

## Options for Beach Nourishment (below mean high water)

### Background:

MBNMS regulations prohibit disposal of dredged material in the sanctuary (below mean high water) except at disposal sites authorized by EPA prior to designation. This prohibition is one of three concrete prohibitions established in the sanctuary designation document for which no permit or authorization is allowed (along with no oil and gas exploration/development, and no new sewer outfalls). Other MBNMS regulations allow for the provision of permits/authorizations for activities or uses deemed compatible with resource protection (e.g. result in no significant impacts). Over the ensuing years, the four harbors within MBNMS have identified and executed dredging projects that resulted in disposal of material at the pre-approved sites, as well as reuse of clean sand placed above mean high water to nourish adjacent beaches. These beach nourishment projects were approved by the regulatory agencies, including MBNMS. In fact, MBNMS has been able to accommodate the vast majority of requests for beach nourishment. The dredging and beach nourishment need at Pillar Point (in the Northern Management Area of MBNMS, managed by Greater Farrallones) has been the most challenging to allow, in that erosion of the adjacent beach now extends to near the rock wall protecting Highway 1. This largely precludes the ability to place large volumes of clean sand from the harbor above mean high water. However, there is currently a plan moving forward to propose placement of as much clean harbor sand as possible (above mean high water) on the narrow beach and rock revetment and determine the benefits to the beach over time.

During the MBNMS Management Plan Review process, MBNMS received input from the harbors and SAC (and GFNMS Advisory Council) articulating a need to address beach nourishment, specifically, to allow reuse of clean sand from harbors to be placed below mean high water to facilitate beach replenishment.

### Status:

MBNMS is currently exploring three options to address needs for beach nourishment, recognizing that each of the four harbors has different needs and challenges, and has had different experiences and successes with beach nourishment projects. The issue being, the potential use of clean sand (approved by regulatory agencies) taken from harbors, placed below mean high water for beach nourishment. Each option has unique implications (to be discussed at the October 24<sup>th</sup> Advisory Council meeting).

MBNMS Staff will present the following options and facilitate a SAC discussion of the issues. There is no action requested for the October 24 meeting, as there is no staff recommendation on preferred option. We anticipate presentation of a recommendation and SAC action at the December 8<sup>th</sup> meeting.

### Current Options Under Consideration:

1. Clarify and/or define specific terms in the current prohibition through a Federal Register Notice.

May/May not require full NEPA process required for "re-opening" the sanctuary designation document (this is currently under review)

2. Rewrite the prohibition language in the designation document and change the regulation through Federal Register notice and full NEPA process to specifically allow for placement of clean dredge material in the Sanctuary (below mean high water)

Would require full NEPA process re-opening the sanctuary designation document

3. No action (status quo) continues allowing for placement of clean sand above mean high water, and prohibits placement of dredge material below mean high water.