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# W19b

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Staff:	S.Drake-SAC
Staff Report:	3/22/2019
Hearing Date:	4/10/2019

## STAFF REPORT: CDP HEARING

**Application Number:** 2-18-0727

**Applicant:** San Mateo County Harbor District

**Project Location:** Public boat launch facility in Pillar Point Harbor, north of Half Moon Bay between the communities of Princeton-by-the-Sea and El Granada, San Mateo County.

**Project Description:** Dredge approximately 1,600 cubic yards of sediment at and adjacent to the existing public boat launch ramp, with provisions allowing for five years of additional sediment knockdown, and temporarily stockpile the dredged sediment at Half Moon Bay Airport for future beach replenishment in or near Pillar Point Harbor.

**Staff Recommendation:** Approval with Conditions.

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## SUMMARY OF STAFF RECOMMENDATION

The San Mateo County Harbor District proposes to dredge and stockpile approximately 1,600 cubic yards (cy) of harbor sediments to allow for full use of the Pillar Point Harbor public boat launch, which has been partially closed for two years due to accumulated sediment. The Pillar Point Harbor boat launch is very popular with recreational fishers and boaters, and is the only public boat launch between Santa Cruz Harbor and San Francisco Bay, a distance of over 75 miles. Restricted use of the boat launch due to sediment buildup on the launch ramps has resulted in significant adverse impacts to public access, public recreation, commercial fishing, and recreational boating. The proposed project would enable the Harbor District to resume full use of

the boat launch by dredging approximately 1,600 cubic yards of sediment from the area at and around the ramps. The dredged sediment would then be transported approximately 1.5 miles upcoast to Half Moon Bay Airport, where it would be temporarily stockpiled for future beach replenishment projects in the Pillar Point Harbor area. The permit would also allow the Harbor District to perform in-place sediment knockdown at the boat launch area for a period of five years, as an interim measure to address minor sediment build-up until more significant dredging might be necessary at a later date.

The Coastal Act allows for dredging of harbor waters in order to maintain depths necessary for navigation where there is no feasible less environmentally damaging alternative and where feasible mitigation measures have been provided to minimize adverse environmental effects. The Coastal Act also encourages beneficial reuse of dredged sediment for beach replenishment where appropriate. The proposed project would allow the public to resume full use of the boat launch in time for the popular summer fishing and recreational boating seasons, and would provide approximately 1,600 cubic yards of sandy material for future beach replenishment, which the Harbor District is currently pursuing and planning for (and which would be the subject of future CDPs). This approach will address the Applicant's immediate need of resuming full public use of the boat launch, while providing additional time for the Harbor District to plan and obtain permits for a programmatic plan for sediment dredging and beach replenishment within the Pillar Point Harbor area, an effort on which staff has been working collaboratively with the Harbor District and other partners for many years. The proposed project will support Coastal Act priority coastal-dependent commercial fishing and recreational boating uses, consistent with these Coastal Act objectives. The proposed project has also been designed and conditioned to include best management practices for dredging, stockpiling, and sediment knockdown activities in order to avoid and minimize impacts to coastal resources consistent with Coastal Act policies requiring the protection of marine resources, wetlands, coastal water quality, and other coastal resources.

In short, the District's proposed dredging is necessary and appropriate to protect and provide for recreational boating and commercial and recreational fishing activities, which are priority Coastal Act uses; it will avoid and otherwise limit adverse impacts to coastal marine resources and water quality; and it will protect and enhance public access, recreation, and other coastal resources to the maximum extent feasible.

Staff recommends that the **Commission approve a CDP with conditions**. The motions and resolutions to act on this recommendation follow below on page 4.

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### EXHIBITS

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Exhibit 2 – Project Location Map

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Exhibit 5 – Project Plans

Exhibit 6 – Technical Specification

Exhibit 7 – Letter, California Fish and Game Commission (Aug. 16, 2017)

Exhibit 8 – 2013 Dredge Photos

## I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission **approve** Coastal Development Permit Number 2-18-0727 pursuant to the staff recommendation, and I recommend a **yes** vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 2-18-0727 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

This permit is granted subject to the following 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 an 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.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Approved Project and Permit Term.** This CDP authorizes: (1) a one-time dredging of 1,600 cubic yards of sediment from the area in and around the Pillar Point Harbor public boat launch ramps, as further described in the construction requirements (see **Special Condition 2**) and Dredging Operations Plan (see **Special Condition 3**) and as shown in the proposed project plans (see **Exhibits 5**) and technical specifications (see **Exhibit 6**); with temporary stockpiling of the dredged sediment material at Half Moon Bay Airport (see **Special Condition 2**), as described in County Permit Agreement No. 5400 between the Applicant and San Mateo County; and (2) in-place sediment knockdown in and around the public boat launch (**Special Condition 8**), as an interim measure that may be employed for five years from the date of Commission approval of this permit (April 10, 2019 to April 10, 2024), or until additional dredging of the boat launch is necessary, whichever comes first, all consistent with the terms and conditions of this CDP.
2. **Construction Requirements.** The Permittee shall undertake construction in accordance with following construction requirements:
  - (a) **Construction Areas.** Areas within which construction activities and staging are to take place shall be minimized in size and shall be sited and designed to avoid impacts on coastal waters and marine life, and to the extent feasible, public access to the water and shoreline. Construction (including but not limited to dredging activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
  - (b) **Construction Methods and Timing.** Methods shall be used to keep the construction areas, separated from public recreational use areas (including using unobtrusive fencing or equivalent measures to delineate construction areas). All work shall take place during daylight hours (i.e., one hour before sunrise to one hour after sunset), and lighting of the work area is prohibited.
  - (c) **Construction Best Management Practices (BMPs).** Construction BMPs shall be used during construction to protect coastal water quality, including the following:
    1. Silt fences, straw wattles, or equivalent apparatus shall be installed at the perimeter of the construction site to prevent construction-related runoff or sediment from discharging to coastal waters or to areas that would eventually transport such discharge to coastal waters;
    2. Equipment washing, refueling, or servicing shall take place at least 50 feet from the water's edge;
    3. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site;
    4. The contractor shall ensure that good construction housekeeping controls and procedures are maintained at all times (e.g., clean up all leaks, drips, and other spills

immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly; place trash receptacles on site for that purpose; cover open trash receptacles during wet weather; and remove all construction debris from the site); and

5. All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.

**(d) Dredging Best Management Practices (BMPs).** The approved dredging activities shall be carried out in compliance with BMPs that include the following:

1. No project debris or waste shall be placed or stored where it may enter harbor or ocean waters, a storm drain, sensitive habitat, or be exposed to wave, wind, rain, or tidal erosion or dispersion;
2. A silt curtain (and floating containment boom, if necessary) shall be installed around the in-water dredge area to control and limit the extent of turbidity/suspended sediment caused by the dredging, as follows:
  - A. The silt curtain shall be installed with a sufficient number of anchors in locations as shown on Project Plan Sheet C1, dated February 19, 2019 (see **Exhibit 5**);
  - B. The silt curtain shall be maintained to confine any sediment, suspended oil, and or debris within the work area during dredging activity/operations; and
  - C. The silt curtain shall be maintained in place and shall be inspected daily at a minimum to ensure it is in place and functioning effectively.
3. Dredging shall be conducted using a clamshell or bucket dredge attached to a long-reach excavator;
4. Dredging shall be executed as quickly as practicable to limit the duration of any impacts to water quality;
5. No discharge of overflow or decant water (water that has separated from sludge) is permitted (except incidental spillage from the dredging);
6. Temporary barriers, such as berms, dikes, silt fences, straw bales, or sandbags shall be installed around the dewatering site to prevent contact with stormwater;
7. Project equipment, vehicles, or other machinery not essential to the dredging shall not be allowed at any time to enter harbor waters or the intertidal zone;
8. Dredging operations, including transport of dredge materials shall not interfere with the public's ability to access the shoreline; and
9. After completion of dredging activities, dredge material shall remain at the dewatering site for the minimum time necessary to dewater sufficiently, and for no more than ten days.

- (e) Stockpiling Best Management Practices (BMPs).** The approved stockpiling activities shall be carried out in compliance with BMPs that include at least the following:
1. No material will be permitted to overflow, leak, spill, or discharge from project equipment or trucks transporting dredge material to the stockpile site;
  2. A secure protective membrane shall be secured on top of the entire site prior to placement of the dredged sand to prevent water (or potential contaminants, if any) from being absorbed by the ground;
  3. A secure cover shall be secured over the material, sediment, and sand on all sides, and all dredged materials shall be located away from drain inlets, waterways, drainage ditches, and wetlands; to prevent water from being absorbed by the ground; and
  4. Temporary barriers, such as berms, dikes, silt fences, straw bales, or sandbags will be installed around the stockpile perimeter to prevent contact with stormwater.
- (f) Construction Site Documents.** Copies of the signed coastal development permit shall be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review upon request. All persons involved with the construction shall be briefed on the content and meaning of the CDP (including explicitly its terms and conditions) and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- (g) Construction Coordinator.** A construction coordinator shall be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and their contact information (i.e., address, telephone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, shall be conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still minimizing impacts to public views, along with indication that the construction coordinator should be contacted in case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the contact information (e.g., address, e-mail, phone number, etc.) and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. All complaints and all actions taken in response shall be summarized and provided to the Executive Director on at least a weekly basis.
- (h) Construction Specifications.** All construction specifications and materials shall include appropriate penalty provisions that require remediation for any work done inconsistent with the terms and conditions of the CDP.
- (i) Notification.** The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least 10 working days in advance of commencement of any approved dredge or sediment knockdown activities performed pursuant to this CDP. Notification shall be in writing or via personal telephone call with written follow-up.

(j) Minor adjustments to the above Construction Requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above shall be enforceable components of this CDP. The Permittee shall undertake development in conformance with this condition and the above Construction Requirements, unless the Commission amends this CDP or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

**3. Dredging Operations and Solid Debris Management Plans.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit to the Executive Director for review and written approval:

(a) A Dredging Operations Plan (DOP) that includes plans showing the specific area(s) and volume(s) to be dredged.

(b) A Solid Debris Management Plan to ensure that solid debris generated during dredging or any other aspect of the work is retained and properly disposed. At a minimum, the plan shall include:

1. Source and type of debris and solid waste;
2. Method to retrieve and dispose of debris and solid waste;
3. Legal upland site for disposal of debris and solid waste; and
4. Removal of all debris from the work area each day.

**4. Eelgrass Protection.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit a bathymetric map with at least 1-foot resolution, showing the offshore eelgrass bed. Such mapping shall define the location of the eelgrass relative to the dredge site and show the aerial extent of the bed.

**5. Requirements of and Coordination with Resource Agencies.** The Permittee shall comply with all requirements, requests, and mitigation measures from U.S. Fish and Wildlife Service (USFWS), Monterey Bay National Marine Sanctuary (MBNMS), California Department of Fish and Wildlife (CDFW), the affiliated Regional Water Quality Control Board (RWQCB), and California State Lands Commission (SLC) with respect to preservation and protection of water quality and marine resources. Any change to the approved project that may be required by the listed agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require an amendment to this CDP pursuant to the requirements of the Coastal Act and the California Code of Regulations.

**6. Other Agency Requirements.** PRIOR TO COMMENCEMENT OF DREDGING AND STOCKPILING OPERATIONS, the Permittee shall submit to the Executive Director for review a copy of a valid permit, letter of permission, or evidence that no permit is necessary from applicable entities including the following agencies: U.S. Army Corps of Engineers, U.S. EPA, USFWS, MBNMS, RWQCB, CDFW, SLC, and San Mateo County.



7. **Beneficial Use of Dredge Materials/Sediment.** All dredged and stockpiled sediment that is identified as being suitable for beach placement shall be reused within Pillar Point Harbor or at Surfers Beach by April 10, 2024, and shall be authorized under a separate review and CDP process.
8. **Sediment Knockdown.** Future in-place sediment knockdown on and around the Pillar Point Harbor public boat launch is allowed subject to the following terms for five (5) years from the date of approval of this CDP:
  - (a) **Sediment Knockdown.** “Sediment knockdown,” for purposes of this CDP, means in-place knockdown of accumulated sediment and minor shoaling from the area immediately at and around the Pillar Point Harbor public boat launch, commensurate to the area of the dredging permitted by this CDP. “Sediment knockdown” does not include any disruption of sediment beyond the footprint of the dredging permitted by this CDP. The sediment knockdown permitted by the CDP is understood to be an interim measure to facilitate operation of the public boat launch until future dredging is required and permitted.
  - (b) **Sediment Knockdown Best Management Practices (BMPs).** Future sediment knockdown shall be carried out in compliance with BMPs that include at least the following:
    1. Equipment washing, refueling, and servicing shall take place at least 50 feet from the water’s edge;
    2. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site;
    3. The Permittee shall ensure that good construction housekeeping controls and procedures are maintained at all times (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly; place trash receptacles on site for that purpose; cover open trash receptacles during wet weather; and remove all construction debris from the site);
    4. No project debris or waste shall be placed or stored where it may enter harbor or ocean waters, a storm drain, sensitive habitat, or be exposed to wave, wind, rain, or tidal erosion or dispersion;
    5. Sediment knockdown shall be conducted using a clamshell or bucket dredge attached to a long-reach excavator; and
    6. Sediment knockdown shall be executed as quickly as practicable to limit the duration of any impacts to water quality.
  - (c) **Protection of Eelgrass from Sediment Knockdown.**
    1. **Surveys.** An eelgrass survey shall be performed in advance of all sediment knockdown activities. Surveys shall follow National Marine Fisheries Service

(NMFS) protocol, shall be prepared in full compliance with the latest version of “*California Eelgrass Mitigation Policy and Implementing Guidelines*,” and shall be prepared in consultation with CDFW. The Permittee shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any sediment knockdown. Surveys shall include, at a minimum:

- A. Sampling methods that include metrics on visibility, such as Secchi disk depths;
  - B. Vegetative cover provided;
  - C. Turion (shoot) density by area; spatial distribution or aerial extent of vegetation and unvegetated habitat; and
  - D. A record of bathymetry.
2. **Impacts.** If the eelgrass survey identifies any eelgrass within the project area that may be adversely affected by sediment knockdown, the Permittee shall consult with applicable resource protection agencies including the California Coastal Commission, USFWS, NMFS, MBNMS, CDFW, RWQCB, and SLC on how to avoid, minimize, and mitigate impacts, if eelgrass is found within the project area.
3. **Requirements of and Coordination with Resource Agencies.** The Permittee shall comply with all requirements, requests, and mitigation measures from USFWS, NMFS, MBNMS, CDFW, RWQCB, and SLC with respect to preservation and protection of water quality and marine resources. Any change to the approved project that may be required by the listed agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require an amendment to this CDP pursuant to the requirements of the Coastal Act and the California Code of Regulations.
- (d) **Notification.** At least 14 days prior to initiating any future sediment knockdown event, the Permittee shall notify, in writing, staff of the Coastal Commission’s North Central Coast District Office. The notification shall include: a detailed description of the sediment knockdown event proposed; any plans, specifications, engineering, and geology reports describing the event; other agency authorizations; and any other supporting documentation (as necessary) describing the sediment knockdown event. The sediment knockdown event shall not commence until the Permittee has been informed by staff of the Coastal Commission’s North Central Coast District Office that the sediment knockdown event complies with this CDP. If the Permittee has not been given a verbal response or sent a written response within 30 days of the notification being received in the North Central Coast District Office, the sediment knockdown event shall be authorized as if Commission staff affirmatively indicated that the event complies with this CDP. The notification shall clearly indicate that the sediment knockdown event is proposed pursuant to this CDP, and that the lack of a response to the notification within 30 days constitutes approval of it as specified in this CDP.

- 9. Coastal Hazards Risk.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, to all of the following: (i) that the site may be subject to hazards, including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tsunamis, tidal scour, coastal flooding, landslides, bluff and geologic instability, bluff retreat, liquefaction and the interaction of same, many of which may worsen with future sea level rise; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

## **IV. FINDINGS AND DECLARATIONS**

### **A. PROJECT LOCATIONS**

The proposed project is located within Pillar Point Harbor, approximately five miles north of downtown Half Moon Bay in the unincorporated community of Princeton-by-the-Sea, in San Mateo County. Pillar Point Harbor is an active commercial and recreational harbor facility with 369 berths that serve commercial and recreational fishing boats. The harbor is open to the public as it provides for public sport fishing, tourism, and recreational boating. El Granada is located inland and north of the harbor and is comprised primarily of residential development. Princeton-by-the-Sea is to the west and comprises a mix of commercial, marine industrial, and residential land uses.

The harbor is a semi-protected embayment backed by a low-bluff, alluvial plain with sandy beach along the eastern portion. The harbor is protected by outer and inner breakwaters constructed of pervious rock material. Two creeks flow into the harbor from the inland north, one on each side of the inner breakwater. Denniston Creek flows into the harbor through an outlet just west and outside of the inner breakwater, and Deer Creek flows into the harbor through an outfall located east and outside of the inner breakwater. Development within the harbor includes a public fishing pier, a leased commercial pier (Johnson Pier), public restrooms, public parking, public trails, public beaches and shoreline areas, harbor offices, a concessions building, and the public boat launch. The boat launch is located just east of the inner breakwater, between the breakwater and the Deer Creek outfall. The boat launch is comprised of three concrete ramps, with each ramp containing two lanes for a total of six lanes. See **Exhibits 2 and 3** for the project location map and site photos.

Based on Harbor District records, an average of 475 launches occur per month, or 5,700 launches per year. However, month-to-month use of the boat launch varies depending on which recreational fisheries are open, as well as seasonal variations for recreational boaters. The ramps

typically see the greatest use during the recreational salmon season, which typically begins around April and extends into the summer months. Other popular recreational fisheries include rockfish and lingcod, which are both scheduled to reopen to boat-based anglers on April 1, 2019.

Half Moon Bay Airport, where the proposed stockpiling site is located, is within the coastal zone to the north of Princeton in unincorporated San Mateo County. The airport covers 325 acres and contains a network of paved roads and aircraft taxiways, as well as an aircraft runway measuring 5,000 feet in length. The airport contains multiple storage areas and structures, and serves as an important business, transportation, and emergency service asset to the community. The portion of airport land upon which the proposed stockpiling will occur (“the airport site”) is located along the middle of the northeastern boundary of the airport grounds, approximately 85 feet southwest of Highway 1. The vacant parcel is roughly rectangular in shape and is bound by the airport’s entrance road to the northeast, a paved aircraft parking lot to the southeast, and paved airport roads/taxiways to the northwest and southwest. The parcel measures approximately 230 feet wide from northeast to southwest, and 365 feet long from northwest to southeast. Crushed granite several inches deep has been left on the site from past disturbances, primarily in the center of the parcel, with the surrounding parts of the parcel containing various vegetation. See **Exhibit 4** for an aerial of the stockpiling site.

## **B. HISTORY**

The San Mateo County Harbor District (“Harbor District”) is an independent special district in San Mateo County that has jurisdiction over Pillar Point Harbor. The U.S. Army Corps of Engineers (USACE) constructed the outer breakwater between 1959 and 1961, with an extension constructed in 1967. The inner breakwater was constructed in the 1980s to provide further protection for the harbor. The Harbor District constructed the six-lane public boat launch in 1992 under permits issued by USACE, San Mateo County, and the Coastal Commission (CDP No. 3-90-056). The permits required mitigation for intertidal habitat impacts that resulted in 1.22 acres of fill being placed in the harbor waters. Mitigation comprised the on-site creation of a 0.76-acre mudflat adjacent to the launch ramp access road and 0.46 acres of new sandy beach habitat at the West Shoreline area, located inside the outer breakwater.

The accumulation of sediment within the harbor, primarily from Denniston Creek and Deer Creek, has necessitated repeated dredging throughout the harbor area. The public boat launch ramps have required dredging three times, in 1998, 2006, and 2013. In each of these instances, extreme winter storms had caused sediment to come up onto the ramps, restricting their use. In 2013, the Coastal Commission issued a permit (CDP No. 2-13-0318) for the Harbor District to dredge 5,600 cubic yards of sediment from the boat launch area and deposit it at a grassy upland public recreational area within the harbor known as Perched Beach.

Since that dredging was completed, sediment has again accumulated at the boat launch. The current shoaling was primarily the result of heavy rains sustained in early 2017, flushing the Deer Creek outfall of coarse-grain sand that had accumulated in the pipes over time. Given the immediate proximity between the creek’s outfall and the boat launch, this washed out sediment deposited largely on and around the boat launch, restricting its operation. Since that event, two or three lanes of the launch’s six lanes have been closed (depending on the tide), severely restricting public use of the launch.

### C. PROJECT DESCRIPTION

The Applicant proposes to conduct dredging of the Pillar Point Harbor public boat launch ramps in order to resume full access for boats to harbor waters. The proposed project involves dredging approximately 1,600 cubic yards of sediment from the launch ramps and within the immediate vicinity. The total quantity of material within the design dredging footprint include 230 cubic yards from the boat launch ramps; 950 cubic yards from the water bottom, including the site slopes, to the design depth of -6.0 feet mean low, low water (MLLW); and 420 cubic yards of over-depth dredging, one foot below the design depth.

The dredging will be performed using a clamshell bucket or bucket dredge attached to a long-reach excavator, similarly to how the boat launch was dredged in 2013 (see **Exhibit 8**). Timber pads will be stacked on the concrete ramps to create a flat surface, and the excavator would then be walked out onto the pads, where it would dredge. The excavator would deposit the dredged material at the ramp entrance into a loader, which would haul the dredged material to a designated dewatering area in the adjacent boat launch ramp parking lot (see **Exhibit 5**). The excavator and loader would be staged in the parking lot either at the contractor's yard or near the dewatering area. Dredging and dewatering would be conducted pursuant to specified best management practices (BMPs) to avoid impacts to the marine environment (see **Special Condition 2**).

Dredging is expected to take approximately 14 days to complete, and the Applicant proposes to dredge as early as possible this summer (2019) in order to maximize public use of the boat launch during the summer fishing seasons. During dredging, at least two boat launch lanes will remain open and accessible to the public at all times. The launch ramp lanes with severe shoaling, which are currently closed to the public, will remain closed until dredging is completed.

The Applicant proposes to temporarily stockpile the dewatered dredge material at the Half Moon Bay Airport. Specifically, the dewatered dredge material is proposed to be placed into trucks and transported approximately 1.5 miles to the designated stockpile site via Highway 1 and the airport entrance road (see **Exhibits 2 and 5**). The Harbor District will stockpile the dredged material and implement BMPs to contain the material. The dredged material will remain at the Airport site for several months, and no later than July 1, 2020.

The intent and purpose of temporarily stockpiling the material is to allow the Applicant to resume full public access to the boat launch while providing additional time for the Applicant to finalize a plan and obtain all necessary permits to use the dredged sediment as part of one or multiple beach replenishment projects in the Pillar Point Harbor Area (see **Special Condition 7**). The Applicant has sampled and analyzed the sediment proposed for this dredge event. Two composite samples were analyzed in May 2017, and additional testing was conducted in early 2018.<sup>1</sup> The results of the chemical analyses show that the material is free of contaminants and is high-quality beach sand. Currently, the Harbor District is considering a stretch of beach/shoreline adjacent to the West Trail or Surfers' Beach for the final placement of the sand. Placement of the

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<sup>1</sup> Soil Control Lab, *Sediment Analysis*, May 2017; Eurofins Calscience, *Analytical Report*, January 2018.

sediment at the West Trail would create a temporary berm to address erosion along the trail as more permanent shoreline protection solutions are considered and implemented. Placement of the sediment at Surfers Beach would support the Surfers Beach Pilot Project, which is being planned for later 2019. These projects would entail advanced planning and obtaining additional permits, including a CDP for beach replenishment activity.

Additional dredging of the boat launch ramp, potentially of a larger volume, is anticipated in the future, and the Harbor District will pursue additional permits for those dredge activities once it has a programmatic dredging and disposal/replenishment plan in place. In the meantime, the Harbor District is also proposing to conduct future in-place knockdown of accumulated sediment to maintain navigability of any ramps where sediment accumulates following the initial dredging activities. Knockdown involves using a long-reach excavator to push the accumulated sediment material to slightly deeper water, where it would remain until the next dredging event occurs. The Harbor District is proposing sediment knockdown for a period of five years, when necessary and as conditions allow, as an interim measure to address sand accretion and minor shoaling until sediment accumulation becomes significant enough to require another full-scale dredging episode. Each knockdown episode would push out a maximum 800 cubic yards of accumulated sediment, and would be completed in one day or less. Sediment knockdown would be conducted pursuant to specified BMPs to avoid impacts to the marine environment (see **Special Condition 8**).

#### **D. STANDARD OF REVIEW**

The project is located in both the Commission's and San Mateo County's CDP jurisdictions. The County, the Applicant, and the Executive Director have all agreed to a consolidated CDP review for the project, as allowed by Coastal Act Section 30610.3. As such, pursuant to Section 30610.3, the standard of review for a consolidated CDP application is the Chapter 3 policies of the Coastal Act with the San Mateo County certified LCP providing non-binding guidance.

#### **E. COMMERCIAL FISHING AND RECREATIONAL BOATING FACILITIES**

Coastal Act Sections 30234 and 30234.5 require the protection, and where feasible the upgrading, of facilities that provide services for commercial and recreational fishing, and recognizes the economic importance of fishing activities. Coastal Act Section 30255 gives coastal-dependent developments priority over other developments at the shoreline, and directs that they be developed within reasonable proximity to the uses they support. Applicable sections of the Coastal Act include the following:

***Section 30234.** Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.*

**Section 30234.5.** *The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.*

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

Pillar Point Harbor serves coastal-related and coastal-dependent activities including commercial fishing, sport fishing, and recreational boating. Coastal-dependent and coastal-related developments are among the highest priority Coastal Act uses. Approximately 5,700 boats per year, averaging 475 per month, launch from the public boat launch facility. Currently up to three of the six lanes of the facility are closed due to accumulated sediment, limiting the capacity of the facility to meet the launching demand. Commercial and recreational fishing and recreational boating are coastal-dependent, priority uses that cannot operate out of Pillar Point Harbor without adequate facilities. Sufficient water depths at the boat launch are essential to allow for the continued full use of the boat launch ramps by recreational boaters. Full use of the boat launch would result in increased use and support of the harbor facilities by recreational boaters and fisherman, and would also produce additional revenue to the Harbor District that could assist in future capital improvements to its facilities, which would benefit both commercial and recreational coastal-dependent uses. Moreover, resuming full use of the boat launch supports the California Fish and Game Commission's objectives, including the explicit request that the Coastal Commission support California's coastal fishing communities by taking their infrastructure and economic needs into consideration when considering coastal development projects, such as this (see **Exhibit 7**).

The proposed dredging activities are thus integral to the continuation of coastal-dependent and coastal-related uses in Pillar Point Harbor, would protect and upgrade recreational boating facilities, and would accommodate coastal-dependent and coastal-related uses in an area on the shoreline consistent with Coastal Act Sections 30234 and 30255. Accordingly, the proposed project is consistent with the established land use priorities of the Coastal Act.

## **F. PUBLIC ACCESS AND RECREATION**

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The proposed project is located seaward of the first through public road, State Highway 1 in this location. Coastal Act Sections 30210 through 30224 specifically protect public access and recreation opportunities that exist along the coast and in coastal waters. These overlapping policies are for the protection of access to and along the shoreline and protection of offshore waters for the public's recreational use. In particular:

**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....*

**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).** *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....*

**Section 30221.** *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

**Section 30224.** *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, [...] providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

Coastal Act Section 30240(b) also protects park and recreational areas, stating in applicable part:

**Section 30240(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.*

The Coastal Act requires public access opportunities to be maximized, and recreational opportunities to be provided, including lower-cost, visitor-serving facilities and water-oriented activities (such as recreational boating), and protects areas near and at the shoreline for this purpose. Pillar Point Harbor provides public access and recreational opportunities of tremendous regional significance. The boat launch specifically promotes commercial and recreational fishing and boating, and serves as the only public boat launch between Santa Cruz Harbor and San Francisco Bay, a distance of over 75 miles. The proposed dredging and future sediment knockdown will strongly benefit public access and recreation by maintaining adequate water depths for boat operators to utilize the launch, and will allow for maximum public use of the launch during the popular summer fishing seasons. The dredging will be completed within 14 days, and at least two lanes will be available for public use at all times, minimally restricting public use.



The proposed dredging and sediment knockdown will not impede public access to, from, or along the Pillar Point Harbor coastline, including the California Coastal Trail. Nearby coastal access points, including Surfers Beach located to the south, and Perched Beach and the stretch of beach immediately adjacent to Barbara's Fishtrap restaurant located to the north, will not be affected by dredging operations. There will be no loss of access and recreation for the public as dredging would not interfere with the public's right of access to the shore or present a conflict with recreational uses in the harbor area. In fact, the Applicant ultimately intends for the proposed dredging to enhance local beach access by providing 1,600 cubic yards of high-quality sediment for replenishing beaches in the harbor area.

Therefore, and subject to conditions to protect access during dredging events (see **Special Condition 2**), the proposed dredging will not result in impacts to the recreational use in Pillar Point Harbor or public access in and around the harbor area. Moreover, the overall purpose of the dredging and sediment knockdown, to remove sediment from the ramps so that boats can be launched to the water, inherently advances public access. Therefore, the proposed project as conditioned would preserve public access and recreational opportunities and is consistent with the above-cited public access and recreational policies of the Coastal Act.

## **G. MARINE RESOURCES**

### **Appropriateness of Dredging**

Coastal Act Section 30233(a) allows for the dredging of harbor waters in order to maintain depths necessary for navigation where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects:

*30233(a). The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: .... (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps ....*

The proposed project represents an activity proposed to maintain and improve the public boat launch area for recreational and commercial fishing and boating, and is therefore an allowable use under Coastal Act Section 30233(a)(2). No feasible, less environmentally damaging alternatives have been proposed. Additionally, and as described in more detail below, mitigation measures have been provided to minimize adverse environmental effects and the environmental impacts of the dredging and sediment knockdown as conditioned are expected to be temporary and generally less than significant.

### **Beneficial Use and Beach Replenishment**

Coastal Act Section 30233(b) specifies that dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems, and requires that dredge spoils be disposed of in a manner that avoids significant disruption to habitats and water circulation:

*30233(b). Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems. ...*

Deer Creek, which flows into the harbor through an outfall located immediately east of the public boat launch, has been identified as the main source of sediment at the proposed project site. The sediment currently inhibiting public use of the boat launch accumulated primarily in early 2017 as a result of severe storms that drove a significant amount of sediment out of Deer Creek and into Pillar Point Harbor. The Applicant has sampled and analyzed the sediment proposed for this dredge event. Two composite samples were analyzed in May 2017, and additional testing was conducted in early 2018. The results of the chemical analyses show that the material is free of contaminants and is high-quality beach sand.

The Applicant will reuse sediment that is dredged from the boat launch for beach replenishment projects in Pillar Point Harbor or at Surfers Beach, per **Special Condition 7**. However, the Applicant is still in the process of identifying and planning future replenishment projects. The Applicant is currently pursuing a pilot study of beach replenishment at Surfers Beach, located just downcoast of the public boat launch and outside the outer harbor breakwater. The Applicant is also working on a shoreline replenishment project along the West Trail, located on the western boundary of the harbor leading to Mavericks Beach, which could benefit from use of the dredged material to replenish the stretch of beach adjacent to the trail. The Applicant has also identified the Princeton shoreline within the harbor as another potential opportunity for beach replenishment. The intent and purpose of temporarily stockpiling the material is to allow the Applicant to resume full public access to the boat launch while providing additional time for the Applicant to finalize a plan and obtain all necessary permits to use the dredged sediment as part of one or multiple of these beach replenishment projects, consistent with Coastal Act Section 30233(b). The Applicant anticipates that one or more of these projects will be finalized and prepared for sand placement by the expiration of the Applicant's stockpiling agreement with San Mateo County (i.e., by July 1, 2020). In the event that none of these projects are finalized by that time, the stockpiled sand could be placed on the beach adjacent to the West Trail as an interim measure until that beach replenishment project commences, and possibly reconfigured into a berm in advance of the project. If this interim measure is also unavailable, the Applicant would pursue extending its stockpiling agreement with San Mateo County. Regardless, placement of the stockpiled sand will be permitted pursuant to a separate, future review and CDP process to ensure that the sand's ultimate disposal is consistent with the policies of the Coastal Act.

### **Biological Resources and Water Quality**

The Coastal Act protects the marine resources, habitats, and water quality in areas adjacent to and within the project area. Coastal Act Sections 30230 and 30231 specifically provide:

*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.*

Coastal Act Section 30230 requires that marine resources be maintained, enhanced, and restored, and provides that special protection shall be given to areas and species of special biological significance. Coastal Act Section 30231 requires that the biological productivity and quality of coastal waters and wetlands be maintained and, where feasible, restored. Section 30231 also requires that any adverse effects of runoff be minimized to protect the biological productivity and quality of coastal waters, streams, wetlands, estuaries, and lakes.

Pillar Point Harbor fronts waters within the Monterey Bay National Marine Sanctuary (MBNMS), which encompasses over 6,000 square miles of protected marine waters and includes a diverse complex of marine habitats including deep sea, open ocean, kelp forests, sandy beaches, rocky seashore, estuaries and sloughs. These habitats support a variety of marine life including more than 345 species of fish, 94 species of seabirds, 26 species of marine mammals, 450 species of algae and one of the world's most diverse invertebrate populations. Some marine mammals, fish and seabirds make use of the urban aquatic and terrestrial environments provided in the harbor as well. However, Pillar Point Harbor itself is essentially a manmade environment surrounded primarily by commercial and residential development.

Impacts to biological resources from the proposed dredging and sediment knockdown are anticipated to be minimal as measures will be implemented to mitigate any potential impacts to harbor waters. The primary impact to biological resources would be unavoidable disturbance, transport, and destruction of benthic organisms on and in the dredged sediments. However, recolonization by these organisms would be expected to occur fairly rapidly over time. While dredged material disposal may induce turbidity and cause lower dissolved oxygen levels, which may cause stress on planktonic larvae and filter feeder organisms (e.g., worms and shellfish), such stress would be temporary, lasting only a few days, and can be minimized through appropriate BMPs.

The removal of sediment from dredge areas could have short-term, adverse impacts on fish and fish habitats by temporarily increasing the total suspended sediments in the water column and possibly decreasing dissolved oxygen levels during dredge operations. To minimize these impacts, dredging would be conducted using a clamshell or bucket on a long-reach excavator. Mitigation measures and BMPs will also be implemented as part of the project to ensure the protection of biological resources and water quality. **Special Condition 3** requires BMPs as part of the dredging operations plan and includes use of a floating containment boom to confine any suspended oil and or debris within the work area during dredging; installation of a turbidity/silt curtain around the in-water dredge area to limit the extent of turbidity; conducting dredging as quickly as possible so as to limit the duration of any impacts to water quality; no discharge of overflow or decant water (except incidental spillage from the dredging); and preparation of a

Solid Debris Management Plan prior to initiating work. **Special Condition 2** requires that no leakage or discharge into the waters occur as a result of the dredging activities. These BMPs apply to future sediment knockdown as well, as applicable.

1,600 cubic yards of dredged material, as described above, will be temporarily stockpiled at Half Moon Bay Airport on the designated, authorized site (see **Exhibits 4 and 5**). No material will be permitted to overflow, leak, spill, or discharge from project equipment or trucks transporting dredge material to the stockpile site. Sampling conducted to date indicates that the sediment proposed for dredging is beach-quality sand and free of contamination. The proposed project includes installation of a secure protective membrane on top of the entire site prior to placement of the dredged sand. The secured protective membrane will function to make certain that no water or sand is absorbed by the ground. The stockpiled sand will also be securely covered so as not create a hazard or a nuisance.

Surveys for eelgrass (*Zostera marina*) were conducted at the boat launch ramps and in surrounding area in July 2013, October 2018, and December 2018. The result of the December survey found an area of eelgrass approximately 2,628 square meters located between the proposed project site and the outer breakwater. The eelgrass survey report indicates that eel grass is not in the immediate vicinity of the boat launch; the edge of the eelgrass bed appears to be located approximately at the midpoint between the outer breakwater and the boat launch. The eelgrass was observed after the end of its growing season, but it appeared to be “fairly vigorous” and just commencing its seasonal decline.<sup>2</sup>

Eelgrass provides many biological and ecosystem services, and is designated by NMFS as “Essential Fish Habitat” (EFH), leading it to be considered a marine resource of special biological significance. Therefore, approval of the proposed dredging must be contingent upon specific conditions to protect eelgrass in order to be consistent with the Coastal Act’s marine resource protection policies. **Special Condition 4** is included in order to better define the location of the eelgrass relative to the boat launch site and requires that the Applicant provide a bathymetric map with at least 1-foot resolution. The mapping is to show the extent of the eelgrass bed relative to the proposed dredge site. **Special Condition 4** also requires that additional surveys must be performed in advance of all future sediment knockdown activities.<sup>3</sup> Additionally, **Special Condition 4** will ensure that future surveys include metrics on visibility such as Secchi disk depths, vegetative cover provided with the context or standardization; turion density by area, spatial distribution or aerial extent of vegetation and unvegetated habitat, and a record of bathymetry. Finally, **Special Condition 5** requires the Harbor District to consult with appropriate resource protection agencies including the Coastal Commission, California Department of Fish and Wildlife, and the National Marine Fisheries Service on how to avoid, minimize, and mitigate impacts, if eelgrass is found within the project area. These conditions will minimize adverse environmental impacts to marine and wildlife habitats and water circulation during dredging and sediment knockdown, consistent with Coastal Act requirements.

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<sup>2</sup> SeaJay Environmental, *Eelgrass Assessment of Pillar Point harbor Boat Ramp and Vicinity Using a Remotely Operated Vehicle and Low Water Visual Surveys*, December 2018.

<sup>3</sup> The results of the surveys would be valid for only 60 days, consistent with the *California Eelgrass Mitigation Policy and Implementing Guidelines* of the National Marine Fisheries Service (aka National Oceanic and Atmospheric Administration (NOAA) Fisheries).

In summary, the Harbor District and various permitting agencies have thoroughly investigated impacts to biological resources from dredging, and the effects of the proposed project are expected to be similar to those associated with previously permitted dredging episodes, which can be appropriately minimized and contained via dredging BMPs. Thus, the proposed project, as conditioned, is consistent with Sections 30230 and 30231 of the Coastal Act, which require protection of marine species of special importance and maintenance of the biological productivity of coastal waters.

## **H. WETLANDS**

### **Coastal Act Policies**

Coastal Act Section 30121 defines wetlands as:

*...land within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.*

The Coastal Commission's regulations (California Code of Regulations, Title 14, Section 13577) further provide that evidence of a single wetland parameter (i.e., wetland hydrology, wetland soils, or wetland vegetation) is sufficient to establish that a wetland exists as defined by the Coastal Act:

*Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats.*

The delineation of wetlands in the field typically requires substantial evidence of physical, chemical, or biological indicators of the presence of a wetland parameter, and methodologies that guide the process of distinguishing wetland from non-wetland conditions. Where a wetland exists, Coastal Act Section 30231 requires that the biological productivity and quality of the wetland be maintained and, where feasible, restored.

The San Mateo County LCP provides further, non-binding guidance for defining and protecting wetlands. LCP Policy 7.14 defines a wetland as:

*...an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged*

*(streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric.*

*In San Mateo County, wetlands typically contain the following plants: cordgrass, pickleweed, jaumea, frankenia, marsh mint, tule, bullrush, narrow-leaf cattail, broadleaf cattail, pacific silverweed, salt rush, and bog rush. To qualify, a wetland must contain at least a 50% cover of some combination of these plants, unless it is a mudflat.*

Where a delineated wetland exists, LCP Policy 7.18 requires a buffer zone of at least 100 feet between the outermost boundary of the wetland and any proposed development. However, the policy further allows for buffer zones as small as 50 feet if there is no possible alternative and the setback is deemed adequate by a professional biologist:

***7.18 Establishment of Buffer Zones.*** *Buffer zones shall extend a minimum of 100 feet landward from the outermost line of wetland vegetation. This setback may be reduced to no less than 50 feet only where: (1) no alternative development site or design is possible; and (2) adequacy of the alternative setback to protect wetland resources is conclusively demonstrated by a professional biologist to the satisfaction of the County and the State Department of Fish and Game. A larger setback shall be required as necessary to maintain the functional capacity of the wetland ecosystem.*

The proposed sediment stockpiling site at the Half Moon Bay Airport is located on a roughly rectangular area of vegetation located adjacent and southwest of the airport entrance road and measuring approximately 230 feet wide and 365 feet long, or less than 2 acres (**Exhibit 4**). The majority of the site is uplands composed primarily of grasslands and ruderal vegetation. The grass and vegetation are highly disturbed, with evidence of routine mowing as well as the placement of crushed granite and asphalt around the middle of the site. Past aerial photographs of the site indicate that it has been used extensively for storage, and was also previously used as a staging area for road construction. There are two exceptions to the predominantly grassy and ruderal character of the site. One is a drainage ditch measuring approximately 10 feet wide which runs along the northwestern border of the site. The second is a two-foot-wide swale that runs along the southwest border of the site. Both areas end in a culvert that connects to other drainages that ultimately flow to the Pacific Ocean. The location and shape of the drainage ditch and swale, which follow the downhill sides of the site, suggest that they were created to enhance drainage in that part of the airport.

In February 2019 a consultant for the Applicant surveyed the proposed stockpiling site for indicators of wetland hydrology, vegetation, or soils.<sup>4</sup> This survey reported that at that time, the entirety of the drainage ditch was moist with small areas of ponding, and there were indications that water had recently run through it from recent rains. Additionally, the bed of the ditch was dominated by hydrophytic vegetation, and the soils were clay loams with mixed crushed granite. The swale was mostly ponded at the time of the survey, though it did not show indicators of wetland hydrology. According to the survey, it is not clear whether the swale actually conveys

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<sup>4</sup> Zentner Planning & Ecology, *Half Moon Bay Airport Proposed Sand Stockpile Parcel: Coastal Commission Wetland Delineation*, February 2019.

water into the adjacent culvert. However, it appears to pond water or to remain saturated for a sufficient amount of time to be considered a wetland under a one-parameter definition as the substrate is predominantly non-soil (crushed granite and asphalt) and is saturated with water. Therefore, both the drainage ditch and the swale qualify as a wetland under the Coastal Act and the Coastal Commission's regulations.

The proposed project would transport the dredged, dewatered sand in trucks from the boat launch parking lot dewatering site approximately 1.5 miles to the airport stockpiling site via Highway 1 (**Exhibit 2**). The trucks would enter the airport from Highway 1 via the airport's entrance road, drive west to the stockpiling site, and would access the site from the northeast corner (**Exhibit 5**). Stockpiling would occur in an area 100-by-125 feet toward the northeast corner of the site, away from the drainage ditch and swale (**Exhibit 5**). Sand would be placed over a waterproof membrane, covered with sheeting, and contained by hard "K-rail" on all four sides to ensure no water or dredged material is absorbed into the ground or becomes airborne. The distance from the K-rail barrier to the swale would be at least 50 feet, and to the drainage ditch would be at least 100 feet. Given these measures, and considering the highly disturbed nature of the site and the isolated nature of the wetlands, the Commission's Ecologist Dr. Lauren Garske-Garcia, indicates that the proposed project with BMPs will not significantly degrade the drainage ditch or the swale, that it will not significant disrupt marine and wildlife habitat or water circulation, and that the proposed setbacks are appropriate to protect these resources. Therefore, the proposed project is consistent with Coastal Act Section 30231 and 30233(b).

For the proposed project, the Applicant explored numerous alternative sites before selecting the proposed stockpiling site at the Half Moon Bay Airport. The Harbor District began seeking and assessing potential temporary sediment stockpiling sites in late March of 2017 after being notified of the sediment accumulation on the boat launch ramps. Immediately thereafter the Applicant initiated a discussion with Pillar Point Harbor staff, San Mateo County staff, various regulatory agencies, and local stakeholders to identify potential stockpiling sites. Following these conversations, multiple alternatives were assessed in detail by the Applicant. These are briefly discussed below.

#### *Half Moon Bay Airport Alternative*

On August 22, 2017, the Applicant initiated discussions with San Mateo County to potentially use County property near Half Moon Bay Airport. The conversations initially focused on a maintenance yard in the community of Princeton-by-the-Sea, but it was determined that the maintenance yard was not suited for the proposed stockpiling activities. At that time the County suggested Half Moon Bay Airport as a more suitable stockpiling site. After many months of discussion and information requests, the proposed stockpiling site at the airport was identified, though an agreement between the Applicant and the County was delayed due to County staff turnover and other unforeseen circumstances. Ultimately, the San Mateo County Board of Supervisors approved a permit for use of this site on November 13, 2018. As shown in **Exhibit 5**, the proposed stockpiling site at Half Moon Bay Airport provides a 50-foot buffer from the edge of the swale, and a 100-foot buffer from the edge of the drainage ditch.

*Harbor District Property Alternative*

Another alternative involved stockpiling the sediment on property already owned by the Harbor District, which was considered to be a relatively inexpensive and logistically simple alternative. However, upon review it was identified that the only District-owned property with enough space to accommodate the stockpile was the boat trailer parking area at Pillar Point Harbor, located above the launch ramps. Following discussions between the Applicant and Coastal Commission staff, it was determined not to be a feasible site for several reasons, but primarily because the amount of space required for the stockpile would take away from available parking and would therefore interfere with public access. Additionally, since the lot was originally funded by California Department of Boating and Waterways grants funds, it is required to be fully open to the public and not used for other purposes.

*Other Private Parcels in Pillar Point Harbor Alternative*

There are several privately-owned vacant lots inside the Pillar Point Harbor area that are large enough to accommodate the stockpile. All of these parcels are owned by a single owner. The Applicant contacted the owner and discussed using the parcels for stockpiling activities. After several discussions, the landowner declined to allow the Applicant to use them for stockpiling.

*Granada Community Services District Lot Alternative*

The “Surfers Beach parking lot” is a vacant parcel located across Highway 1 from Surfers Beach owned by the Granada Community Services District (GCSD). This site was recommended as a potential stockpiling site by project engineers and is sufficiently sized to accommodate the stockpile. On May 17, 2017, the Applicant submitted a request to the Granada Community Services District to use the lot for temporary sediment stockpiling. The Applicant provided project details to GCSD staff, including construction drawings showing the site footprint and profile, and responded to numerous requests for information. At a GCSD meeting on August 17, 2017, the GCSD Board indicated that they were not willing to allow the Applicant to use the lot as a stockpiling site. The reasons given were that it would cause visual blight to the community and also take away from beach access parking, causing people to park in the local neighborhood.

*Overfelt Parcel Alternative*

Local resident Brian Overfelt offered to allow the District to use a long narrow parcel along Highway 1 (across from Half Moon Bay Airport) that is owned by his family. The Applicant evaluated the parcel, but because of the location, the dimensions of the lot, and the lot’s proximity to a residential neighborhood, this site was ruled out.

The Commission is mindful of the Applicant’s efforts to comply with the policies of the LCP, including Policy 7.18. The design for the proposed stockpiling site complies with the minimum reduced 50-foot buffer zone exception in Policy 7.18. Moreover, the Commission finds that the Applicant thoroughly examined possible alternative stockpiling sites and designs over a period of two years before ultimately selecting the proposed site, and designed the proposed site to provide for the maximum buffers. Additionally, the Commission’s staff Ecologist, Dr. Lauren Garske-Garcia, has determined that the proposed setbacks are adequate to protect the wetland resources present. Therefore, in addition to complying with the wetland protection policies of the Coastal Act, the project complies with the relevant policies of the San Mateo County LCP.



## **I. HAZARDS**

In terms of recognizing and assuming the hazard risks for shoreline development, the Commission's experience in evaluating proposed development in areas subject to hazards has been that development has continued to occur despite periodic episodes of heavy storm damage and similar occurrences. Development in such dynamic environments is susceptible to damage due to such long-term and episodic processes. Past occurrences statewide have resulted in public costs (through low interest loans, grants, subsidies, direct assistance, etc.) in the billions of dollars. As a means of allowing continued development in areas subject to these hazards while avoiding placing the economic burden for damages onto the people of the State of California, applicants are regularly required to acknowledge site hazards. Accordingly, **Special Condition 9** requires the Applicant to assume all risks for developing at this location and indemnify the Commission from any claims arising from construction or operation of the development.

## **J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of Title 14 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Public Resources Code, Section 21080.5(d)(2)(A) 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 that the activity may have on the environment.

The San Mateo County Harbor District, acting as lead CEQA agency, found the Proposed Project to be categorically exempt per CEQA Guideline Section 15304 (as "Minor Alterations to Land"). The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of environmental review under CEQA (Section 15251(c)). The Commission has reviewed the relevant coastal resource issues with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as conditioned, would have on the environment within the meaning of CEQA. Thus, if so conditioned, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

## **APPENDIX A – SUBSTANTIVE FILE DOCUMENTS<sup>5</sup>**

- CDP File 2-18-0727
- San Mateo County Permit Agreement No. 5400, November 2018.
- Soil Control Lab, *Sediment Analysis*, May 2017; Eurofins Calscience, *Analytical Report*, January 2018.
- SeaJay Environmental, *Eelgrass Assessment of Pillar Point Harbor Boat Ramp and Vicinity Using a Remotely Operated Vehicle and Low Water Visual Surveys*, December 2018.
- Zentner Planning & Ecology, *Half Moon Bay Airport Proposed Sand Stockpile Parcel: Coastal Commission Wetland Delineation*, February 2019.

## **APPENDIX B – STAFF CONTACT WITH AGENCIES AND GROUPS**

- San Mateo County Harbor District

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<sup>5</sup> These documents are available for review in the Commission's North Central Coast District office in San Francisco.