updated LCP that conforms with and carries out the policies of the Coastal Act in light of new information and changed conditions. The periodic review documents represent our staff's best effort at this time. Because there is flexibility in how specific responses are developed, our staff is available to assist you to the extent that our resources allow.



As the Periodic Review has demonstrated, Monterey County's current Local Coastal Program continues to be an exemplary document, although it does need updating. We hope that the General Plan update work that you are undertaking will continue the County's strong tradition of carrying out the Coastal Act. And, in the interim, we believe the information generated by the Periodic Review may be useful in your consideration of coastal permits. Based on the progress made on the new County General Plan, we will evaluate in the future what additional steps may be necessary to formally complete the Monterey County LCP Periodic Review.

Sincerely,

Mike Reilly
Chairman



ATTACHMENT 2: PUBLIC COMMENTS**LIST OF ADDITIONAL COMMENT LETTERS RECEIVED REGARDING THE MONTEREY COUNTY LCP PERIODIC REVIEW (text is included in Attachment 3)**

DATE	NAME	AGENCY
3/18/04	Louis Calcagno	Monterey County Board of Supervisors
3/18/04	Douglas Fay	(individual)
3/18/04	Joseph Edmonson	(individual)
3/18/04	Cecil Wahle	League of Women Voters
3/18/04	Linda McIntyre	Moss Landing Harbor District
3/18/04	Rodney McInnis	National Marine Fisheries
3/18/04	Janice O'Brien	(individual)
3/29/04	David Gauvreau	(individual)
3/30/04	Michael King	(individual)
4/2/04	Richard Jepsen, CEO	OC Sailing Club, Inc.
4/2/04	David Lumian, Fleet Captain	Fairwood Yacht Club
4/16/04	Lorri Lockwood and Carolyn Motzel	(individuals)
4/27/04	William Reichmuth, Executive Director	Transportation Agency of Monterey County (TAMC)

LIST OF ADDITIONAL COMMENT LETTERS RECEIVED REGARDING THE MONTEREY COUNTY LCP PERIODIC REVIEW (texts are attached to 2/26/04 or 3/17/04 Staff Reports, copies available upon request to staff)

DATE	NAME	AGENCY
12/5/03	Janice M. O'Brien	(individual)



DATE	NAME	AGENCY
12/7/03	David Dilworth, Executive Director	Helping Our Peninsula's Environment (HOPE)
12/09/03	Fernando Armenta, Chair	Monterey County Board of Supervisors
12/8/03	Linda McIntyre, General Manager/ Harbormaster	Moss Landing Harbor District
12/10/03	Lisa Kleissner	Coast Property Owners Association (CPOA)
1/26/04	Dr. Deborah Rogers	Genetic Resources Conservation Program, University of California
2/24/04	Kaitlin Gaffney, D'Anne Albers Jane DeLay and Carol Maehr	The Ocean Conservancy; Friends of the Sea Otter and Ventana Chapter, Sierra Club; Save Our Shores, American Cetacean Society
2/12/04	Linda Smith	Monterey Pine Forest Watch
2/12/04	Mary Akens	Law Office of J. William Yeates for Friends, Artists, and Neighbors of Elkhorn Slough
12/9/03	Richard Krumholz	California Department of Transportation
2/16/04	Mary Ann Matthews	Monterey Bay Chapter, California Native Plant Society
2/22/04		Coast Property Owners Association
2/23/04	Holly Price	Monterey Bay National Marine Sanctuary
3/1/04	Bill Cormeny	(individual)
3/3/04	Darby Fuerst	Monterey Peninsula Water Management District
3/8/04	116 petition signers	(individuals)
3/11/04	Several individuals	North Monterey County Town Hall meeting
3/12/04	R. Gregg Albright	California Department of Transportation
3/15/04	Mark Silberstein	Elkhorn Slough Foundation
3/15/04	Brian Finegan	Representing Armstrong family



LIST OF ADDITIONAL PEOPLE WHO TESTIFIED ON THE MONTEREY COUNTY LCP PERIODIC REVIEW AT THE MARCH 2004 COMMISSION MEETING (but did not submit written comments)

DATE	NAME	AGENCY
3/14/04	Peter Uberroth, owner	Pebble Beach Company
3/14/04	Mark Stilwell, Vice President	Pebble Beach Company
3/14/04	Mike Zander	Zander Associates; biological consultants to Pebble Beach Company
3/14/04	Joyce Stevens	Monterey Pine Forest Watch
3/14/04	Adrienne Dickinson	(individual)
3/14/04	Steven Leonard, Manager/Vice President	Cal-Am Water Company
3/14/04	Rick Verbanec	Del Monte Forest Property Owners
3/14/04	Dan Wilkes, Vice President	Del Monte Foundation
3/14/04	Alan Perlmutter, owner	Big Sur River Inn
3/14/04	Darlene Nelson	(individual)
3/14/04	Andy Nusbaum	(individual)
3/14/04	Dr. Karl Kleissner	Coast Property Owners Association
3/14/04	Jack Kidder	Del Monte Forest property owners
3/14/04	Mike Caplin	Coast Property Owners Association
3/14/04	Bill Nye	(individual)
3/14/04	Aengus Jeffers	Horan Lloyd law offices
3/14/04	Robert Cross	Coastlands Mutual Water Company
3/14/04	Martha Deal	Monterey County Planning Commissioner



ATTACHMENT 3

TEXT OF ADDITIONAL COMMENTS RECEIVED



MONTEREY COUNTY

THE BOARD OF SUPERVISORS

LOUIS R. CALCAGNO, SUPERVISOR - SECOND DISTRICT
PATRICIA BARTLETT HUTCHINS, AIDE TO THE SUPERVISOR



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

Received at Commission
Meeting

March 18, 2004

MAR 18 2004

From: _____

Dear Commissioners,

In connection with the Coastal Commission's periodic review of the Monterey County Local Coastal Program, we respectfully request that the Commission consider and include in their review, the County's Moss Landing Community Improvements Projects. These Projects include construction of a Rule 20A underground utility district and storm drain improvements within the community of Moss Landing.

These projects promise to significantly improve the coastal resources of Moss Landing. The Rule 20A project will significantly enhance the scenic resources in historic Moss Landing by under-grounding existing unsightly above-ground electrical transmission utilities. Construction of a regional storm-water collection and wetlands-based surface treatment system will significantly enhance stormwater quality ultimately discharged to the Elkhorn Slough and Monterey Bay Sanctuary.

The County has identified funding for these projects and intends to proceed with their implementation in the coming year. We would be happy to supply additional information about these Projects to the Commission as the periodic review proceeds.

Sincerely yours,

Louis R. Calcagno
Louis R. Calcagno
Supervisor 2nd District
Chair of the Board 2004

LRC/pbh

Douglas Fay

1000 Pajaro St Suite C
Salinas, CA. 93901
(831) 422-0846

3-18-04
Hem # 149.

Page 209

douglas paul fay@aol.com

Goal PS-3 Domestic Water

Monterey
County
General
Plan
Update

Comments - There is little to no mention of desalination in the GPU. Guidelines for desalination of ocean water will be a critical planning issue for years to come. Please read OGO #11. This guiding objective states to provide an adequate and sustainable water supply while protecting the marine environment.

Recommendations - Include/create a policy in PS-3 that reads, "Desalination of Ocean Water."

The County shall consider the following guidelines:

a. Desalination be limited to the physical conditions of the sight and only allow intake of ocean water to be drawn/filtered through the beach subsurface sand at low volumes to reduce the possible negative effects to marine life through impingement and entrainment. Open ocean water intake pipes will be prohibited.

b. That desalination facilities be 100% solar powered and operated, and tied to the utility grid only for emergency purposes ordered by the Governor.

c. That brine discharge temperatures be strictly monitored and be equal to the ocean temperature to eliminate the possibility of thermal pollution effects on marine life.

d. That desalination facilities be locally owned and operated by nonprofit purveyors, not foreign owned companies that can avoid environmental protection laws and regulation.

e. All proposed desalination facilities to be built, and associated implementation costs, be placed on a Proposition 218 ballot, voted on and approved by the public. The projected monthly maintenance and management costs for the nonprofit purveyor to be included.

f. Any and all proposed desalination facilities shall meet or exceed the California Coastal Commission and Monterey Bay National Sanctuary standards.

g. If more stringent standards and guidelines are developed in the future, desalination facilities will be required to meet the undated requirements or cease operation.

h. Desalination of ocean water should be limited as a supplemental water source only.

Th 10A

Trail Tales

1
Received at Commission
Meeting

MAR 18 2004

From: _____

Until the 1970's less than 50 people a year thru-hiked the Appalachian Trail (AT). Today it is approaching a staggering 300 hikers per year.

Inadequate shelter space, 2,500 spaces, for 100 million Americans that live within a day's drive of the Trail, and yet shelters are today being reduced to discourage "overuse" of the trail. In ecological terms "a tragedy of the commons".

Funding is a major problem as in California. Several miles of side trails have been closed, and others are deteriorating.

Indeed, Mathews Arm Campground, one of the main recreational areas is closed along the AT, in Shenandoah Nat'l Park.

Extending critical view sheds from the Pacific Ocean, Public Trails, and from Airspace is inane and irresponsible from both an ecological and economic standpoint. I would ask that such amendments to the Big Sur LCP be forever discarded and we get back to critical issues of education, health, and a strong economic base in California once more.

Joseph Edmundson

**STATEMENT TO CALIFORNIA COASTAL COMMISSION REGARDING
MONTEREY COUNTY PERIODIC LOCAL COASTAL PROGRAM REVIEW**

**Thursday, March 18, 2004
Hyatt Regency Monterey**

The League of Women Voters of the Monterey Peninsula greatly appreciates the Coastal Commission staff's timely recommendations regarding greater protection for the native Monterey Pine Forest. The recommendations are long overdue.

Although the current Local Coastal Plan includes some strong protective policies which give a high priority to the preservation of the native Monterey Pine Forest, current regulations focus on protecting individual trees through the land use entitlement permit process. With the County approving 512 permits in over the last 15 years, the Del Monte Forest has lost 9,000 trees according to Commission estimates.

Unfortunately, various development plans in the Del Monte Forest have been uniformly inconsistent in implementing LCP policies. The new plan is no exception, and, if approved in its present form, it would destroy most of the remaining significant pine stands within the Del Monterey Forest.

New regulations focus on protecting the remnant contiguous swaths of the native Monterey Pine Forest as environmentally sensitive habitat. This would make the forest less susceptible to disease and would ensure its regenerative capability of sustaining the forest presence.

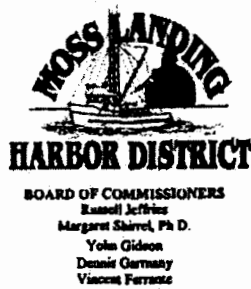
This is a critical moment. Only 1,881 acres of the native Monterey Pine Forest remain undeveloped. This is our last chance to preserve a resource unique to only five areas in the world. It is incumbent upon the Commission to recognize its responsibility in this crucial decision.

Thank you for the opportunity to comment on this important issue.

Received at Commission
Meeting

MAR 18 2004

From: _____



7881 SANDHOLDT ROAD
MOSS LANDING, CA 95039

TELEPHONE - 831.633.5417
FACSIMILE - 831.633.4537
Received at Commission
Meeting

GENERAL MANAGER
HARBORMASTER
Linda G. McIntyre, Esq.

MAR 18 2004

March 18, 2004

From: _____

The Honorable Mike Reilly, Chair
and Members of the Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105

Testimony of Moss Landing Harbor District for the Record Concerning the Coastal
Commission's Draft Findings of the Monterey County LCP Periodic Review
Public Hearing Held March 18, 2004 at the Hyatt Regency Monterey

Dear Chairman Reilly and Members of the Commission:

The Moss Landing Harbor District has previously submitted comments on the December 10
hearing concerning this topic. Those comments stand and are incorporated herein by reference.

On behalf of the District, I commend the Commission's staff and all those individuals who spent
untold hours working on this review. This was a monumental task and we appreciate the effort
that went into it.

In the interest of brevity, I will simply identify those draft recommendations not mentioned in my
previous submittal, and my comments related thereto:

SH-12 - Wetland Setbacks - This issue has great impact on the Harbor District's ability to carry
out its mission to establish, improve and conduct a harbor, and to promote and accommodate
related commerce and navigation. There needs to be some flexibility in the setback requirements
to accommodate allowing maximum use of property while also maximizing environmental
protection. There are alternatives to setbacks that will accomplish both.

SH-23 - Appropriate designation of Potrero Road Property purchased by the Harbor District -
The District agrees that it is in need of potential mitigation areas when it desires to use its other
properties for carrying out its mission. The District agrees with the Coastal Commission staff's
comment that this property is appropriate for such mitigation uses. The District would like the
LCP to CLEARLY state that this property is a "Mitigation Bank" belonging to the District for
future District projects that may require mitigation. The District does not agree that the property
is potentially suitable for a trail and ultimately, it is up to the District how it uses its property
consistent with the Coastal Act and the LCP.

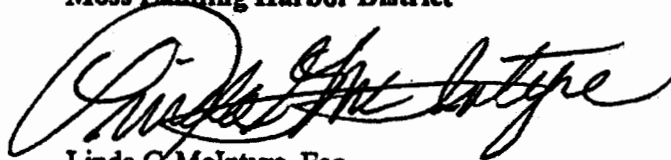
SH-25 – Recommendation that the area south of the new Sandholdt Bridge be designated Resource Conservation. The District does not agree with this recommended redesignation for a number of reasons: the submerged lands were granted to the District by the State Lands Commission in furtherance of its mission. There has already historically been some “light industrial” uses made just south of the bridge. With all due respect, the staff statement that “harbor boating facilities are physically precluded from expanding further southward” is inaccurate. For example, environmentally friendly Kayak tie-ups may be desired at some time in the future, and redesignating “south of the bridge” in its entirety as Resource Conservation would preclude this use or similar uses, the need for which may arise in the future.

WQ-1 – Dredge material disposal – at the outset, the District requests that all those referring to dredge sediment refrain from using the word “spoils”. It should be called what it is: “material”. Unfortunately, the historical use of the word “spoils” has caused many to view dredging as an evil, environmentally damaging event. Most sediment is harmless sand.

There are extensive comments and recommendations regarding dredge material management and disposition. As well intended as those recommendations are, it would be very appropriate to consult with the District specifically regarding this issue before implementing regulations without benefit of making informed decisions. The District objects to revising No Co LUP 2.4.2.5 to replace “whenever desirable” with: unless an alternative site configuration has been found to fully comply with all other Plan policies”. The District has no objection to retaining No Co Policy 2.4.2.6 which states “that the least damaging alternative be selected for dredging and filling.” The District has no objection to the adoption of General Plan Update NCo ER-11 stating that unnecessary or ill planned dredging could have adverse impacts and therefore appropriate expansion of Moss Landing Harbor facilities shall protect wetlands in as natural a state as possible. For the record, the District’s North Harbor area is filling in from Elkhorn Slough tidal action and from the State Department of Parks and Recreation’s property sloughing off and eroding into its basin. Dredging in that area is neither unnecessary nor would that be considered “expansion” of the District’s facilities, since facilities already exist in that area.

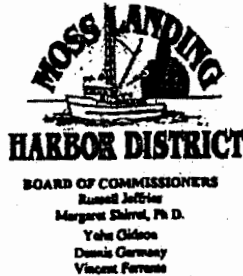
I have written copies of my comments for the record. Thank you for the opportunity to comment further on these issues of great importance to the community.

Respectfully submitted,
Moss Landing Harbor District



Linda G. McIntyre, Esq.
General Manager/Harbormaster

LGM:kp
C: Board of Harbor Commissioners



7881 SANDHOLDT ROAD
MOSS LANDING, CA 95039

TELEPHONE - 831.633.5417
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GENERAL MANAGER
HARBORMASTER
Linda G. McIntyre, Esq.

December 8, 2003

The Honorable Mike Reilly, Chair
And Members of the Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105

Via Facsimile: 415.904.5400

Re: December 10, 2003 Agenda Item W 7 a

Dear Chairman Reilly and Members of the Commission:

This letter concerns Issue LU-11: Moss Landing Community Plan, as well as those subsections referred to therein.

At the outset, I would like the record to reflect that the amount of notice of the public hearing, considering there were two intervening week-ends and the Thanksgiving holiday, may have complied with the letter of the law but was wholly insufficient for individuals and agencies affected by these proposed changes to adequately review and respond. Furthermore, the discussion of Monterey County's LCP in the distant City of San Francisco creates a hardship and hinders the participatory process.

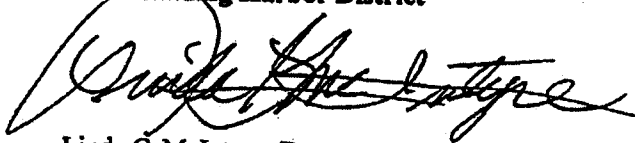
Second, I would like the record to reflect that many of the proposals are very harsh and economically damaging. Although your mission is to protect the coast and coastal habitat, it must be balanced with economic considerations and safety considerations. For example, proposed LU-11.3 (and LU-9.4), if implemented, will add unknown delay and no less than \$50,000 to the Moss Landing Harbor District's development costs at North Harbor, a project that has been tediously winding its way through the cumbersome and expensive permit process for years.

I believe that LU-11.2 is duplicative and again economically unreasonable because the Harbor District is already subject to restrictions on the use of its own land from numerous governmental agencies for dredge rehandling, as evidenced by the permit condition issued by the USFWS requiring that the District convert a 5 +/- acre parcel of its property, used ONCE for dredge material rehandling, to a spineflower habitat in perpetuity. This habitat project has cost some \$365,000 to date, and very few of the spineflower seedlings have germinated despite the expenditure of substantial sums of money, time and resources by professional plant biologists. The use of the land for any other purpose is prohibited.

Many of these recommendations before the Commission, if implemented, would constitute unfunded mandates. It would serve the public and those impacted by many of these recommendations well if you were to explore and provide funding support options concurrent with your policy recommendations.

Ultimately, my request is that you balance economy, safety and reason with your duty to protect coastal habitat, and that you take no action that affects the Moss Landing Harbor District without first meeting and discussing them with District officials.

Sincerely,
Moss Landing Harbor District



Linda G. McIntyre, Esq.
General Manager/Harbormaster

LGM:kp

C: Board of Harbor Commissioners
Louis Calcagno, Supervisor,
Monterey County



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

In Response Refer To:

March 17, 2004 151422SWR02SR6435:JEA

RECEIVED

MAR 22 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Mr. Rick Hyman, Deputy Chief Planner
California Coastal Commission
Central Coast District Office
725 Front Street, Suite 300
Santa Cruz, California 95060-4508

Dear Mr. Hyman:

This letter is in reference to the California Coastal Commission's (CCC) hearing in Monterey County, on Thursday, March 18, 2004, on the Monterey County Local Coastal Plan (LCP) and the CCC's Desalination Report. One issue of particular interest to the National Marine Fisheries Service (NOAA Fisheries) in the LCP is Issue LU-9.4, under **Water Supply in the California-American Water Company Service Area**, which reads in part, "Desalination facilities must: A) Be public as warranted by application of Coastal Act policies."

As you know, California-American Water Company (Cal-Am) is under a California State Water Resources Control Board's (SWRCB) Order (WR 95-10) to identify a long-term water supply for the Monterey Peninsula to terminate unlawful diversions from the Carmel River. After many years of trying to identify a project acceptable to the public, Cal-Am announced in February 2003, they would pursue desalination and underground water storage as their long-term water supply project and have identified the California Public Utilities Commission (CPUC) to be the lead agency.

South-Central California Coast steelhead (*Onchorynchus mykiss*) are present in the Carmel River and are listed as threatened under the Federal Endangered Species Act. NOAA Fisheries has been working closely with Cal-Am for a number of years to minimize impacts to steelhead from water diversions in the Carmel River. Until a long-term water supply is developed for the Monterey Peninsula, adverse impacts to steelhead and their habitat will be on-going. We support Cal-Am in moving forward as rapidly as possible in developing their desalination project to protect the public trust resources in the river.

Our concerns regarding limiting ownership of desalination plants to only public entities (LU-9.4) could, in effect, delay Cal-Am from developing a long-term water supply and thus continue impacting listed steelhead. While NOAA Fisheries takes no position on whether desalination plants in California be owned publicly or privately, we believe by adding this language to the Monterey County LCP, the CCC may be limiting potential solutions that could help restore the population of steelhead in the Carmel River. We support any effort, whether public or private, to resolve this issue.

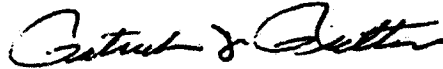
NOAA Fisheries encourages all the State agencies involved in this matter (CCC, CPUC, and SWRCB) to work closely together to find a solution that will maximize the protection of all the public trust resources at issue here.



-2-

If you have any questions concerning the above comments, please contact Ms. Joyce Ambrosius at (707) 575-6064 or joyce.ambrosius@noaa.gov.

Sincerely,



Rodney R. McInnis *for*
Acting Regional Administrator

cc: J. Lecky, NOAA Fisheries, Long Beach, California
F. Feizollahi, Cal-Am
J. Blum, NOAA Fisheries, Sacramento, California

RECEIVED

MAR 22 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

March 18, 2004

Dear Rick :

You and Kelly did a number !

Thank you both. Am inclosing my statement for your file. Also wanted you to know that the County is allowing private wells in the Country Club Area even though the LUAC has pressed them for accountability. The GPU includes a policy discouraging them (whatever that means) There is a whole subdivision on Congress taking advantage of this. We could really use some help on this issue.

Thanks again for everything you have done. Your recommendations are exactly what we need to save this Peninsula from all the "non developers like the Pebble Beach Company".

Regards,

Janice

Janice O'Brien

Box 1037

Pebble Beach. Ca. 93953

625-1386

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MAR 22 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

March 18, 2004

Members of the Coastal Commission :

I am speaking as a thirty year resident of the Del Monte Forest.

I wish to commend the Coastal Commission staff for its strong recommendation to redesignate the native Monterey Pine Forest as environmentally sensitive habitat, *within DMF*.

~~In the initial draft of the current Del Monte Forest LCP, the native~~
Monterey Pine Forest was so designated, as it was, and remains, in the Carmel Area LCP. This designation was dropped without explanation in the final Del Monte Forest LCP. This critical omission has led to the loss of thousands of pines and has resulted in the survival of only a few remnant stands. These are now threatened by the Pebble Beach Development Plan which has just entered the hearing process.

The NMPF once constituted one fifth of the Monterey Peninsula and was its distinctive signature, famous throughout the world. The irreplaceable resource is found in only five areas in the world and constitutes the sole gene bank for the billion dollar Monterey Pine plantation industry around the world.

It is critical that the Commission act now .

Regarding private wood, they are being allowed in DMF. There is not as much any county restriction on these.

Ph. 8316244979
DAVID GAUVRELL
ITEMS PRESENTED AT COASTAL COMM. (COUNTY MTC) 3-29-04
CARMEL CA. - REF. PERIODIC REVIEW CARMEL/DEL MONTE FOREST 3-29-04

THERE IS A LAND USE PLAN IN FORCE FOR DEL MONTE FOREST. WE WERE HERE IN 1980 WHEN IT, LIKE CARMEL'S, WAS PAINSTAKENLY FORMULATED. SOME HAVE COMPLAINED ABOUT ITS GENEROUS 900+NUMBER OF RESIDENTIAL LOTS ALLOWED IN THE USE PLAN.

THE PROPOSALS BROUGHT FORWARD IN THE PAST TWO DECADES HAVE REDUCED THE PROPOSED BUILDOUT SIGNIFICANTLY. THE PRESENT PROPOSAL BY THE NEW OWNERS HAS BEEN ADJUSTED TO REDUCE TO 38 RESIDENTIAL LOTS TO 38.

THE HOTEL ROOMS PROPOSED ARE TO BE CONTAINED ON EXISTING COMMERCILLY ZONED HOTEL PROPERTY.

THE HEALTH OF THE PINES IN THE FOREST IS BETTER THAN IT WAS WHEN WE ARRIVED TO LIVE HERE IN 1980. I, LIKE CHAIRMAN REILLY, AM CONFUSED ABOUT THE CONCERN EXPRESSED ABOUT THE PINES BEING ENDANGERED. NEW GROWTH IS EVERY WHERE.

THE PROPOSED GOLF COURSE WOULD BE SITUATED IN AN AREA THAT IS 50% CLEAR OF PINES. THE COLLINS FIELD AREA AND OLD EQUESTRIAN CENTER WERE CLEARED YEARS AGO.

THE PROPOSED NEW EQUESTRIAN CENTER IS ALSO TO BE LOCATED IN AN AREA OF THIN PINE GROWTH BECAUSE OF SAND REMOVAL FROM THE AREA FOR SPANISH BAY AND OTHER USES.

THE MEASURE A ZONING CHANGE OF SEVERAL HUNDRED ACRES OF LAND WITH PINES FROM RESIDENTIAL TO RECREATIONAL OPEN SPACE WAS PASSED UNANIMOUSLY FOR ODVIOUS REASONS.

WE FEEL THAT THE PLANNED PEBBLE BEACH PROPOSAL ALONG WITH THE DEIR IS A REASONABLE PLAN. CERTAINLY SO WHEN COMPARED WITH THE ADDITIONAL POPULATION AND TRAFFIC THE CURRENT, IN FORCE, LAND USE PLAN SUGGESTED WOULD BE ALLOWED.

WE MUST NOT IGNORE THE MEASURE A VOTE THAT INDICATED THAT THE GREAT MAJORITY OF THE VOTERS APPROVED OF THIS PROPOSAL. THE ABSENCE OF THIS MAJORITY AT THESE MEETINGS DOES NOT CHANGE THEIR VOTE.

WHEN THE LUP WAS APPROVED BY THE COMMISSION IN 1980 THE PINES WERE HERE AS WERE SOME OF THE OTHER SPECIES. DEVELOPMENT PLANS ARE DRAWN UP PREDICATED ON THE LUP REQUIREMENTS. IT WOULD SEEM THAT THERE SHOULD BE SOME GRANDFATHERING OF PERMITS FORWARDED BEFORE POSSIBLE CHANGES TO THE USE PLAN. THE TIME AND MONEYS SPENT SHOULD NOT BE TOTALLY AT THE MERCY OF

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COASTAL COMM. (COUNTY MTC)
CARMEL CA. - REF. PERIODIC REVIEW CARMEL/DEL MONTE FOREST

THE COMMISSION STAFF, COMMISSIONERS OR COUNTY BODIES WHEN QUESTIONABLE REVELATIONS APPEAR ON THE HORIZON. IF THE LUP IS TO BE CHANGED THEN PERMITS FORWARDED AFTER THE REVISED LUP WOULD BE EFFECTED BY THE CHANGES OTHERWISE IT SEEMS THAT IT WOULD BE IMPOSSIBLE TO PROCEED WITH REASONABLE ASSURANCE OF ACCEPTANCE EVEN IF PROPOSING WELL WITHIN THE CURRENT LAND USE GUIDELINES AS SEEMS TO BE THE CASE IN POINT!!!!!!!

THANKYOU,

CHAIRMAN REILLY

COASTAL COMM. STAFF REP RICK PRESENTED COMMISSION'S SUMMARY OF RECOMMENDATIONS AND RECEIVED COMMENTS FROM THE FLOOR FROM CONCERNED CITIZENS. MY CONCERNS WERE PRIMARILY THE COMMISSION'S CONSTANT CHANGES IN APPLICATION OF THE LUP NOW IN PLACE. IT SEEMS THAT SOME OF THE RECOMMENDATIONS FOR AN ADJUSTMENT TO THE CURRENT LUP ARE BEING APPLIED BEFORE THE FACT OF THE ACCEPTANCE OF THE RECOMMENDATIONS. PERBUE BEACH'S PROPOSED DEVELOPMENT PLAN IS WELL WITHIN THE GUIDELINES OF THE LUP BUT THE CONSTANT RECOMMENDATION REVISIONS SEEM TO COMPLICATE AND DELAY THE DEVELOPMENT OF THE MEASURE A PLAN PASSED BY A VOTE OF THE CITIZENS. A CERTAIN AMOUNT OF GROUND FOTHERING IS REQUIRED TO ALLOW COMPLETION OF CURRENT PERMIT APPLICATIONS.

SINCERELY,
David E. Egan

From: JanMikeKing@aol.com [mailto:JanMikeKing@aol.com]
Sent: Tuesday, March 30, 2004 4:47 PM
To: coast4u@coastal.ca.gov
Subject: Proposed Pebble Beach Co. Development

Dear Members of the Coastal Commission:

I urge you to enforce strictly the regulations and intent of the Coastal Commission in regard to the proposal of the Pebble Beach Company to continue to develop the coastal virgin timber areas of the Monterey Peninsula. How many locations along the California Coast do we still have where there areas of virgin timber? My guess is that there aren't very many. We should be doing all that we can do to protect those areas that are left for today and for children's world tomorrow.

The Pebble Beach Company calls the threat to the Monterey Pines as "overstated" and based on flawed science. I suspect that they have taken that position because it is truly an environmental view of the world and does not agree with their development plans.

They want to bulldoze timber areas for a driving range, an equestrian center, and a 244 acre golf course. The Monterey Peninsula already has more golf courses now than it can possibly need, or use. It seems to me that another golf course is the last thing that the Peninsula needs. There are driving ranges everywhere, usually at least one per golf course. Need another one? I don't think so. And, I certainly don't understand the need for an equestrian center since such a center already exists in Pebble Beach and aggressive plans are in the works to build a world-class equestrian center on the grounds of what used to be Fort Ord. I'm assuming that a center in the Fort Ord location would have a far less devastating effect on the environment.

I urge you to please focus more on the long range issues of "quality of life - all life" and the health of our ocean and not on the desires of a few to continue to develop past the point of need.

Thank you,

Michael King
3047 Whalers Way
Pebble Beach, CA 93953

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APR 06 2004
CALIFORNIA
COASTAL COMMISSION

Fairwind Yacht Club
4230 Del Rey Avenue, Suite 621
Marina del Rey, CA 90292
(310) 306-1116

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APR 07 2004
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

April 2, 2004

Mike Reilly,
Chair, California Coastal Commission
45 Fremont St., Suite 2000
San Francisco CA 94105

Re: Big Sur development and ocean views

Dear Coastal Commissioners,

It has come to our attention that concerns have been raised about protecting scenic views from the ocean in the more rural areas along California's coast. A debate has been raised over a development along the Big Sur coast. In a review of the Local Coastal Program (LCP) for Monterey County, questions were raised about the importance of preserving the view of pristine areas from the ocean.

Sailing and boating are growing rapidly in California, as well as elsewhere. Over one million Californians use boats to access and enjoy the coast. Let's make sure that unrestrained development does not adversely impact our experiences.

A sizeable portion of the population does enjoy boating. Protecting views from the ocean is an important element of preserving the quality of these types of recreational experiences. Big Sur is one of the most exceptional stretches of our coast and deserves special attention when it comes to protecting its scenic qualities, including There is substantial evidence that the Big Sur development will adversely impact on boaters' views from the sea looking toward the shoreline.

We believe that the principle of preserving mariners' views of the shoreline from the water along rural coastal areas is very important. Local government as well as the California Coastal Commission should take into account in all their planning and permit actions the impact of new development on the views that sailors and motor boaters have of the coastline from their boats within a few miles of the shore.

We commend the Commission for its past actions to protect scenic values enjoyed by mariners boating along California's coast. We urge you to hold the course on these policy directions in future actions, including those relating to the updating of Monterey County's local coastal program.

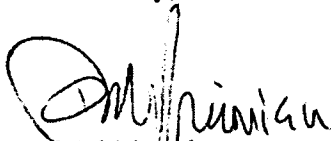
Re: Big Sur development and ocean views - page two

In undeveloped areas like Big Sur, mariners using the area should be able to enjoy the area's pristine beauty without the blight of unrestrained development.

There are several ways to mitigate the development; re-siting the building envelope, design changes (e.g., height and bulk reductions, colors that blend in with surroundings, non-reflective windows) and landscape screening.

We urge the California Coastal Commission to uphold boaters' interests by regulating development that blights the coast as viewed from the deck of a recreational boat at sea.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Lukian' or similar, with a large, stylized initial 'D'.

David Lukian
Fleet Captain
Fairwind Yacht Club

Cc: Peter Douglas
Board of Supervisors, Monterey County



4/2/04

Mike Reilly,
Chair, California Coastal Commission,
45 Fremont St., Suite 2000,
San Francisco CA 94105
Re: Big Sur development and ocean views

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APR 08 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Dear Coastal Commissioners,

It has come to our attention that concerns have been raised about protecting scenic views from the ocean in the more rural areas along California's coast. A debate has been raised over a development along the Big Sur coast. In a review of the Local Coastal Program (LCP) for Monterey County, questions were raised about the importance of preserving the view of pristine areas from the ocean.

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We urge the California Coastal Commission to uphold boaters' interests by regulating development that blights the coast as viewed from the deck of a recreational boat at sea.

Sincerely,

Richard Jepsen
CEO
OC Sailing Club Inc.

Cc: Peter Douglas
Board of Supervisors, Monterey County

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APR 20 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

P.O.Box 264
Big Sur, Ca. 93920
16 April 2004

CPOA
P.O.Box 59
Big Sur, Ca. 93920

Dear Neighbors:

Thank you for your informative and energetic research into aspects of our Coastal Plan.

Question. Have ESHA been defined and located on a map so that we know WHAT IS INVOLVED? How can we give a blanket approval to a foggy concept. Is it defined by the presence of Federally Threatened/Endangered species?

Question. If boaters wanted a pristine view of our coast, why have they been absent from our Advisory Committee Meetings, Planning hearings, etc?

I plan to query members of the Monterey Peninsula Yacht Club as to their coastal view concerns.

I know you want to find the answers to these questions as well and I send copies of this letter to county and coastal staff so they will know residents not CPOA members are concerned as well.

Sincerely, .

Lorri

Lorri W. Lockwood

Carolyn Motzel

cc: Peter Douglas, Executive Director
Coastal Commission
Mike Reilly, Chair
Coastal Commission
Supervisor David Potter also Member CC

Hi - Wish you would concentrate on enforcement. River Inn Stone has new windows, doors (rear of stone) plus extensive electrical and cutsy porches on historic motel units. Clear Ridge, Sycamore Canyon, Palo Colorado Roads full of unpermitted. Why extend regs. to be ignored? Seems chaos reigns. Lorri

MCO Periodic Review status rpt 9.8.2004.doc Attachment 3
Page 30

Rick Hyman

From: Karen Clysdale [Karen@TAMCMonterey.org]
Sent: Monday, April 26, 2004 2:46 PM
To: rhyman@coastal.ca.gov
Cc: Bill Reichmuth (E-mail)
Subject: Additional LCP language



CC language
Moss.doc



Local Coastal
Program comments..

Rick

Attached is the language that we request changed in the LCP pertaining to the Moss Landing Corridor. Also attached is the draft comment letter that was used for discussion purposes at our meeting in February. Please pay special attention to point number one regarding Hwy 1 through the Moss Landing Corridor. Thank you again for the opportunity to be so closely involved in this process. Please call me if you have any further questions.

Karen

Karen Clysdale
Associate Transportation Planner
Transportation Agency for Monterey County
55 B Plaza Circle
Salinas CA 93901
p831-775-4403
f831-775-0897
karen@tamcmonterey.org
www.tamcmonterey.org

DRAFT
FOR DISCUSSION PURPOSES

April 27, 2004

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

SUBJECT: Monterey County Local Coastal Program

Dear Commissioners,

Our agency has reviewed the Staff Report on the Periodic Review of the Monterey County Local Coastal Program (LCP) dated November 26, 2003. The Transportation Agency for Monterey County (TAMC) serves as the Regional Transportation Planning Agency (RTPA) and the Congestion Management Agency (CMA) for Monterey County. TAMC has reviewed the report and offers the following comments:

1. TAMC supports retaining the option of eventually widening Route 1 between Castroville to the Santa Cruz County line to 4 lanes. The 2002 Monterey County Regional Transportation Plan (RTP), which will be updated in the next few months, identifies that segment of Route 1 as in need of widening to a four-lane facility within the next 20 years. The Coastal Act designates this segment of Route 1 as a two-lane facility due to its rural character. However, this route should not be considered a rural route as it connects multiple urban areas and is a highly traveled commuter and visitor route. According to the RTP, the two-lane Moss Landing segment of Route 1 carried 35,400 vehicles per day in 1997 and the level of service (LOS) was F with a higher than average (for that type of facility) accident rate. Because of these factors, it is unreasonable to assume that this facility does not need to be widened, even if those conditions remained, which is not likely because traffic has now reached over 40,000 vehicles per day. Requiring this highway to remain a two-lane road would limit future improvements. TAMC requests that the LCP reflect consideration of a 4-lane alternative for Route 1 from Castroville to the Santa Cruz County line. We also request that TAMC and Caltrans be consulted in the development of the LCP. TAMC requests that the LCP evaluation of development along the Route 1 corridor take into account related traffic impacts, congestion, safety and capacity improvements.
2. TAMC supports the Monterey Bay Sanctuary Scenic Trail as described in the LCP.
3. TAMC also supports all efforts pertaining to the California Coastal Trail, especially as a multi-use facility for bicycles and pedestrians. Regarding the Coast Trail segment through Big Sur, the LCP refers to the Big Sur Coast Highway Management Plan, which TAMC and its Bicycle and Pedestrian Facilities Advisory Committee support. TAMC supports allowing Route 1 to serve as the bike route where parallel trails are not feasible.

TAMC Comments on Local Coastal Plan
April 27, 2004

DRAFT
Page 2 of 2

4. Regarding LU-14.5, "Allow rail improvements with mitigations:"

- a. TAMC appreciates the support in the LCP of rail service and the preservation of the rail lines. TAMC is actively pursuing the development of two rail services, the extension of the commute rail Caltrain from its existing terminus in Gilroy down to Salinas, and the Monterey-San Francisco service. Both services will stop at the planned station in Castroville. The Caltrain Extension project is currently under environmental review, and the Draft Environmental Impact Report (DEIR) will evaluate all potential impacts of the proposed Castroville station on agriculture, wetlands, sensitive habitats, and so on. Therefore, TAMC believes that language in the LCP prohibiting station siting on "agricultural land" is unnecessarily restrictive and should be contingent upon the alternatives analysis and environmental evaluation for each site. The permitting, CEQA and NEPA processes require evaluations of impacts on the environment, including agricultural lands. To prohibit projects from being sited on agricultural lands is inconsistent with and undermines the established process of determining the project alternatives for transportation facilities. It would be more reasonable for the LCP to require projects to mitigate any impacts by preserving agricultural lands elsewhere, such as by paying into a fund to purchase land for an agricultural land trust, than to outright prohibit the station siting on agricultural lands. In addition to this, the Monterey County General Plan is on record supporting these rail projects, including the site of the Castroville station.
- b. The proposed requirement that rail bridges "incorporate pedestrian access" would be in conflict with adopted policies of the Public Utilities Commission, which require a separation between rail facilities and pedestrian facilities. TAMC does support the proposed language that "public access should be sought parallel to the rail right of way" elsewhere and will pursue bicycle/ pedestrian facilities in conjunction with the rail line as part of the Monterey Bay Sanctuary Scenic Trail planning process.

We appreciate the opportunity to review this document. If you have any questions, please contact Andy Cook at (831) 775-440.

Sincerely,

Wm. Reichmuth, P.E.
Executive Director, Transportation Agency for Monterey County (TAMC)

cc: California Coastal Commission Local Coastal Program Team
Jared Ikeda, Monterey County General Plan Update Team, Circulation Element
Mark McCumsey, California Department of Transportation (Caltrans) District 5
Nicolas Papadakis, Association of Monterey Bay Area Governments (AMBAG)
Douglas Quetin, Monterey Bay Unified Air Pollution Control District (MBUAPCD)
Kathy Paul, County Counsel

LU14: Highway One and the Moss Landing Corridor

Improve Highway 1 ~~while maintaining two lane configuration to a possible 4 lane configuration.~~ Delete *North County Land Use Plan* policy 5.2.2.A and revise policy 3.1.2.1 and corresponding text and *County Code* provisions as follows: Highway One between Castroville and Salinas Road intersections shall remain a two lane scenic road. The addition ~~Additional~~ of travel through lanes may be ~~permitted~~ are permitted, provided that the overall rural and scenic character of the roadway is not substantially altered. Possible ~~s~~ Safety improvements may include: alignment of Dolan road with the Moss Landing Road intersection with some possible grade separation; improvement of the Springfield Road intersection with some possible grade separation; widening the existing motor vehicle travel lanes to a full 12 feet; paving shoulders up to 8 feet in each direction; adding or improving turnouts; paved pullouts, vista points, rest stops, trailhead parking areas, bus stops, shoulder tapers at intersecting roads, left turn safety pockets, merge lanes, access control features (i.e. frontage roads, median barriers, right-of-way fencing), and park-and-ride facilities. Also permitted are projects that maintain the existing scenic and rural character of the area and restore beneficial tidal circulation to the maximum extent feasible with a net restoration of productive wetlands in the Elkhorn Slough system, including highway realignment to avoid wetland encroachments (e.g. at Struve Pond); replacing long sections of wetland fill with causeways (e.g. at Bennett Slough and Moro Cojo Slough); and /or installing a new bridge span across Elkhorn Slough to provide the opportunity to reduce tidal flux to less-damaging pre-1946 levels.

All development must occur within the current Highway One right-of-way ~~or elsewhere without disruption~~ with limited or mitigated disruption of adjacent agricultural lands. Notwithstanding *North County Land Use Plan* policy 2.3.2.1 and corresponding provisions, wetland fill to accomplish incidental safety improvements or restoration projects that ~~do not increase the overall~~ Safety or capacity improvements of this highway segment, ~~is~~ are permitted provided there is not feasible less environmentally damaging alternative and ~~feasible~~ any and all mitigation measures have been incorporated to minimize adverse environmental effects. Required compensatory mitigations shall favor restoration of ...

Filing Requirement for Subsequent LCP amendment. Requests to amend the LCP to allow any highway project that does not meet these criteria shall not be filed absent supporting documentation that demonstrates (1) a comprehensive regional planning process has been conducted (based on feasible alternatives to the proposed project); (2) the project is necessary for addressing regional transportation needs; (3) all other feasible alternatives for meeting these regional transportation needs are exhausted including: regional demand reduction (through measures such as reduced allowable zoning densities and encouragement of telecommuting); increased use of existing passenger and freight lines; improved transit service; more carpool facilities; ~~permanent signage and/or changeable message signs to encourage Highway 1 to 101 crossover traffic to use less congested arterial roads east of Elkhorn Slough; identification of an east of Elkhorn bypass route to relieve the Santa Cruz-Salinas component of traffic demand; linkage of~~

~~existing County roads west of Highway 1 to provide an alternative route for farm equipment movements; identification of a west of Highway 1 scenic byway linking existing County roads, to provide a bypass alternative for recreational traffic and improved access to Zmudewski State Beach; and encouragement of non-motorized transportation, especially through linking existing bikeways to complete the Monterey Bay Sanctuary Scenic Trail around the perimeter of the bay; (4) policies are incorporated to ensure that impacts to agricultural lands, environmentally sensitive habitat areas, including wetlands, from any additional projects allowed by the LCP amendment will be avoided, minimized and/or mitigated to the maximum extent feasible; and (5) an analysis of impacts to Agricultural lands, if the viability of existing agricultural uses is an issue, following the specific requirements of Coastal Act Section 30241.5.~~

Rick Hyman

From: Karen Clysdale [Karen@TAMCMonterey.org]
Sent: Wednesday, February 18, 2004 2:35 PM
To: rhyman@coastal.ca.gov
Cc: Bill Reichmuth (E-mail); Christina Watson (E-mail)
Subject: Suggested Language for LCP



Coastal Commission
language1.d...

Rick

I hope its not too late, attached is the suggested language for the bridge section found in policy LU14.5. I am drafting language for the Moss landing Highway one section too. I should hopefully have that to you tomorrow. Please feel free to call me if you have any questions.

Thanks

KC

Karen Clysdale
Associate Transportation Planner
Transportation Agency for Monterey County
55 B Plaza Circle
Salinas CA 93901
p831-775-4403
f831-775-0897
karen@tamcmonterey.org
www.tamcmonterey.org

LU: 14.5 allow rail improvements with mitigations

Add a policy to the LCP governing rail improvements that: a) requires retention of branch lines that serve Moss Landing (along Dolan Road), and from Castroville to the Monterey Peninsula along with their necessary supporting facilities and b) allows for all necessary improvements that will insure rail safety throughout the wetlands, including replacement of outmoded bridges; contingency plans for spills; restoration of wetland circulation by replacement of fills with causeways; and right-of-way and station enhancements needed for restored rail service to the Monterey Peninsula area. ~~However, rail stations must comply with all Plan siting criteria and not be sited on agricultural land or sensitive habitats.~~ New and replacement bridge and causeway structures crossing the Elkhorn Slough wetlands should be designed to incorporate pedestrian access wherever feasible, not in conflict with rail operations and adopted policies of the California Public Utilities Commission, if necessary a separate structure for public access can be attached to the already existing bridge structure, where consistent with protection of the NERR. ~~Elsewhere~~ If public access is not feasible or would impede rail operations, public access should be sought parallel to the rail right-of-way ~~on existing roads,~~ and improvements such as fencing and warning signals installed where needed to protect public safety.

Notwithstanding *North County Land Use Plan* policy 2.3.2.1 and corresponding provisions, wetland fill to accomplish these incidental safety improvements along existing rail alignments within the Elkhorn-Moro Cojo Slough system, and along the Castroville Monterey branch line, is permitted provided all of the following circumstances apply, as applicable: the improvement is necessary to protect human life or property, or to protect or restore wetland or other natural habitat values; there is no feasible less environmentally damaging alternative to achieve restored or continued rail service; no significant disruption of habitat values will result; considering the local habitat system, as a whole no net loss of viable wetland ~~of or~~ other environmentally sensitive habitat area will result in the local habitat area; the project will maintain or enhance the functional capacity of the wetland or estuary; feasible mitigation measures have been provided to minimized unavoidable adverse environmental impacts; and, considering other alternatives including the "no project," alternative, the project on balance is the most protective of significant coastal resources. Improvements that cannot meet this or other LCP resource protection policies will require LCP amendments.

ATTACHMENT 4**MORE RESPONSES TO COMMENTS:**

A series of comments, obtained from oral and written correspondence from interested persons, and staff responses to those comments were included in the February 26, 2004 staff report. Additional correspondence and oral comments received since that time, along with staff response to these comments are included below. The first response (#I, regarding LU-11.3) is a slight revision of an earlier response contained in the February 26, 2004 packet. The remaining responses (beginning with #VIII) are to selected additional comments, oral or written, received subsequent to and/or not addressed in the February 26, 2004 report (which included items I through VII). Comments included herein are either quotes from letters or are identified as oral comments, in which case they are a brief summary of the oral comment made to the Commission or Commission staff.

I. WRITTEN COMMENTS FROM MONTEREY COUNTY BOARD OF SUPERVISORS (letter dated 12/9/03)**Comment:**

LU-11.3 Avoid or minimize damage to marine organisms from seawater pumps. The Board of Supervisors, the California Regional Water Quality Control Board, and the State Water Resources Control Board have sole authority to set, enforce and permit public health ordinances, water quality standards and NPDES facilities. The Coastal Commission does not have any statutory or legal authority to set or enforce these standards. The Commission staff should review the *Porter-Cologne Act*, the *Federal Clean Water Act*, and the *California Government Code* before proposing such policies to Monterey County.

Response:

This comment refers to Recommendation LU-11.3 that says:

LU-11.3 Avoid or minimize damage to marine organisms from seawater pumps: Add a policy to the LCP as follows: Prior to approval of any new or expanded seawater pumping facilities, require the evaluation of alternatives, selection of the least environmentally damaging alternative, use of Best Available Technologies, and provision of maximum feasible mitigation measures to avoid and/or to minimize damage to marine organisms due to entrainment in accordance with State and Federal law (see also Recommendation LU-9.4 regarding pumping for desalination plants).

This recommendation addresses the protection of marine resources from entrainment. Policies to prevent impacts to marine organisms from entrainment associated with development of seawater intake facilities do not constitute public health ordinances or water quality standards. The Coastal Commission-- and local governments through their certified LCPs-- have authority to regulate proposed development for conformance with Coastal Act policies that require protection of marine resources, including Coastal Act sections 30230 and 30231 as follows:



Section 30230 Marine resources; maintenance

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 Biological productivity; water quality

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

These sections and other provisions of the Coastal Act provide significant authority for both the Commission, and local governments through their certified LCPs, to review proposed development that has impacts to marine resources.

**VIII. WRITTEN COMMENTS FROM MONTEREY BAY NATIONAL MARINE
SANCTUARY, HOLLY PRICE (letter dated 2/23/04)**

Comment:

Coastal Armoring

MBNMS appreciates the inclusion of CH-8.4 entitled "Support Sanctuary's regional shoreline management strategies". We look forward to continuing to work with the Coastal Commission to further develop and implement a regional approach to addressing this difficult issue.

MBNMS supports the more detailed policies that are included in the staff report to address setback methodologies, geotechnical reporting requirements, and guarantees that no future seawalls will be constructed for new development. The Staff Report also recommends developing a comprehensive plan specifically for the Del Monte Forest area to evaluate erosion and coastal armoring, and develop measures to prevent armoring or minimize its impacts. We commend such a regional approach. However, as noted in the proposed Coastal Armoring Plan that is part of the MBNMS' Management Plan Review, a regional approach should be taken throughout the county's coastline, not just the Del Monte Forest area. We are particularly concerned about the highly erosive shoreline adjacent to southern Monterey Bay.



The need for a county-wide approach to coastal armoring should be included in the LCP, with an acknowledgement that this will likely involve analysis of specific subregions within county boundaries. This approach should minimize trends towards increasing hard armoring of the shoreline that can impact marine resources, reduce recreational access, and alter sand supply dynamics. This should include evaluation of coastal erosion and beach nourishment trends, identification of likely future sites for armoring requests and their impacts, consideration of alternative approaches to reduce the need for armoring, identification of types of armoring which will minimize harmful impacts, and identification of sensitive areas where armoring may not be appropriate. A more proactive approach to coastal armoring should be included in the LCP to minimize the need for emergency requests that can lead to approval of inappropriate structures. The Del Monte Forest could be a sub-region within the overall plan based on its specific characteristics, however, the need for this type of comprehensive planning spans the coast and should be a county-wide endeavor.

Response:

Recommendation CH-8.2 states in part:

Guide permit decisions using shoreline management plans: Add a provision to the LCP and accompanying procedural guidance to require preparation of shoreline management plans for portions of the Del Monte Forest shoreline in non-residential use to guide how LCP shoreline structure policies are to be applied to these areas. Applications for shoreline protective measures must demonstrate consistency with the shoreline management plan.

Also Recommendation CH-8.4 states:

Support Sanctuary's regional shoreline management strategies: Add an action to support and participate in the Monterey Bay National Marine Sanctuary's Coastal Armoring Action Plan to the extent that resources allow. The County should review and implement where relevant the Action Plan's strategies for regional and subregional responses to shoreline management (see Recommendation CH-8.2).

Coastal Commission staff is not opposed to a more comprehensive evaluation of the shoreline beyond Del Monte Forest; such an evaluation is in fact supported in Recommendation CH-8.4. The Periodic Review focused its evaluation on the Del Monte Forest shoreline because of existing and potential shoreline protective activity there. The small (and, hence, manageable and, hopefully, motivated) number of property owners, and the likelihood that application of LCP policies might allow more shoreline structures there. Should it be successful, Del Monte Forest's shoreline management plan may make a good pilot study that could be expanded to other areas if resources are available. Meanwhile, existing LCP policies along with the periodic review recommendations should result in adequate consideration of alternatives in any additional shoreline armoring along the rest of Monterey County's coastal zone consistent with the Coastal Act.



Comment:

Desalination

MBNMS welcomes the inclusion of the comprehensive policy standards outlined in LU-9.4 which address concerns about proposed desalination facilities and the impacts that these facilities could bring to the marine resources offshore of Monterey County. The MBNMS and Coastal Commission staff have worked together over the past several years on the development of a regional plan to address the potential impacts to marine resources stemming from desalination plants within the MBNMS. Similar to section CH-8.4 that recognizes and states support for the Sanctuary's coastal armoring plan, we recommend including a statement in the LCP that recognizes and encourages support for and participation in the MBNMS regional Desalination Action Plan as outlined in our draft Joint Management Plan Review.

Response:

Recommendation LU-8.7 states,

Support coordinated water conservation and new water supply initiatives: Add an action to support and participate in initiatives to promote water conservation, identify possible water-off-sets, decide on a new water project, and coordinate water planning to the extent that resources allow.

This recommendation is broad enough to encompass MBNMS' concern, but the LCP could also explicitly include the requested statement. Staff has thus revised our recommendation accordingly (see Attachment 5 Revisions To Recommendations, revision #2).

Comment:

Additionally, the MBNMS recommends adding language in item D under LU 9.4 that would clarify that a regional approach to desalination should include a) consideration of and coordination with other existing and proposed desalination facilities in the area; b) evaluation of opportunities for co-location of facilities with existing facilities and discharges; and c) siting considerations such as identification of sensitive marine habitats.

Response:

Recommendation LU-9.4 states in part:

LU-9.4 Add review criteria for any proposed desalination facilities: Add coastal zone wide policy standards to the LCP to guide review of any proposed desalination facility as follows: Desalination facilities must:..

D. Be designed, sized, and located as part of a comprehensive regional water management program that includes conservation and recycling, and is based on adequate land use planning and adopted growth projections;...

Certified North County Land Use Plan recommended action 2.3.4.1 is for a comprehensive natural resource and water basin management plan for North County. As noted in the periodic review draft



findings on North County water supply issues, several water planning initiatives have occurred, including the County's 2002 *Comprehensive Water Resources Management Plan*. This plan recommends that desalination be pursued in parallel with three other water supply augmentation alternatives for North County. Also, as noted in the periodic review draft findings on Cal-Am service area water supply issues, comprehensive water planning has recommended a desalination plant be constructed in North County that would serve the Monterey Peninsula. Implicit in the comment is that comprehensive water planning needs to be broadened to encompass all of North County, the Cal-Am service area (Monterey Peninsula), and the lands in between (e.g., Fort Ord), especially to be able to address competing desalination proposals. To this end, Monterey Peninsula Water Management District has recently sponsored a forum on desalination options. Although a good first step, the District's authority is limited to the Monterey Peninsula. There needs to be some institutional mechanism established to facilitate coordination among all the involved entities throughout the region. This suggests that the periodic review needs an additional recommendation along these lines, (see Attachment 5 Revisions To Recommendations, revision #16) and a reference to it in Recommendation LU-9.4. (see Attachment 5 Revisions To Recommendations, revision #3)

Comment:

Also, the language in item F should be modified to: "Use, where feasible, sub-surface feedwater intakes (e.g. beach wells) or other intake systems designed to minimize entrainment and impingement to the maximum extent feasible, instead of open pipelines from the ocean, where they will not cause significant adverse impacts to either beach topography or potable groundwater supplies". This modification acknowledges that there are techniques besides beach wells to reduce impingement and entrainment.

Response:

Recommendation LU-9.4 states, in part:

Add review criteria for any proposed desalination facilities: Add coastal zone wide policy standards to the LCP to guide review of any proposed desalination facility as follows: Desalination facilities must:...

F. Use, where feasible, sub-surface feedwater intakes (e.g., beach wells) instead of open pipelines from the ocean, where they will not cause significant adverse impacts to either beach topography or potable groundwater supplies (see Recommendation LU-11.3);...

In fact, the Coastal Commission's report, *Seawater Desalination and the California Coastal Act* (March 2004), states (on page 74), "The default intake design should be one that does not cause entrainment -- that is, a subsurface intake. The applicant for a proposed facility will likely bear the burden of proof as to whether a subsurface intake is feasible." MBNMS's suggested language dilutes the intent of the recommendation. Coastal Commission staff does agree with the aspect of the comment that there may be emerging technologies besides beach wells that avoid or minimize (as opposed to just reduce) entrainment and the recommendation is revised accordingly (see Attachment 5 Revisions To Recommendations, revision #3).



Comment:

Language should also be included noting that the recommendation in F applies to minimizing impingement and entrainment from new construction, and that consideration should first be given to the potential for utilizing intake systems from existing facilities.

Response:

Coastal Commission staff does not fully agree with this comment. When a new desalination facility is being considered, avoiding or minimizing impingement and entrainment is a paramount consideration. While using existing intake systems (e.g., from the power plant) may have benefits, if they are harming the marine environment, the addition of a desalination facility should not complicate the problem (see Coastal Commission's report, *Seawater Desalination and the California Coastal Act*, March 2004, page 79).

However, we do agree that alternatives, including using existing intakes versus installing new ones, should be evaluated. Although the comment refers to Recommendation LU-9.4 quoted above, Recommendation LU-11.3 is also relevant in this regard by stating:

Avoid or minimize damage to marine organisms from seawater pumps: Add a policy to the LCP as follows: Prior to approval of any new or expanded seawater pumping facilities, require the evaluation of alternatives, selection of the least environmentally damaging alternative, use of Best Available Technologies, and provision of maximum feasible mitigation measures to avoid and/or to minimize damage to marine organisms due to entrainment in accordance with State and Federal law (see also Recommendation LU-9.4 regarding pumping for desalination plants).

Adding more explicit policy direction for evaluating use of existing intakes is appropriate and Recommendation LU-11.3 is revised accordingly (see Attachment 5 Revisions To Recommendations, revision #4)

Comment:

Water Quality

The chapter in the Staff Report on "Water Quality and Marine Resources" takes valuable steps in the direction of marine protection and we welcome the references made to our own efforts towards this goal in Appendix A. However, as noted in our letter of May 2002, MBNMS recommends that the LCP more thoroughly address sewage and storm drain infrastructure and monitoring systems in Monterey County. The growing number of beach closures and postings is a threat to the region's economy, recreation, health and wildlife. Many of the region's sewage systems are not on an adequate replacement and maintenance schedule needed to prevent discharge or leaching into the Sanctuary. County monitoring efforts on coliform contamination are generally limited to posting of the beaches, and do not focus on tracking the sources of contamination up the watershed. Diagnostic evaluations, repairs and strategic maintenance of these infrastructure systems should be accompanied by additional efforts at source control for urban runoff, as outlined in the MBNMS' Water Quality Protection Program and in the Model Urban Runoff Program (MURP) which MBNMS developed jointly with the Coastal



Commission. Steps to address beach closure and coliform contamination issues should be incorporated into Chapter 4 of the Staff report.

Response:

Recommendations under Issues WQ-2 "Sewage Outfalls," WQ-3 "Erosion and Non-Point Source Pollution Control," WQ-5 "Wastewater Treatment Best Management Practices," WQ-6 "Watershed Planning," and WQ-7 "Public Works Maintenance" generally address this comment. However, Coastal Commission staff agrees that more specific policies and ordinances may be needed to fully address the water quality concerns outlined in MBNMS's comments; and, thus, further dialogue to this end among the interested parties is appropriate. Also implicit in the MBNMS's comment is the need for action to occur, a concern that Coastal Commission staff fully supports. Furthermore, we note that the storm drain and wastewater discharge issue is also applicable to the cities within Monterey County, however recommendations to municipal jurisdictions within the County were beyond the scope of this periodic review.

Comment:

MBNMS supports the recommendations included in the Staff Report that seek to incorporate revised pollution prevention techniques into the LCP. These include clarifying that policies relating to sewage outfall discharges apply to all wastewater generating projects that discharge into any coastal water. We also agree that the LCP should ensure that erosion control and runoff policies are applied to all development, and support revision of the septic ordinance to better prevent contamination consistent with Regional Water Quality Control Board requirements.

Many specific additional recommendations related to beach closures, urban and agricultural runoff are incorporated in the MBNMS' Water Quality Protection Program plans, and these plans were developed in collaboration with Coastal Commission staff. We recommend that the Staff Report contain a general reference encouraging county support and participation in the implementation of these plans, similar to the statement referencing our coastal armoring plan in CH-8.4.

Response: A recommendation under Issue WQ-3: Erosion and Non-point Source Pollution Control addresses this comment as follows:

Adopt an action to coordinate with and implement where appropriate, the Monterey Bay National Marine Sanctuary's Water Quality Protection Program – especially the Urban and Agriculture Action Plans.

Comment:

Landslide Disposal

Section LU-13 attempts to incorporate recommendations derived from the draft Big Sur Coast Highway Management Plan (CHMP). Many agencies and stakeholders, including the Sanctuary and Coastal Commission, have been involved over the past three years in Caltrans' development of the CHMP, and we appreciate the progress this group has made in evaluating the complex interactions of highway management, public transportation needs and environmental impacts.



The draft CHMP document represents a carefully worded set of recommendations reflecting the concerns and priorities of the many parties involved in plan development, and includes a recognition of the need to evaluate the sensitivity of marine habitat to disposal. However, this recognition has unfortunately been largely omitted from the discussion and recommendations of the Staff Report, and from the much longer discussion of the issue included in the background appendices to the Staff Report. Coastal Commission's staff interpretation of the issue seems to focus on ocean disposal under most conditions, without inclusion of the various marine ecological considerations that must be weighed before making any such a decision, and without adequate acknowledgement of the need to also focus on preventive approaches via highway redesign and long-term maintenance strategies which will reduce the volume of disposal requests. Since much of the language addressing these issues was already worked out in the CHMP document after many years of stakeholder effort, MBNMS suggests that more of that language be included directly, with less additional interpretation included by Coastal Commission staff.

Some specific locations where the staff report should be amended are noted below.

At the top of page 11, please add the words "and the adjacent marine environment" to the phrase "preserves the landscape".

Response:

Coastal Commission staff concurs that this is an acceptable revision; at such time as we have adequate resources to revise the draft findings this change will be included.

Comment:

Section LU-13.2 of the Staff Report and the discussion of the CHMP in the background appendix of the Staff Report should incorporate support for preventive measures which will reduce the overall need for disposal and minimize highway disruptions, such as highway redesign or realignment efforts and state-of-art repair techniques. Language addressing this issue is part of the CHMP Corridor Management Plan in section A-1, and a menu of options is included in the CHMP Guidelines for Landslide Management and Storm Damage Response. The LCP should encourage support for these pre-emptive approaches.

Response:

Coastal Commission staff concurs and Recommendation LU-13.2.A is revised accordingly (see Attachment 5 Revisions To Recommendations, revision #7).

Comment:

MBNMS welcomes the inclusion in Section LU 13.2.D the listing and description of "Reduce, Reuse, Recycle, Replenish, Disposal" of landslide materials as agreed to in the CHMP. However the staff report includes additional interpretation of these terms that should be avoided. For example, under the category of disposal, which refers to transport to a terrestrial site, the additional language states that this is always the least preferred option. In fact there have been in



the past and certainly will be occasions in the future when the impacts of terrestrial disposal are less than impacts of disposal to the marine system. These sorts of evaluations will need to be made case-by-case on the basis of many complex criteria, and such a definitive prioritization statement should not be part of the LCP.

Response:

Recommendation LU-13.2 part D states:

D. Landslide management--handling and disposal of excess material: The preferred strategy for responding to closures due to landslides will be that which reopens the highway to public use, within a reasonable time, using feasible measures, and with the least long range environmental impacts on Big Sur's coastal resources. The goal is to maintain natural inputs to the sediment transport system in a manner that resembles pre-highway conditions. Therefore, rock, earth and natural organic debris from landslides shall, where feasible, be retained in-system. Generally, in-system for this purpose refers to the watershed where the landslide sediments originated, or the adjacent shoreline, or (as a second priority) elsewhere south of the Carmel River watershed and seaward of the Coast Ridge watershed divide.

The appropriate combination of measures will vary with each landslide location and availability of resources. Best practices for material handling, as detailed in the Big Sur Coast Highway Management Plan, shall be employed. These best practices include overall reduction, recycling and beneficial re-use of material. The hierarchy of strategies, which shall be employed individually or in combination, is as follows:

- 1. Reduce overall quantities by selecting maintenance and repair techniques and practices that reduce the overall footprint of disturbance and in the case of repairs are the least disruptive beyond the event that destabilized the highway.*
- 2. Reuse material that is viable for other highway maintenance or reconstruction projects. Rock and soil suitable for other highway repairs may be re-used in the highway corridor or elsewhere, as needed. Similarly, topsoil and organic matter should be segregated where feasible and made available for revegetation efforts. However, care must also be taken to avoid the spread of exotic plant species within the Big Sur Coast area.*
- 3. Recycle material for non-highway uses, either along the corridor or elsewhere. This involves transferring material that has commercial value for use in other approved public or private development projects or activities.*
- 4. Replenish sediment supplies to natural systems by removing or bypassing manmade barriers (e.g., the highway) and practices that may inhibit natural flow of sediment. Sediments, as used here, include the full range of grain sizes, with particular reference to materials appropriate for beach replenishment, and cobbles and boulders that protect the toe of the bluff from wave erosion.*
- 5. Dispose of any remaining excess material that cannot be put to any other beneficial use. However, this shall be considered the least desirable practice, because retention of natural materials within the Big Sur Coast ecologic system is an important goal, because suitable receiver locations within the corridor are extremely limited, and because truck transport produces its own set of impacts.*



This comment may be referring to text in the staff report which implies that the replenishment of sediment supplies is a disposal method (page 117 of Draft Findings). The further implication of applying the above policy would be that such disposal (of sediment, which could end up in the marine environment) always has a higher priority than any other type of disposal, such as to an off-site location. That is not the intent of the recommendation. The intent of the recommendation is that replenishment is preferred over disposal outside of the system, but is not mandatory if it results in adverse impacts. We agree that the text can be clarified in this regard, and the recommendation is revised accordingly (see Attachment 5 Revisions To Recommendations, revision #7).

Comment:

Section LU-13.2.E addressing sidecasting also includes significant additional language not agreed to in the CHMP when describing when exceptions to a prohibition on sidecasting could occur. This section should instead include more directly the application criteria incorporated on pages 73 and 74 of the CHMP Guidelines for Landslide Management and Storm Damage Response entitled "Localized Sidecasting" and "Slope Detention". Additional constraints on sidecasting which are included on those pages should be articulated in the LCP, including a) volume of material sidecast is limited to that displaced by a natural event; b) material is organic in nature, i.e. free from infrastructure elements such as concrete, asphalt and steel; c) the adjacent shoreline is an area with habitat characteristics and dynamics that indicate adaptation and tolerance of periodic inputs from natural landslides; and d) the area downslope is characterized by conditions indicating that sidecast material would not disproportionately affect sensitive habitats, including the nearshore marine environment. Also, neither the background discussion of the issue nor the recommendations in the Staff Report acknowledge the study which the MBNMS has underway to evaluate and rank the sensitivity of various marine habitats and locations to landslide disposal, and the need to incorporate this knowledge into future decision making.

Response:

Recommendation LU-13.2.E states:

Sidecasting: The placement of fill, landslide debris or other sediments over the downhill side of the highway constitutes sidecasting. Sidecasting, as a technique of highway construction, repair or maintenance, is prohibited if: the sidecasted materials would comprise fill into the ocean or freshwater stream or wetland; or, would decrease the usable area of any beach; or, would significantly disrupt any marine mammal haul-out area, seabird nesting habitat, tidepool habitats, or any vegetated bluff face that comprises an environmentally sensitive habitat area. Exceptions to this prohibition may be allowed in a particular case, provided the following findings can be made:

- 1. The project is otherwise consistent with the applicable policies of the California Coastal Act and the certified Monterey County Local Coastal Program; and,*
- 2. There is no feasible less environmentally damaging alternative, that can be employed consistent with the limitations on construction of shoreline structures and other applicable*



policies of the California Coastal Act and the certified Monterey County Local Coastal Program; and,

3. Feasible mitigation measures have been provided to minimize adverse environmental effects; and,

4. In any instance where the sidecasting would constitute fill into a wetland or open coastal waters, such fill is limited to that which is restoration or is incidental to public service purposes (including State Highway maintenance or repair), or other allowable purposes identified in Coastal Act Section 30233; and,

5. Any disruptions of environmentally sensitive habitat areas are fully mitigated, and over the long term will not be significant; and,

6. The proposed sidecasting is part of a systematic, long-range planned beach replenishment or an approved landslide materials disposal program; or,

7. The withholding of sidecast sediments would constitute an impairment of natural inflows to a coastal stream, beach or the marine environment, (projects meeting this test must involve sediments that are natural materials and the sidecasting methods and timing must mimic the normal, natural temporal flux); or,

8. The proposed sidecasting is needed to prevent failure of the supporting slope for the highway, in locations where the existing slope will collapse if not buttressed or reconstructed in a timely manner; or,

9. The proposed sidecasting is needed to replenish the natural rock rubble at the toe of the coastal bluff, if such replenishment would preclude the need for rock armor (rip-rap), gabions, seawalls, crib walls or similar shoreline structures that, in a particular location, would otherwise be necessary to maintain the stability of the Big Sur Coast Highway.

Coastal Commission staff concurs with adding the additional criteria referenced in the comment, and the recommendation is revised accordingly. Regarding the marine habitat sensitivity study currently being prepared, it is not yet completed and also there may be other data that becomes available on this subject. Nonetheless, we agree that it is appropriate to acknowledge the need to identify suitable replenishment sites based on such data, and the recommendation is revised accordingly (see Attachment 5 Revisions To Recommendations, revision #7).

Comment:

As another example of the lack of acknowledgement of marine impacts, Chapter 2 of background section on the CHMP contains a discussion on page 111 of potential environmental impacts of terrestrial disposal on butterflies, viewsheds recreation and hauling distances. However, it contains virtually no discussion of environmental impacts of disposal in the marine environment, such as burial of intertidal and subtidal habitats, increased scouring and light



reduction, reduced larval settlement, loss of harbor seal haulouts, and adverse impacts to commercial and recreational fishing.

Incorporating these acknowledgements of the marine environment into the LCP recommendations would reflect the more balanced approach which we all will need to take to address this complex issue. In addition to supporting Caltrans, the Coastal Commission's and the County's efforts to reduce, reuse and recycle to reduce overall disposal needs, we recognize that there will be occasions when landslides will occur and marine disposal will be one of the options considered. To assist in those future decisions, we look forward to continuing our work in evaluating the sensitivity and adaptation of coastal habitats to landslide disposal, and coordinating that assessment with future disposal requests. This habitat sensitivity information will assist us in developing guidelines for potentially acceptable or unacceptable locations and habitats for future disposal, as a basis for future environmental reviews and more site-specific evaluations as landslide events occur. In the meantime, we ask that the Coastal Commission's staff report avoid the inclusion of background discussion and recommendations which imply a strong preference for marine disposal in most situations without adequate knowledge of marine impacts.

Response:

Coastal Commission staff concurs that a balanced approach and rigorous protection of marine resources is the appropriate policy. With the above-mentioned accepted changes to the recommendations, any unintended bias toward marine disposal should be removed from the recommendations. We do agree that the draft findings could benefit from further discussion of adverse impacts from marine disposal that are mentioned in the comment; however, at this time we do not have the resources to revise the draft findings.

IX. WRITTEN COMMENTS FROM CALTRANS, R. GREGG ALBRIGHT (letter dated 3/12/04)

Comment:

1) Integrated decision-making

The Department would like to suggest policy language that promotes *active participation* and *accountability* in the Coastal Development Permit process and that provides appropriate *guidance* to facilitate planning and project delivery. Language should acknowledge the authority for transportation decision-making held by the Regional Transportation Planning Agencies, the Department of Transportation and the Federal Highway Administration. Similarly, these agencies acknowledge the approval authority of the Coastal Act for transportation-related development. Implementation should be complementary, even if conflicts sometimes arise.

Active participation: Promote early and continuous coordination to consider Coastal Act and LCP policies in the transportation decision-making process. Recommendation LU-14.7 "Support regional transportation planning" begins to suggest this, but is guarded by the qualifier "...to the extent resources allow." It is critical that responsible agencies participate fully in regional transportation planning decisions, consider all modes and support an efficient transportation



system that can be developed, constructed and maintained while upholding the values of the Coastal Act. We find the "recommendations to other agencies" (Appendix D, LU-14.8 through 14.13) to be unnecessary since federal law guides the transportation planning process.

Response:

The qualifier "to the extent resources allow" appears in several recommendations for County action because the Coastal Commission recognizes the County's limited financial and staff resources. The Coastal Commission fully encourages the County to undertake such measures, but cannot force the County to take these kinds of actions if there is not the means to do so.

As to recommendations to other agencies, these represent Coastal Commission staff's best efforts at this point in time to convey our agency's concerns and ideas regarding needed updates to policies and activities of other agencies involved in coastal management. We believe that it is important to at least raise these comments for consideration and discussion. We acknowledge that in many cases there are other authorities than our own agency; and, thus, we have an important role in providing other agencies our input from a Coastal Act perspective.

Comment:

The recommendations should instead focus on promoting participation (by responsible agency staff) necessary to ensure full consideration and integration of the Coastal Act and LCP policies. A very successful example of this point has been demonstrated with the Salinas Road interchange project where Commission staff's participation has truly helped facilitate the project's development.

Accountability: A process that provides for accountability may be derived with a consistent level of integrity and reliability in the transportation planning/project delivery and coastal development permitting processes. Effective participation provides continuity from early planning stages continuing through project delivery and must document progress to avoid revisiting past decisions, unless new information or other circumstances warrant.

Guidance: Appropriate guidance should highlight desired outcomes and avoid prescribing detail and methodology. Suggesting that project level details be incorporated into the LCP is problematic. For example: "...paving shoulders up to 8-feet..." (LU-14.1) is inconsistent with the Highway Design Manual in the cited application; designing all culverts for 100-year flow (LU-13.2) is not obtainable or desirable; confining development to the existing right-of-way or to areas that avoid impacts to agricultural lands (LU-14) prejudices consideration of the full range of potential environmental impacts required by CEQA and NEPA. The Department is concerned that prescribing design details and impact findings in an LCP would set a precedent where even minor project changes could require an LCP amendment. Appropriate guidance should emphasize the location-specific resource values that require special consideration for a project.



Response:

Coastal Commission staff appreciates Caltrans concerns. However, there are cases where policies must be specific and detailed in order to ensure conformance with the Coastal Act. In these cases design by Caltrans and review through the CEQA process is not sufficient to conform with Coastal Act requirements. That is the purpose of local coastal programs: to translate and apply the very general policies of the Coastal Act to local conditions and policies. Even when modified to address periodic review recommendations, the LCP policies will retain substantial flexibility to consider various alternatives and designs.

Regarding Recommendation LU-14.1, Coastal Commission believes that paving of the shoulders is an appropriate measure for maximizing the capability of the existing two-lane Highway One to accommodate traffic. Table 302.1 (Standards for Paved Shoulder Width) of the *Highway Design Manual* shows 2.4 meter (which equals 8 feet) shoulder widths.

Regarding Recommendation LU-13.2, we believe that designing culverts for 100 year flows is obtainable, but agree that it may not always be environmentally desirable. The reason for the recommendation was to ensure that there would not be adverse downstream impacts from an undersized culvert leading to a washout. Therefore, the recommendation is revised to include this criteria, rather than a specific numerical criteria and also to include the possibility of replacing problematic culverts with bridges where needed to minimize risk to coastal resources (see Attachment 5 Revisions To Recommendations, revision #7).

Comment:

Recommendation 1: The Department encourages policy that promotes integrated planning activities that are outcome-driven; the outcome being an efficient transportation system that seeks to avoid and minimize effects to coastal resources, including wetlands, agricultural lands, sensitive habitat, scenic views/landscapes and cultural resources.

2) Outcome driven policies for the Moss Landing Corridor

As outlined in the Department's previous correspondence on this subject (March 2002 and December 2003), the transportation concept for Highway 1 north of Castroville is a 4-lane facility. This concept is reflected in the Regional Transportation Plan for Monterey County and is also supported in the existing LCP. The Department opposes the current staff recommendations to reverse those early plans. Nevertheless, this does not obviate the need for future transportation decisions to consider the sensitivity, abundance and diversity of coastal resources in this corridor.

While the proposed filing requirement language (as part of LU-14.1) includes steps of a sound process, the Department has concerns about the specificity and breadth of the expectations. Future decisions must be made with benefit of reliable traffic modeling, a well-developed project purpose and need, reasonable range of alternatives, thorough alternatives analysis and selection and commitments to mitigate environmental impacts through a hierarchy of mitigation



(avoidance, minimization, compensation). For example, constructive guidance can be provided with language that emphasizes avoidance and minimization of visual impacts, including limitations on the visual profile, but without specifying that "...any grade separation structure (be constructed) at the lowest elevation feasible and not project above the approximate original natural surface."

Response:

Again, Coastal Commission staff is recommending specific LCP policies and methodologies necessary to address Coastal Act requirements in light of current knowledge and circumstances related to the Moss Landing corridor.

Comment:

Recommending design details in the LCP for the Salinas Road interchange would also be problematic. While the interchange is being designed to operate with two highway lanes to the south, it will not preclude the opportunity for future widening.

Response:

In their comments above, Caltrans has indicated support for the design decisions reached for the Salinas Road interchange. Coastal Commission staff agrees that the LCP need not contain detailed designs for every interchange that may undergo future improvements. However, as long as agreement has been reached for this interchange, it might as well be memorialized in the LCP. We are still open to discussion with the County as to the appropriate level of detail to put in the LCP and where to put it (i.e., land use plan vs. implementation plan) and so all of the text of the recommendation might not end up in the LCP or end up in an edited format.

Comment:

In recommendations to other agencies (LU-14.8 through LU-14.13), an outcome-driven emphasis would explore optimal demand reduction strategies and multi-modal alternatives that might alleviate or defer a need for widening. The trouble with recommending specific demand reduction strategies in the LCP is a lack of supporting evidence that these strategies could be effective in this application; absent this evidence, implementation of these measures would not be a responsible choice.

Response: Recommendation LU-14.1 states in part:

Filing Requirement for Subsequent LCP Amendment. Requests to amend the LCP to allow any highway project that does not meet these criteria shall not be filed absent supporting documentation that demonstrates (1) a comprehensive regional planning process has been conducted (based on thorough and up-to-date origin and destination studies for the entire area) and has identified all feasible alternatives to the proposed project; (2) the project is necessary for addressing regional transportation needs; (3) all other feasible alternatives for meeting these regional transportation needs are exhausted, including: regional demand reduction (through measures such as reduced allowable zoning densities and encouragement of telecommuting); increased use of existing passenger and freight rail lines; improved transit service; more car-



pool facilities; permanent signage and/or changeable message signs to encourage Highways 1 to 101 cross-over traffic to use less congested arterial roads east of Elkhorn Slough; identification of an east-of-Elkhorn bypass route to relieve the Santa Cruz-Salinas component of traffic demand; linkage of existing County roads west of Highway 1 to provide an alternative route for farm equipment movements; identification of a west-of-Highway 1 scenic byway linking existing County roads, to provide a bypass alternative for recreational traffic and improved access to Zmudowski State Beach; and encouragement of non-motorized transportation, especially through linking existing bikeways to complete the Monterey Bay Sanctuary Scenic Trail around the perimeter of the bay. Regardless of whether demand reduction strategies are effective with regard to transportation infrastructure, they are also necessary to and desirable to save energy, offer choice (provide alternatives for folks who can not or do not wish to drive by themselves), and reduce air pollution, all Coastal Act objectives as well.

Subsection (3) uses the terminology "feasible alternatives." Thus, the recommendation is not for the LCP to mandate ineffective measures.

Recommendations LU-14.10 through 14.12 state:

LU-14.10 Give priority to rail: TAMC, SCCRTC, AMBAG, Caltrans, California Transportation Commission, and others should give priority in their planning functions and funding allocations to enhancing passenger and freight service along existing rail lines (i.e., Union Pacific mainline segment between Pajaro Junction and Castroville and the Moss Landing and Castroville-Monterey Peninsula branch lines) and restoring service on the Castroville-Monterey Peninsula branch line. Such service restoration would potentially entail, but not be limited to, new passenger facilities including automobile parking, bicycle lockers, MST transit bus stop, a station platform or building at the former Fort Ord and one in Castroville proper, not on agricultural land. Also support should be given to an on-going program of safety improvements to reduce the risk of catastrophic spills into the Elkhorn Slough wetland system.

LU-14.11 Expand transit service: MST, SCMTD, SCCRTC, TAMC, AMBAG, AMTRAK, Greyhound, CSUMB, and other major traffic generators should work toward increased, convenient, and coordinated bus service, especially from Santa Cruz and Watsonville to Fort Ord and the Monterey Peninsula.

LU-14.12 Reduce use of Highway One corridor: AMBAG, TAMC, major traffic generators, and other entities should continue and expand demand reduction programs, such as Commute Solutions, to reduce motor vehicular use of Highway One corridor through Moss Landing.

These are recommendations to other agencies and not to the County to insert into the LCP. Even if implementing such recommendations would not end up effectively reducing single-occupancy vehicle traffic on Highway One, alternative modes of transportation are supported by Coastal Act Section 30252. They are also desirable for enhancing visitor choices and experiences and for those residents and commuters who can not or would rather not drive motor vehicles.



Comment:

Recommendation 2: Modify the individual project-specific references (LU-14) to express a collective set of criteria that must be considered for any project in the area to succeed. Measures of achieving this outcome must include a reasonable range of alternatives to traditional highway widening, but not preclude widening as a component of an overall transportation solution.

Response:

Coastal Commission staff agrees that some of the specific details can be translated into regulatory criteria and combined to apply to a category of projects. However, where the details are known or important, placing them into the LCP is appropriate. Monterey County's LCP, like many others, contains a mix of general and detailed policies, and some very specific design details where warranted. Highway One is one example and Coastal staff disagrees that the LCP can allow Highway One to be widened to four lanes, as implied in the comment, because that is inconsistent with Coastal Act Section 30254.

Comment:

3) Big Sur Coast

LU-13 Big Sur Coast Highway Management Plan (CHMP)

The Department appreciates the emphasis on recommending that key aspects of the CHMP be integrated into the LCP, especially when it will improve interagency coordination. A few aspects of the recommendations, however, reach beyond the scope or detail of what is contained in the CHMP.

LU-13.1 Address CHMP in permit review. This reference is mostly consistent with the Department's expectations with the following clarifications:

- Part B should not make reference to FHWA's acceptance of the CHMP since they have no review or approval authority of the plan. The 1996 Corridor Management Plan served its purpose for designation; the current substantive update is being prepared in response to local needs.

Response:

Recommendation LU-13.1 Part B states:

- B. Coast Highway Management Plan (CHMP) definition: *The Big Sur Coast Highway Management Plan (CHMP) provides strategies, actions and practices to guide the California Department of Transportation (Caltrans) and other partnership agencies in the protection and enhancement of the intrinsic scenic, natural, recreation, historic, archaeology and cultural values of the Big Sur coast byway corridor, while maintaining the transportation function of the highway. The CHMP consists of the Corridor Management Plan, and Guidelines for Corridor Aesthetics, Vegetation Management, and Landslide Management and Storm Damage Response. The CHMP is structured so that it may be amended from time to time, and guidelines on additional topics may be added in the future. However, any additional guidelines or amendments to the CHMP will not be in effect for purposes of the*



National Scenic Byway until accepted by the Federal Highway Administration (FHWA). While improved governmental coordination is a primary goal for the CHMP, it does not alter or change the authority, jurisdiction or responsibility of any governmental agency or organization. The certified Monterey County Local Coastal Program (along with the applicable public access and recreation policies in Chapter 3 of the California Coastal Act) shall provide the standard of review for coastal development permits. The CHMP, or components of it, will only become the standard of review when adopted into the LCP or separately approved as a public works plan by the Coastal Commission.

Coastal Commission staff concurs with the comment and the recommendation is revised accordingly (see Attachment 5 Revisions To Recommendations, revision #6).

Comment:

Since the CHMP itself is not a regulatory document, Part C should reference only applications that involve state highway right-of-way.

Response:

Recommendation LU-13.1 Part C states:

Application requirement: Applicants for all highway-related development and all development projects adjacent to the highway right-of-way or otherwise located so as to have the potential to directly impact the intrinsic values of the Scenic Byway for that portion of State Highway Route 1 south of Rio Road shall be required to document that they have consulted the CHMP management strategies and guidelines in designing their project. Such documentation shall explain how the project will help to maintain or enhance the Scenic Byway consistent with the CHMP; or will have no effect on the Scenic Byway's intrinsic values; or, if the project deviates from the CHMP provisions, why such deviation is warranted.

Coastal Commission staff respectfully disagrees with the comment. Since CHMP is not a regulatory document, there is no harm in requiring a property owner adjacent to the right-of-way to consider in his/her application an analysis of how the project is consistent with the CHMP. Recommendation LU-13.1 is for information to be provided, it does not set the CHMP as the standard of review. As found in periodic review and the CHMP private developments adjacent to the right-of-way (including signs, walls, mailboxes, wide, paved driveway entrances) all can impact the scenic highway corridor.

Comment:

LU-13.2 Design standards. This section seems mostly unnecessary in light of recommendation LU-13.1 that outlines the expectation for consulting the CHMP in development review (for projects within state right-of-way). If this recommendation is meant to add specificity or interpretation to the CHMP in its present form, please consider the following:

- The Department opposes the suggestion to "add design standards for Highway 1", since the Highway Design Manual establishes that. The Big Sur CHMP: Guidelines for Corridor



Aesthetics is the document that the Department supports for addressing concerns about design related features along the highway. The elements addressed in Parts A, B & F (visual clutter, operational features, traveler amenities, roadside safety devices) should simply refer to these guidelines, rather than attempt to interpret, change or modify that language.

Response:

Since CHMP is only a guidance document, it is necessary to extract from CHMP those concepts that should be in the LCP as regulatory provisions to address the design issues raised in periodic review and the CHMP. The specificity recommended is appropriate given the national significance of Highway One in Big Sur. This level of specificity will hopefully allow the review process to be streamlined through the guidance provided to project designers and decision-makers, resource protection to be achieved, and undesirable emergency responses to be minimized.

Comment:

Part C addresses concepts that should be considered when the Department submits a proposed Public Works Plan (PWP) to the Commission. Incorporating detailed elements for the LCP while the PWP is still under development would be problematic. The Department should be allowed to submit a comprehensive program to the Commission that is not prejudiced by preliminary (detailed) language. The Department will consider these points in the development of the PWP, but opposes the recommendation to add the proposed language into the LCP.

Response:

Recommendation LU-13.2 Part C states:

Stream crossings—replacement of fills, culverts and bridges: Where the highway crosses a stream or drainage course, replacement or modification of fill prisms, culverts and bridges shall be subject to the following design considerations:

All reasonable measures shall be applied to avoid impairment of natural stream flow regimes, to avoid interference with any anadromous fish run, to retain indigenous riparian vegetation, to minimize erosion and sedimentation impacts, and to provide a safe off-highway stream crossing for pedestrians walking along the coast.

Where an off-highway pedestrian stream crossing is not already provided or planned, and is not feasible to provide in conjunction with the project, a separate pedestrian walkway will be provided on the fill slope, highway shoulder or bridge structure.

When culvert or bridge replacement becomes necessary, the site shall be considered for its potential value as a pedestrian (and where applicable, equestrian) under-crossing to facilitate, for example, safe public access from inland parking areas to shoreline access points or scenic overlooks, or to accommodate the continuity of an off-highway alignment for the California Coastal Trail. Similarly, within grazed ranch lands, the need and potential for cattle undercrossings shall also be considered. Where existing or potential under-crossing need is identified, the project shall, if feasible, be designed to accommodate such under-crossing(s).



Culverts shall be designed to accommodate the largest expected stream flow (based on best engineering practices and best estimates of 100 year event probability).

Instream work shall be strictly regulated, in concert with the National Marine Fisheries Service and the California Department of Fish and Game, to avoid adverse impacts to steelhead. Culverts and other instream structures shall be designed to allow any steelhead runs that are present in the stream to continue unimpaired.

Culvert inlets shall be designed to minimize risk of obstruction by soil flows and organic debris, at locations where there is a significant risk from these causes.

Culvert outlets shall be at natural grade of the stream course where feasible; and, where needed to prevent erosion impacts, shall be equipped with energy dissipaters that will be concealed from public view or blend with natural background rocks.

A list of candidate stream crossings, where hydraulic, wildlife and public access needs could better be served by a bridge than by a culvert, shall be developed and maintained. When it is necessary to replace an existing stream crossing due to the catastrophic loss of an in-stream fill, the replacement crossing should if feasible be accomplished instead by bridge. Where this is demonstrated to be unreasonable or infeasible, or would detract from the scenic qualities of the highway corridor, a specific finding shall be made to this effect. Fills that have a history of loss ("blow-outs"), or are potentially especially susceptible to such loss in the future, should be replaced by bridges before the loss occurs (as funding becomes available).

Unless and until there is a public works plan, the County has permit authority and, therefore, it is appropriate to recommend to the County that the LCP include these recommended provisions.

Comment:

Parts D & E outline a process that is similar but not identical to language in the Big Sur CHMP: Guidelines for Landslide Management & Storm Damage Response. The Department appreciates the attempt to advance consideration of instituting practices that are consistent with background natural processes.

LU-13.3 Road access to Highway 1. The term "capacity" should be replaced with "operations".

Response:

Recommendation LU-13.3 states:

Update policy for limiting new road access to Highway 1 in Big Sur: Revise Big Sur Coast Land Use Plan policy 4.1.3.A.4 to add "protecting highway capacity and aesthetic values" as a reason for limiting new road access (including private driveways) onto Highway One.

Coastal Commission staff concurs with the comment and the recommendation is revised accordingly (see Attachment 5 Revisions To Recommendations, revision #8)



Comment:

LU-13.5 Address domestic employee trip generation. Including this recommendation under LU-13 makes it appear that it may have origins in the CHMP, however, this issue was not identified or addressed therein.

LU-13.6 Public access within the Highway 1 corridor. The Department supports the concept of the California Coastal Trail (CCT), but opposes the specific recommendations suggested for its implementation. We do support and look forward to actively working through the challenges to realize the CCT along the Big Sur Coast, which could serve as a model for other parts of the state. The Department also understands that providing a consistent 4-foot wide paved shoulder as part of other highway improvements (per the route's Transportation Concept), is one feature that supports the CCT since it would improve conditions for non-motorized travel.

Consideration of any dedicated path or trail physically separated from the highway but within the right-of-way would require examining proposed trail uses and connections; design standards (consistent with state and federal accessibility requirements); funding, construction and maintenance responsibilities.

Please know that the Department is responsible for incorporating appropriate features into regular highway improvements when it is mitigation for a project impact. The Department is willing to consider incorporation of enhancement-type features (i.e., those not considered to be mitigation) into future project designs when all the critical elements, including but not limited to the commitment of funds, are identified during project scoping.

The Department will look to the Coastal Commission and the Coastal Conservancy to initiate and lead the process to resolve these important issues; the Department will be a full partner in considering how the CCT could be accommodated within the highway right-of-way.

LU-13.7 Require contributions to Highway 1 improvements in Big Sur. As with LU-13.5 above, this issue has not been raised in the context of the CHMP. However, the Department supports the recommendation on a countywide basis, including the Big Sur Coast, when applicable. A countywide policy should require that all contributions received for state highway improvements by the approving authority be strictly accounted for on a bi-annual basis to the Department. Specific reporting information should include improvement "account" records supported by the generators' conditions of approval.

Response:

Coastal Commission staff concurs that this provision could be applied countywide. The County's draft General Plan update included such a proposal.

Comment:

LU-13.8 Regulate parking prohibitions. The Department has the authority to restrict parking in accordance with the California Vehicle Code and its own policy. Restrictions are imposed when



necessary to protect the safety and welfare of the traveling public. Exercising this authority and responsibility cannot be considered "development" under the Coastal Act. The Department, however, often receives requests from neighboring public and private landowners or managers to restrict parking, usually as a means to control property access. Requests that are not determined by the Department to have an immediate safety and welfare component to the traveling public could be routed to the County to determine the implications for coastal access. Ultimately, the decision on whether or not to restrict parking would be made by the Department consistent with the responsibilities cited above.

Response:

Coastal Commission staff respectfully disagrees. Parking restrictions are "development" as defined in Section 30106 of the Coastal Act. Furthermore, throughout the state there are numerous examples of the Commission regulating parking restrictions through the issuance of coastal development permits.

Comment:

LU-13.9 Incidental work in riparian and wetland areas. The Department supports this recommendation in concept. The recommendation should be expanded to include other sensitive areas where work or impacts are similarly incidental.

Response:

Coastal Act Section 30240 governs other environmentally sensitive habitat areas and does not allow for the same type of exceptions that Section 30233 allows for wetlands.

Comment:

[LU 13-9] Part B should include a provision for "practicability" in reference to finding "no feasible less environmentally damaging alternative." "Practicability" accounts for elements of cost and time to determine whether an option can reasonably be considered.

Response:

Recommendation LU-13.9 states:

Allow for incidental work in riparian and wetland areas: Add a provision to the LCP as follows: notwithstanding other policies, installation of minor culvert extensions and/or additional areas of fill for the purpose of maintaining Highway One may be permitted even if they cause disturbances within the stream and/or streamside vegetation (riparian habitat), only if the following circumstances apply:

- A. The improvement is necessary to protect human life or property, or to protect or restore wetland or other natural habitat values, or to maintain basic public access along the Big Sur Coast;*
- B. There is no feasible less environmentally damaging alternative, including the "no project alternative," consistent with the transportation function of Highway 1;*
- C. The improvement will not result in an increase in traffic capacity of the road;*
- D. No significant disruption of habitat values will result, considering the local habitat system as a whole;*



E. No net loss of viable wetland or riparian habitat will result in the local habitat system (i.e., the coastal streams that cross the Big Sur Coast Highway corridor);

F. No net loss of any other environmentally sensitive habitat area will result in the local habitat system;

G. The project will maintain or enhance the functional capacity of the wetland or estuary; and

H. Feasible mitigation measures have been incorporated to minimize other unavoidable adverse environmental effects.

Improvements that cannot meet this or other LCP resource protection policies will require LCP amendments.

The term "feasible less environmentally damaging alternative" is used in CEQA and Coastal Act Section 30233 for wetlands. Coastal Act Section 30108 states, "'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."

Comment:

Appendix D: LU-13 Big Sur Coast Highway Management Plan

LU-13.11 Complete the Big Sur CHMP: Since the CHMP is nearing completion, a more appropriate expectation would be for its implementation. Submittal of one or more Public Works Plans may also be expected as described.

Response:

Recommendation LU-13.11 states:

LU-13.11 Complete Big Sur Coast Highway Management Plan: The California Department of Transportation (Caltrans) should complete the Big Sur Coast Highway Management Plan (CHMP), in the context of the ongoing CHMP public participation process, in a manner reflective of Coastal Act objectives. Caltrans may subsequently prepare one or more public works plans for highway improvements, consistent with the approved CHMP management strategies and best practices, as provided by the California Coastal Act, in order to achieve permit streamlining and other efficiencies.

Coastal Commission staff concurs that the first sentence of this recommendation is now outdated.

Comment:

LU-13.2 Address pullouts as a follow-up CHMP study: This particular item has not been identified as an action in the CHMP. The development of corridor segment profiles and consideration for optimizing highway operations (in relation to slow-moving vehicles) have been identified (Actions B-3.4 and E-1.1 in the CHMP) and would address some of the elements listed.



Response:

Although not explicitly a recommendation of the CHMP, Coastal Commission staff believes that an inventory of and plan for pullouts is desirable. Pullouts are being used to store waste materials from landslides and construction materials. This site-by-site plan is needed to respond to concerns that these stored materials impair public views from the highway, constitute a growing medium for undesirable invasive non-native plant species, and impair the capacity of pullouts for motorists that may stop to enjoy the view.

**X. DRAFT WRITTEN COMMENTS FROM TRANSPORTATION AGENCY FOR
MONTEREY COUNTY (TAMC) WILLIAM (BILL) REICHMUTH, P.E., EXECUTIVE DIRECTOR (letter
dated 4/27/04)**

Comment:

1. TAMC supports retaining the option of eventually widening Route 1 between Castroville to the Santa Cruz County line to 4 lanes. The 2002 Monterey County Regional Transportation Plan (RTP), which will be updated in the next few months, identifies that segment of Route 1 as in need of widening to a four-lane facility within the next 20 years. The Coastal Act designates this segment of Route 1 as a two-lane facility due to its rural character. However, this route should not be considered a rural route as it connects multiple urban areas and is a highly traveled commuter and visitor route. According to the RTP, the two-lane Moss Landing segment of Route 1 carried 35,400 vehicles per day in 1997 and the level of service (LOS) was F with a higher than average (for that type of facility) accident rate. Because of these factors, it is unreasonable to assume that this facility does not need to be widened, even if those conditions remained, which is not likely because traffic has now reached over 40,000 vehicles per day. Requiring this highway to remain a two-lane road would limit future improvements. TAMC requests that the LCP reflect consideration of a 4-lane alternative for Route 1 from Castroville to the Santa Cruz County line. We also request that TAMC and Caltrans be consulted in the development of the LCP. TAMC requests that the LCP evaluation of development along the Route 1 corridor take into account related traffic impacts, congestion, safety and capacity improvements.

TAMC suggested the following revision to the recommendation:

LU14: Highway One and the Moss Landing Corridor:

Improve Highway 1 while ~~maintaining two lane configuration to a possible 4 lane configuration.~~
~~Delete North County Land Use plan policy 5.2.2.A and revise policy 3.1.2.1 and corresponding text and County Code provisions as follows. Highway One between Castroville and Salinas Road intersections shall remain a two lane scenic road. The addition of travel through lanes may be permitted~~ are permitted, provided that the overall rural and scenic character of the roadway is not substantially altered. Possible s Safety improvements ~~may include:~~ alignment of Dolan road with the Moss Landing Road intersection with some possible grade separation; improvement of the Springfield Road intersection with some possible grade separation; ~~widening the existing motor vehicle travel lanes to a full 12 feet; paving shoulders up to 8 feet in each direction;~~ adding or improving turnouts; paved pullouts, vista points, rest stops, trailhead parking areas, bus stops, shoulder tapers at intersecting roads, left turn safety pockets, merge lanes,



access control features (i.e. frontage roads, median barriers, right-of-way fencing), and park-and-ride facilities. Also permitted are projects that maintain the existing scenic and rural character of the area and restore beneficial tidal circulation to the maximum extent feasible with a net restoration of productive wetlands in the Elkhorn Slough system, including highway realignment to avoid wetland encroachments (e.g. at Struve Pond); replacing long sections of wetland full with causeways (e.g. at Bennett Slough and Moro Cojo Slough); and /or installing a new bridge span across Elkhorn Slough to provide the opportunity to reduce tidal flux to less-damaging pre-1946 levels.

All development must occur within the current Highway One right-of-way ~~or elsewhere without disruption with limited or mitigated disruption~~ of adjacent agricultural lands. ~~Notwithstanding North County Land Use Plan policy 2.3.2.1 and corresponding provisions, wetland fill to accomplish incidental safety improvements of restorations projects that do not increase the overall Safety or capacity improvements of this highway segment, is~~ permitted provided ~~there is not feasible less environmentally damaging alternative and feasible any and all~~ mitigation measures have been incorporated to minimize adverse environmental effects. Required compensatory mitigations shall favor restoration of ...

Filing Requirement for Subsequent LCP amendment. Requests to amend the LCP to allow any highway project that does not meet these criteria shall not be filed absent supporting documentation that demonstrates (1) a comprehensive regional planning process has been conducted (based on feasible alternatives to the proposed project); (2) the project is necessary for addressing regional transportation needs; (3) all other feasible alternatives for meeting these regional transportation needs are exhausted including: regional demand reduction (through measures such as reduced allowable zoning densities and encouragement of telecommuting); increased use of existing passenger and freight lines; improved transit service; more carpool facilities; ~~permanent signage and/or changeable message signs to encourage Highways 1 to 101 cross over traffic to use less congested arterial roads east of Elkhorn Slough; identification of an east of Elkhorn bypass route to relieve the Santa Cruz Salinas component of traffic demand; linkage of existing County roads west of Highway 1 to provide an alternative route for farm equipment movements; identification of a west of Highway 1 scenic byway linking existing County roads, to provide a bypass alternative for recreational traffic and improved access to Zmudowski State Beach; and encouragement of non-motorized transportation, especially through linking existing bikeways to complete the Monterey Bay Sanctuary Scenic Trail around the perimeter of the bay;~~ (4) policies are incorporated to ensure that impacts to agricultural lands, environmentally sensitive habitat areas, including wetlands, from any additional projects allowed by the LCP amendment will be avoided, minimized and/or mitigated to the maximum extent feasible; and (5) an analysis of impacts to Agricultural lands, if the viability of existing agricultural uses is an issue, following the specific requirements of Coastal Act Section 30241.5.

Response:

Coastal staff respectfully disagrees with this comment. We cannot forward a recommendation that conflicts with Coastal Act Section 30254's mandate that Highway One remain two lanes in rural areas.



As to allowing disruption of agricultural land, our recommendation, as written, allows that possibility based on further review through an LCP amendment. At this point it does not appear necessary to allow for agricultural disruption, especially with unspecified mitigation, for the improvements that our recommendation would allow.

Comment:

2. TAMC supports the Monterey Bay Sanctuary Scenic Trail as described in the LCP.

3. TAMC also supports all efforts pertaining to the California Coastal Trail, especially as a multi-use facility for bicycles and pedestrians. Regarding the Coast Trail segment through Big Sur, the LCP refers to the Big Sur Coast Highway Management Plan, which TAMC and its Bicycle and Pedestrian Facilities Advisory Committee support. TAMC supports allowing Route 1 to serve as the bike route where parallel trails are not feasible.

4. Regarding LU-14.5, "Allow rail improvements with mitigations:"

a. TAMC appreciates the support in the LCP of rail service and the preservation of the rail lines. TAMC is actively pursuing the development of two rail services, the extension of the commute rail Caltrain from its existing terminus in Gilroy down to Salinas, and the Monterey-San Francisco service. Both services will stop at the planned station in Castroville. The Caltrain Extension project is currently under environmental review, and the Draft Environmental Impact Report (DEIR) will evaluate all potential impacts of the proposed Castroville station on agriculture, wetlands, sensitive habitats, and so on. Therefore, TAMC believes that language in the LCP prohibiting station siting on "agricultural land" is unnecessarily restrictive and should be contingent upon the alternatives analysis and environmental evaluation for each site. The permitting, CEQA and NEPA processes require evaluations of impacts on the environment, including agricultural lands. To prohibit projects from being sited on agricultural lands is inconsistent with and undermines the established process of determining the project alternatives for transportation facilities. It would be more reasonable for the LCP to require projects to mitigate any impacts by preserving agricultural lands elsewhere, such as by paying into a fund to purchase land for an agricultural land trust, than to outright prohibit the station siting on agricultural lands. In addition to this, the Monterey County General Plan is on record supporting these rail projects, including the site of the Castroville station.

b. The proposed requirement that rail bridges "incorporate pedestrian access" would be in conflict with adopted policies of the Public Utilities Commission, which require a separation between rail facilities and pedestrian facilities. TAMC does support the proposed language that "public access should be sought parallel to the rail right of way" elsewhere and will pursue bicycle/ pedestrian facilities in conjunction with the rail line as part of the Monterey Bay Sanctuary Scenic Trail planning process.

TAMC provided the following suggested language:

LU: 14.5 allow rail improvements with mitigations:



Add a policy to the LCP governing rail improvements that: a) requires retention of branch lines that serve Moss Landing (along Dolan Road), and from Castroville to the Monterey Peninsula along with their necessary supporting facilities and b) allows for all necessary improvements that will insure rail safety throughout the wetlands, including replacement of outmoded bridges; contingency plans for spills; restoration of wetland circulation by replacement of fills with causeways; and right-of-way and station enhancements needed for restored rail service to the Monterey Peninsula area. ~~However, rail stations must comply with all Plan siting criteria and not be sited on agricultural land or sensitive habitats.~~ New and replacement bridge and causeway structures crossing the Elkhorn Slough wetlands should be designed to incorporate pedestrian access wherever feasible, not in conflict with rail operations and adopted policies of the California Public Utilities Commission, if necessary a separate structure for public access can be attached to the already existing bridge structure, where consistent with protection of the NERR. ~~Elsewhere if~~ Unless public access is not feasible or would impede rail operations, public access should be sought parallel to the rail right-of-way, and improvements such as fencing and warning signals installed where needed to protect public safety.

Notwithstanding *North County Land Use Plan* policy 2.3.2.1 and corresponding provisions, wetland fill to accomplish these incidental safety improvements along existing rail alignments within the Elkhorn-Moro Cojo Slough system, and along the Castroville Monterey branch line, is permitted provided all of the following circumstances apply, as applicable: the improvement is necessary to protect human life or property, or to protect or restore wetland or other natural habitat values; there is no feasible less environmentally damaging alternative to achieve restored or continued rail service; no significant disruption of habitat values will result; considering the local habitat system, as a whole no net loss of viable wetland ~~of or~~ other environmentally sensitive habitat area will result in the local habitat area; the project will maintain or enhance the functional capacity of the wetland or estuary; feasible mitigation measures have been provided to minimized unavoidable adverse environmental impacts; and, considering other alternatives including the "no project;" alternative, the project on balance is the most protective of significant coastal resources. Improvements that cannot meet this or other LCP resource protection policies will require LCP amendments.

Response:

The Coastal Act requirements are separate from those of the California Environmental Quality Act. Our recommendation actually just reiterates what is already County policy with regard to agricultural land. When this recommendation was written, Coastal Commission staff was aware of alternative train station locations outside of agricultural land (outside of the coastal zone), including the former train station at the Castroville Depot. Since that time we have met with TAMC staff and now better understand their preference for a train station location in the coastal zone. However, although their design and complementary development proposed by the Redevelopment Agency would impact agricultural land, it may be possible to redesign the station to not impact or only marginally impact agriculture. At this time it is premature to conclude that the station can be located on agricultural land; a future LCP amendment would be necessary if the County and TAMC want to pursue a station that is inconsistent with the County's current LCP.



Coastal Commission staff does concur with the comment's suggested changes to the recommendation regarding access, with the addition that federal regulations have to be followed as well. Staff has thus revised our recommendation accordingly (see Attachment 5 Revisions To Recommendations, revision #9).

**XI. COMMENTS FROM MONTEREY PENINSULA WATER MANAGEMENT DISTRICT,
DARBY FURST (letter dated 3/3/04)**

Comment:

Mr. Fuerst's comments are all of an editorial nature to ensure use of proper terminology. Most comments pertain to the findings. The following comments pertain to the recommendations:

Appendix D, Page 1: Change "Agency" to "District" in the last paragraph.

Appendix D, Page 2: Change "Agency" to "District" in the third and fourth paragraphs.

Response:

These detailed comments by agency staff are noted and will be useful in any future analysis and revisions to the draft periodic review report findings on Cal-Am water. At this time our limited staff resources preclude revising the findings. Should staff receive additional inquiries concerning the Cal-Am water sections of the report, they will be referred to the information in this letter. As to the comments on the recommendations, Coastal staff has thus revised them accordingly (see Attachment 5 Revisions To Recommendations, revisions #17 and 18).

XII. COMMENTS FROM BRIAN FINEGAN REPRESENTING ARMSTRONG FAMILY (letter dated 3/15/04)

Comment:

I represent the Armstrong Family who are the owners of APNs 203-01 1 - 003 and 203-011-021 in the North County Coastal Zone in the Marina Area (the "Subject Property").

The Subject Property has been designated as Light Industrial in the current Monterey County North County Area Plan since 1985. It is currently zoned LI (CZ) Light Industrial (Coastal Zone) under Title 20. The LI (CZ) zoning allows as principal uses a variety of light manufacturing uses, mini-warehouse facilities, warehouses, auto repair facilities, contractors' yards, and shops of a light commercial nature. Conditional uses include executive and professional offices, animal hospitals, hotels, motels and restaurants, wholesale distribution and food processing, among other uses.

The January 2004 draft of the Monterey County General Plan Update (GPU3) recommends that the Subject Property be designated as Special Treatment (see NCC Policy LU-12 and Map NCC-



1). As drafted, the policy would limit permitted uses to agriculture-related or coastal dependent industries, a significant reduction in uses from that presently allowed. NCC Policy LU-12 places further restrictions on development by providing that new development "...should emphasize protection of the site's vernal ponds and adjacent agricultural lands, and should be designed and landscaped to be aesthetically pleasing to travelers on Highway 1." The Armstrong Family do not object to this land use designation or to the provisions of NCC Policy LU-12.

Your staff report for the periodic review of the Monterey County Local Coastal Program contains the following recommendation:

"Issue LU-16: Armstrong Ranch

"LU-16.1 Designate Armstrong Ranch Agricultural and/or Resource Conservation: Redesignate portion of the Armstrong Ranch within the coastal zone (APNs 203-011-003 and 203-011-021), from 'Light Industrial' to 'Agricultural Conservation' and/or 'Resource Conservation-Wetlands and Coastal Strand,' and revise zoning designations accordingly, and delete Special Treatment overlays."

The recommendation does not appear to be supported by any analysis. The "Agricultural Conservation" land use designation is proposed for "prime agricultural soils for crop production" (see GPU3, p. 91). Neither the County's Local Coastal Program Resource Maps nor your own Q-12 North County Ag. Lands map (December 29, 2003) designates these properties as prime farmland. In fact, none of the Subject Property is used for or is suitable for crop production. APN 203-011-021 is suitable only for cattle grazing, which is its historic use. APN 203-011-003 is too small for grazing (sandwiched between Del Monte Boulevard and the railroad tracks) and has no water; it is vacant land.

Response:

According to the current *North County Land Use Plan* the Agricultural Conservation designation is applied to grazing lands. The comment notes that grazing is the historic use of the larger parcel in question. Grazing also used to occur on the smaller parcel in question. Crossing the railroad track to access the smaller parcel is an operational, but not insurmountable, issue. At present no trains operation along the track, although train service is slated to resume in the future. The purpose of referenced Map Q-12 of the Periodic Review was not to depict such grazing lands. But the Statewide Farmlands mapping, upon which it is based, shows both parcels as grazing land. Both parcels have the same soil type (Oceano loamy sand), that is described in the Soil Survey as used for range. Part of the periodic review analysis is that the area is beyond, and should remain beyond, the urban boundary and, thus needs to be designated appropriately. As the comment notes, the current Light Industrial designation allows a range of uses, most typically found in urban settings, although some may be compatible with rural agricultural uses. The Agricultural Conservation zoning district allows a more narrow range of uses that are more agriculturally-related and more compatible with grazing uses. It may be that one or more of these other uses is ultimately most appropriate for one or both of the parcels. Coastal Commission staff, in making the subject recommendation, is not saying that grazing is necessarily the best or only use for the parcels.



Further review indicates that a portion of Armstrong Ranch parcel AP# 203-011-023 may also be within the Special Treatment designation. Hence, Recommendation LU-16.1 is also applicable to this parcel within Monterey County's coastal zone and is revised accordingly. (see Attachment 5 Revisions To Recommendations, revision #10).

Comment:

The subject property also does not conform to the provisions of the Resource Conservation – Wetlands and Coastal Strand designation. By definition, that designation applies to shorelines and intertidal areas, coastal wetlands, the lower reaches of major riparian corridors, and floodprone areas (see GPU3, p. 91). None of those characteristics describes the Subject Property. The County's Local Coastal Program Resource maps do not designate the Subject Property as Environmentally Sensitive Habitat or as any other protected natural resource area.

Response:

This comment refers to Recommendation LU-16.1 Designate Armstrong Ranch Agricultural and/or Resource Conservation: Redesignate portion of the Armstrong Ranch within the coastal zone (APNs 203-011-003 and 203-011-021), from "Light Industrial" to "Agricultural Conservation" and/or "Resource Conservation-- Wetlands and Coastal Strand," and revise zoning designations accordingly; and delete the Special Treatment overlays.

According to the current *North County Land Use Plan* the Resource Conservation designation is applied to wetlands. The site definitely contains vernal pools, which are a type of wetland. The recommendation allows for the part of the site that is wetland to be designated Resource Conservation and the remainder to be Agricultural (see above comment).

XIII. WRITTEN COMMENT BY MONTEREY COUNTY SUPERVISOR, LOUIS CALCAGNO
(letter dated 3/18/04)

Comment:

We respectfully request that the Commission consider and include in their review, the County's Moss Landing Community Improvements Projects. These Projects include construction of a Rule 20A underground utility district and storm drain improvements within the community of Moss Landing.

These projects promise to significantly improve the coastal resources of Moss Landing. The Rule 20A project will significantly enhance the scenic resources in historic Moss Landing by undergrounding existing unsightly above-ground electrical transmission utilities. Construction of a regional storm-water collection and wetlands-based surface treatment system will significantly enhance stormwater quality ultimately discharged to the Elkhorn Slough and Monterey Bay Sanctuary.

The County has identified funding for these projects and intends to proceed with their implementation in the coming year. We would be happy to supply additional information about these Projects to the Commission as the periodic review proceeds.



Response:

The Periodic Review acknowledges the storm drain master plan but not the other improvement projects, such as the undergrounding district. Coastal staff would support including specific reference to undergrounding utilities in the Moss Landing Community area, but recommendations for such change is not required because there are already several references favoring utility line undergrounding in the visual resource section of the North County LUP. Therefore, no revisions to Periodic Review recommendations are necessary.

XIV. WRITTEN COMMENTS BY DOUGLAS FAY (letter dated 3/18/04)

Comment:

There is little to no mention of desalination in the GPU [General Plan Update]. Guidelines for desalination of ocean water will be a critical planning issue for years to come. Please read OGO #11. This guiding objective states to provide an adequate and sustainable water supply while protecting the marine environment.

Recommendations - Include/create a policy in PS-3 that reads, "Desalination of Ocean Water."

The County shall consider the following guidelines:

- a. Desalination be limited to the physical conditions of the sight [sic] and only allow intake of ocean water to be drawn/filtered through the beach subsurface sand at low volumes to reduce the possible negative effects to marine life through impingement and entrainment. Open ocean water intake pipes will be prohibited.
- b. That desalination facilities be 100% solar powered and operated, and tied to the utility grid only for emergency purposes ordered by the Governor.
- c. That brine discharge temperatures be strictly monitored and be equal to the ocean temperature to eliminate the possibility of thermal pollution effects on marine life.
- d. That desalination facilities be locally owned and operated by nonprofit purveyors, not foreign owned companies that can avoid environmental protection laws and regulation.
- e. All proposed desalination facilities to be built, and associated implementation costs, be placed on a Proposition 218 ballot, voted on and approved by the public. The projected monthly maintenance and management costs for the nonprofit purveyor to be included.
- f. Any and all proposed desalination facilities shall meet or exceed the California Coastal Commission and Monterey Bay National Sanctuary standards.
- g. If more stringent standards and guidelines are developed in the future, desalination facilities will be required to meet the undated [sic?] requirements or cease operation.



h. Desalination of ocean water should be limited as a supplemental water source only.

Response:

Recommendation LU-9.4 states:

LU-9.4 Add review criteria for any proposed desalination facilities: Add coastal zone wide policy standards to the LCP to guide review of any proposed desalination facility as follows: Desalination facilities must:

- A. Be public as warranted by application of Coastal Act policies;*
- B. Avoid or fully mitigate any adverse environmental impacts to coastal resources;*
- C. Be consistent with all LCP and Coastal Act policies, including those for concentrating development, supporting priority coastal uses, and protecting significant scenic and habitat resources;*
- D. Be designed, sized, and located as part of a comprehensive regional water management program that includes conservation and recycling, and is based on adequate land use planning and adopted growth projections;*
- E. Use technologies that are most energy-efficient. Estimates of the projected annual energy use and the environmental impacts that will result from this energy production, and evidence of compliance with air pollution control laws for emissions from the electricity generation should be submitted with permit applications;*
- F. Use, where feasible, sub-surface feedwater intakes (e.g., beach wells) instead of open pipelines from the ocean, where they will not cause significant adverse impacts to either beach topography or potable groundwater supplies (see Recommendation LU-11.3);*
- G. Use technologies and processes that eliminate or minimize the discharges of hazardous constituents into the ocean and ensure that the least environmentally damaging options for feedwater treatment and cleaning of plant components are selected. Opportunities for combining brine discharges with other discharges (e.g., from a sewage treatment facility or power plant) should be considered and the least environmentally damaging alternative pursued. Applicants should provide information necessary to determine the potential impacts to marine resources from the proposed intake and discharge. Obtaining this information may require new or updated engineering, modeling and biological studies, or in some cases may be obtained from pre-operational monitoring, monitoring results from other desalination facilities, and pilot studies conducted before building a full-scale facility; and*
- H. Be designed and limited to assure that any water supplies made available as a direct or indirect result of the project will accommodate needs generated by development or uses consistent with the kinds, location and densities specified in the LCP and Coastal Act, including priority uses as required by PRC 30254.*



The comments suggest some additional and more restrictive elements beyond our Recommendation LU-9.4; but, with the exception of part (h), are worthy of the County's consideration. Recommendation LU-9.4 does not preclude these elements, but is sufficient based on the Commission's statewide consideration of desalination. Comment (a) is addressed in the responses above to MBNMS's letter. Comment (b) would require further analysis of solar's feasibility, reliability, and environmental impacts before the County should embrace it. The subject matter of Comment (c), discharge temperatures, is addressed by the *California Ocean Plan*. Since stand-alone desalination plants would not result in significant water temperature changes, this comment is most germane to co-located (with power generation) plants. Comment (d) about ownership is addressed in the response below to the National Marine Fisheries Service letter. Comment (e) about financing does not appear to be a Coastal Act issue. Comment (f) appears to be covered by part C of Recommendation LU-9.4. Comment (g) refers to future requirements. These could be imposed either by the agencies that have day-to-day authority over the water supply (e.g., Regional Water Quality Control Board, State Public Utilities Commission) or by the agencies that have siting and design authority (e.g., Monterey County). If Monterey County adopted a policy akin to Recommendation LU-9.4 and then revised it in the future, it would become applicable to future desalination project applications. Already permitted projects are usually grand-fathered to meet the rules in effect at the time, unless their approval is conditioned to meet changing requirements or is only for a limited period that then requires renewal.

Comment (h) to limit desalination to provide only a supplemental water source may not achieve environmental objectives, depending on how it is applied. In the case of the Monterey Peninsula, almost the entire public water source is the Carmel River. If desalination meets all the recommended criteria, it could be environmentally beneficial to completely replace reliance on the Carmel River, and such an option should not be precluded at this time. (See also comments by MBMNS and NMFS regarding desalination and responses to them.)

XV: ADDITIONAL WRITTEN COMMENTS BY MOSS LANDING HARBOR DISTRICT,
LINDA MCINTYRE, GENERAL MANAGER/ HARBORMASTER (letter dated 3/18/04)

Comment:

On behalf of the District, I commend the Commission's staff and all those individuals who spent untold hours working on this review. This was a monumental task and we appreciate the effort that went into it.

In the interest of brevity, I will simply identify those draft recommendations not mentioned in my previous submittal, and my comments related thereto:

SH- 12 - Wetland Setbacks -This issue has great impact on the Harbor District's ability to carry out its mission to establish, improve and conduct a harbor, and to promote and accommodate related commerce and navigation. There needs to be some flexibility in the setback requirements to accommodate allowing maximum use of property while also maximizing environmental protection. There are alternatives to setbacks that will accomplish both.



Response:

Recommendations for Issue SH-12 Wetland Setbacks are to refine wetland buffer policies to address delineations, permanent protection, non-conforming uses, and options for wider setbacks. The recommendations do not involve changes to the current, basic 100-foot wetland setback policy for North Monterey County. The flexibility that the comment requests is found in *County Code* Section 20.144.040.c.2.d, which states,

As an exception, permanent structures necessary for recreational, scientific, or educational use of the habitat may be permitted within the setback area where it is demonstrated that: 1) the structure cannot be located elsewhere; and, 2) the development does not significantly disrupt or adversely impact the habitat as determined in the biological survey prepared for the project.

Comment:

SH-23 - Appropriate designation of Potrero Road Property purchased by the Harbor District - The District agrees that it is in need of potential mitigation areas when it desires to use its other properties for carrying out its mission. The District agrees with the Coastal Commission staff's comment that this property is appropriate for such mitigation uses. The District would like the LCP to CLEARLY state that this property is a "Mitigation Bank" belonging to the District for future District projects that may require mitigation. The District does not agree that the property is potentially suitable for a trail and ultimately, it is up to the District how it uses its property consistent with the Coastal Act and the LCP.

Response:

Recommendation for Issue SH-23: Potrero Road Open Space states:

Remove references to emphasizing recreational vehicle park and allowing residential use on the Moss Landing Harbor parcel.

The analysis acknowledges that the parcel is suitable for mitigation. More explicitly stating that the site is a mitigation bank in the LCP could be acceptable, provided there is some further elaboration of what the mitigation bank is and how it operates.

Access recommendations in Appendix C, Table PA-11a, entry #53 show the site as a potential trail location, as part of a trail along the Old Salinas River channel, some segments of which are already installed. The comment does not indicate why the subject public property is not suitable for a trail. Under the local coastal program (*County Code* Section 20.11.150) any potential trail is subject to detailed analysis and, if ultimately approved, an access management plan.

Comment:

SH-25 - Recommendation that the area south of the new Sandholdt Bridge be designated Resource Conservation. The District does not agree with this recommended redesignation for a number of reasons: the submerged lands were granted to the District by the State Lands Commission in furtherance of its mission. There has already historically been some "light industrial" uses made just south of the bridge. With all due respect, the staff statement that



"harbor boating facilities are physically precluded from expanding further southward" is inaccurate. For example, environmentally friendly Kayak tie-ups may be desired at some time in the future, and redesignating "south of the bridge" in its entirety as Resource Conservation would preclude this use or similar uses, the need for which may arise in the future.

Response:

The recommendation for Issue SH-25 is to redesignate the area south of the new Sandholdt Bridge that is currently designated Light Industrial to Resource Conservation. None of this is Harbor District land. Two of the three parcels that are the subject of this recommendation are in public ownership (one by State Parks and one by the Elkhorn Slough Foundation) and the third (APN 133-162-002) is targeted for public acquisition. *North County Land Use Plan* Policy 5.2.1.H.4 already says that the Light Industrial designation south of the existing bridge would not be appropriate if harbor expansion south of the bridge does not occur and that it should be changed to Scenic and Natural Resource Recreation and Resource Conservation. The new bridge now physically precludes harbor expansion south of it.

The Harbor District land south of the bridge is not designated Light Industrial. Some of it, nearest the slough channel is already designated Resource Conservation and, thus, not affected by this recommendation. Under *County Code* Chapter 20.36, principle permitted uses in the RC(CZ) zoning district include resource-dependent educational and scientific research facilities and low intensity day use recreation uses, such as trails, picnic areas, and boardwalks. Therefore, kayak tie-ups and similar uses are not precluded.

Comment:

WQ-1 - Dredge material disposal - at the outset, the District requests that all those referring to dredge sediment refrain from using the word "spoils". It should be called what it is: "material". Unfortunately, the historical use of the word "spoils" has caused many to view dredging as an evil, environmentally damaging event. Most sediment is harmless sand.

Response:

Spoil is defined as "Overburden or other waste material removed in mining, quarrying, dredging, or excavating" in the *Dictionary of Geological Terms*. Coastal Commission staff notes that the LCP uses the term "spoils" in numerous places. Nevertheless, we have no objection to changing the terminology in our recommendations. This terminology occurs in recommendations under Issues WQ-1 and SH-20, which are thus revised accordingly. (see Attachment 5 Revisions To Recommendations, revisions #13 and 14).

Comment:

There are extensive comments and recommendations regarding dredge material management and disposition. As well intended as those recommendations are, it would be very appropriate to consult with the District specifically regarding this issue before implementing regulations without benefit of making informed decisions. The District objects to revising No Co LUP 2.4.2.5 to replace "whenever desirable" with: unless an alternative site configuration has been found to fully comply with all other Plan policies." The District has no objection to retaining No Co Policy 2.4.2.6 which states "that the least damaging alternative be selected for dredging and



filling." The District has no objection to the adoption of General Plan Update NCo ER-11 stating that unnecessary or ill planned, dredging could have adverse impacts and therefore appropriate expansion of Moss Landing Harbor facilities shall protect wetlands in as natural a state as possible. For the record, the District's North Harbor area is filling in from Elkhorn Slough tidal action and from the State Department of Parks and Recreation's property sloughing off and eroding into its basin. Dredging in that area is neither unnecessary nor would that be considered "expansion" of the District's facilities, since facilities already exist in that area.

Response:

The recommendations referred to are found in Appendix A under Issue WQ-1 Dredging and Spoils. *North County Land Use Plan* policy 2.4.2.5 currently requires any site disrupted by dredging or filling to be fully and immediately restored whenever desirable. This policy is amplified by *County Code* Section 20.144.060.C.6 which states, "where diking, dredging, or filling will disrupt a site, that site shall be restored to its original condition if restoration is feasible and also desirable for maintenance or enhancement of the area's biological productivity, as determined through the biological survey prepared for the project." Coastal Commission staff agrees that such qualifiers are appropriate because it would be impossible to restore to original condition some sites that have been dredged or filled. Thus, we agree with the comment that the added text that we had originally recommended is unnecessary.

However, in some cases site restoration, although not necessarily to its original condition, would be a feasible mitigation measure for cases where there is habitat, scenic, or other resource disruption. Coastal Act section 30233(a) allows dredging and filling in some cases where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided. *North County Land Use Plan* policy 2.4.3.6 requires that the County's diking, dredging, filling, and shoreline structures regulations shall incorporate Coastal Act Sections 30233(a) and(c). Parts of the County regulations in *County Code* Section 20.144.060.C do not fully reflect the Coastal Act language and leave open the possibility that not all feasible mitigation measures will be applied. Hence, this Code section needs a revision to be consistent with Coastal Act section 30233 and LUP policy 2.4.3.6, and the recommendations under Issue WQ-1 are revised accordingly (see Attachment 5 Revisions To Recommendations, revision #14).

XVI. WRITTEN COMMENTS FROM NATIONAL MARINE FISHERIES SERVICE, NMFS

STAFF PERSON FOR RODNEY MCINNIS (letter dated 3/18/04)

Comment:

This letter is in reference to the California Coastal Commission's (CCC) hearing in Monterey County, on Thursday, March 18, 2004, on the Monterey County Local Coastal Plan (LCP) and the CCC's Desalination Report. One issue of particular interest to the National Marine Fisheries Service (NOAA Fisheries) in the LCP is Issue LU-9.4, under Water Supply in the California-American Water Company Service Area, which reads in part, "Desalination facilities must: A) Be public as warranted by application of Coastal Act policies."

As you know, California-American Water Company (Cal-Am) is under a California State Water Resources Control Board's (SWRCB) Order (WR 95-10) to identify a long-term water supply for



the Monterey Peninsula to terminate unlawful diversions from the Carmel River. After many years of trying to identify a project acceptable to the public, Cal-Am announced in February 2003, they would pursue desalination and underground water storage as their long-term water supply project and have identified the California Public Utilities Commission (CPUC) to be the lead agency.

South-Central California Coast steelhead (*Onchorynchus mykiss*) are present in the Carmel River and are listed as threatened under the Federal Endangered Species Act. NOAA Fisheries has been working closely with Cal-Am for a number of years to minimize impacts to steelhead from water diversions in the Carmel River. Until a long-term water supply is developed for the Monterey Peninsula, adverse impacts to steelhead and their habitat will be on-going. We support Cal-Am in moving forward as rapidly as possible in developing their desalination project to protect the public trust resources in the river.

Our concerns regarding limiting ownership of desalination plants to only public entities (LU-9.4) could, in effect, delay Cal-Am from developing a long-term water supply and thus continue impacting listed steelhead. While NOAA Fisheries takes no position on whether desalination plants in California be owned publicly or privately, we believe by adding this language to the Monterey County LCP, the CCC may be limiting potential solutions that could help restore the population of steelhead in the Carmel River. We support any effort, whether public or private, to resolve this issue.

NOAA Fisheries encourages all the State agencies involved in this matter (CCC, CPUC, and SWRCB) to work closely together to find a solution that will maximize the protection of all the public trust resources at issue here.

Response:

Recommendation LU-9.4, quoted in full above, states that desalination facilities must be public as warranted by application of Coastal Act policies. Coastal Act policies require concentrating development in or near developed areas with adequate public services (Section 30250) and limiting new public works facilities to serve only development otherwise permissible under the Act (Section 30254). The Coastal Commission's report, *Seawater Desalination and the California Coastal Act* (March 2004), has a lengthy discussion of the issues raised by private desalination plants. The intent of the recommendation was to ensure that a private desalination facility would not be able to subvert these requirements just because it was not public. In Monterey County's case, the County already has an ordinance that requires desalination plants to be public. Since the letter was written, Monterey County Water Resources Agency has become a partner with Cal-Am for the proposed desalination plant, which, depending on the project specifics, may address the public ownership issues. Each project, including the Ca-Am and Pajaro-Sunny Mesa Water District project should be examined in light of the issues raised in the Commission's desalination report.



XVII. ORAL COMMENTS BY SEVERAL BIG SUR RESIDENTS:

Comment:

Several people disagreed with the recommendation to consider views from the ocean in coastal permitting decisions. They noted that there are already stringent restrictions on development that could be visible from Highway One, and, hence, this recommendation would be overkill. They also noted that there are few boaters in the ocean off of Big Sur.

Response:

The recommendation for Issue SR-4 states:

Adopt GPU policy ER-10-1 (which requires development projects in scenic resource areas to protect views from public areas including beaches "...and waters used for recreational purposes.") with regard to protecting views from beaches and waters used for recreational purposes. For such views clarify what the scenic resource areas are to protect and what constitutes protection as follows: 1) for ridgeline development: include in the definition of a ridgeline, beach and waters used for recreational purposes as vantage points and then apply ridgeline policies (see also Recommendations for Issue SR-8 Ridgeline Development); 2) for development in areas south of the Carmel River that appear undeveloped from beaches or waters used for recreational purposes: after applying the LCP's current viewshed protective measures the development would still be visible from the beach or offshore, require additional screening or other design mitigations to reduce visibility; 3) for infill development require that it appear in character with the surrounding development visible from beaches (other than North County [which has its own policy]) and offshore. Adopt an action for the County to empower its Land Use Advisory Committees for the coastal zone area to determine whether to recommend more precise design guidelines for infill development visible from beaches or offshore.

Some people misinterpreted the recommendation as one that would prohibit development if it were visible from the ocean. As can be seen, what the recommendation actually says is that, after applying existing critical viewshed policies (i.e., how to address views from Highway One), consider views from "identified waters used for public purposes." This quoted terminology is from the proposed new general plan. The recommended next step is (1) if the proposal is visible in an otherwise undeveloped area, it be screened or (2) if it is visible in the context of other visible development, then it be in character with that other development. This recommendation is in line with Coastal Act Section 30251's charge to protect views to and along the ocean and scenic coastal areas. This issue was subsequently explained and discussed during a Commission workshop regarding the protection of scenic values from the perspective of recreational users of coastal waters in May 2004. (The report is available at: <http://www.coastal.ca.gov/lu/views.pdf>)

Comment:

Several people disagreed with the recommendation that central maritime chaparral be considered environmentally sensitive habitat. There were questions as to the extent of central maritime chaparral in Big Sur. Some commented that even if this designation did not ultimately cause



unwanted restrictions, compliance (e.g., the need for biological reports to determine its presence or absence) would add costs and time delays to projects.

Response:

The preponderance of information that was gathered for periodic review points to sensitivity of central maritime chaparral (see Draft Findings of the Periodic Review Chapter 3c(2)a). Additionally, the application of the recommendation would not be burdensome given the combination of large parcel sizes and sparse occurrence of this type of chaparral in Big Sur. Furthermore, the recommendation addresses how to allow some development on lots with chaparral. Discussions with County staff concluded it would be helpful to conduct a forum on central maritime chaparral for Big Sur residences to understand the extent of the plant community in Big Sur and hopefully dispel some of their concerns. Additionally, the County could streamline procedures associated with addressing environmentally sensitive habitats in the permit process.

Comment:

Several people disagreed with protecting views from trails.

Response:

This comment refers to the following summarizing statement made in the Staff Report (November 26, 2003, p. 11):

New development that is allowed either outside the viewshed or as exemptions in the viewshed needs to be designed, scaled and located so that it does not adversely impact views as seen from public trails, does not change the overall Big Sur community character, does not impact riparian systems, does not intrude on sensitive habitats, and does not require obtrusive or habitat damaging fire protection measures.

The Periodic Review evaluation documented some cases where views from trails was an issue in the County permit process (Draft Findings, page 389). However, a comprehensive analysis of structural visibility from trails was not undertaken, as it was for visibility from Highway One. The current LCP prohibits, with some exceptions, new development in view of Highway One (the "Critical Viewshed"). Current LCP policy 3.2.4.A.2 already addresses siting and design of structures visible from other public locations (outside of the critical viewshed) that would include views from public trails. This policy would not result in a take of private property since its implementation would not result in prohibiting development on an entire parcel. The periodic review does not contain a recommended change to this policy, but rather recommends that it be retained (Appendix A of Draft Findings p. 195).

Comment:

Some residents also objected to requiring easements in air space over developments.

Response:

The recommendation for "Issue SR-2: Air Space Protection in Critical Viewshed" is to clarify that



scenic easements can also be required to prevent additional height that would conflict with view protection policies. This recommendation does not expand the fundamental Big Sur viewshed protection policy, it simply clarifies how an available tool (scenic easements) can implement the policy. Its application would be limited to those small number of projects that are allowed in or have the potential (through height additions) to intrude into the critical viewshed. Easements have the advantage of being permanent and being part of the property deed so that subsequent purchasers are made aware of the restrictions.

XVIII. ORAL COMMENTS BY PEBBLE BEACH COMPANY REPRESENTATIVES

Comment:

Measure A represents a down-zoning of maximum amount of homes (from 800 to 38) in Del Monte Forest while expanding visitor-serving facilities and was approved by County voters.

Response:

It is true that Measure A decreases the maximum potential amount of homes that could be built in Del Monte Forest. However, the actual number of homes that could be constructed under the current local coastal program, after consideration of constraints such as environmentally sensitive habitat, steep slopes, and adequate long-term water supply, may be substantially less than 800. Implicit in this and similar comments is the concern that the periodic review recommendations conflict with Measure A. It is correct that the kind, location, and intensity of development that would result from application of Periodic Review recommendations is much different than what would result under Measure A. Periodic Review recommendations were derived from an evaluation of implementation of the existing local coastal program. Coastal Commission staff was cognizant of Measure A, but the Measure was not our standard of review. Measure A would result in revisions to the current local coastal program and has not yet been submitted to the Coastal Commission for review. In some cases, the Measure A provisions conform with the conclusions of the periodic review to better preserve the remaining Monterey pine forest; in other cases the Measure A provisions (for new development) do not. Periodic review is based on the best information available and any future staff analysis of LCP amendments to implement Measure A would similarly be based on such information (see following comments and responses).

Comment:

Pine pitch canker threat is overstated.

Response:

This comment and press coverage (in the *Carmel Pine Cone*) in part refer to previous Coastal Commission staff reports noting an 85% infection rate from pine pitch canker. The Periodic review does not quote this figure and actually echoes the comment by noting that more has been learned about pine resistance to pitch canker. However, the *Pine Cone* published an article ("Scientists: 85 percent pitch canker mortality 'isn't true and never was'") that has more explicit information about the threat.



The periodic review report could be clarified with more recent and detailed information about pine pitch canker. Although lack of staff resources prevents preparing revisions to the Report's findings at this time, any such future staff work, such as related to Measure A (see comment above), will include the latest information on pine pitch canker. The conclusion remains, however, regardless of pine pitch canker, that native Monterey pine stands have been reduced over the years and the remaining stands need to be protected as environmentally sensitive habitat.

Comment:

The ecological staircase described in the periodic review report is disputed.

Response:

This comment refers to a discussion in the periodic review of different characteristics of Monterey pine depending on which marine terrace they are growing on. The comment refers to more recent work that questions this ecological staircase characterization. Staff has not yet had a chance to review this more recent literature in detail with biological experts. Once that consultation occurs, the periodic review report could be clarified with more recent and detailed information about the ecological staircase. Although lack of staff resources prevents preparing revisions to the Report's findings at this time, any such future staff work, such as related to Measure A (see comment above), will include the latest on the staircase concept where relevant. The conclusion remains, however, regardless of possible subtypes of forest related to geologic formations, that native Monterey pine stands have been reduced over the years and the remaining stands need to be protected as environmentally sensitive habitat.

XIX. ORAL COMMENTS BY SOME DEL MONTE FOREST RESIDENTS

Comment:

Concern with fire threat from Monterey pine, especially if clearing and thinning not allowed.

Response:

The Periodic Review's recommendation that native Monterey pine forest be considered environmentally sensitive habitat is associated with regulations restricting development in environmentally sensitive habitat. The Periodic Review findings include examples of fire officials and planners cooperating in including fire protection measures in coastal permits that still result in environmentally sensitive habitat protection. Furthermore, Recommendation CH-9.2 includes criteria for allowing some environmentally sensitive habitat to be cleared for fire protection purposes. On a larger scale, the periodic review also recommends preparation of a comprehensive Monterey pine forest management plan (Recommendation SH-29.4).

Comment:

Monterey pine is pervasive; it is not rare enough to be considered environmentally sensitive habitat. Even so called "native" stands contain planted, non-local trees.

Response:

The Periodic Review distinguishes between native stands, which are limited and have shrunk



dramatically in size versus those with planted trees that admittedly are abundant worldwide. As to the mapped native stands, it is likely true that they contain some planted trees as well; unfortunately, few natural areas in the world remain totally pristine. The Periodic Review recommends more precise mapping (Recommendation SH-28.4) and subsequent management (Recommendation SH-29.4) of Monterey pines. More detailed review of the extent of Monterey Pine forest, its composition, and habitat values, could lead to regulatory and management measures that account for the presence of non-local specimens or areas of Monterey pine.



ATTACHMENT 5

REVISIONS TO RECOMMENDATIONS IN PREVIOUSLY RELEASED

DOCUMENTS: (While revisions to the Periodic Review draft findings are not planned at this time, changes to the Periodic Review draft recommendation will be made and a complete, revised set of recommendations available on the Commission's website.)

Based on the responses to comments, the following recommendations found in the Staff Report on the Periodic Review of the Monterey County Local Coastal Program (dated 11/26/03 and included herein as Attachment 2) and the Draft Findings of the Monterey County LCP Periodic Review (with appendices dated 12/22/03) are revised (using ~~cross-outs~~ for deletions and underlining for additions) as follows. Included are revisions contained in the February 26, 2004 staff report:

#1. Page 36 of Staff Report of November 26, 2003

Recommendation LU-8.6 Do not allow new private water supplies in urban service areas: Revise *North County Land Use Plan* and corresponding *County Code* provisions to state that new development of private water supplies (e.g., individual wells) are prohibited to serve existing and new development within the urban service areas.

#2. Page 37 of Staff Report of November 26, 2003

Recommendation LU-8.7 Support coordinated water conservation and new water supply initiatives: Add an action to support and participate in initiatives to promote water conservation, identify possible water-off-sets, decide on a new water project, participate in regional water supply planning, and coordinate water planning to the extent that resources allow.

#3. Pages 37-38 of Staff Report of November 26, 2003

Recommendation LU-9.4 Add review criteria for any proposed desalination facilities: Add coastal zone wide policy standards to the LCP to guide review of any proposed desalination facility as follows: Desalination facilities must:...

D. Be designed, sized, and located as part of a comprehensive regional water management program that includes conservation and recycling, and is based on adequate land use planning and adopted growth projections (see Recommendation LU-8.13); ...

F. Instead of open intakes from the ocean, use, where feasible, sub-surface feedwater intakes (e.g., beach wells) or other similar intake systems designed to avoid or minimize entrainment and impingement to the maximum extent feasible, ~~instead of open pipelines from the ocean~~, where they will not cause significant adverse impacts to either beach topography or potable groundwater supplies (see Recommendation LU-11.3); ...

#4. Page 39 of Staff Report of November 26, 2003

Recommendation LU-11.3 Avoid or minimize damage to marine organisms from seawater



pumps: Add a policy to the LCP as follows: Prior to approval of any new or expanded seawater pumping facilities, require the evaluation of alternatives (which may include using existing intake systems), selection of the least environmentally damaging alternative, use of Best Available Technologies, and provision of maximum feasible mitigation measures to avoid and/or to minimize damage to marine organisms due to entrainment in accordance with State and Federal law (see also Recommendation LU-9.4 regarding pumping for desalination plants).

#5. Page 39 of Staff Report of November 26, 2003

Recommendation LU-12.1 Update Carmel Area land use designations: Amend Carmel Area land use designations as follows along with corresponding zoning designations and policy text:

A. For the Odello-East West Parcel(s) - Remove Special Treatment designation; redesignate to Agricultural Preservation; specify densities and standards for agricultural labor housing;

#6. Page 41 of Staff Report of November 26, 2003

Recommendation LU-13.1 Part B. Coast Highway Management Plan (CHMP) definition: The Big Sur Coast Highway Management Plan (CHMP) provides strategies, actions and practices to guide the California Department of Transportation (Caltrans) and other partnership agencies in the protection and enhancement of the intrinsic scenic, natural, recreation, historic, archaeology and cultural values of the Big Sur coast byway corridor, while maintaining the transportation function of the highway. The CHMP consists of the Corridor Management Plan, and Guidelines for Corridor Aesthetics, Vegetation Management, and Landslide Management and Storm Damage Response. The CHMP is structured so that it may be amended from time to time, and guidelines on additional topics may be added in the future. ~~However, any additional guidelines or amendments to the CHMP will not be in effect for purposes of the National Scenic Byway until accepted by the Federal Highway Administration (FHWA).~~ While improved governmental coordination is a primary goal for the CHMP, it does not alter or change the authority, jurisdiction or responsibility of any governmental agency or organization. The certified Monterey County Local Coastal Program (along with the applicable public access and recreation policies in Chapter 3 of the California Coastal Act) shall provide the standard of review for coastal development permits. The CHMP, or components of it, will only become the standard of review when adopted into the LCP or separately approved as a public works plan by the Coastal Commission.

#7. Pages 41 -43 of Staff Report of November 26, 2003

Recommendation LU-13.2. Add design standards for Highway 1 in Big Sur (Coast Highway): Add policies and corresponding implementing provisions to the LCP as follows:

A. Avoid improvements that would detract from the rough-hewn, generally untamed character of Highway One south of the Carmel River. Examples of highway improvements that are not appropriate along the Coast Highway include: standard curb-gutter-sidewalk treatments, permanent stoplights, street lighting, and similar urban-style "street furnishings." Where



highway projects are needed to correct public access or safety deficiencies, or to mitigate for geologic instability, the least visually intrusive feasible options shall have priority over those that impose a greater structural presence or degree of visible landform alteration. Where feasible, non-rigid measures that conform to the shape of the landform (e.g., wire mesh rock netting) will be preferred over alternatives that materially alter the scenic landscape. Where feasible, non-structural measures that will effectively address the need (e.g., scaling of loose rocks) will be preferred over solutions that rely on materials that appear manufactured. Improvements shall be designed in a manner that will reduce the overall need for disposal both during construction and over time. ...

C. Stream crossings—replacement of fills, culverts and bridges: Where the highway crosses a stream or drainage course, replacement or modification of fill prisms, culverts and bridges shall be subject to the following design considerations:

1. All reasonable measures shall be applied to avoid impairment of natural stream flow regimes, to avoid interference with any anadromous fish run, to retain indigenous riparian vegetation, to minimize erosion and sedimentation impacts, and to provide a safe off-highway stream crossing for pedestrians walking along the coast.
2. Where an off-highway pedestrian stream crossing is not already provided or planned, and is not feasible to provide in conjunction with the project, a separate pedestrian walkway will be provided on the fill slope, highway shoulder or bridge structure.
3. When culvert or bridge replacement becomes necessary, the site shall be considered for its potential value as a pedestrian (and where applicable, equestrian) under-crossing to facilitate, for example, safe public access from inland parking areas to shoreline access points or scenic overlooks, or to accommodate the continuity of an off-highway alignment for the California Coastal Trail. Similarly, within grazed ranch lands, the need and potential for cattle undercrossings shall also be considered. Where existing or potential under-crossing need is identified, the project shall, if feasible, be designed to accommodate such under-crossing(s).
4. Culverts shall be designed and sized to prevent future washouts and consequent downstream/marine habitat impacts accommodate the largest expected stream flow (based on best engineering and water quality protection practices and best estimates of 100-year event probability), consistent with resource protection policies; bridges should replace culverts where necessary to meet this standard.
5. Instream work shall be strictly regulated, in concert with the National Marine Fisheries Service and the California Department of Fish and Game, to avoid adverse impacts to steelhead. Culverts and other instream structures shall be designed to allow any steelhead runs that are present in the stream to continue unimpaired.



6. Culvert inlets shall be designed to minimize risk of obstruction by soil flows and organic debris, at locations where there is a significant risk from these causes.
7. Culvert outlets shall be at natural grade of the stream course where feasible; and, where needed to prevent erosion impacts, shall be equipped with energy dissipaters that will be concealed from public view or blend with natural background rocks.
8. A list of candidate stream crossings, where hydraulic, wildlife and public access needs could better be served by a bridge than by a culvert, shall be developed and maintained. When it is necessary to replace an existing stream crossing due to the catastrophic loss of an in-stream fill, the replacement crossing should if feasible be accomplished instead by bridge. Where this is demonstrated to be unreasonable or infeasible, or would detract from the scenic qualities of the highway corridor, a specific finding shall be made to this effect. Fills that have a history of loss ("blow-outs"), or are potentially especially susceptible to such loss in the future, should be replaced by bridges before the loss occurs (as funding becomes available).

D. Landslide management--handling and disposal of excess material: The preferred strategy for responding to closures due to landslides will be that which reopens the highway to public use, within a reasonable time, using feasible measures, and with the least long range environmental impacts on Big Sur's coastal resources. The goal is to maintain natural inputs to the sediment transport system in a manner that resembles pre-highway conditions. Therefore, rock, earth and natural organic debris from landslides shall, where feasible, be retained in-system. Generally, in-system for this purpose refers to the watershed where the landslide sediments originated, or the adjacent shoreline, or (as a second priority) elsewhere south of the Carmel River watershed and seaward of the Coast Ridge watershed divide.

The appropriate combination of measures will vary with each landslide location and availability of resources. Best practices for material handling, as detailed in the Big Sur Coast Highway Management Plan, shall be employed. These best practices include overall reduction, recycling and beneficial re-use of material. The first priority shall be protection of sensitive habitats. The hierarchy of strategies, which shall be employed individually or in combination, to achieve the least long-range environmental impacts on Big Sur's coastal resources, is as follows:...

1. **Reduce** overall quantities by selecting maintenance and repair techniques and practices that reduce the overall footprint of disturbance and in the case of repairs are the least disruptive beyond the event that destabilized the highway.
2. **Reuse** material that is viable for other highway maintenance or reconstruction projects. Rock and soil suitable for other highway repairs may be re-used in the highway corridor or elsewhere, as needed. Similarly, topsoil and organic matter should be segregated where feasible and made available for revegetation efforts. However, care must also be taken to avoid the spread of exotic plant species within the Big Sur Coast area.



3. **Recycle** material for non-highway uses, either along the corridor or elsewhere. This involves transferring material that has commercial value for use in other approved public or private development projects or activities.
4. **Replenish** sediment supplies to natural systems by removing or bypassing manmade barriers (e.g., the highway) and practices that may inhibit natural flow of sediment. Sediments, as used here, include the full range of grain sizes, with particular reference to materials appropriate for beach replenishment, and cobbles and boulders that protect the toe of the bluff from wave erosion. Suitable sediments shall be conveyed to suitable replenishment sites, i.e., to areas with shoreline dynamics and habitat characteristics that indicate adaptation and tolerance of periodic inputs. Suitable sites shall be identified in consultation with the Monterey Bay national marine Sanctuary, using best available shoreline sensitivity data.
5. **Dispose** of any remaining excess material that cannot be put to any other beneficial use. However, this shall be considered the least desirable practice, because retention of natural materials within the Big Sur Coast ecologic system is an important goal, because suitable receiver locations within the corridor are extremely limited, and because truck transport produces its own set of impacts.

E. Sidecasting: The placement of fill, landslide debris or other sediments over the downhill side of the highway constitutes sidecasting. Sidecasting, as a technique of highway construction, repair or maintenance, is prohibited if: the sidecasted materials would comprise fill into the ocean or freshwater stream or wetland; or, would decrease the usable area of any beach; or, would significantly disrupt any marine mammal haul-out area, seabird nesting habitat, tidepool habitats, or any vegetated bluff face that comprises an environmentally sensitive habitat area. Exceptions to this prohibition may be allowed in a particular case, provided the following findings can be made:

1. The project is otherwise consistent with the applicable policies of the California Coastal Act and the certified Monterey County Local Coastal Program; *and*,
2. There is no feasible less environmentally damaging alternative, that can be employed consistent with the limitations on construction of shoreline structures and other applicable policies of the California Coastal Act and the certified Monterey County Local Coastal Program; *and*,
3. The sidecast materials are of natural origin; i.e., free from infrastructure elements such as concrete, asphalt and steel; *and*,
4. The adjacent shoreline is an area with habitat characteristics and dynamics that indicate adaptation and tolerance of periodic inputs from natural landslides; *and*
5. The area downslope is characterized by conditions indicating that sidecast material would not disproportionately affect sensitive habitats, including the nearshore marine environment; *and*.



36. Feasible mitigation measures have been provided to minimize adverse environmental effects; *and,*
- 47-In any instance where the sidecasting would constitute fill into a wetland or open coastal waters, such fill is limited to that which is restoration or is incidental to public service purposes (including State Highway maintenance or repair), or other allowable purposes identified in Coastal Act Section 30233; *and,*
58. Any disruptions of environmentally sensitive habitat areas are fully mitigated, and over the long term will not be significant; *and,*
- 69 The proposed sidecasting is part of a systematic, long-range planned beach replenishment or an approved landslide materials disposal program; *or,*
- 710 The withholding of sidecast sediments would constitute an impairment of natural inflows to a coastal stream, beach or the marine environment (projects meeting this test must involve sediments that are natural materials and the sidecasting methods and timing must mimic the normal, natural temporal flux, limited to the volume displaced by a natural event); *or,*
- 811 The proposed sidecasting is needed to prevent failure of the supporting slope for the highway, in locations where the existing slope will collapse if not buttressed or reconstructed in a timely manner; *or,*
- 9-12 The proposed sidecasting is needed to replenish the natural rock rubble at the toe of the coastal bluff, if such replenishment would preclude the need for rock armor (rip-rap), gabions, seawalls, crib walls or similar shoreline structures that, in a particular location, would otherwise be necessary to maintain the stability of the Big Sur Coast Highway.

#8. Page 45 of Staff Report of November 26, 2003

Recommendation LU-13.3. Update policy for limiting new road access to Highway 1 in Big Sur: Revise *Big Sur Coast Land Use Plan* policy 4.1.3.A.4 to add "protecting highway ~~capacity~~ operations and aesthetic values" as a reason for limiting new road access (including private driveways) onto Highway One.

#9. Pages 50-51 of Staff Report of November 26, 2003

Recommendation LU: 14.5 allow rail improvements with mitigations: (first paragraph) Add a policy to the LCP governing rail improvements that: a) requires retention of branch lines that serve Moss Landing (along Dolan Road), and from Castroville to the Monterey Peninsula along with their necessary supporting facilities and b) allows for all necessary improvements that will insure rail safety throughout the wetlands, including replacement of outmoded bridges; contingency plans for spills; restoration of wetland circulation by replacement of fills with causeways; and right-of-way and station enhancements needed for restored rail service to the Monterey Peninsula area. However, rail stations must comply with all Plan siting criteria and not be sited on agricultural land or sensitive habitats. New and replacement bridge and causeway



structures crossing the Elkhorn Slough wetlands should be designed to incorporate pedestrian access wherever feasible, not in conflict with rail operations and adopted policies of the California Public Utilities Commission, if necessary a separate structure for public access can be attached to the already existing bridge structure, where consistent with protection of the NERR. ~~Elsewhere~~ Unless public access is not feasible or would impede rail operations, public access should be sought parallel to the rail right-of-way, and improvements such as fencing and warning signals installed where needed to protect public safety....

#10. Page 52 of Staff Report of November 26, 2003

LU-16.1 Designate Armstrong Ranch Agricultural and/or Resource Conservation:

Redesignate portion of the Armstrong Ranch within the coastal zone (APNs 203-011-003, 203-011-023, and 203-011-021), from "Light Industrial" to "Agricultural Conservation" and/or "Resource Conservation-- Wetlands and Coastal Strand," and revise zoning designations accordingly; and delete the Special Treatment overlays.

#11. Pages 52-55 of Staff Report of November 26, 2003

Recommendation SH-28.4 Protect Maritime Chaparral Habitat as ESHA and Mitigation for Unavoidable Impacts:....

B.2.a.(2): Prohibit other new development (grading, landscaping, major vegetation removal, accessory and second units, etc.) outside existing disturbance envelope, unless necessary for fire safety, pursuant to Recommendation ~~CH-9.3~~ CH-9.2....

B.2.b: Site and design development to maximize protection of ESHA. Prohibit new development within at least 100 feet of ESHA.

#12. Page 64 of Appendix A

Issue SH-13: Other ESHA Setbacks: ...~~Retain IP Section 20.144.040(2) & (3) with regard to ESHA buffer.~~ Revise IP Section 20.144.040(2) & (3) to add: "...within at least 100' of environmentally sensitive habitats..."

#13. Page 83 of Appendix A:

Issue SH-20 Steelhead Streams Adopt an action for the County to establish adequate spoils waste material storage sites throughout the county so that – waste material from landslides and road maintenance can be stored safely away from anadromous streams

Adopt an action for the County to develop road management practices and prioritization for action, including road reconstruction, decommissioning and maintenance that minimize sedimentation and runoff impacts. These should address disposal of spoils waste materials, stream crossings, culvert diversion potential, fish passage, and slope repair.

#14. Page 94- 87 of Appendix A

ISSUE WQ-1: Dredging and Spoils-Dredge Material Disposal...



Add to No Co policy 2.4.2.3: Disposal of dredge ~~spoils~~ materials must be guided by a Dredge Materials Management Plan (DMMP). Prior to any dredge activity occurring that involves discharge of dredge material found unsuitable for beach nourishment or for unconfined aquatic disposal, the DMMP shall provide a detailed description of approved upland rehandling, transportation and disposal sites that will be used and ensure that disposal of contaminated sediments does not impact any sensitive coastal resources.

~~Revise No Co LUP policy 2.4.2.5 to replace "whenever desirable" with: unless an alternative site configuration has been found to fully comply with all other Plan policies.~~

Retain No Co policy 2.4.2.6.

Retain No Co IP section 20.144.060.C.2 and apply coastal zone wide.

Revise No Co IP section 20.144.060.C.3 to require a mitigation ratio of 3:1 for freshwater and 4:1 for salt water wetland fill and apply coastal zone wide and reference Coastal Commission's "Procedural Guidance For Evaluating Wetland Mitigation Projects In California's Coastal Zone," for further guidance on how to prepare wetland restoration plans. Also revise second sentence in subsection b to add the following language: As such, modifications shall be made for siting, location, design, and amounts of dredging and fill or other factors, where the modifications will minimize the amount and/or extent of diking, dredging, and filling and minimize any other adverse environmental effects.

Retain No Co IP section 20.144.060.C.5

Retain No Co IP section 20.144.060.C.6

Retain No Co IP section 20.144.060.C.7 and add the following: Disposal of dredge ~~spoils~~ materials must be guided by a Dredge Materials Management Plan (DMMP). Prior to any dredge activity occurring that involves discharge of dredge material found unsuitable for beach nourishment or for unconfined aquatic disposal, the DMMP shall provide a detailed description of approved upland rehandling, transportation and disposal sites that will be used and ensure that disposal of contaminated sediments does not impact any sensitive coastal resources. Also, revise second sentence to add the following language: Appropriate biological, engineering, hydrologic or other professional studies shall be required where needed to determine potential development impacts, alternatives to development, and mitigation measures to reduce habitat disruption and minimize any other adverse environmental effects.

#15. Page 2 of Table PA-10e in Appendix B:

Recommendation for Access point #2 in Big Sur: Doud Property: ~~Acquire remaining portions of Doud Ranch on east side of Highway 1 to protect views and provide parking. Work with the landowner to protect views and provide parking, if consistent with all other LCP policies, through public acquisition and/or alternative means.~~



#16. Page 1 of Appendix D (Recommendations directed to other agencies): Add an additional recommendation (that would also apply to Issue LU-9):

LU-8.13 Engage in regional water supply planning: The various entities that have a stake in North County and Monterey Peninsula water supply issues shall coordinate and integrate their respective planning processes, especially with regard to desalination facilities. They should work towards achieving consensus on such issues as to what is the region's water supply need, whether desalination should be relied upon to address the region's water needs vis-à-vis other alternatives, whether there should be one or more desalination plants serving the region, the best location(s) for a desalination plant (or plants), and whether co-location with the power plant is appropriate and the least environmentally damaging option, as well as address institutional issues of mutual concern (e.g., service area boundaries, funding, interagency agreements). Such considerations shall be made consistent with Coastal Act policies (as well as other state and federal regulations), through use of, for example, the Coastal Commission's report, *Seawater Desalination and the California Coastal Act* (March 2004) and *California Water Desalination Task Force Final Report*. It would be helpful for an entity that has or could attain regional authority (e.g., California Public Utilities Commission, Monterey County Water Resources Agency) to take the lead in establishing and sponsoring this coordination effort.

#17. Page 1 of Appendix D (Recommendations directed to other agencies)

LU-9.6 Pursue water projects that protect Carmel River and other resources: Monterey Peninsula Water Management Agency District or any successor agency should pursue water supply management strategies or projects that maximize protection of coastal resources, including maintenance of adequate flows in the Carmel River to protect riparian fish habitat, consistent with the LCP and Coastal Act (see Recommendations LU-8.4 and LU-9.4). The agency shall first allocate any new water that is developed to completely offset Cal-Am's unlawful diversions from the Carmel River, an estimated 10,730 acre-feet (AF) per year, before any water produced by Cal-Am can be used for new construction or expansions in use. Although the physical development of some alternatives under consideration would occur outside of the coastal zone, there may be impacts on coastal zone resources that should be carefully addressed.

#18. Page 2 of Appendix D (Recommendations directed to other agencies)

LU-9.7 Allocate water consistent with Coastal Act priorities: Monterey Peninsula Water Management Agency District or any successor agency should allocate water to jurisdictions in a manner consistent with Coastal Act priorities.

LU-9.8 Review reclamation offset: Monterey Peninsula Water Management Agency District and Pebble Beach Company should review the implementation of their agreement assigning the Company 365 af/yr of additional Cal-Am water in light of the experience with the reclamation project, future proposed developments and their water demand, and the pertinent State Water Resources Control Board orders.



#19. Page 6 of Appendix D (Recommendations directed to other agencies)

SH-29.9 Continue Monterey Pine forest research: Governmental and non-profit agencies, universities, and others that have an interest in habitat protection (along with Monterey County) should continue to support research into ways to preserve and enhance the pine forest including addressing pine pitch canker and genetic diversity.

#20. Page 3 of Appendix D (Recommendations directed to other agencies)

LU-12.7 Consider LCP requirements in structuring land agreements: Organizations that acquire interests or easements in land should consult with Monterey County to help ensure that potential land transactions are consistent with LCP objectives, and with any policies that specifically address the parcel or grouping of parcels in question. Resulting agreements on land ownership, open space conservation areas, and remaining building sites should be structured to be consistent with LCP objectives, especially to avoid the creation of privately owned remainder parcels, the development of which development would conflict with LCP objectives.

