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STAFF REPORT CDP APPLICATION

Application Number: 2-22-0726
Applicant: San Mateo County Harbor District
Project Location: Pillar Point Harbor and Surfers Beach, Half Moon Bay and San Mateo County
Project Description: Sand replenishment along approximately 1,000 feet of the shoreline along Surfers Beach using sandy materials dredged from the harbor, and establishment of new eelgrass beds within the harbor's west basin
Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The San Mateo County Harbor District proposes to dredge up to 100,000 cubic yards of clean sand accumulated along the inside of the harbor breakwater near the public boat launches for a one-time placement of that sand along an approximately 1,000-foot-long section of shoreline at adjacent Surfers Beach in Half Moon Bay. In addition, the project also involves implementing an eelgrass restoration plan designed to establish a significant new eelgrass habitat area (almost 8 acres) within the harbor's west basin to offset potential eelgrass impacts, but also to significantly increase eelgrass habitat in the harbor overall.

Since the construction of the harbor breakwater in 1961, Surfers Beach has experienced a significant amount of beach and bluff erosion, leading to loss over time of sandy beach area, as well as blufftop coastal scrub and grassland, and an increased exposure of Highway 1, just inland, to erosion and flood hazards. Conversely, while the Surfers Beach area has eroded, areas immediately adjacent but inside the harbor have significantly shoaled, which often results in the temporary closure of the public boat

launch ramps until the material can be dredged and moved elsewhere. Historically, those dredged materials weren't allowed to be placed in the Monterey Bay National Marine Sanctuary which fronts Surfers Beach), due to Sanctuary regulations regarding fill. However, the rules were changed in November 2021 to allow for beneficial reuse of sediment. In fact, one of the objectives of the proposed project is to help illustrate that such nourishment has the potential to be an all-around advantageous project, where the public benefits from being able to use the boat launches, the beach benefits from additional sand, significant eelgrass habitat is created, and erosion that threatens Highway 1 is addressed without additional hard armoring.

Chronic erosion of Surfers Beach has resulted in degradation of the shoreline area and hazardous conditions for Coastal Trail and shoreline users. Absent a project, Surfers Beach will continue to be in danger from erosion and could potentially be rendered unsafe for public access use in the near future. The project also includes significant eelgrass restoration, and a host of best management practices to ensure the protection of coastal resources at the project site.

In sum, the proposed project includes a range of positive public benefits and will be adaptively managed and monitored so that lessons learned from this effort can be applied to additional such projects in the future. Staff has long advocated for a project of this nature at this site and has worked closely with all relevant parties to help shepherd it to fruition. Staff recommends approval as conditioned, and the motion and resolution to effectuate this recommendation are found on page 4 below.

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EXHIBITS

- Exhibit 1 – Project Location Maps
- Exhibit 2 – Project Plans
- Exhibit 3 – Site Photos
- Exhibit 4 – Proposed Mitigation Measures and Best Management Practices (BMPs)
- Exhibit 5 – Pillar Point Harbor-Wide Eelgrass Management and Mitigation Plan (EMMP)
- Exhibit 6 – Applicable Coastal Act Provisions

1. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a CDP with conditions 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 2-22-0726 pursuant to the staff recommendation, and I recommend a **yes** vote.*

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number 2-22-0726 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.*

2. 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 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.

3. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

- 1. Approved Project.** This CDP authorizes (a) the dredging up to 100,000 cubic yards of clean sand from inside of Pillar Point Harbor's East Breakwater; (b) the placement of that sand to form an elevated berm along an approximately 1,000-foot long section of shoreline at Surfers Beach in Half Moon Bay; and (c) the establishment of new eelgrass habitat within the harbor's west basin, all substantially consistent with the proposed plans (i.e., titled *ESA, Surfers Beach Pilot Restoration Project*, dated June 26, 2023, and stamped received in the Commission's North Central Coast District Office on May 15, 2023 (see **Exhibit 2**)) subject to the terms and conditions of this CDP.

- 2. Construction Plan.** PRIOR TO ISSUANCE OF THE CDP, the Permittee shall submit two copies of a Construction Plan to the Executive Director for review and written approval. The Construction Plan shall, at a minimum, include and provide for the following:
 - a. Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All areas within which construction activities and/or staging areas are to take place shall be minimized in size to the maximum extent feasible in order to have the least impact on public access and other coastal resources, including by using, as feasible, inland areas for staging and storing construction equipment and materials. Construction areas shall be sited and designed to minimize impacts to public beach access and public views at Surfers Beach, at the adjacent section of the Coastal Trail, and at Highway 1, including but not limited to public views across the site.

 - b. Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separate from public recreational use areas as much as possible (including using unobtrusive temporary fencing or equivalent measures to delineate construction areas), and including verification that equipment operation and equipment and material storage will not, to the maximum extent feasible, significantly degrade public access and public views during construction. The Plan shall limit construction activities to avoid coastal resource impacts as much as feasible, and lighting of the work area is prohibited.

 - c. Construction Timing.** Construction is prohibited during weekends, from the Saturday of Memorial Day through Labor Day inclusive, and during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise), unless due to extenuating circumstances the Executive Director authorizes such work.

 - d. Construction BMPs.** The Construction Plan shall identify the type and location of all erosion control and water quality best management practices that will be implemented during construction to protect coastal water quality, including at a minimum all of the following:

- 1. Runoff Protection.** Silt fences, straw wattles, or equivalent apparatus shall be installed at the perimeter of all construction areas to prevent construction-related runoff and sediment from discharging from the construction area or entering into storm drains or otherwise offsite or towards the beach and ocean. Similar apparatus shall be applied on the beach area for the same purpose when potential runoff is anticipated. Special attention shall be given to appropriate filtering and treating of all runoff, and all drainage points, including storm drains, shall be equipped with appropriate construction-related containment, filtration, and treatment equipment. All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
 - 2. Equipment BMPs.** Equipment washing, refueling, and servicing shall take place at an appropriate off-site and inland location to help prevent leaks and spills of hazardous materials at the project site, at least 50 feet inland from the beach and preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. All construction equipment shall also be inspected and maintained at a similarly sited inland location to prevent leaks and spills of hazardous materials at the project site.
 - 3. Good Housekeeping BMPs.** The construction site shall maintain good construction housekeeping controls and procedures 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, and cover open trash receptacles during wet weather; remove all construction debris from the site; etc.).
 - 4. Rubber-tired Construction Vehicles.** Only rubber-tired construction vehicles are allowed on the beach, except track vehicles may be used if the Executive Director determines that they are required to safely carry out construction and all possible measures are applied to ensure maximum coastal resource protection. When transiting on the beach, all vehicles shall remain as far away from the ocean as possible and avoid contact with ocean waters.
 - 5. Construction Material Storage.** All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All construction materials and equipment shall be removed in their entirety from these areas by one-hour after sunset each day that work occurs, except for necessary erosion and sediment controls and construction area boundary fencing where such controls and fencing are placed as far inland as possible and are minimized in their extent.
- e. Nesting Bird Protections.**
- 1. Surveys.** For any construction work that would occur during the avian breeding season (i.e., January 15 to September 15), pre-construction surveys shall be completed by a qualified wildlife biologist with experience in observing reproductive and nesting behavior to identify displays of nesting

behavior and/or active nests (i.e., as occupied by eggs or nestlings) in the proposed construction areas. The following shall apply:

- a. Surveys shall commence no more than 30 days prior to the initiation of construction and shall occur weekly thereafter over the project season, with the last survey occurring no more than 72 hours prior to the start of construction.
 - b. Surveys shall extend 300 feet from the project work area to locate any active non-raptor nests, and 500 feet to locate any active raptor (bird of prey) nests.
 - c. If active nests are located for non-colonial species, clearly marked no-disturbance buffers of 300 feet shall be established for non-raptor species and 500 feet for raptors, unless evidence is provided to demonstrate to the Executive Director's satisfaction that a different distance is appropriate. A qualified biologist shall determine when a nest has fully fledged or is no longer in use, at which point its no-disturbance buffer can be removed.
 - d. For colonial nesting species (e.g., great blue herons, black-crowned night herons, white egrets), if more than three active nests are located within the willow grove area near the project site, a no-disturbance buffer of 500 feet will be established around the outermost extent of the colony.
 - e. Maps identifying the location of any active nests detected shall be provided, and at a minimum, indicate the date of survey, nest stage (e.g., eggs, nestlings, etc.), and the buffers.
- 2. Buffers.** Any birds that begin nesting within the active construction area or the designated survey area amid construction activities may be assumed to be habituated to construction-related noise and disturbance levels. No prescribed buffers are required to be established around active nests in these cases; however, further encroachment shall be avoided, the nests shall continue to be monitored by the biologist, and if the nesting birds begin to show distress associated with construction activities, the qualified biologist shall establish the above-prescribed no-disturbance buffers.
- 3. Disturbance.** If under any circumstances either construction staff or the biologist observe signs of distress (e.g., parents flush from the nest and do not readily return as activities continue, anxious warning calls, etc.), work shall be stopped immediately, and the biologist shall consult with the Executive Director to determine necessary modifications to activities. Activities will resume only after the biologist is satisfied that the modifications are sufficient to avoid continued disturbance to the nests.
- 4. Monitoring.** A monitoring report shall be provided to the Executive Director within 90 days of construction completion and shall include: all survey results and associated maps; along with a brief narrative describing the survey methods and observations of the species' tolerances to noise, vibration, and

visual disturbance cues. If any incidents have resulted in a need for further consultation with the project biologist and/or the Executive Director, these will also be noted and discussed.

- f. Property Owner/Easement Holder Consent.** For any construction activities that may occur on properties (and/or on easements or similar legally defined areas) not owned by the Permittee, including but not limited to construction that requires equipment access on and/or across such other properties, the Permittee shall provide evidence of review, approval and consent from such property owners allowing such activities, where such consent shall only be deemed to have been given if the consent is for development consistent with the terms and conditions of the CDP, including as it affects such properties.
- g. Restoration.** All construction debris shall be removed, and all beach area and other public recreational access and use areas and all beach access points impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any native materials impacted shall be appropriately filtered as necessary to remove all construction debris.
- h. Construction Site Documents.** The Construction Plan shall provide that copies of the signed CDP and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction Plan, as well as the public review requirements applicable to them, prior to commencement of construction.
- i. Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that the construction coordinator's contact information (i.e., address, phone numbers, email, etc.), including, at a minimum, an email address and a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas while still protecting public views as much as possible, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name and contact information (i.e., address, email, 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.
- j. Construction Specifications.** The construction specifications and materials shall include appropriate control provisions that require remediation for any work

done inconsistent with the terms and conditions of this CDP.

- k. Notification.** The Permittee shall notify planning staff of the Coastal Commission's North Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP. The Permittee shall undertake development in accordance with this condition and the approved Construction Plan.

- 3. As-Built Plans.** WITHIN THREE MONTHS OF COMPLETION OF CONSTRUCTION, the Permittee shall submit two copies of As-Built Plans to the Executive Director for review and written approval showing all elements the approved project. The As-Built Plans shall be substantially consistent with the approved project identified in Special Condition 1. The As-Built Plans shall include color photographs (in both color hard copy 8½ x 11 and digital jpg formats) that clearly show the as-built project and that are accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph. At a minimum, the photographs shall be from upcoast, seaward, inland, and downcoast viewpoints, and from any other viewpoints necessary to provide complete photographic coverage of all project areas. Such photographs shall be at a scale that allows comparisons to be made with the naked eye between photographs taken in different years and from the same vantage points, including those chosen so as to inform potential future projects regarding how the placement of such materials affects surf conditions at Surfers Beach. The As-Built Plans shall include vertical and horizontal references to inland surveyed benchmarks for use in future monitoring efforts. The As-Built Plans shall be submitted with certification by a licensed civil engineer with experience in coastal structures and processes, acceptable to the Executive Director, verifying that the project has been constructed in conformance with the approved project identified in Special Condition 1 and the terms and conditions of this CDP.
- 4. Monitoring and Reporting.** The Permittee shall monitor the project and provide a report to the Executive Director that clearly describes both the implementation phase and the outcome of the project with respect to the boat launch area, the eelgrass restoration area, and Surfers Beach, where the intent is to use lessons learned from the project to inform and refine potential additional such projects in the future. At a minimum, the Permittee shall provide color photo documentation (in both color hard copy 8½ x 11 and digital jpg formats, accompanied by a site plan that notes the location of each photographic viewpoint and the date and time of each photograph) of all aspects of the project, including at representative times (and at least weekly) during construction duration, and at the least monthly (at both high and low tides) after that for one year from the date of commencement of materials placement. At a minimum, the photographs shall be from enough viewpoints to provide complete photographic coverage of all project areas and shall include viewpoints chosen so as to inform potential future projects regarding how the placement of such materials affects surf conditions at Surfers Beach. In addition, monitoring efforts must provide

a clear assessment of any impacts from sand placement, whether good or bad, on surfing resources, where at the least a narrative assessment of surf conditions shall be provided for each set of photographs (e.g., swell conditions, surf users, etc.) as compared to representative assessment conducted before the project is implemented. Such photographs shall be at a scale that allows comparisons to be made with the naked eye between photographs taken at different times from the same vantage points. Such photos, as well as a narrative describing the project and lessons learned, shall be provided to the Executive Director within one year and three months from the date of commencement of materials placement.

- 5. Other Authorizations.** PRIOR TO CONSTRUCTION, the Permittee shall provide to the Executive Director written documentation of authorizations from all entities from which such authorization is necessary for the approved project (including at a minimum from San Mateo County, City of Half Moon Bay, California State Lands Commission, California Department of Fish and Wildlife, Monterey Bay National Marine Sanctuary, U.S. Army Corps of Engineers, and NOAA Fisheries) or evidence that no such authorizations are required from each of these entities. The Permittee shall inform the Executive Director of any changes to the project required by any other such authorizations. Any such changes shall not be incorporated into the project until the Permittee obtains a Commission amendment to this CDP, unless the Executive Director determines that no amendment is legally required.
- 6. Future Permitting.** None of the CDP exemptions that might be provided by Coastal Act Section 30610 (and/or related implementing regulations) shall apply to the approved development, and any and all future proposed development related to this project, this project area, and/or these CDPs shall require new CDPs or CDP amendments that are processed through the Coastal Commission, unless the Executive Director determines that such CDPs or CDP amendments are not legally required.
- 7. Minor Adjustments.** Minor adjustments to these special condition requirements which do not require a CDP amendment or 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.
- 8. Assumption of Risk, Waiver of Liability, and Indemnity.** By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns: (a) that the project area is subject to coastal hazards, including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, tidal scour, storms, tsunami, coastal flooding, landslide, earth movement, and the interaction of all of these, many of which will worsen with future sea level rise; (b) to assume the risks to the Permittee and the properties that are the subject of this CDP of injury and damage from such hazards in connection with this permitted development; (c) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (d) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the

CDP 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; and (e) that any adverse effects to people or property caused by the permitted project shall be fully the responsibility of the Permittee.

4. FINDINGS AND DECLARATIONS

A. Project Location, Background, and Description

1. Project Location

The proposed project is located about 25 miles south of San Francisco at Pillar Point Harbor in unincorporated San Mateo County and Surfers Beach in the City of Half Moon Bay just south of the Harbor and just seaward of the unincorporated community of El Granada in San Mateo County. The project is bordered by the Pacific Ocean and Harbor to the west, Highway 1 to the east, the unincorporated communities of Princeton-by-the-Sea to the north, and El Granada to the east. Pillar Point Harbor is encompassed by its east and west breakwaters, and outside of these breakwaters is the northern portion of the Monterey Bay National Marine Sanctuary (MBNMS). See **Exhibit 1** for regional and project site maps and see **Exhibit 3** for site area photos.

2. Project Background

Surfers Beach is a popular beach and recreation area on the San Mateo County coast and is an especially desirable surfing destination for all levels of experience, but in particular it is popular with beginners because of its sheltered location and its convenient access right off of the highway. Pillar Point Harbor, which is immediately north of Surfers Beach is also very popular for both commercial and recreational uses, and it supports significant commercial fishing operations.

Since construction of the harbor breakwater in 1961 by the U.S. Army Corps of Engineers (USACE), Surfers Beach has experienced a significant amount of beach and bluff erosion, as well as an increased exposure of Highway 1 where it parallels the beach to erosion and flood hazards during coastal storms (see **Exhibit 3**). The northern portion of the beach is partially occupied by a revetment fronting the California Coastal Trail and Highway 1, most recently refurbished in 2015 (CDP A-1-98-057-A3).¹ In areas that aren't armored further south, a recent USACE analysis concluded that the bluffs were eroding at a very high rate in this area, estimated between 1.64 feet per year between 1993 and 2012. Powerful storms during the past two winter seasons have resulted in even more severe erosion reducing beach width and causing major threats to Highway 1.

¹ This CDP allowed for the revetment to be reinstalled over about 175 linear feet of the beach due to the danger to Highway 1 and was conditioned on Caltrans developing a long term adaptation plan for this corridor, including the potential for moving Highway 1 inland and more clearly out of harm's way, which could allow for natural erosion processes (including beach formation) to be reestablished. The plan was required to be submitted to the Commission prior to construction of the project, but it is still pending.

While Surfers Beach has eroded, areas immediately inside the harbor have significantly shoaled due to the sand retention caused by the presence of the breakwaters, which often results in the temporary closure of one or more of the public boat launch ramps until the material is dredged and moved elsewhere (see **Exhibit 3**). The loss of active boat launch ramps significantly reduces the ability of recreational boats to be launched, which in turn impacts the harbor's ability to foster recreational boating. Additionally, as such areas in the harbor fill with sand, eelgrass beds are covered, and are constantly in search of new areas to reestablish where the depths are conducive to their growth, including near the shoaling in the boat launch area.

3. Project Description

In summary, the proposed project would involve dredging up to 100,000 cubic yards of clean sand accumulated along the inside of Pillar Point Harbor's East Breakwater at and near the boat launch and depositing that sand to form an elevated berm along an approximately 1,000-foot-long section of shoreline at adjacent Surfers Beach. In addition, the project also involves implementing an eelgrass restoration plan by establishing new eelgrass habitat within harbor's west basin to mitigate for potential impacts to eelgrass beds in the proposed dredging areas.

Specifically, sand would be dredged and transported from the harbor to Surfers Beach in a slurry (water/sand) mixture via a pipeline. There, it would be placed inland of a small sand berm that would be created to help contain the mixture, and subsequently spread over the beach when enough materials have been deposited. The Commission expects sand placement to start at the south end of the placement area and work to the north (toward the harbor breakwater.)²

In terms of eelgrass, the District has developed a Pillar Point Harbor-Wide Eelgrass Management and Mitigation Plan (EMMP). The EMMP is intended to establish an area of new eelgrass beds in the harbor's west basin (off the west breakwater 'dogleg') in an area with fewer harbor activities that can disturb eelgrass (e.g., anchoring, vessel navigation, recreational shellfish harvesting, dredging, etc.). The EMMP provides a management and mitigation plan that can not only account for potential eelgrass impacts at the boat launch area but can also create a large and protected eelgrass habitat area overall in the harbor, nearly 8 acres all told. The eelgrass area would be monitored for at least five years to ensure its long-term success in that regard.

In short, the proposed project has the potential to be an all-around advantageous project, where the public benefits from being able to use the boat launches, the beach benefits from additional sand, significant eelgrass habitat is created, and erosion that threatens Highway 1 is addressed without additional hard armoring.. In particular, chronic erosion of Surfers Beach has resulted in degradation of the shoreline area and hazardous conditions for Coastal Trail and shoreline users. Absent a project, Surfers Beach will continue to be in danger from erosion and could potentially be rendered unsafe for public access use in the near future.

² Historically, such materials weren't allowed to be placed in MBNMS due to Sanctuary regulations regarding fill, but the rules were changed in November 2021 to allow for beneficial reuse of sediment.

B. Standard of Review

The proposed project site is in areas seaward of the mean high tide line within the Commission's retained CDP jurisdiction, as well as areas within Pillar Point Harbor, in San Mateo County's CDP jurisdiction, and potentially some construction access in the City of Half Moon Bay's CDP jurisdiction. The Harbor District, the County, the City and the Executive Director all agreed to a consolidated CDP review for the project, as allowed by Coastal Act Section 30610.3 Therefore, the standard of review for development is Chapter 3 of the Coastal Act with the San Mateo County and City of Half Moon Bay certified LCPs providing non-binding guidance in their respective areas.

C. CDP Determination

Applicable Coastal Act Provisions

The Coastal Act requires that public recreational access opportunities within the Coastal Zone be maximized, protected, and encouraged, and specifically requires that development not interfere with the public's right of access to the sea. The Coastal Act also encourages and protects recreational boating and commercial harbor uses. In addition, the Coastal Act requires the protection of marine, inland watercourse, and land side biological resources. These Coastal Act provisions also limit fill activities to instances where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. See applicable Coastal Act provisions in **Exhibit 6**.

Consistency Analysis

The project has the potential to impact coastal access in the project area during its implementation, including the existing parking area at the north end of the placement site, the Coastal Trail that traverses the project site from the boat launch ramps and south past the placement site and pedestrian beach access, lateral access of the beach during construction, and to some extent, surfing. To mitigate for such potential public access impacts during construction, **Special Condition 2** requires that the proposed project keep construction areas separated from public recreational use areas to the maximum extent possible and includes a host of construction BMPs to limit impacts as much as possible. Impacts to parking will only be temporary as all parking spaces will be available again once the project is completed. When completed, the proposed project will not only protect Highway 1 and the Coastal Trail, both of which provide avenues for the public to access the coast, but it will also expand the area of sandy beach that can be used by the public to promote and maximize public recreational access at the project site. As such, the proposed project will maintain and enhance public recreational access and facilities, including for fishing, recreation, and other visitor-serving activities, and is therefore consistent with the Coastal Act regarding public recreational access.

Given that the harbor is a working harbor, the proposed project will also mitigate shoaling and impacts to navigation by dredging the sand that has accumulated there since the construction of the outer breakwaters in the early 1960s. Other potential adverse impacts associated with the proposed project activities include, but are not limited to: construction, including elevated levels of noise and visual disturbance; possible entrapment, injury, or mortality associated with excavation and use of heavy

machinery on the site; and habitat loss or displacement. The proposed project includes pre-construction surveys, exclusion fencing, and biological monitor presence during all construction activities to avoid and minimize these potential effects (see **Special Condition 2**), assuring consistency with Coastal Act requirements for encouraging recreational and commercial boating, and harbor usage.

In terms of eelgrass, the harbor-wide Eelgrass Mitigation and Management Program (EMMP) will significantly increase the area of eelgrass habitat in the harbor's west basin, adding almost 8 acres of eelgrass habitat, and allow for future expansion of the beds by using clean sediment sourced from necessary maintenance dredging projects in the harbor elsewhere. The project will employ extensive monitoring to assess the project's effects on the habitats in the project vicinity, which would help to establish metrics that could be used to evaluate the performance of the project and to calibrate expectations for a larger or repeated future effort. The EEMP assures impacts to coastal eelgrass habitats are appropriately mitigated to assure consistency with Coastal Act requirements to protect sensitive habitat.

The project area supports moderately suitable habitat for nesting birds protected by the Migratory Bird Treaty Act (MBTA) and has some limited potential for migratory birds to nest. The area also has the potential to be used for roosting and foraging by other avian species. In order to minimize any impacts to nesting species, **Special Condition 2** requires pre-construction nesting surveys during the avian nesting season (i.e., here from January 15 to September 15) prior to the initial onset of construction activities, and if active nests are detected within the construction footprint or within 500-feet of construction activities, a buffer would be required around each nest. Further, construction activities would be required to avoid nest sites until a qualified biologist determines that the young have fledged, or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within 500-feet of the construction area, buffers will be implemented as needed. In general, the buffer size for common species would be determined on a case-by-case basis in consultation with the California Department of Fish and Wildlife (CDFW) and the Executive Director. As such, **Special Condition 2** ensures consistency with Coastal Act provisions that require the protection of biological resources.

Further, the proposed project involves dredging and construction within or adjacent to coastal waters, which can cause water quality impairment from sediment disturbance and runoff, equipment leaks, and spill of construction materials with the potential to adversely affect water quality through the discharge of harmful materials and disturbance of contaminated sediments in coastal waters. To prevent impacts on the marine environment during construction, **Special Condition 2** requires a series of construction BMPs designed to maintain the marine resources and to avoid coastal resource impacts as much as possible.

In terms of dredging and fill (where the proposed project constitutes 'fill' by virtue of its sand placement at Surfers Beach), the Coastal Act only allows for such activities in limited circumstances (see Section 30233 in **Exhibit 6**). Projects that include fill and dredging must: 1) be an allowable use, 2) be the least environmentally damaging feasible alternative, and 3) provide adequate mitigation. Dredging is allowed in harbors

such as this, and fill is allowed for restoration purposes such as this, and thus the proposed project is an allowable use under the Coastal Act. As discussed above, not only is this the least environmentally damaging feasible alternative to achieve project objectives, it also leads to many benefits, including in relation to beach and habitat enhancement, recreational boating enhancement, and protection for Highway 1 and the Coastal Trail, thus meeting the second test of Coastal Act 30233. Finally, as previously discussed, all potential impacts to coastal resources have been appropriately mitigated through the project as submitted and the required conditions of approval. Therefore, this proposed dredge and fill as conditioned is consistent with the requirements of the Coastal Act.

Given the history of erosion and threats to Surfers Beach and Highway 1, absent a project, Surfers Beach will continue to be in danger from erosion and could potentially be significantly lost to public access use in the fairly short term. The project will help mitigate beach erosion and sandy beach retreat at Surfers Beach while improving protection of Highway 1 and the Coastal Trail. In addition, if the pilot project achieves the project purpose and finds nourishment is a successful and feasible adaptation measure to preserve beach widths and protect infrastructure such as Highway 1 in the project area, it can also inform a long-term approach to such adaptation going forward. It will also increase the quality and quantity of public access and recreation, while improving the biological habitat at Surfers Beach and Pillar Point Harbor and maintaining safe navigation for boats in the harbor. For all of the above reasons, the project as conditioned can be found consistent with the requirements of the Coastal Act.

Finally, the Applicant is awaiting necessary project approvals from a number of other agencies, including from the U.S. Army Corps of Engineers (Section 404 and 410 permits), the Regional Water Quality Control Board (Section 401 certification), and the Monterey Bay National Marine Sanctuary. The Applicant may also need to obtain an encroachment permit from the San Mateo County and/or City of Half Moon Bay Department of Public Works prior to any material transport on County roads. To ensure the proposed project is authorized by all regulatory agencies, **Special Condition 5** requires the Applicant to submit evidence of all necessary approvals prior to issuance of this CDP.

D. California Environmental Quality Act (CEQA)

CEQA Section 21080.5(d)(2)(a) prohibits a proposed development from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the development may have on the environment. San Mateo County Harbor District, acting as the CEQA lead agency, adopted a Mitigated Negative Declaration for the proposed project in December 2022.

The Commission's review, analysis, and decision-making process for CDPs and CDP amendments has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has analyzed the relevant coastal resource issues with the proposal 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.

Accordingly, the Commission finds that only as modified and conditioned herein will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, 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).

5. APPENDICES

A. Appendix A – Substantive File Documents³

- Zentner Plant & Ecology - Pillar Point/Surfers Beach Pilot Restoration Project Special Status Habitat and Species Analysis – January 2022
- ESA Surfers Beach Pilot Restoration Project Preliminary Design Report – June 2021
- Surfers Beach Restoration Project Initial Study/Notice of Intent to Adopt a Mitigated Negative Declaration – December 2022
- Pillar Point Dredging and Surfers Beach Nourishment Project – Recommendations for Eelgrass Mitigation – July 2023
- Pillar Point Harbor-Wide Eelgrass Management and Mitigation Plan – July 2020

B. Appendix B – Staff Contact with Agencies and Groups

- San Mateo County Harbor District
- California Department of Fish and Wildlife
- U.S. Army Corps of Engineers
- NOAA
- Surfrider Foundation

³ These documents are available for review in the Commission's North Central Coast District office.