



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

LOS ANGELES DISTRICT CORPS OF ENGINEERS
P. O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

October 6, 2011

Office of the Chief
Planning Division

Mr. Charles Lester
Executive Director
California Coastal Commission
45 Fremont Street, Suite 2000
Attention: Mr. Mark Delaplaine
San Francisco, California 94105

Dear Mr. Lester:

This letter is in response to your letter dated September 30, 2010, requesting additional information regarding the Coastal Consistency Determination (CCD) for the Geotechnical and Hydrogeologic Feasibility Investigation Study in Cambria, San Luis Obispo County, California.

Response to Required Additional Information and Analyses

The U.S. Army Corps of Engineers (Corps) appreciates your request for clarification on the information provided. Upon further evaluation of your information requests, it is clear that the California Coastal Commission is seeking additional information to the minimum requirements stated in 15 C.F.R. § 930.39(a), which were satisfied as of September 26, 2011. Accordingly, the Corps notes that 15 C.F.R. § 930.41 (a), provides that "if a Federal agency has submitted a consistency determination and information required by § 930.39(a), then the State agency shall not assert that the 60-day review period has not begun for failure to submit information that is in addition to that required in § 930.39(a)." The Corps assumes that the Commission's 60-day review period under the Coastal Zone Management Act commenced on the day that the Corps' CCD was received, September 26, 2011.

In response to your request, the Corps is providing the following responses as a matter of comity:

Response to Information Requests Related to Project Purpose

1. Inconsistencies among project purpose descriptions. Section 3.4 of the Coastal Consistency Determination dated September 23, 2011 (CCD), accurately describes the project purpose. In addition, Table 8, Response to Comment (RTC) number 6 of the Final Environmental Assessment (FEA) which you requested provides the project purpose. The project purpose is

limited to the geotechnical investigation and geophysical survey. This information is found in the above documents previously provided.

1a. Determining the project purpose and related effects on coastal resources. Section 3.4 of the CCD dated September 23, 2011, accurately describes the project purpose. In addition, Table 8, RTC number 6 of the FEA provides the project purpose.

1b. Effectiveness of proposed modeling in achieving the project purpose. Ground water modeling is not a part of the geotechnical investigation study effort. As stated in Section 1.5.1 of the FEA, "The currently proposed investigation will not include pump drawdown field tests. Prior concerns associated with surface water draw down of the Santa Rosa Creek Lagoon will be addressed in a subsequent water supply project-level EIS/EIR." This also is discussed in RTC number 8 of the FEA. This scaled down project is limited and will not drawdown the creek or have any effects or impacts to the creek or lagoon.

Response to Information Requests Related to Proposed Project Activities and Site Conditions

2. Locating proposed project activities relative to the Mean High Tide Line (MHTL). Section 3.4.2 of the CCD and 1.5.3 of the FEA describes the method of locating the MHTL.

2a. Provide a survey showing the MHTL location along with the specific survey methods used to determine the MHTL and confirmation from each of the involved agencies – State Parks, State Lands Commission, Monterey Bay National Marine Sanctuary, and San Luis Obispo County – that the survey is consistent with methods they accept for determining their management boundaries. Section 3.4.2 of the CCD and 1.5.3 of the FEA describes the method of locating the MHTL. The method identified is a conventional land surveying method conducted by licensed land surveyors that the above-referenced agencies would accept.

2b. Please cite the method used to determine this elevation and the baseline from which it is derived. Please also ensure as part of the above-requested survey results whether this same elevation applies to the proposed project site at Santa Rosa Beach. The elevation was provided by the Corps and NOAA and is in relation to MLLW as the baseline; the elevation of the MHTL for the Study site is identified by the Corps Los Angeles District, North Coast Regulatory Office as 4.65 feet MLLW and the MHTL at San Simeon is identified as 1.381 m (4.6 feet) MLLW on the U.S. Department of Commerce National Oceanic and Atmospheric Administration National Ocean Service Bench Mark Data Sheets (http://tidesandcurrents.noaa.gov/data_menu.shtml?stn=9412553%20SAN%20SIMEON,%20CA&type=Bench%20Mark%20Data%20Sheets). This is standard information provided in the FEA, Section 1.5.3 and Figure 7 as well as the CCD, Section 3.4.3 and Figure 6.

3. Relation of proposed work periods to calculated beach profiles. Please provide the specific criteria the Corps proposes to use for determining whether equipment can safely

mobilize on the beach when the beach is not at the presumed 6% slope. Please provide the specific criteria proposed to define these “heavy rain” and “high surf” conditions. Please also provide [Health and Safety] plans if they include the specific criteria. Please specifically identify how the proposed locations of project activities will be modified to reflect beach profile changes that result in changes to the jurisdictional and regulatory MHTL boundary. Section 1.5.3 of the FEA, RTC number 24 of the FEA, and Section 3.4.3, page 11, of the CCD, responds to comments regarding proposed work periods to calculated beach profiles. There are no a priori criteria; no work would be conducted if personnel or equipment would be in jeopardy. The Corps Office of Safety requires the Corps contractor to develop a safety plan prior to “construction” or work. Furthermore, they must follow the Corps Safety and Health Requirement Manual EM 355-1-1, 2008.

4. Proposed Project schedule.

4a. Overall work window. Section 1.5.5 of the FEA and Figure 11, page 16, of the CCD are correct.

4b. Daily work period. For clarification, geotechnical and geophysical activities would occur only during the day, while geophysical survey activities could occur at night if the time is needed.

4c. Project duration – geophysical survey. The project duration will follow the dates identified in Section 1.5.5 of the FEA and Figure 11, page 16, of the CCD.

4d. Project duration – roto sonic sampling. The schedule in Section 1.5.3 of the FEA on page 10 and Section 3.4.3 of the CCD, page 11, are correct.

5. Sediment and water quality sampling and testing. See responses below.

5a. Please describe whether the Corps conducted the complete suite of testing as part of its approved 2010 activities. If conducted, please provide the complete test results; if not, please describe the basis for not conducting what had previously been agreed to as a feasible component of the project, and describe what assurances will be provided to ensure this current project includes the described testing. Section 3.4 (page 6) and Section 3.4.1 (page 6) of the CCD and RTC numbers 6, 8, 9 of the FEA provide responses to these comments. The complete suite of testing was not conducted because there was no water pumped or discharged as part of the 2010 activities. Sediment/soil sampling included 17 metals and 2 TPHs; results were made available on the CCSD website, as identified in RTC numbers 92, 148, 206, 217, 228, and 286 of the FEA.

5b. Please address the concerns expressed in [the chain-of-custody] correspondence, and identify any additional measures the Corps will implement to ensure proper chain-of-custody procedures. Section 3.4.1 (page 6) of the CCD addresses the concerns of proper chain-of-custody.

6. Hazardous Spill Contingency Plan. Please modify the Plan to include all feasible measures for avoiding and responding to a spill in this environment, including measures to prevent harm to the listed sensitive species identified on pages 20-22 of the CD request. Section 4.2.1, page 37, and Section 6, page 48, of the FEA and Section 4.3, page 22, of the CCD, address this comment.

6a. Section 1.1.1 Drilling Fluids. The project would not involve the use of drilling fluids; the discussion of drilling fluids in the Plan was a standard and does not apply to this Project and has been removed from the Plan.

6b. Section 1.1.3 Petroleum Products from Vehicles and Equipment. Section 1.5.4, page 14, (Figure 11) of the FEA identifies the one staging site. Section 1.1.3 of the Spill Plan identifies the maximum amount of petroleum products that could be present at the project at any time.

6c. Section 1.2 Spill Response Team. The secondary responder is available for the purposes of clean-up and is not an initial responder and will be available within a minimum one and one-half hours.

6d. Section 1.4 Notification. The Plan is being modified accordingly.

6e. Section 1.5 Minor Spill Response Procedures. The Plan has been modified as identified in RTC number 33.

Reponses to Additional Specific Comments and Requests

7. CCMP Sections 30210 – 30224 Public Access and Recreation. Section 3.7, page 30, of the FEA and Section 4.2, page 19, of the CCD address this comment. The beach width at the study site is greater than 50 feet; therefore, lateral access still is available.

8. CCMP Sections 30230 – 30233 Marine Environment.

8a. This section of the CD Request does not acknowledge either of [the Cambria State Marine Conservation Area or the Santa Rosa Creek Natural Preserve] designations or the measures that may be necessary to comply with their requirements for resource protection. Section 1.1, page 1, and Figure 3 of the FEA and Section 3.1, page 1, of the CCD discuss the adjacent lands and acknowledge the above referenced designations.

8b. Please identify expected decibel levels from the equipment and the expected levels in nearby waters, including a comparison with ambient levels at the beach and in the water. Please also describe any measures the Corps will implement to reduce project-related noise and its effects on nearby species. Section 3.6, Section 4.2, Section 4.6.1, Section 6 of the FEA and Section 4.3, page 22, address these comments.

8c. Please describe any additional characterization the Corps has done to determine potential contaminant levels within the project site, describe measures the Corps will implement to determine the presence and amounts of site contaminants, and describe measures the Corps will implement to remediate those contaminants, if found. Section 3.4 (page 6) and Section 3.4.1 (page 6) of the CCD and RTC numbers 6, 8, 9 of the FEA provide responses to these comments. Sediment sampling included 17 metals and 2 TPHs; results were made available on the CCSD website, as identified in RTC numbers 92, 148, 206, 217, 228, and 286 of the FEA. As the data clearly indicate from the report, 17 metals and 2 TPHs were below the laboratory practical quantification limits. Mercury was found to also be laboratory practical quantification limits at 0.1 ppm; standard is 0.2 ppm.

The Corps will forward a copy of this letter to Mr. Tom Luster of your staff. We remain committed to working with the California Coastal Commission on this and future projects. If future issues arise or you would like to discuss this letter, please coordinate with Thomas W. Keeney but contact me directly at (213) 452-3783.

Sincerely,

A handwritten signature in black ink, appearing to read "Josephine R. Axt". The signature is fluid and cursive, with a large initial "J" and "A".

Josephine R. Axt, Ph.D.
Chief, Planning Division