

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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# CENTRAL COAST DISTRICT (SANTA CRUZ) DEPUTY DIRECTOR'S REPORT

*For the*

## *March Meeting of the California Coastal Commission*

MEMORANDUM

Date: March 8, 2012

TO: Commissioners and Interested Parties  
FROM: Dan Carl, Central Coast District Deputy Director  
SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments and extensions issued by the Central Coast District Office for the March 8, 2012 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Central Coast District.

***REGULAR WAIVERS***

1. 3-11-070-W Moss Landing Harbor District (Moss Landing, Monterey County)

***DE MINIMIS WAIVERS***

1. 3-12-004-W San Luis Obispo County Flood Control & Water Conservation Dist., Attn: Paavo Ogren; California Department Of Parks & Recreation, Attn: Andy Zilke (Oceano, San Luis Obispo County)

***IMMATERIAL AMENDMENTS***

1. A-3-SLO-09-055/069-A1 County Of San Luis Obispo (Los Osos, San Luis Obispo County)

**TOTAL OF 3 ITEMS**

## ***DETAIL OF ATTACHED MATERIALS***

### ***REPORT OF REGULAR WAIVERS***

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 13250(c) and/or Section 13253(c) of the California Code of Regulations.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-11-070-W</b> Moss Landing Harbor District	One-time maintenance dredging within the southern portion of Moss Landing Harbor, at 7881 Sandholdt Road in Moss Landing. The project includes dredging up to 73,190 cubic yards of material from six locations within the south harbor docking area. All dredge spoils would be deposited at a U.S. Environmental Protection Agency and U.S. Army Corps of Engineers approved offshore disposal site known as SF-12. All dredging and disposal activities are proposed to be consistent with the terms and conditions of CDP 3-01-049 (which authorized regular maintenance dredging at Moss Landing Harbor but which has since expired).	7881 Sandholdt Road (North and South harbors), Moss Landing (Monterey County)

### ***REPORT OF DE MINIMIS WAIVERS***

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>3-12-004-W</b> San Luis Obispo County Flood Control & Water Conservation Dist., Attn: Paavo O'Brien	Implement the Oceano Lagoon Reed Management Plan to establish an approximately 10-foot wide open water area (adding approximately one-half acre of additional open water area) in the arms of Oceano Lagoon at Arroyo Grande Creek nearest the ocean as a means of facilitating water flow and habitat diversity.	Oceano Lagoon (Meadow Creek, between Strand Way on the west and the Oceano Airport), Oceano (San Luis Obispo County)

### ***REPORT OF IMMATERIAL AMENDMENTS***

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<b>A-3-SLO-09-055/069-</b> County Of San Luis Obispo	CDP A-3-SLO-09-055/069 would be amended to allow the generator building associated with the Midtown pump station facility to be relocated from Los Osos Community Park to the parking lot area of the Los Osos branch of the San Luis Obispo County Library system.	2198 Los Osos Valley Road, Los Osos (San Luis Obispo County)



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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** February 23, 2012  
**To:** All Interested Parties  
**From:** Madeline Cavalieri, Central Coast District Manager  
Mike Watson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-11-070-W**  
Applicant: Moss Landing Harbor District

### Proposed Development

One-time maintenance dredging within the southern portion of Moss Landing Harbor, at 7881 Sandholdt Road in Moss Landing. The project includes dredging up to 73,190 cubic yards of material from six locations within the south harbor docking area. All dredge spoils would be deposited at a U.S. Environmental Protection Agency and U.S. Army Corps of Engineers approved offshore disposal site known as SF-12. All dredging and disposal activities are proposed to be consistent with the terms and conditions of CDP 3-01-049 (which authorized regular maintenance dredging at Moss Landing Harbor but which has since expired).

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13252 of the California Code of Regulations, and based on project plans and information submitted by the Applicant regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The Moss Landing Harbor District's last five-year dredging CDP expired on August 8, 2007. The Harbor District has recently applied for a new CDP for such regular maintenance dredging, but that application is not yet complete or ready for a Commission hearing. In the interim, the Harbor District has identified areas of significant shoaling in the south harbor that are impacting navigation, and by extension commercial fishermen, recreational boaters, and researchers. The Harbor District indicates that the accelerated shoaling is related to the 2011 Tohoku Earthquake in Japan and the resulting tsunami that reached California's central coast and deposited large amounts of sediment in the harbor, leaving many areas too shallow for adequate and safe navigation and/or docking by vessels. The Harbor District proposes to dredge and dispose of sediments consistent with the terms and conditions of the previous five-year dredging and disposal permit authorized by the Commission (CDP 3-01-049).

The proposed one-time dredging for Spring 2012 would take the sediments, all of which have been tested and verified to be "clean" and acceptable for normal disposal under the Clean Water Act, from the harbor via a "transport" pipe installed beneath the sand spit to SF-12, a designated dredge disposal site offshore of Moss Landing. The use of SF-12 is appropriate in this case because the sediments in question are too silty to qualify for beach nourishment, and their effect on marine resources at the SF-12 site should be negligible because the marine organisms and communities surrounding SF-12 have



## NOTICE OF PROPOSED PERMIT WAIVER

CDP Waiver 3-11-070-W (Moss Landing Harbor District Dredging)

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adapted to periodic disturbance through placement of sediments over the years. The SF-12 area is an area of naturally high sediment movement, and therefore the marine species in this area are generally adapted to such materials, and marine resources should not be adversely affected by such materials placement. In addition, BMPs are proposed that will ensure that only areas proposed for dredging are affected, and that adjacent areas not suitable for dredging and offshore disposal are avoided. Staging, storing, and stockpiling of equipment and materials will be onboard the dredge barge and thus will not require or affect on-land facilities. Mitigation measures will be in place to prevent/respond to any leakage or spilling, including halting operations until the cause of the leak or spill can be determined and fixed. A qualified biologist will survey the project site, including the locations of all pipelines, equipment, and materials, for the presence of special-status species prior to mobilization for work, and the immediate area of dredging will be inspected daily by the dredge operator to ensure that southern sea otters and brown pelicans are not within 50 meters of the dredge equipment during dredging activities. Dredge operations will also avoid interference with public access to and along the beach including by using an existing permanent “transport” pipe beneath the sand spit to convey dredge materials to the SF-12 receiver site.

In sum, a one-time authorization is appropriate in this case (as opposed to waiting to complete the CDP application) because the shoaling is having ongoing and immediate impacts on commercial, recreational, and research boating activities. Furthermore, the upcoming CDP application is meant to be a more comprehensive CDP that includes thoughtful evaluation of past dredging practices at Moss Landing with an emphasis on improving such operations and better protecting coastal resources in the future. The proposed project includes construction BMPs and mitigation measures to ensure that dredging activities will not have any adverse impacts on coastal resources, marine organisms, or public access consistent with the Coastal Act and the certified Monterey County Local Coastal Program.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission on Thursday, March 8, 2012, in Chula Vista. If three Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Mike Watson in the Central Coast District office.**



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## NOTICE OF PROPOSED PERMIT WAIVER

**Date:** February 23, 2012  
**To:** All Interested Parties  
**From:** Madeline Cavaleri, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Coastal Development Permit (CDP) Waiver 3-12-004-W**  
Applicant: San Luis Obispo County

### Proposed Development

Implement the Oceano Lagoon Reed Management Plan to establish an approximately 10-foot wide open water area (adding approximately one-half acre of additional open water area) in the arms of Oceano Lagoon at Arroyo Grande Creek nearest the ocean as a means of facilitating water flow and habitat diversity, in the unincorporated Oceano area of San Luis Obispo County.

### Executive Director's Waiver Determination

Pursuant to Title 14, Section 13238 of the California Code of Regulations, and based on project plans and information submitted by the applicant(s) regarding the proposed development, the Executive Director of the California Coastal Commission hereby waives the requirement for a CDP for the following reasons:

The Oceano Lagoon Reed Management Plan has been designed as a one-time removal of overgrown bulrush reed at the water line in existing flow paths to facilitate water movement, including storm flows, through the Lagoon, and to reduce the potential for flooding of residential and industrial properties adjacent to the Lagoon. The proposed work has been designed to be as minimally invasive and as resource protective as possible, including by: limiting work to hand work with non-mechanical and non-gasoline powered hand tools; limiting vegetation removal to the portion just above the Lagoon water level; requiring removal crews to have at least ten years of aquatic vegetation control experience; further requiring additional training of removal crews by a qualified biologist to help them identify and avoid potential sensitive species (e.g., southern steelhead, California red-legged frogs, and tidewater goby) impacts; requiring a biological monitor to be present during all work; and having the biological monitor conduct a preconstruction survey to determine the presence of nesting birds in the area (and to avoid work when birds are nesting). The project would take place either this winter (if heavy rains threaten) or this fall after bird-nesting season (after August 15 and before December 31, 2012). Coastal Commission staff, including the Commission's staff biologist, have worked closely with the County to ensure that the project will be successful for facilitating water flow and habitat diversity, and that it be appropriately conducted in a manner that is as protective as possible to coastal resources. In summary, as proposed, the project has been designed to avoid and minimize coastal resource impacts and is consistent with Chapter 3 of the Coastal Act.

### Coastal Commission Review Procedure

This waiver is not valid until the waiver has been reported to the Coastal Commission. This waiver is



NOTICE OF PROPOSED PERMIT WAIVER  
CDP Waiver 3-12-004-W (Oceano Lagoon Reed Management Plan)  
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proposed to be reported to the Commission on March 8, 2012, in Chula Vista. If four Commissioners object to this waiver at that time, then the application shall be processed as a regular CDP application.

**If you have any questions about the proposal or wish to register an objection, please contact Daniel Robinson in the Central Coast District office.**





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## NOTICE OF PROPOSED PERMIT AMENDMENT

**Date:** February 23, 2012  
**To:** All Interested Parties  
**From:** Madeline Cavalieri, Central Coast District Manager  
Daniel Robinson, Coastal Planner  
**Subject:** **Proposed Amendment to Coastal Development Permit (CDP) A-3-SLO-09-055/069**  
Applicant: San Luis Obispo County

### Original CDP Approval

CDP A-3-SLO-09-055/069 was originally approved by the Coastal Commission on June 11, 2010, and it authorized the construction and operation of a community sewer system (including a treatment plant, collection/disposal/reuse facilities, and all associated development and infrastructure) in the unincorporated coastal community of Los Osos adjacent to Morro Bay in central San Luis Obispo County (with the treatment plant located at 2198 Los Osos Valley Road and other related infrastructure located throughout Los Osos).

### Proposed CDP Amendment

CDP A-3-SLO-09-055/069 would be amended to allow the generator building associated with the Midtown pump station facility to be relocated from Los Osos Community Park to the parking lot area of the Los Osos branch of the San Luis Obispo County Library system. The Commission's reference number for this proposed amendment is A-3-SLO-09-055/069-A1.

### Executive Director's Immateriality Determination

Pursuant to Title 14, Section 13166(b) of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that the proposed CDP amendment is immaterial for the following reasons:

The Commission's original CDP approval required the Midtown pump station generator building to be moved away from the rest of the Midtown pump station facilities and across Palisades Avenue to an already disturbed area of the Los Osos Community Park site in order to limit the scope of Midtown pump station facility development to help reduce coastal resource impacts associated with that pump station. However, the County subsequently discovered that the Park is restricted against non-recreational development, such as a generator building, by virtue of the National Park Service requirements associated with Park Service funding for the Park. Thus, the County has proposed to instead move the generator building into the wood chip/ornamental landscape area that rings the Los Osos Library parking lot, across Palisades Avenue from the Park. The generator building itself would be unchanged from the original approved design (about 17 feet by 28 feet and under 14 feet high), it would be located immediately adjacent to the parking lot pavement edge, all associated connections (underground) between Midtown pump station facilities and the generator building would be substantially the same as originally approved, and the area immediately surrounding the building would be landscaped with native



## NOTICE OF PROPOSED PERMIT AMENDMENT

CDP A-3-SLO-09-055/069 (Los Osos Wastewater Project)

Proposed Amendment A-3-SLO-09-055/069-A1

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shrubs appropriate for this location to help screen it from view. Although siting the generator building in this alternate location just off the library parking lot would require some minor trimming of several branches of a low-growing ornamental eucalyptus (i.e., these trees were planted around the perimeter of the parking lot), the eucalyptus in this location are ornamental plantings that do not provide a habitat function (e.g., for monarch butterflies), and the site has been recently surveyed and inspected and found to contain no sensitive habitat as defined in the LCP, including no suitable habitat for the federally endangered Morro shoulderband snail. USFWS has concurred that the proposed relocated building site is poor habitat for this species, and that it is highly unlikely that snails would be located here. The project includes built-in measures (including pre-construction surveys and relocation provisions) to address any unexpected species issues. USFWS further indicates that the proposed building relocation is within the scope of their Biological Opinion (BO) issued for the overall project and, although they intend to administratively note the change in the BO, it does not change their authorization for the project.

In short, the proposed amended generator building location is consistent with the Commission's intention in the original CDP approval in terms of relocating this building, and this minor location change will not lead to significantly different impacts than those originally understood and approved by the Commission in June 2010. The proposed amendment is consistent with the Commission's original CDP approval, the certified LCP, and the Coastal Act's access and recreation policies.

### Coastal Commission Review Procedure

The CDP will be amended as proposed if no written objections are received in the Central Coast District office within ten working days of the date of this notice. If such an objection is received, the objection and the Executive Director's response to it will be reported to the Commission on March 8, 2012, in Chula Vista. If three Commissioners object to the Executive Director's determination of immateriality at that time, then the application shall be processed as a material CDP amendment.

**If you have any questions about the proposal or wish to register an objection, please contact Daniel Robinson in the Central Coast District office.**

