

Marina gives way to Coastal Commission on Cemex investigation, enforcement

Jim Johnson, Santa Cruz Sentinel, 3-16-16

Marina - As a long-running investigation apparently nears completion, Marina officials have agreed to allow the Coastal Commission to take the lead on any enforcement action should any violations be found at the Cemex sand mining plant.

The city's move comes amid increased scrutiny on the Cemex operation that has been blamed for the Monterey Bay's accelerated shoreline erosion rate. The commission has been investigating for any violation of the state Coastal Act and the city's Local Coastal Program by the Lapis Lustre Sands plant since 2009.

According to a city staff report, a Coastal Commission statewide enforcement analyst contacted Marina City Manager Layne Long recently, asking whether the city would be interested in the commission's assistance with any potential Cemex-related enforcement proceedings, or would consider allowing the commission to assume responsibility for any such action.

The report indicated conversations between commission and city staff made it "clear that the lengthy investigation by the commission of the Cemex mining operations is wrapped up or is wrapping up, and that some plans for appropriate enforcement actions by the commission will commence in the near future."

Marina mayor Bruce Delgado said the city simply doesn't have the resources to investigate and enforce the issue, or take international giant Cemex to court. The staff report indicated the city would "retain a full consulting, coordination and advisory role" in the commission's actions, and would not waive any authority or jurisdiction over its Local Coastal Program except related to the Cemex operations.

"(The commission) is much more expert than we would be without significant expense," Delgado said. "It sounds like they have findings and are looking at what they can do, and we're all for that. The Marina Cemex plant is at the epicenter of Monterey Bay erosion. That's been proved."

Coastal Commission and Cemex officials did not respond to requests for comment from The Herald.

Experts have tied Cemex's sand mining, estimated at up to 250,000 cubic yards per year, to accelerated shoreline erosion on the southern Monterey Bay from Moss Landing to Monterey's Wharf No. 2, which the U.S. Geological Survey found has the highest erosion rates in the state.

In December, Marina city officials sent the commission a letter asking that the seven-year-old Cemex investigation be completed. Delgado said that coincided with increased scrutiny on the Cemex mining operation including a December commission meeting in Monterey that saw the Surfrider Foundation present a petition calling for action. The Monterey Bay National Marine Sanctuary has also signaled it may get involved.

Delgado said the city also took a closer look at the Cemex plant a few years ago when considering a permit for California American Water's test desal slant well operation, which was ultimately denied by city officials only to be granted by the Coastal Commission on appeal. The test well was shut down indefinitely earlier this month after an outfall pipeline was exposed by beach erosion and damaged, though that has been blamed on recent heavy storms.

On Friday, State Assemblyman Mark Stone, D-Scotts Valley, will lead an Assembly Select Committee on Coastal Protection hearing on statewide beach erosion and declining sand supplies from 10 a.m. to noon at Moss Landing Marine Laboratories.

While Stone said the hearing will focus on statewide issues, he added that Monterey Bay shoreline erosion will be a major topic of discussion.

“Obviously the sand mining plant is germane but I see this as a larger issue,” he said.

The hearing will feature testimony from a number of experts ranging from representatives of the Coastal Commission, the state Department of Conservation and the California Coastal Conservancy to University of California, Santa Cruz Institute of Marine Sciences director and erosion expert Gary Griggs, the Surfrider Foundation and the Middlebury Institute of International Studies.

Stone said Cemex was invited to send a representative but declined.