

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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# W 12b

## Addendum

September 3, 2008

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item 12b**, Coastal Commission Permit Application  
**#6-08-048 (California Department of Parks and Recreation)**, for the  
Commission Meeting of September 10, 2008

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After distribution of the staff report for the above-named project, the applicant identified a significant problem with its ability to comply with Special Condition #1, and still complete the experiment within the small window available to it. To address this, the project has been modified.

Since the applicant has modified the project, staff now recommends the following changes be made to the above-referenced staff report, including an allowance for two staging areas since there will now be two-way traffic on Horse Trail Road (added language is underlined and deleted language is ~~struck out~~):

1. Special Condition #1, on Page 3 of the staff report shall be modified as follows:
  1. Revised Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final, full-size plans for the proposed development in general conformity with the plans identified as Draft Tijuana Estuary Sediment Fate and Transport Study, dated July 1, 2008, except that they shall be revised as follows:
    - a. The final plans shall include plans for the temporary bridge to be used on the Horse Trail Road route. The bridge supports shall be designed such that no adverse impacts on the tidal channel under the bridge or nearby marsh resources are anticipated. ~~haul route utilizing the Horse Trail Road shall not be used to transport sand to the beach deposition site (but may be used on the return trip with empty trucks after deposition of sand on the beach).~~
    - b. During the construction stages of the project, the permittee shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or

otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project. Construction equipment or materials shall not be washed or stored overnight on the beach or in the beach parking lots, ~~including the equestrian staging area at the intersection of Horse Trail Road and Monument Road.~~

The applicant shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

2. The paragraph beginning on Page 7 and extending onto Page 8 of the staff report shall be modified as follows:

The Mitigated Negative Declaration (MND) for the project reviewed the potential project impacts from the direct placement of sand, from extra turbidity in near-shore waters, and from use of heavy equipment to transport the sand to the beach. Sand is the predominant existing habitat at the site, and some loss of benthic organisms on the beach will likely occur. However, these species are fairly adaptable and are expected to recover quickly. The deposition area is naturally turbid, as it is a well-mixed surf zone. Deposition of additional sands into this area could temporarily increase turbidity, but not significantly above its natural state. The use of heavy equipment hauling sand in unpaved areas (Horse Trail Road) could result in some erosion from the road surface and/or possible damage to existing dunes and a wooden bridge across a side channel. Therefore, a temporary support structures (steel bridge would be installed over the wooden bridge to provide a strong surface for the trucks. The steel bridge was not part of the original proposal, and staff had recommended against use of Horse Trail Road by trucks hauling sand due to the concern that the wooden bridge might collapse under the weight. plates) would have to be used to reinforce the bridge and cross the dune line. With the project revision, there is little a possibility that erosion in the area of the bridge could result in sediments entering the river side channel and no longer a fear of bridge collapse. However, Special Condition #2 requires before and after surveys and mitigation should unexpected impacts occur.

3. The first full paragraph on Page 9 of the staff report shall be deleted as follows:

~~Special Condition #1 calls for revised final plans, including a prohibition on using Horse Trail Road to haul sand to the beach. The MND, and other project documentation, indicated problems could arise if the road, and especially the wooden bridge, were not strong enough, or wide enough, to accommodate construction traffic, which is expected to consist of dump trucks and/or scrapers. These concerns were great enough for the applicant to prohibit use of this route during storm events. The Commission finds it must go one step further and prohibit the use of this route in all cases for the purpose of hauling sand to the beach. This route can be used on return trips when the weight of the sand has been removed from the vehicles and, as such, the potential for impacts is greatly reduced.~~

4. The paragraph beginning on Page 9 and extending onto Page 10 of the staff report shall be modified as follows:

With respect to water quality, construction equipment used for the project has the potential to contaminate the sand from minor spills and leaks from equipment. However, as proposed and conditioned, ~~all~~ construction vehicles will be stored at either of two proposed staging areas. ~~O~~ne identified staging area is at the stockpile site where the Goat Canyon sediments are currently stored. This site is the pick-up location for the sands, so having ~~everythings~~ staged and stored here makes ~~the most~~ sense. A second staging site ~~is~~ proposed by the applicant at the equestrian staging area at the east end of the Horse Trail Road. Both sites are well inland from the beach, and neither contains any sensitive biological resources; both sites will include extensive BMPs to minimize the potential for offsite impacts due to sedimentation and runoff. ~~However, the Horse Trail Road site is used by the equestrians for their trucks and horse trailers. With only one-way traffic now being permitted on Horse Trail Road, there seems no need for two staging areas.~~

5. The first full paragraph of Page 13 of the staff report shall be modified as follows:

The proposed project will provide benefits to the public in the form of additional sand that can be used for public access and recreation. Additional sand may also provide some additional protection to upland areas from the effects of marine erosion. Although these benefits may accrue, the project will still result in direct, though temporary, impacts on public access and recreation. Special Condition #1 indirectly addresses public access, as it ~~sets limits on the use of Horse Trail Road, and~~ prohibits any storage or maintenance of mechanical equipment on the beach, thus assuring better public access and use of the beach during non-construction hours of the day. With this, and the other project parameters, any temporary impacts to public access and recreation will be mitigated to the maximum extent possible.

**CALIFORNIA COASTAL COMMISSION**

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# Wed 12b

Filed: May 9, 2008  
 49th Day: June 27, 2008  
 180th Day: November 5, 2008  
 Staff: Ellen Lirley-SD  
 Staff Report: August 21, 2008  
 Hearing Date: September 10-12, 2008

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-08-048

Applicant: CA Dept. of Parks and  
 Recreation

Agent: Moffitt & Nichol  
 Brian Leslie

Description: Deposition of 60,000 cu.yds. of sediment obtained from the Goat Canyon sediment storage and sorting area onto the beach in three increments as a four-month experiment in using siltier sands for beach replenishment.

Site: On the beach, along Border Field State Park Beach, from approximately 1/2-mile south of the Tijuana River mouth to approximately 1/2-mile north of the Mexican border, Imperial Beach (San Diego County)

Substantive File Documents: Certified City of Imperial Beach Local Coastal Program; Certified City of San Diego Local Coastal Program; Final Initial Study Mitigated Negative Declaration, dated April, 2008 (SCH Number: 2008011128); Draft Report, Goat Canyon Retention Basin Stockpile Testing, dated May 2, 2008; Tijuana Estuary Fate and Transport Project, Supplemental Stockpile Grain Size Analysis; Physical Monitoring Science Plan, dated April 15, 2008; Proposed Construction Monitoring Plan for the Tijuana Sediment Fate and Transport Study, dated June 6, 2008; Biological Technical Report for the Proposed Sediment Fate and Transport Study, dated June 16, 2008; Essential Fish Habitat Assessment for the Tijuana Estuary Sediment Fate and Transport Study, dated May, 2008; Biological Science Monitoring Plan, dated July 1, 2008; Moffatt & Nichol Memorandum, dated August 19, 2008

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval with conditions of the proposed 4-month experiment to study and track siltier sands after deposition on the beach. The purpose of the experiment is to determine if the sediment removed from the Goat Canyon Sediment Basins can be placed on the beach on a regular basis rather than trucked to a landfill. A monitoring program is included which is

intended to identify any impacts on biological resources, water quality, public access and public recreation, such that they can be addressed in any future permit requests for such deposition. The Commission's staff resource ecologist, coastal engineer, and Water Quality Unit have reviewed the project and have not identified any substantive issues with regard to consistency of the project with Coastal Act policies, and their comments have been incorporated into the proposed special conditions. Special Conditions are included that prohibit use of Horse Trail Road as a westbound haul route, prohibit use of one proposed staging area, require adherence to many construction BMPs, provide for mitigation should unexpected wetland impacts occur, require submittal of monitoring reports and permits from other agencies, and limit the permit for one-time use only.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-08-048 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE PERMIT:**

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

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Final Plans. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final, full-size plans for the proposed development in general conformity with the plans identified as Draft Tijuana Estuary Sediment Fate and Transport Study, dated July 1, 2008, except that they shall be revised as follows:

- a. The haul route utilizing the Horse Trail Road shall not be used to transport sand to the beach deposition site (but may be used on the return trip with empty trucks after deposition of sand on the beach).
- b. During the construction stages of the project, the permittee shall not store any construction materials or waste where it will be or could potentially be subject to wave erosion and dispersion. In addition, no machinery shall be placed, stored or otherwise located in the intertidal zone at any time, except for the minimum necessary to implement the project. Construction equipment or materials shall not be washed or stored overnight on the beach or in the beach parking lots, including the equestrian staging area at the intersection of Horse Trail Road and Monument Road.

The applicant shall undertake the development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

2. Post-Construction Wetlands Survey. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the existing condition of the wetland vegetation and substrate along the proposed Horse Trail Road shall be documented. The extent of any impacts to the vegetation and substrate resulting from the approved development shall be assessed and documented in a post-construction survey 90 days after the completion of the project to determine actual impacts. This will allow for the potential natural restoration of areas subject to temporary construction impacts. If no impacts have been identified, no mitigation will be necessary. Mitigation measures will be necessary if any impacts are detected by the 90-day post-construction survey, as follows.

- a. If the 90-day post-construction survey identifies that temporary impacts remain, the area shall be revegetated at a 1:1 ratio.
- b. If the 90-day post-construction survey identifies that permanent wetland impacts have occurred, a permit amendment is required to address the identified impacts. Mitigation shall be provided for any identified permanent wetland impacts at a ratio of not less than 4:1.

- c. The following goals, objectives, and performance standards apply for any necessary restoration:
1. The applicant must fully restore all wetland impacts that are identified as temporary, beyond the 90 day self-recovery period. Restoration of temporarily impacted areas shall include at a minimum, restoration to before-impact hydrology, removal of all non-native plant species, and replanting with locally collected native wetland species.
  2. Success criteria and final performance monitoring shall provide at least a 90% coverage of areas disturbed by construction activities within 1 year of completion of construction activities.
    - A. The final design and construction methods that will be used to ensure the restoration sites achieve the defined goals, objectives, and performance standards.
    - B. Submittal, within 30 days of initial restoration work, of post-restoration plans demonstrating that the revegetated areas have been established in accordance with the approved design and construction methods.
    - C. A survey taken 1 year after revegetation identifying the quantity and quality of the restored plants. If the survey demonstrates the revegetation has been unsuccessful, in part or in whole, the survey shall include a plan for remediation and further surveys / reports until the site(s) are fully restored
  - d. All surveys, reports or other documentation of the post-construction impacts shall be submitted to the San Diego office of the Coastal Commission within 30 days of completion.

The permittee shall undertake development in accordance with the approved restoration plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Final Monitoring Program. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, a final monitoring program for the proposed development. The monitoring program shall be in substantial conformance with the Proposed Construction Monitoring Plan, Physical Monitoring Science Plan, and Biological Science Monitoring Plan, including any revisions identified in the Moffatt & Nichol Memorandum, dated August 19, 2008. In addition, the program shall include a reporting

component, identifying the California Coastal Commission, as well as any other relevant agencies, as a recipient of all reports.

The permittee shall undertake monitoring in accordance with the approved monitoring plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Other Permits. **PRIOR TO THE COMMENCEMENT OF CONSTRUCTION**, the permittee shall provide to the Executive Director copies of all other required state or federal discretionary permits (such as U.S. Army Corps of Engineers, Regional Water Quality Control Board and the State Lands Commission) for the development authorized by CDP #6-08-048. The applicant shall inform the Executive Director of any changes to the project required by other state or federal agencies. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this permit, unless the Executive Director determines that no amendment is legally required.

5. Construction BMP Program. The applicant shall implement all construction BMPs identified as Attachment A of the Moffatt & Nichol Memorandum dated August 19, 2008. The program is attached as Exhibit #3.

6. Term of Permit. This coastal development permit authorizes a one time only transport and beach deposition of up to 60,000 cu.yds. of sand as approved herein that may occur from October 1, 2008 through February 15, 2009. No work may occur outside of these approved dates.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The California Department of Parks and Recreation is proposing to conduct an experiment on the beach at the Tijuana Estuary that would include four months of sand deposition and additional monitoring time. The experiment, titled the Tijuana Estuary Sediment Fate and Transport Study, would determine the feasibility of using siltier sands to prevent coastal erosion, provide future restoration options and for beach nourishment, than those sands typically found on Southern California beaches. The sand is expected to have a grain size distribution of approximately 50% sand and 50% fines, whereas natural beach sand is a mixture of approximately 80% sand and 20% fines. If the experiment is successful, it could offer an alternative to trucking siltier sands to landfills for disposal.

The Goat Canyon sediment basins (City-issued Coastal Development Permit in 2002) provide the source of sands for the experiment. The basins are cleaned out at least once a year in anticipation of the next rainy season. Currently, after trash is removed from the



dredged materials, the sediments are stored in stockpiles near Monument Road until they can be trucked to a legal disposal site. All of these features are part of the Goat Canyon project. Through the proposed experiment, currently stockpiled sand from the Goat Canyon facility will be placed on an approximately half-mile stretch of beach roughly midway between the mouth of the Tijuana River and the U.S./Mexico border.

A total of 60,000 cu.yds. of materials is proposed to be placed over the beach, through three separate depositions, roughly one month apart, of 10,000, 10,000 and 40,000 cu.yds respectively. The sands will be placed on the lower beach, between the high and the low water lines between October 1, 2008 and February 15, 2009. These dates are confirmed in Special Condition #6, which also states that this is a one-time only permit. After deposition, and between the phases of deposition, a monitoring program will track how the sands disburse and move about within the Silver Strand littoral cell. Monitoring will also document how use of these siltier sands affects biological resources, such as sea birds, benthics and invertebrates; what role these sands play in preventing coastal erosion/protecting dune colonies; what impacts occur to public recreational resources, such as whether surfing is affected; and whether actual construction is done in the least environmentally-damaging manner.

The beach site is located geographically within the City of Imperial Beach, which has a fully-certified LCP. The existing stockpiles may be geographically within the City of San Diego, along with portions of the haul routes. However, the materials are being placed within the surf zone, and thus within the Commission's retained original jurisdiction. Original jurisdiction actually extends inland in this area to just east of the north-south portion of Monument Road, such that all areas of potential adverse effect due to the proposed development are in the Coastal Commission's jurisdiction. Therefore, Chapter 3 of the Coastal Act is the legal standard of review, and the Cities' LCPs can be used as guidance. In addition to this Coastal Commission permit, the proposed development also requires the review and approval of other state and federal agencies, namely the California Regional Water Quality Control Board, the State Lands Commission, and the U.S. Army Corps of Engineers. Therefore, Special Condition #4 has also been attached to the subject permit requiring submission of any other state or local permits that might be required to assure that any conditions imposed by those permits do not conflict with the Commission's action.

2. Biological Resources/Water Quality. The applicable Coastal Act policies are cited below, and state in part:

**Section 30230**

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**

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

**Section 30240**

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

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

These Coastal Act policies require the Commission to address potential impacts on marine resources by considering the timing of the deposition of the material on the beach, the presence of environmentally sensitive resources, and use of unpaved haul routes. Deposition of material onto the beach can affect marine life through the burial of organisms on the beach and in the nearshore environment, and by increasing turbidity in adjacent waters. In this case, the project is proposed for the months outside bird breeding seasons, which vary somewhat from species to species, but which overall can begin as early as February 15<sup>th</sup> and end as late as September 30<sup>th</sup> (the project will thus run from October 1, 2008 to February 15, 2009). Both California least terns and western snowy plovers nest in the general area, although not at the specific deposition site. Moreover, many other species of migratory birds using the Pacific flyway over-winter in the San Diego region. Thus, although all avian nesting seasons will be avoided, turbidity in the water could adversely impact shorebirds' ability to find food in offshore waters.

The Mitigated Negative Declaration (MND) for the project reviewed the potential project impacts from the direct placement of sand, from extra turbidity in near-shore waters, and from use of heavy equipment to transport the sand to the beach. Sand is the predominant existing habitat at the site, and some loss of benthic organisms on the beach will likely occur. However, these species are fairly adaptable and are expected to recover quickly. The deposition area is naturally turbid, as it is a well-mixed surf zone. Deposition of additional sands into this area could temporarily increase turbidity, but not significantly above its natural state. The use of heavy equipment hauling sand in unpaved areas (Horse Trail Road) could result in some erosion from the road surface and/or possible

damage to existing dunes and a wooden bridge across a side channel. Temporary support structures (steel plates) would have to be used to reinforce the bridge and cross the dune line. There is a possibility that erosion in the area of the bridge could result in sediments entering the river side channel.

The proposed project includes monitoring programs addressing a number of issues including any potential loss of biological resources. The proposed deposition area is not predicted to experience long-term, significant direct impacts from the physical, short-term and incremental placement of sand during this experiment. However, turbidity can indirectly impact plankton, fish, marine mammals, birds, vegetated reefs, and benthic invertebrates. Turbidity results from suspended particles in the water column that can reduce ambient light levels, which can impact primary production of plankton and inhibit kelp and algae growth. The MND determined that while there is some potential for turbidity plumes to extend out into the ocean, the duration would be very limited due to the temporary nature of the project. In addition, the actual amount of a turbidity plume that would reach any sensitive areas is expected to be within the range that naturally occurs in these areas during the time of year the project is proposed to occur. Turbidity will be monitored, however, by aerial overflights and from boats, as such information would likely be required as part of any application for more permanent or ongoing beach nourishment projects.

It should be noted that the type of sands proposed for placement on the beach historically washed through the estuary and eventually out onto the beaches anyway prior to construction of the Goat Canyon sediment basins. The basins were constructed to address the problem that upstream development and huge population growth (mostly in Mexico) had increased the amount and quality of the runoff far beyond historic amounts, and beyond what the natural estuary could process. Thus, much of these sands, and especially the debris carried with them, settled out before ever reaching the beach and adversely impacted (smothered) downstream estuarine resources. The Goat Canyon sediment basin operation includes the basins themselves, routine excavation of the basins, stockpiling and sorting of the basin contents, and removal of everything to legal dumpsites. The proposed development is simply an experiment to determine if it is feasible to provide a new disposal site for sediments that have been sorted to remove trash and the like and tested for contaminants. Thus, although the subject sand is siltier than typical beach sand, it is cleaner than what came downriver in historic times.

Although no sand will be placed directly on sensitive marine resources, the sand placed on the beach will eventually be washed by waves and redistributed offshore and alongshore through natural processes. Tracking this disbursement is a primary project component. There is a potential that the sand introduced into the littoral cell through the proposed project would eventually settle on nearby sensitive resources, potentially disturbing or harming those resources. An analysis of indirect sedimentation impacts would likely be required in conjunction with future permits of this type.

One key focus of the monitoring will be to track the sand that is placed at the receiver sites and the other key focus will be to determine whether any sensitive species, or

sensitive habitats, are being adversely affected by the project. Both elements are important to the overall project evaluation and to demonstrate what effects the use of siltier sands might have in future projects. The purpose of this particular experiment is not so much to analyze the impacts of sand replenishment in general; many studies have already addressed this issue. This experiment is to determine whether the use of siltier sands has impacts different from, or in addition to, those found in other sand replenishment projects that use the EPA standard ratio of 80% sands to 20% fines. The proposed project would use a sand-to-silt ratio of roughly 50%-50%.

Special Condition #1 calls for revised final plans, including a prohibition on using Horse Trail Road to haul sand to the beach. The MND, and other project documentation, indicated problems could arise if the road, and especially the wooden bridge, were not strong enough, or wide enough, to accommodate construction traffic, which is expected to consist of dump trucks and/or scrappers. These concerns were great enough for the applicant to prohibit use of this route during storm events. The Commission finds it must go one step further and prohibit the use of this route in all cases for the purpose of hauling sand to the beach. This route can be used on return trips when the weight of the sand has been removed from the vehicles and, as such, the potential for impacts is greatly reduced.

Special Condition #1 also prohibits any storage of construction materials or waste where it could enter coastal waters, any use of machinery in the intertidal zone except as specifically required to implement the project, and any washing or overnight storage of equipment or materials on the beach or in beach parking lots, including the equestrian staging area at the intersection of Horse Trail Road and Monument Road. Since two-way traffic is not permitted on Horse Trail Road, pursuant to this special condition, it appears unnecessary to have a staging area or turnout here.

No wetlands impacts are anticipated to occur from the proposed development. However, Horse Trail Road runs between wetland areas and, if something unexpected happened, damage to wetland resources could occur. Special Condition #2 provides for pre- and post-construction surveys, and implementation of mitigation should any impacts to wetlands be found to have occurred.

Special Condition #3 addresses the various components of the proposed monitoring program, which includes monitoring of biological resources. The staff ecologist and staff engineer have both reviewed this project. They concurred in concept, but requested a few revisions to the proposed monitoring plans. Their requests were incorporated through a memo from the applicant received by Commission staff on August 20<sup>th</sup>. Therefore, the condition requires submittal of a final monitoring program incorporating both the original components and those added later.

With respect to water quality, construction equipment used for the project has the potential to contaminate the sand from minor spills and leaks from equipment. However, as proposed and conditioned, all construction vehicles will be stored at one identified staging area at the stockpile site where the Goat Canyon sediments are currently stored.

This site is the pick-up location for the sands, so having everything staged and stored here makes the most sense. A second staging site was proposed by the applicant at the equestrian staging area at the east end of the Horse Trail Road. Both sites are well inland from the beach, and neither contains any sensitive biological resources. However, the Horse Trail Road site is used by the equestrians for their trucks and horse trailers. With only one-way traffic now being permitted on Horse Trail Road, there seems no need for two staging areas.

The Commission's Water Quality Unit reviewed this application. Again, there was concurrence on the project itself, particularly due to its short duration, but a detailed BMP program was not part of the proposed construction monitoring plan. The applicant has since submitted a detailed BMP program. Special Condition #5 requires the applicant to implement all proposed BMPs, which are attached to this report as Exhibit #3. As indicated previously, Special Condition #1 prohibits the storage of construction material in the surf zone, and washing vehicles on the beach. As conditioned, no significant impacts to water quality are expected.

In summary, the proposed project has been designed to avoid significant adverse impacts on biological resources and water quality. The recommended special conditions address the few areas where changes were needed, and reinforce some components of the project as proposed. While the sand being used in this experiment contains more fines than typical beach sand, no contaminants will be present, as all the sand is tested and treated at the stockpile site, and contaminated sands are removed for disposal at a legal site for such materials. As conditioned, the Commission finds that the proposed project will ensure that all environmental impacts are minimized, and if significant impacts do occur despite all precautions, they will be identified and adequately mitigated. Therefore, the proposed project is consistent with the cited resource protection policies of the Coastal Act.

3. Public Access. The following Coastal Act policies are most applicable to the proposed development and state, in part:

#### **Section 30210**

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

#### **Section 30211**

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

**Section 30212**

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby...

**Section 30213**

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

**Section 30214(a)**

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

(1) Topographic and geologic site characteristics.

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

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

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

**Section 30220**

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

In addition, Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the sea and the first public roadway, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

The identified deposition area is on a beach at the far southwestern end of California, just over half a mile north of the Mexican border, and about that same distance south of the mouth of the Tijuana River. It extends for roughly 2,600 feet laterally along the beach. In this area, there is use by swimmers and surfers, although not at the levels seen in the urban beaches to the north. The beach is also used by a large equestrian community in this mainly agricultural and open space area, as it is the only area where horses can be taken onto the beach in San Diego County. Finally, equestrians, hikers and bikers use the extensive network of trails and roads throughout the park.

Historically, this entire stretch of beach, as well as areas to the north of the river, has been closed to the public during much of the rainy season, and sometimes year round, due to high levels of coliform in the ocean after major storm events or occasional sewage spills. Runoff from across the border in Mexico runs into the estuary, and thence to the beach, from several side canyons, including Smuggler's Gulch, Yogurt Canyon, and Goat Canyon. Although the situation is greatly improved over the past by the operation of wastewater treatment facilities on both sides of the border and the Goat Canyon detention basins, frequent beach closures still occur, especially during the winter months when flows are too great to be treated by these facilities..

The applicant proposes to place the sand on the beach between October 1, 2008 and February 15, 2009, the only window open between the breeding seasons of various bird species that nest in the area. The applicant proposes a 7-day work week during hauling/deposition periods. The Commission does not typically allow such work to occur on the beach during weekends even outside of the summer season. However, in this case, there is such a limited construction window, the experiment could not be conducted if all weekend work were prohibited. The three main holiday weekends during that period (Thanksgiving, Christmas and New Years) will be avoided, and trails/roads otherwise closed for construction purposes will be reopened for public recreational use during those periods.

Even if the beach itself is open, the rainy season poses another problem for beachgoers, as the access trails and roads leading to the beach and other areas of Border Field State Park frequently flood and have to be closed. In fact, park access is closed to the public except on weekends outside the summer months, and always when the roads are flooded. This leads to less public recreation typically occurring at the subject site during the time this project will be ongoing. However, because it is unpaved, the Horse Trail Road cannot be used for hauling sand during rain events, and Monument Road may also be closed at times due to flooding. So the proposed project, in addition to the general public, may be adversely affected by winter storms.

A factor mitigating impacts to public access is that the hauling and deposition of sand will be intermittent, as the project is to occur in phases. The first phase of hauling and depositing 10,000 cu.yds. of sand is expected to take approximately ten days. The second phase is identical, but will commence several weeks after the first phase, allowing a significant window for unfettered public recreation between the phases. The third phase, which will deposit 40,000 cu.yds. of sand, will begin several weeks after the second, but

this much larger phase could require up to sixty days to complete. However, when construction is not in progress, the beach and haul routes will be fully open for public access and recreational uses.

The proposed project will provide benefits to the public in the form of additional sand that can be used for public access and recreation. Additional sand may also provide some additional protection to upland areas from the effects of marine erosion. Although these benefits may accrue, the project will still result in direct, though temporary, impacts on public access and recreation. Special Condition #1 indirectly addresses public access, as it sets limits on the use of Horse Trail Road, and prohibits any storage or maintenance of mechanical equipment on the beach, thus assuring better public access and use of the beach during non-construction hours of the day. With this, and the other project parameters, any temporary impacts to public access and recreation will be mitigated to the maximum extent possible.

In summary, the proposed project will have short-term impacts on public access and recreation, which have been minimized by construction occurring during the fall and winter months when, particularly in winter, less recreational use occurs. The phased nature of the project also benefits public recreation, in that periods of closure will be broken up by periods when the beach and haul roads are fully open for public use. The construction schedule will be placed on the State Parks website and posted at key access points in the reserve, accompanied by a map identifying alternate routes for hikers, bicyclists, and equestrians. The project overall will have a positive impact on public access and recreation by adding sand to the beach. Therefore, as conditioned, the proposed project can be found consistent with the public access and recreation policies of the Coastal Act.

4. Local Coastal Planning. Both the City of Imperial Beach and the City of San Diego have fully-certified LCPs and generally issue their own coastal development permits. However, the identified haul routes and the beach deposition area are located within the Commission's area of original jurisdiction. In addition, the original permit for the construction of the basins by the City included necessary dredging and maintenance. Therefore, although the proposed development is consistent with both LCPs, Chapter 3 of the Coastal Act is the legal standard of review for this proposal. As shown in the prior findings, the project, as conditioned, is consistent with all cited Chapter 3 policies of the Act, and its approval should in no way prejudice either local jurisdiction with respect to the continued implementation of their LCPs.

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



The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing biological resources and public access will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6-08-048

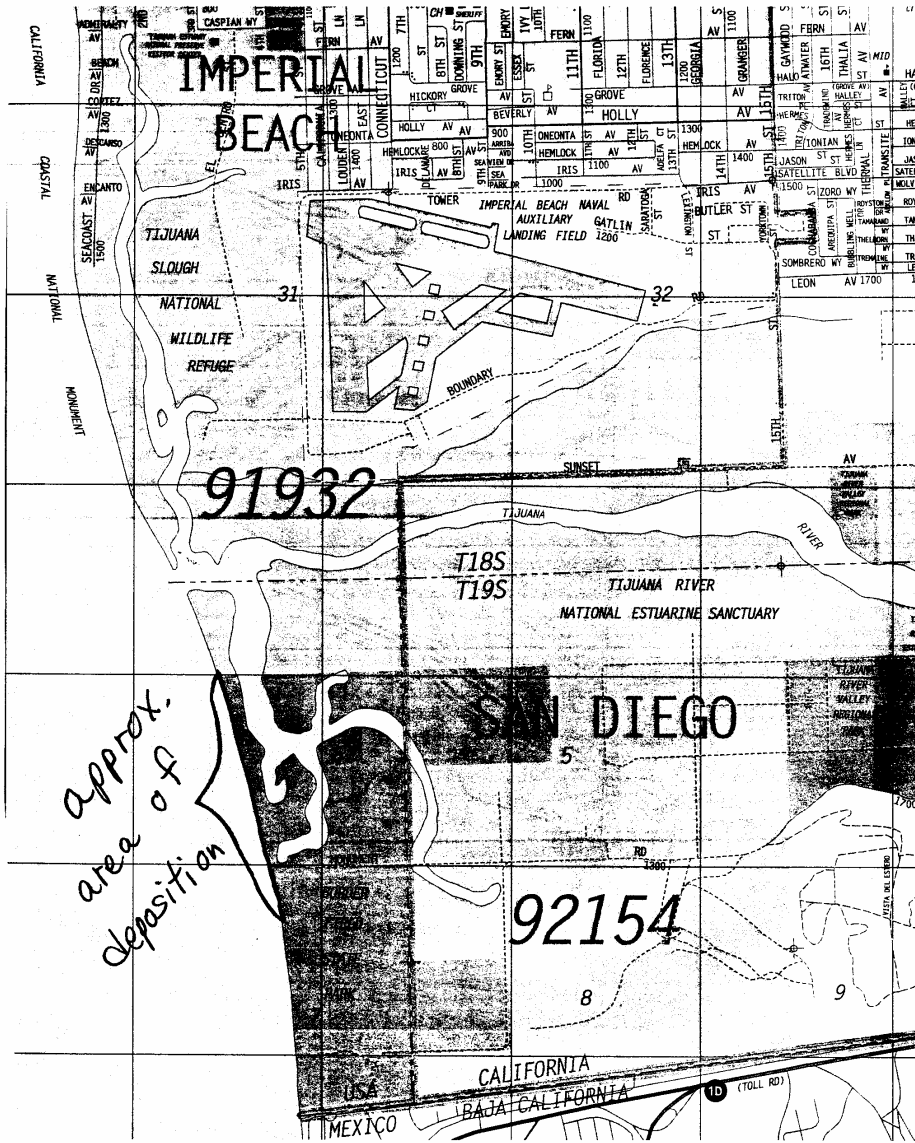


EXHIBIT NO. 1
APPLICATION NO.
<b>6-08-048</b>
Location Map
California Coastal Commission

6-08-048

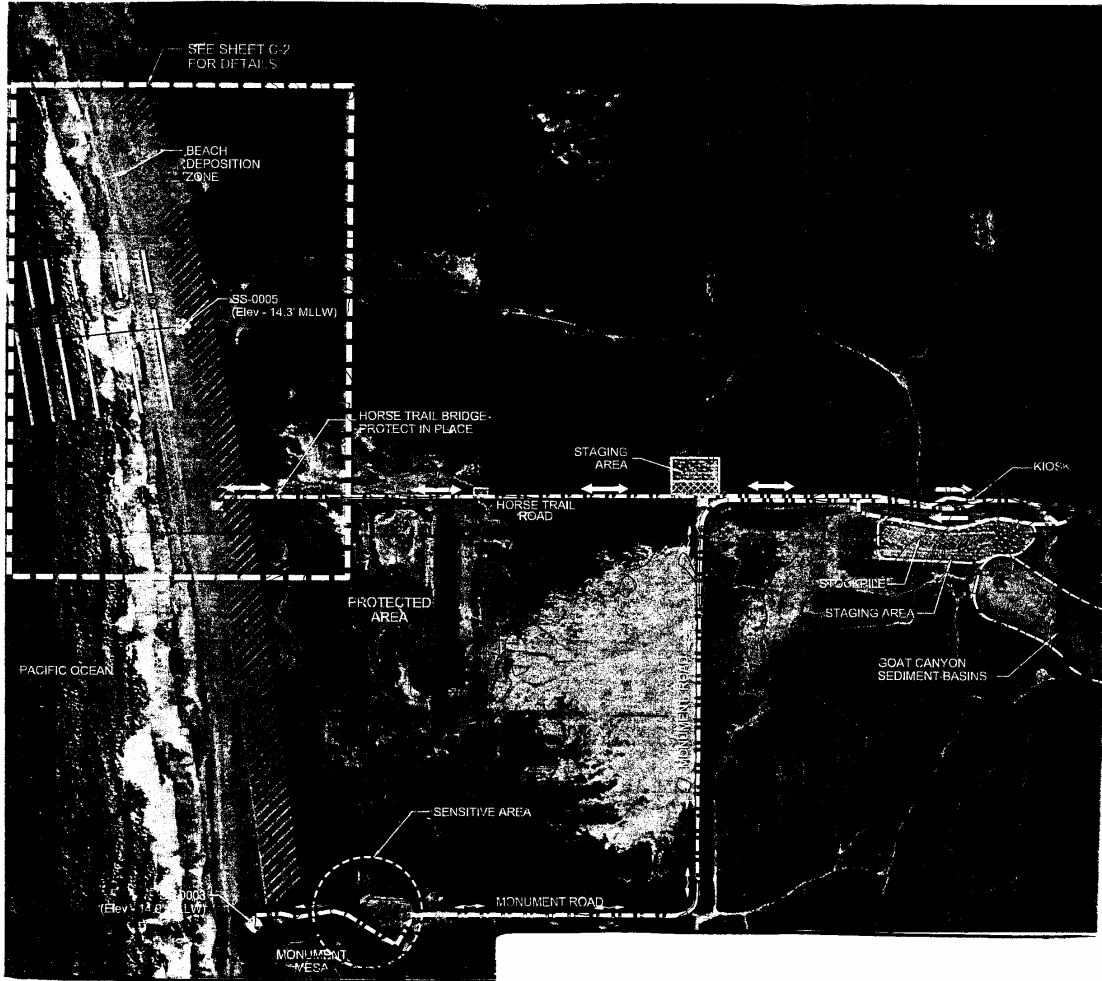



EXHIBIT NO. 2
APPLICATION NO.
<b>6-08-048</b>
Site Plan
California Coastal Commission

6-08-048

**ATTACHMENT A: SPECIFICATION INFORMATION ON WATER QUALITY****PART 3 EXECUTION****3.01 PROTECTION OF NATURAL RESOURCES**

- A. The Contractor shall conform to the requirements of applicable permits.
- B. The Contractor shall inform all construction personnel about the extreme sensitivity of the Tijuana Estuary and the responsibility associated with working in this area. Responsibilities and restrictions for the Contractor shall include the following items:
1. No construction personnel and associated vehicles shall enter sensitive wetlands areas that are outside those identified by staking, flagging, and fencing.
  2. No pets shall be brought to the project site.
  3. No unauthorized personnel shall be allowed on-site. All personnel on-site shall be approved by the Construction Manager.
  4. No catering trucks shall be allowed on-site.
  5. No litter, including tobacco debris shall be allowed at the project. No hydrocarbons and anti-freeze compounds shall be allowed to be deposited on the soil surface within the project site. Equipment maintenance shall be done off-site. If lubrication of equipment is required at the project site, 10 mil vinyl drop sheets shall be placed under the equipment while the servicing is taking place. The area around the equipment being serviced shall be bermed to catch runoff and spillage.
  6. Access to the project shall be existing roads, trails, and access ramps as shown on the Drawings.
  7. Equipment and vehicles driven and operated within and adjacent to sensitive wetlands shall be checked for leaks of oils and other substances that could be deleterious to wildlife and wetland habitat. Equipment and vehicles shall be maintained daily.
  8. Stationary equipment, such as motors, pumps, and generators shall be positioned over drip pans when located within and adjacent to the Tijuana Estuary wetlands.
  9. Spills of toxic materials shall be cleaned up immediately. The Contractor shall notify the Construction Manager who will appropriate agencies of all spills and the method of clean up.

EXHIBIT NO. 3
APPLICATION NO.
<b>6-08-048</b>
BMP Program
3 Pages
 California Coastal Commission

10. The Contractor's employees shall sign an acknowledgement that they are aware of these conditions and that their violation of these conditions may result in termination of work on the project.

#### **3.04 EROSION, SEDIMENT AND STORMWATER CONTROL MEASURES**

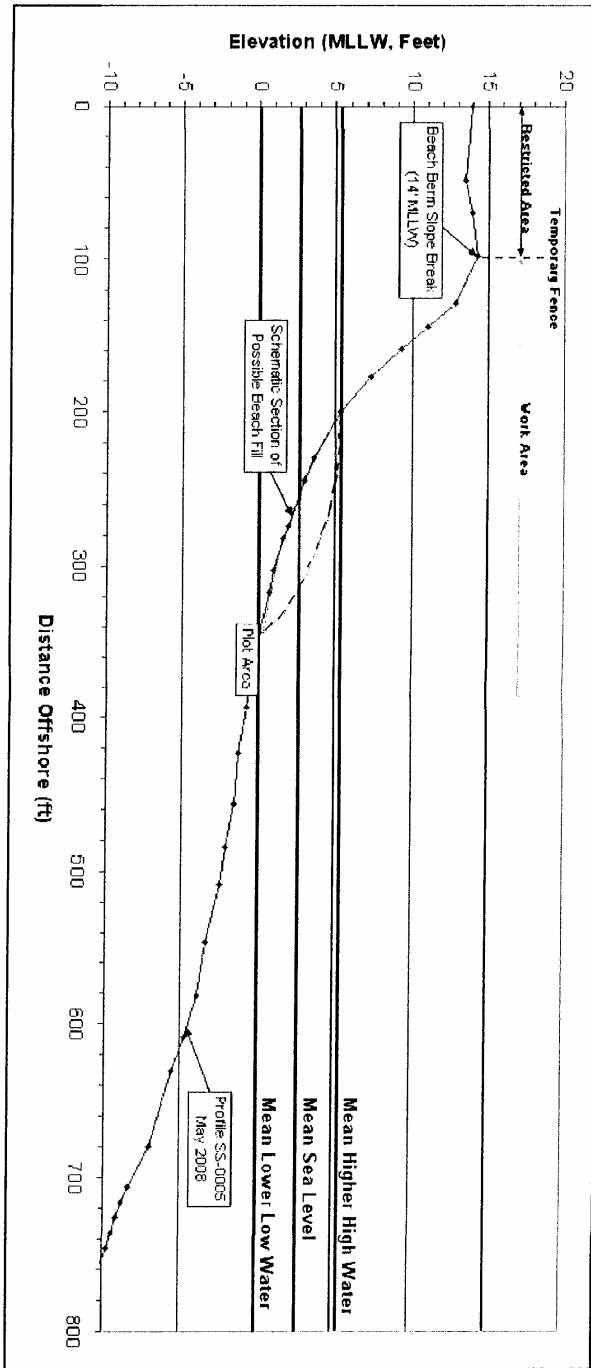
- A. The Contractor shall prepare a Stormwater Pollution Prevention Plan (SWPPP) and implement those Best Management Practices (BMP's) described within the Plan at all times. The City has developed a standard construction SWPPP Checklist which provides checklists and a "fill in the blank" format that can be adapted for use at the construction project site. A copy of the SWPPP checklist is provided in the Appendix E. Contractor may make additions to the SWPPP as he deems appropriate to address the work.
- B. The Contractor shall submit a Stormwater Pollution Prevention Plan (SWPPP) prior to beginning work and implement those Best Management Practices (BMP's).
- C. The Contractor shall submit to the Construction Manager an amended SWPPP whenever there is a change in construction or operations which may affect the discharge of significant quantities of pollutants to surface waters, ground waters, or a municipal storm water management system.
- D. The Contractor shall install fiber rolls or another method approved by the Construction Manager along both sides of Horse Trail Road and along the south side of a portion of the processing pad access road, as shown in the Drawings, to prevent water runoff from these roadways into adjacent wetland habitat. If utilized, the fiber rolls shall be certified weed free and the Contractor shall submit documentation to the Construction Manager certifying that the installed fiber rolls are weed free.

#### **3.09 HAZARDOUS WASTE GENERATION AND DISPOSAL**

- A. The Contractor shall handle and dispose of generated hazardous waste in accordance with all applicable local, state, and federal laws and regulations.
- B. The Contractor shall inspect his equipment for leaks prior to the start of project activities and regularly thereafter. The Contractor shall repair leaks immediately. The Contractor shall repair and clean equipment outside the park boundaries.
- C. The Contractor shall prepare an emergency spill response plan prior to the

start of the project and maintain a spill kit on-site throughout the duration of the project. The emergency plan shall include a map delineating staging areas, where refueling, lubrication, and maintenance of equipment may occur. In the event of a spill and release of a chemical on park property, the Contractor shall immediately notify the Construction Manager. Emergency containment procedures shall be initiated immediately.

6-08-048



TYPICAL SECTION  
NOT TO SCALE

A  
C-2

EXHIBIT NO. 4
APPLICATION NO.
<b>6-08-048</b>
Cross-Section
California Coastal Commission