GEORGE DEUKMEJIAN, Governor

CALIFORNIA COASTAL	COMMISSION		AL DE LE DE	
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AN FRANCISCO, CA 94105		49th Day:	03/10/89	y
(415) 543-8555 Hearing Impaired/TDD (415) 896-1825		180th Day:	07/20/89	
		Staff:	J. Sheele/cm	
		Staff Report:	01/24/89 0872P	
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	STAFF REPORT:	CONSENT CALENDAR	S.F.	

APPLICATION NO.: 3-89-4

APPLICANT: <u>MONTEREY COUNTY DEPARTMENT OF PUBLIC WORKS</u> c/o Monterey County Flood Control and Water Conservation Dist.

PROJECT LOCATION: Moss Landing Road between Highway 1 and Sandholdt Road, Moss Landing, North Monterey County, APN 133-221-0, County Road.

PROJECT DESCRIPTION: Replacement of three existing 48-inch tidegates and culverts, install headwall, rip-rap and grading.

Lot area: Zoning: Plan designation: County Road Resource Conservation Resource Conservation - Wetlands and Coastal Strand

LOCAL APPROVALS RECEIVED: Monterey County Planning Commission approval, Department of Fish and Game permit, Corps of Engineers permit and Moss Landing Harbor District authorization.

SUBSTANTIVE FILE DOCUMENTS:

- o Biological Assessment of Wetland Environments Impacted by Culvert Repairs at the Mouth of Moro Cojo Slough, by ABA Consultants, November 28, 1988.
- o 3-85-112 Monterey County Flood Control and Water Conservation District.
- o Monterey County Local Coastal Program certified December, 1987.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See Exhibit A.

- III. Special Conditions.
- 1. PRIOR TO TRANSMITTAL OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit the following for the Executive Director's review and approval:
 - A. Final engineered drawings and plans in conformance with the applicant's submitted proposal. Final plans shall include at least one culvert equipped with an adjustable gate to permit controlled inflow of salt water to maintain the present lagoon habitat at the slough mouth. Plans shall also indicate the limits of construction area, the staging area, vegetation overlay, siting for the roadside guard railing to allow for maximum pedestrian/bicycle access opportunity along Moss Landing Road, and plans for the proposed temporary water control. Project timing and operation schedule shall also be submitted. Traffic detour plans shall be coordinated with Caltrans.
 - B. Revegetation and restoration plans for the defined construction area as set forth in Agreement No. 969-88 with the Department of Fish and Game. The plans shall receive prior approval from the Department of Fish and Game. Construction area shall be immediately stabilized with wetland species as approved by the Department of Fish and Game. The restoration plan shall include a timetable for installation and measures for maintenance and assurance of habitat re-establishment.
- 2. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the limits of all work approved by this permit shall be staked, and a field inspection shall be conducted by staff to verify the project limits as shown on the final plans. Staff shall be notified of staking within five working days prior to the required inspection.
- 3. PRIOR TO ISSUANCE OF A COASTAL DEVELOPMENT PERMIT, permittee shall provide to the Executive Director a copy of the U.S. Corps of Engineers permit, or letter of permission, or evidence that no Corps permit is necessary.
- All conditions of Monterey County Planning Commission approval No. PC-6745 shall be considered conditions of this permit as well, see Exhibit B.
- 5. The construction of a coffer dam is not authorized by this approval and will require an amendment of this coastal development permit.
- Off-site disposition of spoils within the coastal zone shall require prior authorization by the Executive Director.
- 7. Within six months of the date of project approval, the permittee shall submit a comprehensive wetland management plan for Moro Cojo Slough for the Coastal Commission's review and approval. The plan shall be prepared



by a qualified biologist/hydrologist. The plan shall determine the effectiveness of the project and identify necessary maintenance measures. The plan shall be based on the material within and the recommendations of the "Biological Assessment of Wetland Environments Impacted by Culvert Repairs at the Mouth of Moro Cojo Slough" by ABA Consultants, November 28, 1988, see Exhibit C. A post-project monitoring phase of the plan shall include measurements of salinity and tide height as well as biological observations, and measures for enhancement and restoration of the wetland. The plan shall also contain recommendations regarding adjustments of the tidegates. The final sitting shall provide for a wide range of salinity at the slough mouth depending largely on variations in freshwater inflow, as recommended in the project's "Biological Assessment." The plan shall receive prior review and approval by Monterey County Planning Department and any other applicable state and federal agencies.

Annual summary letter/reports based on the approved comprehensive wetland management plan for Moro Cojo Slough shall be submitted to the Executive Director's review and approval for a minimum of five years following approval of the wetland management plan. The letter/report shall receive prior approval from Monterey County Planning Department, the Department of Fish and Game and any other applicable state and federal agencies. The letter/report shall continue to determine project effectiveness, identify maintenance measures and long-term wetland enhancement measures. All recommendations contained in the wetland management plan (as approved by the Commission) and follow-up letter/reports shall be implemented in a timely manner and in an operation schedule approved by the Executive Director.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project Description and Background

The proposed application is for the replacement of three existing 48-inch tidegates and culverts, installation of a headwall, rip-rap and grading beneath Moss Landing Road at the crossing of Moro Cojo Slough (between Highway 1 and Sandholdt Road), Moss Landing. The replacement tidegates and culverts will be the same size and length; they'll be located at the same elevation and have the same function as the existing tidegates and culverts. The replacement culvert will be reinforced concrete pipe with a headwall and rock slope protection at the outlets, see Exhibits 2 and 3. Approximately 600 cubic yards of grading is proposed. Temporary water control during construction will be obtained using sandbags, water pumps, and plastic sheeting between the headwall and the shore. The sandbags and plastic sheeting will be removed after the pipe installations. Local traffic detour may be necessary during construction. It is appropriate that the applicant coordinate detour plans with Caltrans.

A coffer dam to dewater the area during construction was not proposed as part of this application. An amendment to this permit is required if coffer dam installation is needed.

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In July, 1985, the Commission approved a coastal development permit for Monterey County Flood Control and Water Conservation District, 3-85-112, for one additional 48-inch tidegate to augment the three existing tidegates.

The Moro Cojo Slough watershed has a total area of approximately 16.9 square miles. The lower portion of the watershed between State Highway 1 and Castroville Boulevard includes a significant amount of agricultural lands at elevations between 1.5 and 2.0 feet NGVD (National Geodetic Vertical Datum). In the past, levees were constructed to protect some of these lands from periodic flooding. In March of 1983, approximately 432 acres of land were under water from the tidegates at Moss Landing Road to points upstream of Castroville Boulevard and State Highway 156. This flooding caused a significant financial loss to the farmers and landowners of these properties and if corrective actions are not taken, additional future losses can be expected under adverse storm conditions.

2. Wetland Resources

Sited under Moss Landing Road at its crossing with Moro Cojo Slough, the project site is located within a wetland area. Vegetation in the immediate project area is predominantly salt grass and pickleweed.

Section 30233 of the Coastal Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary.

The Land Use Plan for North Monterey County has been certified by the Commission. The LUP designates the Moro Cojo Slough as Resource Conservation and contains policies to provide for resource protection and enhancement.

The following are excerpts from the LUP Resource Management policies:

2.4.2.4

Diking, dredging, or filling in Elkhorn Slough, Bennett/Struve Slough, McClusky Slough, Moro Cojo Slough, and Parson's Slough shall maintain or enhance the biological productivity of the wetland or estuary. Any alteration of the coastal estuaries and wetlands in North County shall be limited to restorative measures and appropriate facilities associated with access, research, education, and aquaculture according to specific criteria designated in a wetland management plan. Prior to completion of wetland management plans, appropriate facilities are those consistent with Section 30233(a) of the Coastal Act.



2.4.2.5

Any site disrupted by future diking, dredging, or filling activities shall be fully restored to its original condition whenever desirable. The initial restoration work shall be undertaken immediately following project completion.

2.4.3.4

The full wildlife habitat value of Moro Cojo Slough has been limited by the extensive construction of levees and tidegates. The tidegate at the mouth of the slough under Moss Landing Road should be opened to a degree that allows adequate tidal flushing and exchange while not endangering agricultural land.

2.4.4.2

A Coastal Conservancy or Moss Landing Harbor District project should be initiated to determine to what extent restoration of tidal action in Moro Cojo Slough will threaten viable agricultural land. Restoration and construction of dikes and levees to protect viable agricultural land should be permitted. Coastal Conservancy funds should be requested to assist these efforts. No removal of tidegates or replacement of culverts can take place until it can be assured that no damage to bordering agricultural land will occur.

The proposed project is for the replacement of three existing tidegates and culverts. Approvals for the project have been granted by the Monterey County Planning Commission, the Department of Fish and Game, the Army Corps of Engineers and Moss Landing Harbor District.

A "Biological Assessment of Wetland Environs Impacted by Culvert Repairs at the Mouth of Moro Cojo Slough" was prepared by ABA Consultants, on November 28, 1988. The report includes the history of the Moro Cojo wetland, the environmental setting before and impacts of recent culvert repairs, and mitigation measures and recommendations.

The tidegates and culverts were installed to drain the slough of freshwater and prevent tidal flow up slough. However, they have leaked significant quantities of saltwater into the slough since their initial installation according to the Biological Assessment. The Biological Assessment states, "The short and long-term solution to the management of water drainage from Moro Cojo must be developed in a sound wetland management plan."

The Biological Assessments lists six species of salt marsh plants that are common at the mouth of Moro Cojo and two aquatic plants, species of green algae. The assessment also identifies wildlife in the wetland. The most conspicuous animals are birds. The only endangered species that lives at the mouth of the slough is the brackish water snail. According to the assessment, this species is as abundant today as it was in past surveys and generally occupies the same shallow, submerged habitat. The biological consultant recommends, "that at least one of the Moss Landing Road culverts be equipped with an adjustable gate which will permit controlled inflow of salt water to maintain the present lagoon habitat at the slough mouth," (see Exhibit C). The adjustable gate would also allow for maximum flexibility in planning for future enhancement and restoration of wetlands as established in a comprehensive wetland management plan for Moro Cojo according to the Biological Assessment.

The proposed project was approved by the Department of Fish and Game under Agreement Regarding Proposed Stream or Lake Alteration, No. 969-88. One of the conditions of the agreement is that any disturbed vegetation is to be restored to prior state or improved. As provided for in condition No. 1.B. of this approval, it is appropriate for the Department of Fish and Game to approve the revegetation and restoration plans for the defined construction area.

As recommended by the biological consultant for the project it is appropriate to require at least one of the culverts be equipped with an adjustable gate to control the inflow of salt water. It is also important to require a comprehensive management plan for Moro Cojo Slough. The "Biological Assessment" states that the development of a comprehensive wetland management plan for Moro Cojo Slough is mandated by the Local Coastal Program and will be jointly funded by Monterey County and the State Coastal Conservancy, (see Exhibit C).

As conditioned, the project will have no significant impacts on wetland vegetation. Conditions require that revegetation and restoration plans be prepared, project area be staked and reviewed by staff and a monitoring and management programs be developed. Disposition of spoils within the coastal zone will require prior authorization by the Executive Director. Conditions of the County's approval are also included as conditions of this coastal development permit; (see Exhibit B). Accordingly, the project is consistent with Sections 30233 and 30253 of the Coastal Act and certified LUP resource management policies.

3. <u>Coastal Access</u>

Coastal Act Section 30211 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.

In addition, Coastal Act public access policies require provisions for maximum access and recreational opportunities for all people consistent with public safety needs and protection of natural resource areas from overuse.

The North County LUP also contains policies to maximize public coastal access. LUP Policy 6.3.2 lists Moss Landing Road-access to Moro Cojo Slough as a secondary access area. As conditioned, to review final project plans, and to allow for the maximum feasible area for pedestrian and bicycle access along this portion of Moss Landing Road, the development is consistent with Section 30211 of the Coastal Act and LUP public access policies.

4. <u>Agriculture</u>

The purpose of the proposed project is to regulate the water flow in the Moro Cojo Slough so as to prevent upstream flooding during periods of high tides. ÷,

By equalizing water flow during high tides, flooding of the upstream agricultural fields can be prevented under normal circumstances. No change in the amount of existing agricultural land is proposed. The project is consistent with Section 30241 of the Coastal Act and the certified LUP agricultural policies.

5. LCP/CEQA

The Monterey County Local Coastal Program was certified by the Commission in December, 1987. The County is now the agency responsible for issuing coastal development permits. However, this project location is within the Coastal Commission's original jurisdiction which requires the issuance of a coastal development permit by the Coastal Commission. The project has been reviewed and approved by the Monterey County Planning Commission. As conditioned, approval of this project is consistent with Chapter 3 of the Coastal Act and with the policies contained in the Monterey County Local Coastal Program.

A negative declaration was adopted by Monterey County on November 30, 1988. As conditioned, the proposed project will not create any adverse environmental impacts within the meaning of the California Environmental Quality Act. EXHIBITS

- A. Standard Conditions
- B. Conditions of Monterey County Planning Commission Approval No. PC-6745

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C. Mitigation and Recommendations from the "Biological Assessment."

1. Location Maps

2. Plans for Tide Gate RepTacement

3. Plans for Headwall

EXHIBIT-A

RECOMMENDED CONDITIONS

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. 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.

7. 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.

EXHIBIT NO. A		
APPLICATION NO.		
3-89-4		
Standard Conditions		

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EXHIBIT "B" RECOMMENDED CONDITIONS

Conditions of Monterey County Planning Commission approval No. PC-6745

- 1. This project is for construction of a coffer dam on Moro Cojo Slough at Sandholt Rd. and the subsequent installation of culverts and tide gates. The coffer dam is <u>not</u> to completely restrict flow of tidal water into Moro Cojo Slough.
- 2. All necessary permits are to be gathered in conjunction with the Fish and Game agreement.
- 3. Sandholt Road and the area adjacent to the rip-rap/parking area owned by the harbor district are to be the staging areas for fill & equipment.
- 4. All placement and removal of clay/materials in the slough is to be done at low tide to avoid tidal influencing of material placement.
- 5. All impervious clay is to be removed at project completion and distributed at place of origin or other suitable site obtained by the Department of Public Works.
- 6. All vehicles used to construct the coffer dam and work in the slough bottom are to be free of oil, transmission fluid, fuel leaks, etc.
- 7. Any disturbed vegetation/rip-rap is to be restored to prior state or improved. Dewatering of upstream side of slough shall be with suitable bagged material.
- 8. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portions of any stream channel or margin within the high water mark of the stream or lake shall be restored to as near their original condition as possible.
- 9. Restoration shall include the revegetation of stripped or exposed areas.
- 10. Rock, riprap, or other erosion protection shall be placed in areas where vegetation cannot reasonably be expected to become re-established.
- 11. Installation of bridges, culverts, or other structures shall be such that water flow is not impaired and upstream or downstream passage of fish is assured at all times. Bottoms of temporary culverts shall be placed at or below stream channel grade. Bottoms of permanent culverts shall be placed below stream channel grade.
- 12. Plans for design of concrete sills and other features that could potentially impede fish migrations must be approved by Department of Fish and Game engineers.

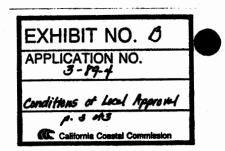
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- 13. When any dam (any artificial obstruction) is being constructed, maintained, or placed in operation, sufficient water shall at all times be allowed to pass downstream to maintain fishlife below the dam.
- 14. Any temporary dam (any artificial obstruction) constructed shall only be built from material such as clean gravel which will cause little or no siltation.
- 15. Temporary fills shall be constructed of nonerodible materials and shall be removed immediately upon work completion.
- 16. Equipment shall not be operated in the slough or its margin except during excavation and as may be necessary to construct barriers or fills. If work in the slough is unavoidable, a curtain enclosure to prevent siltation of the lake beyond the immediate working area shall be installed. The enclosure and any supportive material shall be removed when the work is completed.
- 17. If operations require moving of equipment across a flowing stream, such operations shall be conducted without substantially increasing stream turbidity. For repeated crossings, the operator shall install a bridge culvert, or rock-fill crossing as specified in comments below.
- 18. If a stream channel has been altered during the operations, its low flow channel shall be returned as nearly as possible to its natural state without creating a possible future bank erosion problem or a flat wide channel or sluice-like area. If a slough margin has been altered, it shall be returned as nearly as possible to its natural state without creating a future bank erosion problem. The gradient of the streambed or lake margin shall be as nearly as possible the same gradient as existed prior to disturbance.
- 19. Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the high water mark before such flows occur.
- 20. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or washings thereof, oil or petroleum products or other organic or earthen material from any logging, construction, or associated activity of whatever nature shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream or lake.
- 21. The operator will notify the Department of Fish and Game of the date of commencement of operations and the date of

EXHIBIT NO. B APPLICATION NO. 3-89-4 Conditions of Local Approved 1.243 California Coastal Commission

completion of operations at least five days prior to such completion.

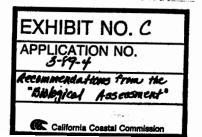
- 22. Prior to the commencement of construction, the limits of all work approved shall be staked, and a field inspection should be conducted by the Dept. of Planning & Building Inspection, to verify the project limits as shown on the final plans.
- 23. Prior to the issuance of this Coastal Development Permit, the applicant shall submit the following for review and approval:
 - a. Final engineered drawings and plans in conformance with the applicants submitted proposal. Plans shall also indicate the limits of the construction area, the staging area, vegetation overlay, revised siting for a roadside guard railing to allow for maximum pedestrian/bicycle access opportunity along Moss Landing Road, and plans for the proposed temporary coffer dams. Project timing and operation schedule shall also be submitted.
 - Revegetation and restoration b. plans for the defined construction area. The plans shall receive prior approval from the Department of Fish and Game. Construction area shall be immediately stabilized with wetland species as approved by the Department of Fish The restoration plan shall include a and Game. for installation timetable and measures for maintenance and assurance of habitat re-establishment.
- 24. Prior to the issuance of this Coastal Development Permit, the applicant shall provide for Department of Fish and game approval, a program for habitat maintenance and enhancement for the candidate specie <u>Tryonia imitator</u>. At minimum, the maintenance and enhancement program will provide for methods to assure adequate dry weather inflows and salinity levels to support continuous habitat for <u>Tyronia imitator</u>.
- 25. Prior to commencement of construction, the applicant shall provide a copy of the Coastal Commission U.S. Corps of Engineers permit for this project, or letter of permission or evidence that no permit is necessary.
- 26. The permit shall expire on November 30, 1990 unless construction of the use as specified in this permit has begun within this time period.



9. Mitigation and Recommendations

The one major mitigation we recommend for the culvert repairs at Moss Landing Road is that the Moss Landing Road culverts be fitted with at least one adjustable gate. This recommendation is also supported in the attached letter from Robert Coates of Philip Williams and Associates, who strongly recommends slide flap gates as the most versatile option. Slide flap or similar gates can be adjusted to permit a controlled inflow of tidal waters into the mouth of the slough or closed down entirely to act like the present gates. Any future wetland management plan for the slough must permit some tidal influence at the slough mouth and prevent salt water from intruding too far up the slough. Therefore, the inclusion of an adjustable gate in the present replacement process permits a wide variety of future management options. These options must be examined and finalized in a comprehensive wetland plan for Moro Cojo. The development of this plan is mandated by the Local Coastal Plan and will be funded jointly by Monterey County and the State Coastal Conservancy.

We recommend that as an interim measure the adjustable gates be opened only slightly to maintain the present brackish water lagoon at the slough mouth. We also recommend that the Monterey County Flood Control and Public Works involve local wetland scientists in the initial gate adjustments, because the first gap settings will be experimental. They can provide important feedback on how close the permitted inflow of salt water approaches the historical leakage through the past culvert and flap-gate system. The final setting will provide for a wide range of salinity at the slough mouth depending largely on variations in freshwater inflow. The water level in the lagoon near the culverts should be kept above the minimum level to maintain the habitats as they are now. A minimum water level similar to that of October and November 1988, between -1.5 and -2.0 feet NGVD (Monterey County Flood Control, pers. comm.), should accomplish this objective. The wetland scientists who assist with setting the initial gate adjustments can also advise on the appropriate water levels. The important mitigation is to establish some controlled inflow of salt water, and a gate specifically designed for this purpose is an absolute necessity. Adjustable gates allow a number of future options that must still be determined in the wetland management plan.



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