

CALIFORNIA COASTAL COMMISSION

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Th16b

Prepared September 7, 2021 for September 9, 2021 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Alexandra McCoy, Coastal Planner

**Subject: Additional hearing materials for Th16b
CDP Number 3-20-0546 (Avila Pier Rehabilitation)**

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the staff report was distributed

Public Comment on September 2021 Agenda Item Thursday 16b - Application No. 3-20-0546 (Avila Pier Rehabilitation, Avila Beach)

Canepa, Amanda@Wildlife <Amanda.Canepa@Wildlife.ca.gov>

Fri 9/3/2021 2:32 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

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Dear Ms. McCoy,

The California Department of Fish and Wildlife (Department) has reviewed the staff report for the Avila Pier Rehabilitation Project (Project) Coastal Development Permit Application (Application No. 3-20-0546) in Avila Beach, San Luis Obispo County. The Department offers the following comments and recommendations regarding the Project.

Sea Otter Exclusion Zone

The Department appreciates Special Condition 3(d), which establishes exclusion zones (EZ) for sea turtles and marine mammals, including the southern sea otter (*Enhydra lutris nereis*), a federally threatened species and state fully protected species pursuant to Fish and Game Code Section 4700. However, it is unclear to the Department how the proposed sea otter EZ of 100 feet was determined. While the staff report states that the applicant used hydroacoustic testing for the adjacent Harford Pier to determine the 500-foot EZ for cetaceans and sea turtles, the 100-foot sea otter EZ for the Avila Pier does not appear to be informed by similar testing.

For pile driving, unless the U.S. Fish and Wildlife Service (USFWS) has issued incidental harassment authorization, the EZ for sea otters should reflect a modeled underwater sound threshold of 160 dB re 1 micropascal (Lilian Carswell, USFWS, personal communication). If sound exceeding 160 dB will travel past the 100-foot radius, the EZ for the Project should be larger. The Department recommends: 1) clarifying how the 100-foot EZ for sea otters was determined, and 2) further consulting with USFWS to ensure this EZ is acceptable.

The Department also recommends consulting with the National Marine Fisheries Service (NMFS) to determine if the proposed EZ for pinnipeds is acceptable, as its calculation was also not explained in the staff report.

Pile Driving

The staff report indicates that the Project intends to use an impact hammer for pile driving. In general, the Department recommends the use of a vibratory hammer in all cases except when not possible, for instance, when underlying bedrock cannot be penetrated using a vibratory hammer. In this special case, the Department asserts that it will be important to use whichever pile driving method, if any, carries the least risk of disturbing the subsurface petroleum hydrocarbon plume and pockets of contamination. The Department recommends the Project analyze and determine which method this will be.

If both vibratory and impact pile driving carry the same amount of risk, the Department prefers the use of a vibratory hammer to reduce sound levels. If an impact hammer must be used, the Department appreciates the Project's implementation of a "soft start" or ramp-up technique and recommends using a cushion block to decrease sound levels. The Department also recommends using a bubble curtain for either method to further reduce in-water sound levels.

Oil Spill Prevention and Response

As stated in the staff report, potential adverse impacts to marine resources due to pile installation over a subsurface petroleum hydrocarbon plume are a main concern of the Project. The Department appreciates the applicant's preparation of an Oil Spill Contingency Plan (OSCP) for the Project and associated prevention and response measures. However, certain details were not provided in the OSCP. Specifically, the Department recommends the OSCP provide details on who will be giving the training to the employees and contractors involved in the Project regarding the OSCP's spill response criteria. The Department recommends consulting further with the Department's Office of Spill Prevention and Response (OSPR) on this matter.

Treated Timber Piles

The staff report states that the applicant proposes to use ACZA-treated timber piles dipped with an epoxy/polyurethane coating. Fish and Game Code Section 5650 states that, "it is unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, or bird life." The Department considers timber treated with ACZA to be a deleterious material and thus recommends avoiding the use of treated wood piles whenever possible. Timber piles coated or wrapped with a benign material, such as the marine-grade epoxy/polyurethane coating proposed for the Project, may become damaged by contact with debris, allowing harmful substances to enter the water through the damaged coating. If the Project must use treated timber piles, the Department recommends inspecting these piles on at least a yearly basis to confirm the integrity of the coating and repair any damaged areas.

The Department appreciates the opportunity to provide comments to the California Coastal Commission regarding the Avila Pier Rehabilitation Project. Please contact me with any questions or concerns.

Thank you,

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