

CALIFORNIA COASTAL COMMISSION

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February 19, 2015

Enrique Saavedra, PE
Monterey County Department of Public Works
168 W. Alisal Street, 2nd Floor
Salinas, CA 93901

Subject: Coastal Development Permit Application Number 3-15-0106 (Moss Landing Road Flap Gates and Culverts Repair) Filing Status Letter

Dear Mr. Saavedra:

On January 20, 2015 we received the above-described follow-up coastal development permit (CDP) application for emergency CDP number G-3-14-0039 for the emergency repairs undertaken at the Moss Landing Road flap gates and culverts (located between Moss Landing Harbor and the Moro Cojo Slough). We are in need of additional information to adequately analyze the proposed project for Coastal Act conformance. Towards this end, we are unable to file this application as complete until the following is submitted:

- 1. Historic Culvert Functionality:** In 1989, the Coastal Commission approved CDP number 3-89-004 for the three flap gates that were the subject of the recent emergency repair. That CDP was issued to the Monterey County Public Works Department c/o the Water Resources Agency (WRA). It required one of the flap gates to include an adjustable slidegate that would allow controlled inflow of seawater into the slough to maintain existing brackish lagoon habitat. A County consultant on the recent emergency repair work indicated in a November 14, 2014 email to Coastal Commission staff that the flap gates would be restored to their original functionality to provide controlled flow of seawater to the slough. Please provide photos and any other evidence showing that the tidegates were restored to this original functionality to continue to allow some tidal flushing into Moro Cojo Slough. In addition, please provide details regarding how this slidegate will be managed, by whom, how salinity in the slough will be monitored, and what coordination has and will occur with other entities that monitor salinity levels in the slough (namely, biologists affiliated with the Elkhorn Slough National Estuarine Research Reserve and Moss Landing Marine Labs).
- 2. Moro Cojo Slough Management Plan:** The Moro Cojo Slough Management Plan (Plan), which was a requirement of CDP number 3-89-004, addressed the effectiveness of the culvert system and slidegate, and identified ongoing maintenance and monitoring measures. The Plan included recommendations regarding adjustments to the slidegate that would provide for a wide range of salinity at the Slough mouth depending on variations in freshwater inflow. The Plan was to be implemented by the Applicant (WRA), and it is Coastal Commission staff's understanding that as recently as 2007, WRA was still operating the slidegate to allow some tidal flushing into the Slough. However, Coastal Commission staff has no record of

receiving any of the required follow-up monitoring and status reports since the Plan was approved in 1997. It is our understanding that the Public Works Department has taken over full responsibility for the culverts and flap gates from WRA, and if so, the CDP that is the subject of this letter is likely to include assumption of maintenance responsibilities consistent with the Plan as well as some requirement for additional monitoring. In addition, this CDP will likely address the current hydraulic regime of the Slough based on consideration of historic and current hydrological and biological data, which may lead to an amendment to the Plan and/or additional CDPs for implementation. Commission staff will be looking for consensus among the scientific and agency community as well as nearby landowners, possibly through a planning process, on the optimal condition(s) for the Slough. In anticipation of this, please provide any and all available hydrological and biological data from 1997 to today that the County has collected for the Slough, including that which may still reside with WRA.

3. **Failed Slope on Moro Cojo Slough Side:** In a December 10, 2014 conference call between County staff and State and Federal resource agencies, Regional Water Quality Control Board staff provided specific guidance for temporary stabilization of this failed embankment that would protect slough water quality and habitat in the short term against further failure from winter storms. Please provide evidence that these protective measures were taken, including photos. Please also provide a written description and plans showing how this embankment has been or will be stabilized in the long term.
4. **Alternatives:** The application states that minor leakage remains in the culvert pipe system that will be repaired through a future permit application. It appears from this statement, as well as from the original failure (and subsequent failure during emergency construction), that this culvert system may be at the end of its useful life. Please provide a description of alternatives to ongoing repairs at this site, including replacing the entirety of the culvert system, repairs to the additional (fourth) culvert to the east, replacement of the road and culverts with a bridge or partial bridge, etc. This alternatives analysis should include all known and expected constraints and estimated costs of the various options. This analysis will be an important component in discussions regarding any updates to the Moro Cojo Slough Management Plan and management of the hydraulic regime of the Slough into the future.

5. Application Section IV:

#1. Proof of Legal Interest in the Property: The project is located in the public road right-of-way and in the Moss Landing Harbor and Moro Cojo Slough. The given APN for the project (133-211-001) appears to be an adjacent private parcel that includes the Moro Cojo side of the project. Please clarify the ownership information for the project, including any evidence of authorizations from private property owners if any project components occur on their property.

#4 and #5. Stamped envelopes: Please provide stamped (not metered) addressed envelopes for all property owners within 100 feet of the property lines (excluding roads) for the project. Please also provide a list and stamped addressed envelopes for all interested parties, including other agency staff, Elkhorn Slough National Estuarine Research Reserve, Moss Landing Marine Labs, and any other individuals and groups known to be interested in the project.

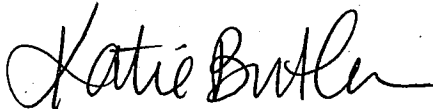
#6. Vicinity map: The provided vicinity map highlights a parcel (133-211-001, discussed above) that does not correctly illustrate the entire project site. Please provide a revised map that clearly identifies the entire project site.

#10. Verification of other approvals: Please provide evidence of approvals for the project (or evidence that approvals are not required) from the Moss Landing Harbor District and State Lands Commission (Grace Kato at (916) 574-1227; Grace.Kato@slc.ca.gov).

6. **Appendix D and posting notice:** Please fill out the provided "Notice of Pending Permit" and post it at the job site, the Moss Landing Harbor District offices, and the Moss Landing post office in a sealed plastic cover to remain posted and visible until the CDP application is heard and acted on by the Commission.

We will hold your application for six months from today's date (i.e., until August 19, 2015) pending receipt of these additional materials. After all of the above-listed materials have been received, your application will again be reviewed and will be filed if all is in order (Government Code Section 65943(a)). Please submit all of the requested materials at the same time. Please note that there may be additional materials necessary for filing purposes depending upon the nature of the information provided pursuant to the above-listed materials. If all of the above-listed materials are not received within six months, CDP Application 3-15-0106 will be considered withdrawn and enforcement proceedings may be initiated to address noncompliance with emergency CDP G-3-14-0039. This submittal deadline may be extended for good cause if such request is made prior to August 19, 2015. I look forward to working with you on this project. Please do not hesitate to contact me at (831) 427-4863 if you have any questions regarding the above information requests.

Sincerely,



Katie Butler
Coastal Planner