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# W13b

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Staff: Isobel Cooper - SF  
Staff Report: 10/27/2023  
Hearing Date: 11/15/2023

## STAFF REPORT CDP APPLICATION

**Application Number:** 2-22-0664  
**Applicant:** San Mateo County Harbor District  
**Project Location:** Pillar Point Harbor, Princeton-by-the-Sea, San Mateo County  
**Project Description:** Repair and expand pier head; replace fuel dock and several floating docks; and construct a new working dock.  
**Staff Recommendation:** Approval with Conditions

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### SUMMARY OF STAFF RECOMMENDATION

The San Mateo County Harbor District proposes to repair, replace, and expand portions of Johnson Pier, the primary pier within Pillar Point Harbor, primarily to address accessibility and safety constraints affecting commercial fishing operations. Johnson Pier extends about 600 feet into the harbor, and includes five floating docks accessed from it, as well as an "L" shaped end of the pier that houses fish buying/handling operations (including container storage and a crane). Due to the limited area at the end of the pier, turning movements for delivery trucks and semitrailers are severely restricted, and delivery vehicles must either back-in or back-out the entire length of the pier, creating safety issues and delays for commercial fishing operations (and others) that use the pier. In addition, much of the pier has deteriorated, and the Applicant indicates that many areas are in "poor" or "serious" condition necessitating replacement in the short term. The proposed project would replace all five existing deteriorated floating docks, as well as the existing fuel dock, and would add a new commercial floating dock and utility upgrades.

Absent the proposed project, the pier and its floating docks, which are nearing the end of their functional life span, would continue to deteriorate, and the existing limitations otherwise would continue to pose safety and viability risks for pier users, including

important commercial fish handling operations. The project also represents an opportunity to remove most of the pier's creosote-treated wooden piles from harbor waters (to be replaced with concrete and/or fiberglass piles), and to remove accumulated debris, and thus also represents an opportunity to upgrade the pier in a way that better serves the Coastal Act's goals of enhancing and restoring the marine environment. In addition, the pier is open to the general public, and the proposed improvements will not only benefit commercial and recreational fishing and boating interests, but also general public access to the pier itself. Potential impacts from the project can be effectively contained via construction and other conditions (e.g., over-water BMPs, debris removal, wildlife protections, etc.)

In sum, the proposed repairs and improvements to Johnson Pier would help to better support coastal-dependent uses such as the commercial fishing industry, recreational boating and sport fishing, as well as provide for general public access and marine environment enhancements. For these reasons, staff recommends approval as conditioned, and the motion and resolution to effectuate this recommendation are found on **page 4** below.

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- Exhibit 1 – Project Location Maps
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- Exhibit 3 – Site Plans
- Exhibit 4 – Applicable Coastal Act Provisions
- Exhibit 5 – Site Photos

## 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 2-22-0664 pursuant to the staff recommendation, and I recommend a **yes** vote.*

***Resolution to Approve CDP:*** *The Commission hereby approves Coastal Development Permit Number 2-22-0664 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 the removal of the existing North Timber Pier, North Floats, and East Timber Pier; expansion of the Johnson Pier head; the replacement of existing floating docks D, E, F, G and H as well as the existing fuel dock; the construction of a new commercial/work floating dock (Dock EW), all including installation of concrete and/or fiberglass piles, updates to electric and sewer utilities, and minor concrete repairs, all substantially consistent with the proposed plans (i.e., titled “Johnson Pier Expansion and Dock Replacement”, dated June 3, 2023, and dated received in the Commission’s North Central Coast District Office on August 19, 2023 (see **Exhibit 3**) 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 and shore access and public views at Pillar Point Harbor, including but not limited to public views across the site and out to the water. Construction (including but not limited to construction activities, and materials and/or equipment storage) shall be prohibited outside of the defined construction, staging, and storage areas.
  - 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, during non-daytime hours (i.e., from one-hour after sunset to one-hour before sunrise), and lighting of tidelands and water areas is prohibited 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 and pier areas 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.
  - 2. Water Quality Protection.** For water side construction areas, turbidity curtains shall be used to contain sediment where coastal resources, such as benthic communities or eelgrass, may be at risk. Nets to catch debris/materials and floating booms to contain debris/materials that otherwise finds its way into coastal waters shall be used, and any debris/materials collected shall be removed as soon as possible but no later than the end of each day. All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday.
  - 3. 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 pier and preferably on an existing hard surface area (e.g., a road) or an area where collection of materials is facilitated. These activities shall not take place on the tidelands or over-water structures to eliminate the possibility that pollutants may enter coastal waters. Bulkhead and over-water construction projects that will use heavy equipment for more than 30 days, shall use biodegradable hydraulic fluid and biodiesel as an alternative to petroleum products. 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.
  - 4. 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.).
  - 5. 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.

- 6. 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. All construction materials shall be properly stored and contained so that these products will not spill or otherwise enter the coastal environment.
- e. Installation of Piles and Over-water Structures.** The following best management practices for installation of piles and over-water structures shall be employed:
- 1. Treated Wood.** If treated wood is sanded or sawcut during demolition, installation, or maintenance, all sawdust and debris generated shall be contained, removed, and properly disposed of. All treated wood removed and all treated wood debris/fines shall be stored a minimum of 50 feet from coastal waters, drainage courses, and storm drain inlets on impervious pavement or an impervious tarp that is covered during rain events, and shall be promptly disposed of at an appropriate inland location, where a coastal zone disposal location shall require Executive Director review and approval.
  - 2. Pile Installation.** Piles shall be installed using driven or hammered methods to the maximum degree feasible.
  - 3. Concrete In-water Work.** Concrete in-water work shall be accomplished via a method that avoids contact with harbor waters (e.g., dewatering the work area, containment caissons, etc.), and concrete shall be sufficiently cured to prevent any significant increase in the pH of adjacent waters before contact is allowed. If required to properly construct in-water concrete elements, the tremie method (i.e, using forms to receive wet concrete under water by inserting a plastic pipe down to the bottom of the form and pumping concrete into the form so that water is pushed towards the top of the form) may be used. If so, any waters discharged from the forms in such operations shall be pumped off, collected in a holding tank, and tested for pH. If the pH is greater than 8.5, the water shall be neutralized with sulfuric acid until pH is between 8.5 and 6.5, when it can be returned to the harbor. Solids that settle out during the pH balancing process shall not be discharged to the marine environment and must be appropriately disposed of offsite.
  - 4. Coatings and Sealants.** Coatings and sealants shall be composed of products that are inert after they have cured and dried. Fusion Bonded Epoxy, HDPE, and polyurea products are preferred. Coal tar-based sealants shall only be allowed if they are coated or wrapped with an inert product to isolate

- them from the marine environment. Installation and application of epoxy, resin, or cementitious grout/fill on-site shall only be conducted when predicted weather and ocean conditions allow effective control and full containment and allow such materials to remain dry until cured. All pressure-injection and gravity-feed applications of epoxy, resin, or cementitious materials shall be closely monitored visually to ensure that these materials do not leak or spill into coastal waters during application. Coatings and waterproofing sealants used in the field shall be carefully applied by brush or roller to limit application to the immediate surfaces intended for protection, and to prevent drips or spills into coastal waters. All anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be properly stored and contained so that these products will not leak or spill, or otherwise enter the coastal environment.
5. **Surface Prep.** All cleaning and preparation of surfaces shall use wet vacuum techniques, containment booms, and heavy mesh containment netting so that any debris, chips, dust, dirt, and fine particles are collected and disposed of in a location where they will not enter coastal waters. Dip nets shall be on-site and used to retrieve debris that accidentally falls into the water.
  6. **Spill Prevention.** Methods to contain any leaks or spills of materials during application shall be planned in advance, and any necessary equipment or supplies shall be readily accessible onsite. Any leaks or spills of anti-corrosion coatings, epoxy fillers, and waterproofing sealants shall be immediately cleaned up.
  7. **Debris Removal.** All debris in harbor waters and along the harbor bottom that is encountered during demolition and construction activities shall be removed and properly disposed of.
- g. **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.
  - h. **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.
  - i. **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.

- j. 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.
- k. Construction Specifications.** All construction specifications and materials shall include appropriate provisions that require remediation for any work done inconsistent with the terms and conditions of this CDP.
- l. 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. Wildlife Protections.**

- a. Nesting Bird 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:

  - 1.** 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.

2. 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.
  3. 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.
  4. 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.
  5. 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.
- b. Nesting Bird 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. All Project personnel should be notified as to the existence of the buffer zones and to avoid entering buffer zones during the nesting season. No Project activities should occur within the buffer until the avian biologist has confirmed that breeding/nesting is complete and the young have fledged the nest.
- c. 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.
1. **Noise.** The District shall implement a pile driving notification plan as described herein to keep residents informed of the Project's pile driving schedule. Prior to pile driving activities and within 2 weeks after award and execution of the construction contract, the Contractor shall provide the District with a pile driving schedule that identifies: (1) start date of pile driving, (2) anticipated weekly work zones by estimated date shown on an aerial map (or plan sheet overview), (3) estimated pile driving completion date, and (4) website address for accessing the pile driving schedule on-line. The

Contractor shall be required to post and maintain the schedule onsite. The Contractor shall update the schedule at least every two weeks and provide the schedule to the District by the following day for posting on the District's website.

- 2. 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.
- d. Worker Training.** Prior to commencement of construction (including staging and mobilization), all personnel associated with project construction should attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to aid workers in recognizing special-status terrestrial and marine species, native birds, and other biological resources that may occur in the project area. The specifics of this program should include identification and habitats of special-status species with potential to occur at the project area, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information should also be prepared for distribution to all contractors, their employers, and other personnel involved with construction. All employees should sign a form provided by the trainer indicating they have attended the WEAP and understand the information presented to them. A WEAP training recorded by a qualified biologist specifically for the project may be used if in-person trainings are restricted due to COVID-19 or if the construction schedule makes it infeasible for a biologist to train each new crew member in person.
- c. Sea Turtle Protection.** Establishment of a 50-foot underwater "exclusion zone" for all sea turtles during pile driving activities to avoid interaction between pile driving equipment and sea turtles. Visual monitoring of the monitoring zone shall commence at least 30 minutes prior to the beginning of pile driving activities each day and after each break of more than 30 minutes. If a sea turtle is observed within the monitoring zone, all in-water project activities shall cease. Project activities shall not commence or continue until the or sea turtle has either been observed having left the monitoring zone, or at least 15 minutes have passed since the last sighting whereby it is assumed the sea turtle has voluntarily left the monitoring zone. Pile installation activities shall not occur if any part of the exclusion zones are obscured by weather or sea conditions. Project-related vessels should observe the no wake zone limit with limits of the project.
- d. Black Abalone Protection.** A pre-construction survey to determine the presence of black abalone will be conducted no sooner than 120 days prior to the start of in-water work on the project. The survey is intended to focus on pilings, docks

and other subsurface infrastructure to be removed during the project. Methodology for this survey will follow NMFS Protected Resources Division (PRD) guidelines or will be otherwise approved by NMFS. If black abalone are observed during the survey, NMFS will be contacted to coordinate on avoidance and minimization measures before beginning any in-water work that could impact abalone. These measures will likely include relocation of black abalone and/or operation of equipment to avoid contact abalone.

**e. Marine Mammal Protections.** The potential behavioral disturbance of Marine Mammal Protection Act (MMPA) protected harbor seals and sealions would be addressed under an Incidental Harassment Authorization (IHA) and coordinated with NOAA Fisheries. The IHA authorizes take incidental to vibratory and impact pile driving activities associated with project demolition and construction activities. Authorized take, by Level A and Level B harassment only, is limited to Harbor seals (*Phoca vitulina*) and California sea lion (*Zalophus californianus*). The Permittee shall be required to adhere to the general conditions, mitigation, monitoring, and reporting requirements detailed in the IHA, including:

- 1. Exclusion Zones.** Establishment of an exclusion zone for all ESA-listed marine mammals and MMPA protected cetaceans that would include the entire inner harbor area during pile driving activities. Visual monitoring of the monitoring zone shall commence at least 30 minutes prior to the beginning of pile driving activities each day and after each break of more than 30 minutes. Pile installation activities shall not commence until ESA-listed marine mammals and cetaceans are not sighted in the exclusion zone for 15 minutes. This will avoid exposing ESA-listed marine mammals and cetaceans to sound levels in excess of the Level A and Level B noise thresholds.
- 2. Soft Starts.** A “soft-start” technique shall be used to allow fish and marine mammals to vacate the area before the pile driver reaches full power. For vibratory hammers, the contractor shall initiate the driving for 15 seconds at reduced energy, followed by a 1-minute waiting period when there has been downtime of 30 minutes or more. This procedure shall be repeated two additional times before continuous driving is started. This procedure shall also apply to vibratory pile extraction. For impact driving, an initial set of three strikes shall be made by the hammer at 40 percent energy, followed by a 1-minute waiting period, then two subsequent three-strike sets before initiating continuous driving.
- 4. Cultural Resources.** In the unlikely event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the U.S. Secretary of the Interior’s Professional Qualification Standards for Archeology, shall be contacted immediately to evaluate the find. Following evaluation, the archaeologist will notify the Permittee of their initial assessment. If the find is prehistoric, then a Native American representative shall also be contacted to participate in the evaluation of the find. Having reviewed recommendations from a qualified archaeologist and a Native American representative (if the resource is indigenous), the Permittee may

determine that the resource may qualify as a historic property (meeting the National Register of Historic Places criteria at 36 CFR 60.4), a historical resource or unique archaeological resource (as defined in CEQA Guidelines Section 15064.5), or a tribal cultural resource (as defined in PRC Section 21080.3), in which case the resource shall be avoided if feasible. If avoidance is not feasible, the Permittee shall consult with appropriate Native American representative (if the resource is indigenous), and other appropriate interested parties to identify treatment measures to avoid, minimize, or mitigate any potential impacts to the resource. Such measures shall include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource in a culturally appropriate manner and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

If human remains are discovered during project activities, all activities within 100 feet of the find shall cease and the Permittee shall follow the provisions of California Health and Human Safety Code (Human Remains) Section 7050.5. This shall include immediate notification of the San Mateo County Coroner who will determine origin and disposition pursuant to Public Resources Code Section 5097.98 and whether an investigation of the cause of death is required. The Native American Heritage Commission shall be contacted within 24 hours if it is determined that the remains are Native American. The Commission shall then identify the person or persons it believes to be the most likely descendant (MLD) from the deceased Native American, who in turn would make recommendations to the Permittee for the appropriate means of treating the human remains and any grave goods. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from subsequent disturbance.

- 5. Ongoing Repair and Maintenance.** This CDP authorizes future maintenance as described in this special condition. The Permittee acknowledges and agrees on behalf of itself and all successors and assigns that it is the Permittee's responsibility to: (a) maintain the approved project and all related development in a structurally sound manner, and in their approved and required states.
  - a. Maintenance.** "Maintenance," as it is understood in this condition, means development that would otherwise require a CDP whose purpose is to repair and/or maintain the overall permitted structure including specifically: replacement of up to five piles per year (with up to two piles being driven in any one day); replacement of up to 10 percent of decking (approximately 3,500 square feet) per year; repair of any damaged utility lines.
  - b. CDP Duration for Ongoing Repair and Maintenance Activities.** The ongoing repair and maintenance activities authorized by this CDP may take place for five years from the date of Commission approval (i.e., until November 15, 2028). The CDP duration for ongoing repair and maintenance activities may be extended if a CDP amendment application is submitted and the permit is extended prior to November 15, 2028.

- c. Annual Work Plan Reports.** The Permittee shall submit, for review and written approval by the Executive Director, an Annual Work Plan that includes project plans and lists of all anticipated activities for the upcoming repair cycle within 90 days prior to commencement of construction activities. The Permittee shall also submit, for Executive Director review and approval, a Post-Activity report within 90 days of construction completion that compares the anticipated activities with those completed during the repair cycle. The Post-Activity report shall include a description of any issues encountered in terms of ensuring compliance with that year's Annual Work Plan.
- 6. 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. 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.
- 7. 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, 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.
- 8. 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.

- 9. 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.
- 10. 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, tsunamis, coastal flooding, landslides, 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 at Johnson Pier within Pillar Point Harbor which is located in the unincorporated community of Princeton-by-the-Sea in San Mateo County, approximately five miles north of downtown Half Moon Bay (see **Exhibit 1**). Pillar Point Harbor is protected by outer and inner breakwaters and accommodates both commercial and recreational boating and fishing uses, as well as general public access. Johnson Pier is an L-shaped pier located within the inner harbor of Pillar Point Harbor (see **Exhibit 2**).

#### 2. Project Background

Pillar Point Harbor offers the public a variety of recreational activities including boating, kayaking, fishing, and observing nature and wildlife views. Johnson Pier, constructed in 1961, supports significant commercial fishing operations and is the primary working pier within Pillar Point Harbor. While Johnson Pier is a working, commercial fishing pier, the pier is also accessible to the public to walk along and enjoy views from the main stem of the pier, purchase fish products directly from docked fishing boats, and access boat fueling facilities. The L-shaped pier provides access to floating docks, fueling facilities, fish handling, and berthing facilities for fishing boats.

At the time that the pier was designed and constructed, it was meant to accommodate single-axle delivery trucks. Over time, larger trucks and semi-trailers have been used for delivery, but the L-shaped geometry and limited width of the pier restricts the turning movements and circulation of trucks and semi-trailers. As a result, delivery trucks must either back-in or back-out the entire length of the 575-foot-long, 28-foot-wide trestle that connects the pier head to land. Due to the shape of the pier and restrictions to truck access, forklifts are required to transport materials between the boat unloading area on the west side of the pier head and the truck loading area at the east side of the pier head. The pier head itself is only 28-feet-wide over most of its length and accommodates both container storage and a crane. As such, there is a clear path of less than 12 feet that must be shared by multiple forklifts during the busy season. These restrictions to circulation have impacted safety and caused substantial delays for the commercial fishing operations relying on the pier.

The pier head is also experiencing physical deterioration. Decking consists of 12-inch-thick pre-cast concrete planks connected to the pile cast-in-place concrete closure pours. Pre-cast, pre-stressed concrete piles support the pier deck in rows (“bents”), and each bent contains vertical and slanted batter piles. The southern end of the pier is also frequently wetted during fish handling operations, and this has also led to corrosion of some rebar which will need to be exposed, cleaned and the concrete surrounding it repaired. Piles, pile caps, beams and decking have also experienced cracking due to the expansive corrosion of the reinforcing steel. This corrosion also has led to safety issues and impacts to the overall functionality of the working pier.

Johnson Pier provides access to wooden floating docks D, E, F, G, and H, as well as the fuel dock adjacent to the pier head, which are used for commercial berthing (see **Exhibit 2**). The floating docks are constructed of treated wood (likely Ammoniacal Copper Zinc Arsenate (ACZA)-treated) framing with polyethylene floatation tubs and are supported by 16-inch concrete guide piles. The floating docks, originally constructed in 1985, are nearing the end of their life span and show evidence of significant deterioration. Per the Permittee, the condition of the docks ranges from “poor” to “serious”, with many of the deck boards lifted or broken as the result of the treated framing deteriorating over time, further compromising overall safety and functionality of Johnson Pier.

Furthermore, the existing electric and sewage utilities servicing Johnson Pier are insufficient and are in need of upgrade and replacement. The pier’s existing electric infrastructure servicing the fish buyers building at the pier head is not providing sufficient power to support current operations, and the sewage lift is nearing the end of its service life.

### **3. Project Description**

The proposed project is intended to improve the safety and utility of commercial fishing and handling operations by expanding and repairing Johnson Pier, removing two existing treated piers and treated timber floats, and replacing the existing wooden floating docks and fuel dock.



The expansion on the northern side of the Johnson Pier would involve removal of the existing 2,500 square foot treated-timber North Timber Pier and 1,900 square foot treated-timber North Floats (see **Exhibit 3**). Removal of the North Timber Pier would include the removal of 55 14-inch diameter creosote-treated timber piles, and removal of the North Floats would require the removal of seven 14-inch diameter concrete piles. Approximately 7,200 square feet of replacement deck area would then be constructed, including the installation of 65 24-inch diameter precast concrete piles, to achieve a uniform 72-foot width across the pier head (see **Exhibit 3**).

The expansion to the southern side of the pier head would add 8,500 square feet and 65 24-inch diameter pre-cast concrete piles to the pier which would add additional area that would enable trucks to fully turn around. To accommodate the southward expansion of the pier, the existing fuel dock would be removed and replaced. Materials for the pier expansion would be similar to the existing pier structure, consisting of pre-cast, pre-stressed concrete piles, pre-cast concrete planks, and cast-in-place concrete.

The proposed project would also involve replacing floating docks D, E, F, G, and H with new concrete docks. The replacement of Dock E would include the addition of a 2,500 square-foot concrete floating work dock, Dock EW (see **Exhibit 3**). The replacement of the floating docks would result in 20,000 square feet of additional overwater coverage. Together, the floating dock and fuel dock replacement would require the removal of 190 14-inch square concrete piles, and the installation of 230 16-inch square concrete or fiberglass piles. To facilitate the replacement of floating docks D through H, the 600 square-foot East Timber Pier, including 20 14-inch diameter creosote-treated piles, would also be removed.

On balance, the proposed expansion of the pier head and replacement of the floating docks would involve the removal of 272 piles (197 concrete piles and 75 creosote-treated timber piles) and the installation of up to 130 24-inch diameter concrete piles and up to 230 16-inch diameter concrete piles (see **Exhibit 3**). The 197 concrete piles would be removed using vibratory extraction while the remaining 75 creosote-treated wood piles would be removed using either vibratory extraction or direct pull method. While it is anticipated that a majority of the piles will be fully removed, piles that break during removal where the lower portion cannot feasibly be removed would be cut to below the mudline. Installation of concrete piles would be completed by impact pile driving using an impact hammer attached to a crane positioned on a crane barge or on the pier itself. Additionally, a hydraulic jet may be used to assist in pile installation.

Repairs to Johnson Pier would involve up to approximately 200 square feet of existing concrete pile caps, beams, decking and one pile which have experienced cracking. Damaged concrete would be removed, the rebar would be cleaned, and new concrete would then be placed over damaged areas.

Lastly, replacement of the floating docks and fuel dock would require that all utilities (electricity, potable water, fire water, wastewater, and fuel) be replaced. New utilities installed on the replacement floating docks would connect to the existing utility mains on the pier. Existing fuel lines would be relocated from the pier to the new fuel dock, and the existing wastewater line would be relocated to the new Dock EW.

Implementation of the proposed project would be phased to ensure that impacts to public access and commercial fish handling operations are minimized (see **Exhibit 3**). Project implementation is anticipated to take up to 36 months to complete and may be performed in phases over 5 to 10 years.

See **Exhibit 3** for proposed project plans.

## **B. Standard of Review**

The proposed project is entirely located within the Commission's retained CDP jurisdiction, and thus the standard of review for it is the Coastal Act.

## **C. CDP Determination**

### ***Applicable Coastal Act Provisions***

The Coastal Act requires that facilities which provide for commercial and recreational fishing be protected and updated, if feasible, and it encourages the provision and protection of public access and water-oriented recreational activities. Additionally, the Coastal Act requires the protection of marine resources and related habitats as well as the minimization of coastal hazard risks. These Coastal Act provisions also limit fill activities to seven enumerated uses, and only in 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 4**.

### ***Consistency Analysis***

Commercial and recreational fishing and recreational boating are coastal-dependent and Coastal Act priority uses that cannot function without sufficient facilities. Johnson Pier is in active use not only by the commercial fishing industry throughout the year, but also by sport fishermen, pleasure boaters and by general beach goers and those who want to recreate along the coast. Therefore, the proposed repair, expansion, and improvement of Johnson Pier is a high priority, coastal-dependent use and as such must be afforded the required protections under the Coastal Act. Further, the public beaches and access trails located along the Pillar Point Harbor and Princeton-by-the-Sea shoreline provide the public with a variety of recreational opportunities, such as walking trails, beaches, and opportunities for viewing wildlife or watching the sunset, and extend to offshore piers, including Johnson Pier. The Coastal Act requires that development provide maximum access and recreational opportunities to the public, consistent with public safety needs and the protection of natural resources.

The commercial fishing operations at Johnson Pier rely heavily on trucks and delivery vehicles being able to safely enter and exit the pier head. As previously discussed, there is currently insufficient space for trucks to turn around at the pier head. Trucks and delivery vehicles must instead back-in or back-out the entire length of the pier trestle which has resulted in delays to commercial fishing operations and unsafe conditions on the pier and pier head. The proposed project would expand the deck area of the pier head by approximately 13,700 square feet, which would allow delivery trucks to execute a full turn, thereby improving safety and efficiency of commercial fishing operations. In addition, Johnson Pier and the pier head and floating docks are exhibiting signs of deterioration, which impacts both the function of the working pier, as well as the ability

of the public to use the pier for the previously mentioned high priority uses. Notably, the Applicant indicates that the floating docks are in “poor” to “serious” condition and are approaching the end of their functional lifespan. The project as proposed would replace or repair all of the damaged or compromised areas on the pier, would relocate necessary facilities like fuel pumps during construction, and dock replacements would be performed incrementally so to attempt to limit impacts to the operations that occur at the pier. As structured, the project assures that both the working pier operations, as well as all public recreational use that occurs at Johnson Pier, would continue to be accommodated, including during peak fishing/recreation seasons, with minimal disruption. Further, the project, once completed, would help to assure maximum safety and efficient operation of the pier, and it would also extend the capacity and lifespan of Johnson Pier, assuring these high priority uses are protected, upgraded, and encouraged as required by the Coastal Act. Therefore, the proposed project is consistent with the Coastal Act as it protects and upgrades facilities serving the commercial fishing industry, commercial and recreational boaters, and general public access.

Even so, the proposed project has the potential to impact coastal access in the project area during its implementation, including impacts to available parking in the upper marina parking lot (see **Exhibit 3**). The staging for construction activities for the proposed project would require the temporary use of 24 parking spaces in the upper marina parking lot that will only be used during active construction periods. To mitigate for potential public access impacts during construction, **Special Condition 2** requires that the proposed project minimize construction and staging areas to the maximum extent possible to limit impacts to public access, and construction activities would be prohibited outside of these defined areas. Furthermore, the proposed project requires that public roadways adjacent to the demolition site, off-load site, and staging areas be cleaned and that all access points adversely impacted by development activities be restored to pre-construction condition or better within three days of completion of construction. A public access plan would also be prepared to facilitate continued access during construction, and said plan is required to be incorporated into the construction requirements by **Special Condition 2**. When completed, the proposed project will expand Johnson Pier 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 it is thus ‘self-mitigating’ in terms of the impacts described in that sense. The proposed project, as conditioned, can be found consistent with the Coastal Act’s public recreational access provisions.

In addition, the Coastal Act requires the maintenance, enhancement, and where feasible, the restoration of marine resources. The maintenance of biological productivity and quality of coastal waters, streams, wetlands and estuaries is also required. As previously discussed, Johnson Pier is situated at Pillar Point Harbor, inside the breakwaters, and therefore, any work at Johnson Pier has the potential to impact the marine benthic habitats, including eelgrass beds, that occur within the Harbor, as well as special-status invertebrates, fish, reptile, bird and marine mammal species that use those waters. Specifically, several special-status species are known to be present within the project area, including California brown pelican (*Pelecanus occidentalis*

*californicus*), double-crested cormorant (*Phalacrocorax auritus*), harbor seal (*Phoca vitulina*), and California sea lion (*Zalophus californicus*). Several other species were identified to have low, moderate, or high potential to occur within the study area, which include but are not limited to endangered black abalone (*Haliotis cracherodii*) and endangered leatherback sea turtle (*Dermochelys coriacea*), both of which were determined to have a low potential to occur within the project area.<sup>1</sup>

In addition to the two special-status bird species determined to be present in the project area, the BRA identified several nesting special-status bird species and/or nesting birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Commission (CFGC) which have potential to occur in the study area during nesting season (February 1 to September 15). Potential nesting habitat at the project site could include landscapes trees and shrubs, native trees, reeds, willows and other vegetation, human-made structures, such as beneath the pier, and the ground surface. Project activities could directly impact breeding by destroying the nest or by disrupting normal biological behaviors, resulting in nest failure. Indirect impacts could include the disturbance of breeding habitat. To ensure Coastal Act consistency, **Special Condition 3** would require pre-construction nesting bird surveys during the breeding season and, should active nests be identified, the establishment of no-disturbance buffer zones (300 feet for non-raptor species and 500 feet for raptor species).

As previously discussed, the proposed project would involve the removal of concrete and creosote-treated timber piles using vibratory extraction and direct pull. Concrete piles are proposed to be installed by impact pile driving using an impact hammer. Such extraction and installation methods have the potential to adversely impact marine mammals, should any be present during in-water construction activities, in conflict with Coastal Act provisions that require protection from these species. In order to assure those species are adequately protected, the project is conditioned to include pre-construction surveys, exclusion zones for sea turtles and Endangered Species Act-listed marine mammals and Marine Mammal Protection Act (MMPA) protected cetaceans, and reliance on a “soft-start” technique for pile activities to avoid and minimize these potential effects (see **Special Condition 3**). Furthermore, the National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) will issue an Incidental Harassment Permit (IHA) to address potential project-related impacts to harbor seals and sea lions within the inner harbor. The IHA requires mitigation measures such as the establishment of monitoring and shutdown zones, and marine mammal monitoring would be required to be conducted by an NMFS-approved protected species observer (PSO) in accordance with the Marine Mammal Monitoring Plan (MMMP). The MMMP establishes an exclusion zone for grey whales, harbor porpoises, common bottlenose dolphins, and northern elephant seals to avoid potential

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<sup>1</sup> A Biological Resources Assessment (BRA) (Johnson Pier Expansion and Dock Replacement Project Biological Resources Assessment, January 2022) was completed for the proposed project that assessed the potential for 120 special-status plant and wildlife species to occur within the study area, including the approximately 37-acre project area (in-water areas where repair and expansion of Johnson Pier would occur, as well as terrestrial areas where construction staging, laydown, and access would occur) plus a 100-foot buffer. The study area was also evaluated for the presence of sensitive plant communities, designated critical habitat and Environmentally Sensitive Habitat Areas (ESHAs).

noise impacts to these species, and a combination of exclusion zones and monitoring zones are proposed to minimize potential impacts to harbor seals and sea lions, and such MMMP provisions would be incorporated into the project as required conditions of approval to assure adverse impacts to these marine mammal and sea turtle species are avoided consistent with the requirements of the Coastal Act.

NMFS also issued a Biological Opinion for the proposed project that concluded that black abalone is likely to be adversely affected by the proposed project, but also determined that the species is not likely to be jeopardized and critical habitat is not likely to be destroyed, modified, or otherwise affected. The Applicant proposes to conduct a pre-construction survey for black abalone on submerged infrastructure to be removed and coordinate with the NMFS, should any be observed, to remove and relocate them to suitable habitat outside of the construction area and conditions of approval incorporate this requirement to assure impacts to such species are avoided (see **Special Condition 3**).

The removal, replacement, repair, and expansion of components of Johnson Pier could potentially involve discharge of construction materials into harbor waters if precautions are not taken to ensure that debris and residual materials are collected and properly disposed of. To protect against such potential impacts to water quality and marine resources, **Special Condition 2** imposes construction requirements, including general construction and over-water construction best management practices, to ensure that marine resources and water quality are protected and maintained during construction consistent with Coastal Act requirements. These measures include best management practices related to the removal of preservative-treated wood in over-water areas and regarding the repair of over-water structures and the construction of concrete piles. Additionally, the proposed project would involve the removal of at least 368 cubic yards of creosote-treated wood piles and ACZA-treated overwater coverage, instead installing biologically inert concrete piles, thus reducing chemical exposure to marine organisms and improving overall water quality in the area. Taken together, the over-water construction best management practices, removal of treated wood piles and debris clean up would allow for the proposed project to be properly mitigated given it will not only enhance commercial fishing productions but it would also maintain and improve recreational boating and sport fishing, and overall improve and restore water quality. In short, as conditioned, implementation of the proposed project would be consistent with the Coastal Act regarding the maintenance of the biological productivity of coastal waters and the protection of marine resources.

The project proposes an expansion of dock and pier areas. The Coastal Act allows dredging and fill (where the proposed project constitutes “fill” by the placement of concrete pilings for the pier expansion and dock replacements) in limited circumstances (see Section 30233 in **Exhibit 4**). 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. Fill is allowed for new or expanded boating facilities and the placement of structural pilings for piers that provide public access and recreational opportunities, such as Johnson Pier. Therefore, the proposed project is an allowable use under the Coastal Act. The proposed project was found to be the least environmentally damaging alternative because it builds upon the existing footprint to

accommodate the many uses of the pier within the Harbor instead of rebuilding Romeo Pier, which was removed in 2018 due to unsafe conditions. The proposed project aims to provide the same services which were previously provided by Romeo Pier in addition to improving conditions for the existing commercial fishing operations, thus meeting the second test of Coastal Act Section 30233. To assure that the impacts of the new fill for this specific proposal are adequately mitigated, the project is conditioned to require that any debris encountered in the harbor during demolition and construction activities would be removed to offset the additional fill proposed by the project (**Special Condition 2**). In addition, the project would remove 75 creosote-treated piles along with treated decking, resulting in the removal of at least 368 cubic yards of creosote-treated wood piles and ACZA-treated overwater coverage, which would be a significant improvement to marine habitats offsetting any impacts.

Regarding Coastal Act requirements around minimizing risks in light of coastal hazards, the proposed project is located within Pillar Point Harbor in an area that is subject to coastal hazards from ocean waves, storms, tides, tsunamis, and flooding which may worsen with sea level rise. Siting new development, like the redeveloped pier, in such hazardous areas can increase risks and create adverse impacts contrary to Coastal Act requirements, due to the likelihood that such hazards will impact the subject development, or other surrounding areas, due erosion, flooding, and potential for damage to structures. In order to assure this Applicant recognizes, internalizes, and assumes these increased hazard risks, **Special Condition 10** requires that the Applicant recognize and assume the risks associated with developing in such a hazardous area, and waive future damage claims against the Commission.

Finally, the Applicant is awaiting necessary project approvals from other agencies, including from the U.S. Army Corps of Engineers and NOAA's National Marine Fisheries Service. To ensure the proposed project is authorized by all regulatory agencies, **Special Condition 7** requires the Applicant to submit evidence of all necessary approvals prior to issuance of this CDP.

Absent a project, Johnson Pier will continue to deteriorate, and commercial fishing operations will continue to be impacted by the limited space available at the pier head along with recreational boating and sport fishing. The proposed project would improve the safety of commercial fish handling operations by eliminating current space constraints and improving pier accessibility and would increase the lifespan and capacity of commercial docks. In sum, the proposed repairs and improvements to Johnson Pier would help to better support coastal-dependent uses such as the commercial fishing industry, recreational boating and sport fishing, as well as provide for general public access and marine environment enhancements. For all the above reasons, the project as conditioned can be found consistent with the requirements of the Coastal Act.

#### **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 on September 22, 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 Documents<sup>2</sup>

- Johnson Pier Expansion and Dock Replacement Project Biological Resources Assessment – January 2022
- Draft Incidental Harassment Authorization Pillar Point Harbor Johnson Pier Expansion and Dock Replacement Project – December 2022
- Endangered Species Act Section 7(a)(2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Johnson Pier Expansion and Dock Replacement Project (Corps File No. SPN-2019-00212S) – October 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

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<sup>2</sup> These documents are available for review in the Commission's North Central Coast District office.