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STAFF REPORT: REGULAR CALENDAR

Application No.: 9-23-0785

Applicant: South Coast Water District

Agent: Kevin Thomas, Kimley-Horn Consultants

Project Location: City of Dana Point and Doheny State Beach, Orange County.

Project Description: Proposal by South Coast Water District to conduct geotechnical testing and install two monitoring wells to identify subsurface hydrogeologic conditions in support of preparing a final site plan for its Doheny desalination facility, at Doheny State Beach, Orange County.

Staff Recommendation: **Approval** with conditions.

SUMMARY OF STAFF RECOMMENDATION

The South Coast Water District (“SCWD”) proposes to conduct geotechnical testing and monitoring to support the construction and operation of a seawater desalination facility the Commission approved in October 2022 pursuant to Coastal Development Permit #9-20-0691. That facility will be located in the City of Dana Point, with its slant wells and associated infrastructure to be located within Doheny State Beach, in Orange County. This currently proposed geotechnical project involves drilling several boreholes, developing monitoring wells, and conducting Cone Penetration Testing (“CPT”), with the purpose of “honing in” on site-specific subsurface conditions that will help identify the optimum location for the desalination facility’s wells.

The main project activities involve placing and operating a drill rig at two locations within the Doheny State Beach campground and conducting the CPT activities at two other locations in the campground. The proposed work is expected to occur over about a two-month period starting in January 2024.

Project activities have the potential to cause several types of adverse effects to coastal resources. They will involve work at a State Beach and discharges to coastal waters, which will require approvals from the California Department of Parks and Recreation (“State Parks”) and the San Diego Regional Water Quality Control Board (“Regional Board”). **Special Condition 1** would require SCWD to provide documentation of those approvals prior to starting any development work at the project site.

The project will also result in a reduction of public access due to the activities occupying up to 11 of the 122 camp sites within Doheny State Beach for up to two months. However, SCWD has worked with State Parks to minimize in several ways the effects of these public access reductions. Both entities have scheduled work to occur during the low-occupancy season at the campground and State Parks expects to be able to accommodate campers that might otherwise use the camp sites occupied by project activities at other sites within the campground. SCWD and State Parks are also coordinating in informing campers of the project activities. To limit project noise and disruption to other campers, SCWD will install noise barriers around project equipment, which SCWD’s modeling shows is expected to reduce project-related noise to about the same range as other ambient noise and sound sources at the campground. Together, these measures result in the overall access reductions being de minimis; however, to ensure the project’s noise impacts do not extend beyond these anticipated limits, **Special Condition 2** would require SCWD to monitor the noise generated by project equipment to ensure it does not exceed the stated thresholds.

SCWD’s project activities also have the potential to result in adverse effects on water quality due to potential spills of fuel or other hazardous substances from project vehicles and equipment and from SCWD’s planned groundwater discharges from the monitoring wells. **Special Condition 3** would therefore require SCWD to develop a Spill Prevention and Response Plan for the project activities, and **Special Condition 4** would require similar plans that outline the Construction Best Management Practices SCWD will implement to avoid and reduce coastal resource impacts. The project would also take place in locations known to be subject to coastal hazards, including tsunami runup and coastal erosion. In recognition of the risk of these hazards at and near the project locations, **Special Condition 5** would have SCWD acknowledge and accept the risks associated with its proposed development at these sites. The project area may also contain Tribal cultural resources that could be disturbed during project activities; therefore, **Special Condition 6** provides that Tribal cultural resource monitoring measures are to be implemented during the project’s ground-disturbing activities and includes reporting requirements that apply should any Tribal cultural resources be found.

Procedural Note: Commission staff would typically evaluate this proposed testing and monitoring project through an application to amend the original project's CDP. However, in this case, that CDP includes several "Prior to Issuance" conditions with long lead times that SCWD has not yet completed, so that CDP has not yet been issued. Commission staff is therefore processing this proposed project under this separate CDP.

The Special Conditions of the original CDP addressed coastal resource impacts of the much larger, full-scale desalination facility and its slant well field at Doheny State Beach, and they continue to apply to that larger project. Most of those conditions are not relevant to this current geotechnical investigation proposal given the limited impacts of and temporary nature of these testing and monitoring activities; however, staff has proposed including some of them as conditions of this permit, where relevant, to ensure consistency with that previously approved CDP. These include Special Conditions 3, 4, 5, and 6, as described above, which are similar to the conditions the Commission required as part of the previous CDP.

Conclusion

Commission staff recommends the Commission find that with implementation of recommended **Special Conditions 1 through 6** the project would be consistent with the public access and recreation, marine biological and water quality protection, coastal hazards, and archaeological resources policies of the Coastal Act. Commission staff recommends that the Commission **APPROVE** coastal development permit application 9-23-0785, as conditioned. The motion is on page 5. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

Exhibit 1 – Project Location and Site Map

Exhibit 2 – Sites within Doheny State Beach for Geotechnical Borings and CPT

Exhibit 3 – Illustration of Noise Barriers

I. Motion and Resolution

Motion:

I move that the Commission approve Coastal Development Permit No. 9-23-0785 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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

- 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 applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. Special Conditions

1. **Other Permits and Approvals.** PRIOR TO STARTING PROJECT-RELATED DEVELOPMENT ACTIVITIES, the Applicant shall provide to the Executive Director written evidence that all necessary permits, permissions, approvals, and/or authorizations for the project have been granted by the California Department of Parks and Recreation and the San Diego Regional Water Quality Control Board. Any changes to the approved project required through these approvals shall be reported to the Executive Director. No changes to the approved project shall occur without an amendment to this permit unless the Executive Director determines that no amendment is legally necessary.
2. **Noise Monitoring:** PRIOR TO STARTING PROJECT-RELATED DEVELOPMENT ACTIVITIES, the Applicant shall provide, for Executive Director review and approval, a proposed Noise Monitoring Plan that includes the following:
 - a) Site plans of the project work areas showing the proposed location of noise-generating equipment and noise barriers.
 - b) Proposed location of noise monitoring equipment to identify decibel levels of project-generated noise at the nearest camp site(s) outside the work areas.
 - c) A description of the type of noise monitoring equipment to be used, including product name and documentation that identifies the acoustic sensitivity of the equipment.
 - d) Proposed operation of the noise monitoring equipment, including operating for at least 24 hours prior to the start of project noise-generating activities and continuously for at least two days from the start of those activities at each work site.
 - e) The Plan shall include provisions to report ambient (i.e., pre-project) and project-related noise readings to Commission staff at the start of project activities.

The Applicant shall implement the Plan as approved by the Executive Director. If project-noise levels are significantly above the range of ambient noise levels, the Executive Director may require modifications to project operations to reduce those levels or may determine that continued project operations will require an amendment to this permit.

- 3. Spill Prevention and Response Plan.** PRIOR TO STARTING PROJECT-RELATED DEVELOPMENT ACTIVITIES, the Applicant shall submit, for Executive Director review and approval, Project-specific Spill Prevention and Response Plans that address potential spills or releases of hazardous materials during both project construction and project operations. The Plans shall identify worst-case spill scenarios and demonstrate that adequate spill response equipment will be available. The Plans also shall include preventative measures that will be implemented to avoid spills and measures that will be implemented should spills occur. The Plans shall specify responsibilities of contractors and project personnel. The Plans shall identify the location of all on- and off-site spill response equipment (including sorbent materials, booms, etc.) that will be available in the event of a spill, and the protocols and expected response times for deployment. The Plans are to clearly identify responsibilities of project personnel and contractors in the event of a spill and shall include necessary contact information for responsible personnel and involved emergency response agencies (e.g., Fire Department, U.S. Coast Guard, etc.).
- 4. Operations Plan.** PRIOR TO STARTING PROJECT-RELATED ACTIVITIES, the Applicant shall provide, for Executive Director review and approval, an Operations Plan that address methods and Best Management Practices (“BMPs”) to be implemented during project activities and that include the following:
- a) Operations areas: site plans showing the location of all operations areas, staging areas, fueling areas, and access corridors. The areas within which project activities and/or staging are to take place are to be minimized to the extent feasible to reduce potential impacts to coastal resources.
 - b) Operations BMPs: the Plans shall identify the type and location of all erosion control and water quality BMPs that will be implemented during project operations to protect coastal water quality. Silt fences, straw wattles, filtration equipment, and other similar materials are to be installed and maintained around the perimeter of all work areas to prevent project-related runoff and sediment from discharging directly into storm drains or coastal waters. The Plan shall identify all measures that will be used to keep the work areas physically separate from public recreational use areas, such as using signage, temporary fencing, or other measures to delineate work areas. The Plans are to also describe all measures that will be implemented to reduce the effects of project-related noise and lighting of areas outside the delineated work areas.
 - c) Equipment BMPs. Equipment fueling, washing, and maintenance shall take place at a designated hard-surfaced area where any leaks or spills can be contained and collected. All equipment shall be inspected at least daily to identify any leaks or potential leaks promptly. Any fueling and maintenance of mobile equipment conducted on site shall take place at designated areas located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless those inlets are blocked to protect against fuel spills). Fueling and maintenance areas shall be designed to fully contain any spills of fuel, oil, or other contaminants. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.

- d) Good Housekeeping BMPs. The Plan shall describe good housekeeping controls and procedures that will be implemented, including cleaning up all leaks, drips, and other spills immediately, keeping materials covered and out of the rain, covering exposed piles of soil and wastes, disposing of all wastes properly, placing trash receptacles on site and covering open trash receptacles during wet weather, and removing all project debris from the site at least daily.
- e) Timing: The Plan is to provide a schedule identifying the expected duration of construction and the hours and days construction is expected to occur.
- f) Operations Coordinators. The Plan shall identify one or more designated coordinators as the point of contact during project operations should questions arise regarding the project (in case of both regular inquiries and emergencies). The Plan shall provide coordinator(s) contact information, including, at minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of the project and that shall be conspicuously posted at the job site where such contact information is readily visible from areas accessible to the public. The Plan shall require that the coordinator(s) record all complaints received regarding construction activities, including the nature of the complaints, contact information where available (e.g., name, phone number, and email address) and shall require the coordinator(s) to 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 upon request.

Copies of the approved Plan and of the signed CDP shall be maintained at the project work sites and be available to project personnel and the interested public upon request. All project personnel shall be briefed on the content and meaning of the CDP and the approved Plans prior to their start on project activities.

The Applicant shall implement development in accordance with this condition and the approved Operation Plan. Minor adjustments to the above requirements, as well as to the Executive Director-approved Plan, which do not require a CDP amendment or a new CDP (as determined by the Executive Director), may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.

- 5. Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this permit, the Applicant acknowledges and agrees (i) that the site may be subject to hazards from tsunamis, storm waves, surges, and erosion; (ii) to assume the risks to the Applicant 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.

- 6. Cultural Resource Monitoring During Operations.** PRIOR TO STARTING PROJECT-RELATED DEVELOPMENT ACTIVITIES, SCWD (or its designee) shall retain a Cultural Resource Specialist (“CRS”) that meets the minimum qualifications of the U.S. Secretary of Interior Guidelines (NPS 1983) and shall also retain a Native American Monitor representing the Juaneño Band of Mission Indians, Acjachemen Nation-Belardes, if requested by the Tribe. The CRS and Native American Monitor shall be present during initial excavations during activities that penetrate below native ground surface. The CRS, Native American Monitor, and the Project Operations Manager shall have the authority to halt construction if previously unknown cultural resource sites or materials are encountered. In the event of unexpected cultural resource discovery, the Native American Monitor and CRS shall have the authority to redirect ground disturbance under consultation with the Operations Manager.

IV. Findings and Declarations

A. Project Description and Background

In October 2022, the Coastal Commission approved Coastal Development Permit No. 8-20-0691 allowing the South Coast Water District (“SCWD”) to construct and operate a desalination facility in the City of Dana Point (“City”), with its slant wells and associated infrastructure located within Doheny State Beach (“DSB”) (see **Exhibit 1**). In July 2023, SCWD submitted this current CDP application No. 9-23-0785 requesting approval to conduct geotechnical testing and to install monitoring wells at DSB. This proposed work is meant to “hone in” on specific subsurface geologic conditions within the previously-approved slant well area to help determine the optimum locations for those wells.

The primary geotechnical work activities will initially involve using a sonic drill rig to install four boreholes at two sites at DSB and conducting Cone Penetration Testing (“CPT”) at two other sites within DSB (see **Exhibit 2**). Each of the borehole sites will include one vertical borehole drilled to about a 200-foot depth and an angled borehole extending up to about 350 feet at a 45-degree angle. SCWD will develop the two vertical boreholes as monitoring wells and will pump and discharge water from them over one to three days during regular park hours, followed by a 24-hour continuous pump test.

Mobilizing the drilling activities at the two sites will include establishing a work area, placing and staging the sonic drill rig and connecting it to water lines, installing temporary protective security fencing around the area, installing noise control measures, and staging needed materials within the work area. SCWD selected a sonic drill rig to allow quicker and more efficient drilling operations as compared to a standard rig. This sonic method uses high-frequency vibrations to break up or “liquify” the soil and rock in the path of the drill, which reduces the friction between the equipment and substrate. SCWD will also install casings, filter packs, and sealing materials on the vertical boreholes to complete their transition to monitoring wells. Demobilization will involve removal of all equipment with a final walkthrough to ensure the sites are restored to State Parks’ satisfaction.

The primary expected impacts of these activities are a reduction in public access to the shoreline resulting from construction-related noise and from displacing some campground activities and availability. Regarding noise, SCWD will be installing noise barriers (see **Exhibit 3**) around project equipment that is expected to reduce noise levels to ambient levels within a relatively short distance (as described below in Section IV.D). Regarding camping displacement, project staging and operations are expected to require up to 11 of DSB’s 122 campground sites; however, SCWD has worked with State Parks to schedule the work during mid-winter, the time of year with the lowest occupancy rates at DSB and State Parks has stated that it expects to accommodate campers that might otherwise occupy these camp sites at other sites within the DSB campground due to the lower expected occupancy (as described below in Section IV.D). Both SCWD and State Parks will also coordinate to inform campers interested in

reserving camp sites during the work period of the project activities. There will likely be limited disruption due to construction-related lighting; however, lighting will be directed to within the work area and will be further limited by the presence of the noise screens.

SCWD expects the activities to take about eight weeks, predominantly for the mobilization, drilling and demobilization of the drill rigs. SCWD plans to conduct the work starting in January 2024, with most of the activities taking place between 10 am and 8 pm. The CPT activities will take one day each at the two sites.

B. Standard of Review

The project would be located partially within the Commission's retained jurisdiction where the standard of review includes applicable policies of Chapter 3 of the Coastal Act. The project would also be partially within the certified Local Coastal Program ("LCP") jurisdiction of the City of Dana Point, where the standard of review would be the applicable policies of that LCP and the public access provisions of the Coastal Act.

For this project, however, the applicant, City, and Executive Director have agreed to review the proposal under the Coastal Act's consolidated coastal development permit process pursuant to Coastal Act Section 30601.3. This provides the Commission with the authority to act upon a consolidated permit for proposed projects that require a coastal development permit from both a local government with a certified local coastal program and the Commission. This authority is authorized if the applicant, local government and Executive Director (or Commission) consent to consolidate the permit. As part of its CDP application, SCWD provided documentation from the City concurring with the consolidated permit approach, and the Executive Director agreed to consolidate permit action for aspects of the proposed project that would be carried out in the City's LCP jurisdiction with aspects of the proposed project that would be carried out within the Commission's retained jurisdiction, consistent with Coastal Act Section 30601.3. As a result, the standard of review for this consolidated coastal development permit application is the Coastal Act, with LCP policies used for guidance.

C. Consultations and Other Agency Approvals

Tribal Consultation

Tribal concerns expressed as part of the Commission's review of SCWD's larger-scale desalination facility and slant well project were primarily focused on the potential for grading and ground disturbing activities to expose or disturb Tribal cultural resources. In accordance with the Commission's Tribal Consultation policy, staff's contact and discussion with the several Tribes with interest in the project area resulted in a Special Condition on the previous CDP that required SCWD to have Tribal monitors on site for any ground disturbing activities and to follow proper protocol in the event of finding any cultural resources. Section IV.G of these Findings describe those concerns and **Special Condition 6** of this CDP includes relevant provisions of that Special Condition required in that previous CDP.

Other Permits and Approvals

- **California Environmental Quality Act (“CEQA”)**: SCWD served as the CEQA lead agency for reviewing the Doheny desalination project and certified a Final Environmental Impact Report in June 2019 (SCH #2016031038). On July 21, 2023, the City of Dana Point approved a categorical exemption (Class 6) for this proposed geotechnical evaluation, pursuant to Section 15306 of the CEQA Guidelines.
- **California Department of Parks and Recreation (“State Parks”)**: The proposed activities will be subject to an encroachment permit from State Parks.
- **San Diego Regional Water Quality Control Board (“Regional Board”)**: The project will require coverage under a Regional Board Groundwater Discharge/NPDES permit for discharge of water from the monitoring wells.
- **California State Lands Commission**: The desalination facility and slant wells are subject to a lease of state tidelands issued by the California State Lands Commission on December 9, 2022.

Special Condition 2 requires SCWD to provide, prior to the start of development activities, documentation that it has received the necessary approvals and permits from the agencies listed above, and that any project changes resulting from these approvals are properly reviewed to ensure ongoing compliance with Coastal Act requirements.

D. Coastal Access and Recreation

Section 30210 of the Coastal Act states:

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 of the Coastal Act states:

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 30220 of the Coastal Act states:

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

Site characteristics

Doheny State Beach provides opportunities for visitors to enjoy a variety of recreational activities. It is a popular surf spot, known particularly as a place for beginners to learn to surf. It provides a campground, picnic facilities, volleyball courts, a visitor center, swimming, and surf fishing opportunities. It is also known for being California's first official state beach when, in 1931, it was donated by Edward Doheny to the state for use by the public.

The DSB campground is open year-round and provides a group camping site and 122 individual camp sites, with about a third of the sites adjacent to the beach. Most camp sites are available for use by either recreational vehicle or tent campers, with six sites designated as accessible to persons with disabilities. The sites currently do not include electrical, water, or sewer hookups, but the campground provides restrooms, showers, and a waste transfer station. The current costs for camping are \$60 per night for the premium beachside sites and \$40 per night for the others.

Project Impacts

The proposed project will result in a temporary reduction of coastal public access and recreation due to the activities occupying up to 11 camp sites at DSB for up to eight weeks and due to the noise generated by the activities disrupting nearby campers. SCWD has included several measures with its project to limit these adverse effects. First, it has scheduled the work during the mid-winter low occupancy season at DSB and has coordinated its work schedule with State Parks. State Parks has stated that it expects to accommodate campers that might otherwise occupy the camp sites used or affected by the work activities in some of the other 122 camp sites at DSB.¹ SCWD will also be working with State Parks to inform campers seeking reservations during the planned work period of these project activities.

Regarding noise, SCWD reports that the drill rig noise levels can reach about 84.5 dBA at a 50-foot distance; however, SCWD's proposed placement of noise screens around the rig (see **Exhibit 3**) is expected to reduce those levels to about 59.5 dBA at that distance. This is comparable to the typical ambient ocean wind and wave sound levels of about 65 dBA at the two drill sites and is somewhat less than the typical 70 dBA noise level of a recreational vehicle generator at a 50-foot distance. Regarding camping displacement, project staging and operations are expected to require up to 11 of DSB's 122 campground sites, and the closest other camp sites to these 11 are about 60 feet away. There could also be limited disruption due to construction-related lighting; however, lighting will be directed to within the work area and will be further limited by the presence of the noise screens, which will block some of the light from the project area.

¹ As noted in the Findings for the previous CDP, the seasonal occupancy rate at the DSB campground for the time this project is scheduled is about 72%, which would typically mean vacancies at about 34 of the campground's 122 sites.

Conclusion

With this project occurring during DSB's low-occupancy period and with State Park's ability to accommodate campers that might otherwise be subject to reduced camping access during this period, the overall project impacts on public access to the shoreline are expected to be minimal.² As described above, and with implementation of **Special Condition 2**, the project would be carried out in a manner that would protect coastal access and recreation opportunities under the Coastal Act. The Commission therefore finds that the proposed project, as conditioned, is consistent with the coastal access and recreation sections (Sections 30210, 30211, and 30220) of the Coastal Act.

E. Marine Resources and Water Quality

Section 30230 of the Coastal Act states:

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 of the Coastal Act states:

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.

The proposed activities could result in two types of adverse effects on water quality – those resulting from discharge of groundwater pumped from the monitoring wells and those resulting from spills of fuel or other hazardous substances used by project equipment and vehicles.

² These geotechnical testing and monitoring activities are significantly smaller in scope and timing than the activities that the Commission in October 2022 reviewed and determined would require substantial mitigation in the form of public access amenities, alternative camping areas, and others. That project involved an expected 18- to 24-month closure of the entire campground, which included one or two high-occupancy periods, as compared to this short-term project during the off-season.

Discharge of groundwater

As part of developing its two monitoring wells, SCWD will pump water from the boreholes for one to three days and will conduct a 24-hour drawdown test at each at a pumping rate of about 70 gallons per minute. The extracted water will be a blend of brackish waters and intruded seawater collected from beneath DSB. SCWD will route the water to onsite Baker Tanks, where it will settle and clarify to meet discharge requirements of the project's permits from the San Diego Regional Water Quality Control Board. The water will then be discharged to an existing San Juan Creek Ocean Outfall, which discharges several thousand feet offshore and where the discharge is expected to mix quickly into the ocean's receiving waters. With these measures in place and with compliance with Regional Board requirements, this discharge is not expected to exceed applicable water quality standards or result in any more than de minimis effects on water quality.

Spills

The project's use of heavy equipment and vehicles near the beach and coastal waters could result in spills or releases of fuel, oil, or other hazardous substances. The two borehole sites would be above the mean high tide mark but close enough that an inadvertent release could quickly damage nearby coastal waters. To avoid and minimize the potential for spills, **Special Condition 3** requires SCWD to submit a comprehensive Spill Prevention and Response Plan that identifies all measures that will be implemented to avoid potential spills and to properly respond to any that do occur.

All facets of project operations would also be required, through **Special Condition 4**, to adhere to a number of Best Management Practices ("BMPs") identified in plans to be developed by SCWD. These BMPs are to include measures such as proper debris and trash removal, proper equipment fueling and maintenance done in a way to avoid spills, training of project personnel, and other similar measures meant to avoid and reduce potential effects on coastal resources. Both of these Special Conditions are consistent with those required through the Commission's approval of the previous CDP for the desalination facility project.

Conclusion

Although the Commission finds that the proposed project has the potential to adversely impact marine resources, water quality, and the biological productivity of coastal waters, with implementation of **Special Conditions 3** and **4**, the project would be carried out in a manner in which marine resources and water quality are maintained, the biological productivity of coastal waters is sustained, and healthy populations of all species of marine organisms will be maintained. In addition, the proposed project, as conditioned, would maintain the biological productivity of coastal waters appropriate to maintain optimum populations of marine organisms. The Commission therefore finds the proposed project, as conditioned, consistent with the relevant marine resource and water quality protection provisions of the Coastal Act.

F. Coastal Hazards

Coastal Act Section 30250 states, in relevant part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Coastal Act Section 30253 states, in relevant part:

New development shall do all of the following: (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The proposed activities would occur in an area subject to several types of potential coastal hazards, primarily coastal erosion and tsunami. The Commission's previous CDP approval included a comprehensive evaluation of those hazards and included several Special Conditions needed for the project to be consistent with the relevant Coastal Act policies. The currently proposed geotechnical testing would take place within the same project footprint as previously evaluated; however, these activities are not likely to be subject to these hazards given the short-term nature of these tests. Nonetheless, to generally address the risks associated with these hazards, **Special Condition 5** provides, among other things, that SCWD acknowledges and assumes the risk of siting its project at locations subject to these potential hazards.

Regarding tsunami, the proposed borehole and CPT sites are just inland from and at a slightly higher elevation than the beach where they could be adversely affected by tsunami inundation or by the scour that can accompany a tsunami. The Commission's previous review evaluated potential tsunami-induced erosion, runup, and inundation under both present and expected future sea levels using as a primary scenario the possibility of a two-meter-high solitary wave that could be generated in nearby offshore waters. This scenario represents an extreme condition and does not include an assigned probability – e.g., it does not necessarily represent a 100-year or 500-year event. However, modeling conducted by SCWD showed the borehole and CPT sites would be inundated by this type of event and could be affected by tsunami-induced erosion. In the case of the full-scale project's slant wells, SCWD concluded that they could be designed and built within below-grade steel vaults that would withstand the expected inundation and scour from this event. For the geotechnical testing, however, the potential of this, or even a much smaller tsunami occurring during the two-month testing period is highly unlikely.

The situation is similar for coastal erosion hazards. The Commission's previous evaluation identified long-term erosion rates under current conditions and with expected increased sea level elevations and determined that the well sites could be inundated under a number of scenarios. Similar to the above, SCWD is designing its slant well array to accommodate periodic wave overtopping, largely through the use of concrete and steel vaults. While access to the wellheads may be limited during extreme wave conditions, access could be quickly restored during low tide conditions. The Commission also required through a Special Condition that SCWD develop a coastal hazards response plan to identify how it would adapt – through modification, relocation, or removal – any project components affected by this hazard. The Commission also prohibited the future use of shoreline protective devices and required that any future modifications not result in adverse impacts to the beach.

Conclusion

For purposes of the currently proposed geotechnical testing, the relatively immediate and short duration of the two months of testing activities starting in January 2024 makes it highly unlikely that the tests will be affected by these hazards or that these hazards might be increased due to the activities. With the inclusion of **Special Condition 5** acknowledging the site hazards the project may be subject to, the Commission finds that the project is consistent with the hazards policies of the Coastal Act.

G. Tribal Consultation and Cultural Resources

Coastal Act Section 30244 states:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

In addition to Coastal Act Section 30244 regarding Tribal cultural resources, the Commission in 2018 adopted a Tribal Consultation policy meant to help establish meaningful consultation with California's tribal governments and representatives. The policy includes several guiding principles regarding communication with the tribes, acknowledgement of tribal interests and resources, and how to assess the effects that Commission actions may have on tribal interests.

Commission staff's review of SCWD's CDP application for its desalination facility included offers of Tribal Consultation with several Tribes known to have interest in the project area. Of those, staff received expressions of interest from two Tribes. Staff first met with representatives from the Juaneño Band of Mission Indians Acjachemen Nation, on whose ancestral lands the proposed project would be located. Chairwoman Heidi Lucero said the Tribe was generally supportive of SCWD's project but was concerned about disruption of the ecosystem at a time when her community is trying to restore the little amount of natural environment that remains. Vice Chairman Richard

³ See Coastal Commission's Adopted Tribal Consultation Policy, August 8, 2018.

Rodman agreed, and both expressed concern about potential disturbance of Tribal cultural resources, particularly at the site along San Juan Creek where SCWD was planning to locate the desalination facility. Both indicated that SCWD had reached out and had been very accommodating and provided a good presentation of project information. They noted that SCWD had been very flexible with meeting dates and took tribal members to the site.

Staff also met with a representative of the Gabrielino-Tongva Tribe of the San Gabriel Band of Mission Indians, who said that Gabrielino-Tongva Tribal Chief Anthony Morales has not taken a position on the desalination project because he had unanswered questions and concerns about the small marine life that might be affected by the project, about the risk of chemicals and brine polluting waterways, and about whether the facility would be inspected and monitored to keep communities safe.

SCWD noted that due to concerns about the potential for cultural resources at the desalination facility site, and at the request of a Tribal representative, it had modified a cultural resource monitoring mitigation measure included in the project's Final EIR. The Commission included that mitigation measure as a Special Condition of the CDP for the desalination project, which required that a Tribal monitor be retained for any ground-disturbing work. For this proposed geotechnical project, where ground disturbance is limited to four boreholes to be drilled within a beach area subject to long-term accretion and erosion process, the likelihood of cultural resource disturbance is very low. Nonetheless, relevant provisions of that prior CDP Special Condition are now also included as **Special Condition 6** of this CDP, which requires SCWD to retain a Tribal monitor upon Tribal request.

Conclusion

With inclusion of **Special Condition 6**, the Commission finds the project will be consistent with the requirements of Coastal Act Section 30244.

H. California Environmental Quality Act

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act ("CEQA"). Section 21080.5(d)(2)(A) of CEQA prohibits approval of a proposed development if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant impacts that the activity may have on the environment. The project as conditioned herein incorporates measures necessary to avoid any significant environmental effects under the Coastal Act, and there are no less environmentally damaging feasible alternatives or mitigation measures. Therefore, the proposed project is consistent with CEQA.

APPENDIX A – Substantive File Documents

Coastal Development Permit Application No. 9-23-0785.

Coastal Development Permit Application No. 9-20-0691.

South Coast Water District, Final Environmental Impact Report – Doheny Desalination Project (SCH #2016031038), June 2019.