

CALIFORNIA COASTAL COMMISSION

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May 18, 2015

IMPORTANT PUBLIC NOTICE**APPROVAL OF ROUTINE PROGRAM CHANGE (RPC) TO CALIFORNIA COASTAL MANAGEMENT PROGRAM (CCMP) BY OFFICE FOR COASTAL MANAGEMENT (OCM) FOR CHANGES TO CCMP LIST OF FEDERAL LICENSES AND PERMITS SUBJECT TO CONSISTENCY REVIEW**

The Commission is notifying you that the Office for Coastal Management (OCM) has approved the request by the California Coastal Commission for a Routine Program Change (RPC) to the California Coastal Management Program (CCMP). The RPC modifies and updates the CCMP list of federal licenses and permits subject to certification for consistency with the CCMP, under the federal Coastal Zone Management Act (CZMA, § 307(c)(3)(A)) and its implementing regulations (15 CFR §§ 930.53(a) and (c)). Publication of this notice to interested parties completes the CCMP amendment process and means that, as of the date of this notice, the federal licenses and permits listed below are subject to the federal consistency review process.

BACKGROUND:

On November 7, 1977, the U.S. Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration (NOAA), approved the California Coastal Management Program (CCMP), finding that the program met the requirements of the Coastal Zone Management Act of 1972, as amended (CZMA) (16 USC 1451-1464), and the implementing regulations at 15 CFR Parts 920 and 923. As required by NOAA regulation (15 CFR §930.53), the CCMP included a list of federal license and permit activities likely to affect the coastal zone. Any applicant for a license or permit on this list must prepare a certification, with supporting facts and analysis, that the activity is consistent with the CCMP. This consistency certification is reviewed by the California Coastal Commission and, under Section 1456(c)(3)(A) of the CZMA, the federal license or permit cannot be issued until the Commission has concurred that the activity is consistent with the CCMP (or, if the Commission objects, the Secretary of Commerce overrides the Commission's objection on appeal by the applicant).

CCMP LIST CHANGES:

On December 12, 2014, the Commission adopted (and authorized its staff to submit to OCM) the modifications to the CCMP List listed below, adding a number of federal permits to the CCMP, correcting outdated citations and federal agency names, and making several other modifications

to the list. On May 15, 2015, OCM approved the request with one modification (see Attachment 2). The one change OCM made to the Commission's request was to replace the word "Permit" with "License" in item #6 (see page 4 below - authorizations by the Maritime Administration).

The revised CCMP Federal License and Permit List is contained in Attachment 1. This public notice will be posted on the Commission's website at: www.coastal.ca.gov and mailed to affected agencies and interested members of the public. This revised list will also be maintained on the Commission's federal consistency webpage at: <http://www.coastal.ca.gov/fedcd/listlic.pdf>.

Any questions you have regarding this notice may be directed to Mark Delaplaine at the contact information below:

Mark Delaplaine, Manager
Energy, Ocean Resources and Federal Consistency Division
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
Mark.Delaplaine@coastal.ca.gov
(415) 904-5289

Attachments

- 1. New 2015 CCMP List**
- 2. OCM Approval Letter**

Attachment 1 – New CCMP List

CCMP Federal License and Permit List

1. Department of Defense - U.S. Army Corps of Engineers:
 - a. Permits and licenses required under Section 9 and 10 of the Rivers and Harbors Act of 1899, as amended (33 USC §§ 401 and 403);
 - b. Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 USC § 1413);
 - c. Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972, as amended (33 USC § 1344); and
 - d. Permits for artificial islands and fixed structures located on the Outer Continental Shelf (43 USC § 1333).

2. Nuclear Regulatory Commission (NRC):
 - a. Permits and licenses required for siting operation of nuclear power plants, approvals of nuclear power plant license termination plans and, prior to the approval of such license termination plans, the approval to release part of a nuclear power plant facility for unrestricted use (10 CFR § 50.82 and 50.83).

3. Department of the Interior (DOI) - Bureau of Land Management (BLM), Bureau of Safety and Environmental Enforcement (BSEE), and Bureau of Ocean Energy Management (BOEM):
 - a. Permits and licenses required for drilling and mining, or renewable energy production (e.g., wind or solar energy facilities), on public lands (BLM).
 - b. Permits for pipeline rights-of-way on the Outer Continental Shelf (BSEE) (30 CFR Part 250, Subpart J (§ 250.1000-250.1019)).
 - c. Permits and licenses for rights-of-way on public lands (BLM) (43 USC § 1761, and 30 USC § 185).

4. Environmental Protection Agency:
 - a. Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972, as amended (33 USC §§ 1342 and 1345).
 - b. Permits and applications for reclassification of land areas under regulations for the prevention of significant deterioration (PSD) of air quality (42 USC § 7474).

5. Department of Transportation - U.S. Coast Guard:
 - a. Permits for construction of bridges under 33 USC §§ 401, 491-507 and 525-534 (42 USC §§ 7470-7492).
6. Department of Transportation - Maritime Administration (MARAD):
 - a. Licenses for deepwater ports under the Deepwater Port Act of 1974, as amended (33 USC §§ 1501-1524).
7. Department of Transportation - Federal Aviation Administration:
 - a. Certificates for the operation of new airports (49 USC § 44706).
8. Department of Transportation - Surface Transportation Board (STB):
 - a. Permits for railroad construction (49 USC § 10901).
 - b. Exemption from service requirements for rail transportation and applications for rail line abandonments (49 USC. §§ 10502, 10903).
 - c. Removal of trackage and disposition of right-of-way (49 USC. § 10101 et seq.).
9. Department of Transportation - Federal Highway Administration (FHWA):
 - a. Final Interstate Access Approvals for access to the Interstate Highway System (23 USC §§ 109 and 111, 23 C.F.R. § 624.5, and 49 CFR § 1.48(b)(1)).
10. Federal Energy Regulatory Commission (FERC):
 - a. Licenses for construction and operation of hydroelectric and hydrokinetic generating projects including primary transmission lines (16 USC § 797).
 - b. Certifications required for interstate gas pipelines (15 USC § 717f).
 - c. Permits and licenses for construction and operation of facilities needed to import, export, or transship natural gas or electrical energy (15 USC § 717b and 16 USC §§ 824a and 824p).
11. National Atmospheric and Oceanic Administration (NOAA):
 - a. Authorization to construct or operate an ocean thermal energy conversion facility under the Ocean Thermal Energy Conversion Act of 1980 (42 USC § 9101 et seq.).

12. National Atmospheric and Oceanic Administration (NOAA)/National Marine Fisheries Service (NMFS):

- a. Incidental Harassment Authorizations and Letters of Authorization required under the Marine Mammal Protection Act (MMPA) of 1972, as amended (Sections 101(a)(5)(A) and (D) (16 USC § 1361 et seq.), and the Endangered Species Act of 1973 (ESA), as amended (Section 10 (16 USC § 1531 et seq.)).

OCM also approved an agency name update (correcting language in the California CMP Environmental Impact Statement Chapter 11, on page 93) for Outer Continental Shelf (OCS) Plan permitting:

Federal Licenses and Permits Described in Detail in OCS Plans

The following Federal agency licenses and permits will be subject to the certification process for consistency with the management program under Section 307(c)(3)(B) of the CZMA if the activity being licensed or permitted is described in detail in an OCS exploration or development plan and affects land or water uses in the coastal zone:

Department of the Interior (DOI) – Bureau of Ocean Energy Management (BOEM):

Approval of offshore drilling operations.

Approval of design plans for the installation of platforms.

Approval of gathering and flow lines.

Any other OCS-related Federal license or permit activities described in paragraph (b) (i) (for example, pipeline rights-of-way on the OCS) which BOEM determines should be described in detail in OCS plans.



U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
Office for Coastal Management
Silver Spring Metro Center, Building 4
1305 East-West Highway
Silver Spring, Maryland 20910

Mr. Charles Lester
Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219

MAY 15 2015

Dear Mr. Lester:

Thank you for the California Coastal Commission's March 3, 2015, request that changes to the California Coastal Management Program (CMP) List of Federal Licenses and Permits Subject to Federal Consistency Review be incorporated into the California CMP. The Commission also requested to make minor updates to accurately portray the current Outer Continental Shelf Plan permitting agency name in the California CMP Environmental Impact Statement, Chapter 11, which implements 15 CFR Part 930 Subpart E regulations. You requested that these changes, as described below, be incorporated as routine program changes (RPCs), pursuant to Coastal Zone Management Act (CZMA) regulations at 15 C.F.R. part 923, subpart H, and the National Oceanic and Atmospheric Administration's (NOAA's) Office for Coastal Management's¹ *Program Change Guidance (July 1996)*. The Office for Coastal Management's decision deadline for the request received on March 13, 2015, was extended to May 15, 2015.

Based on our review of your submission, we concur that the changes are RPCs and we approve the incorporation of the changes to the California Coastal Management Program. Federal Consistency will apply to the approved changes only after you publish notice of this approval pursuant to 15 C.F.R. § 923.84(b)(4) and the Office for Coastal Management's *Addendum to the July 1996 Program Change Guidance (November 2013)*. Please include in the public notice the list of changes provided in this letter, and please send a copy of the notice to the Office for Coastal Management.

PUBLIC AND FEDERAL AGENCY COMMENTS

On March 23, 2015, the Office for Coastal Management received one comment from the Director of the Office of Deepwater Ports and Offshore Activities for the U.S. Department of Transportation Maritime Administration in a letter dated March 8, 2015. The Maritime Administration requested that the word "Permits" in the California CMP List of Federal Licenses and Permits be replaced by "Licenses," noting that the requested change reflects the fact that the

¹ NOAA's Office for Coastal Management was formerly the Office of Ocean and Coastal Resource Management and the Coastal Services Center; these two offices were integrated in September 2014 into the Office for Coastal Management.

Maritime Administration issues "Licenses" (and not "Permits") for deepwater ports under the Deepwater Port Act of 1974, as amended at 33 USC §§ 1501 - 1524.

6. Department of Transportation - Maritime Administration (MARAD):
 - a. ~~Permits~~ Licenses for deepwater ports under the Deepwater Port Act of 1974, as amended (33 USC §§ 1501-1524). (PL 93-627)

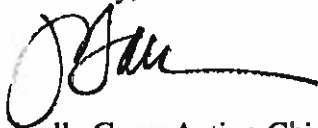
The Office for Coastal Management has made the requested change in the attached list.

CHANGES APPROVED

Name/Description of State or Local Law/Regulation/Policy/Program Authority	State/Local Legal Citation	Date Adopted by State	Date Effective in State
MODIFIED:			
*California CMP List of Federal Licenses and Permits Subject to Federal Consistency Review	Chapter 11, California CMP's Final Environmental Impact Statement entitled "The National Interest and the Consistency of Federal Actions"	12/12/2014	Date on which the public notice of the Office for Coastal Management's approval is published
*Changed references to the "U.S. Geological Survey" and "U.S.G.S." to the "Bureau of Ocean Energy Management (BOEM)" and "BOEM" in discussion of "Federal Licenses and Permits Described in Detail in OCS Plans."	Chapter 11, California CMP's Final Environmental Impact Statement (page 93).	12/12/2014	Date on which the public notice of the Office for Coastal Management's approval is published
Changes marked with an asterisk (*) are incorporated into the California Coastal Management Program but do not contain enforceable policies that can be used for Federal Consistency.			

Thank you for your cooperation in this review. Please contact Sarah van der Schalie at (301) 713-3155, extension 106, if you have any questions.

Sincerely,



Joelle Gore, Acting Chief
Stewardship Division

cc: Yvette M. Fields, Director, Office of Deepwater ports and Offshore Activities,
Department of Transportation Maritime Administration

Enclosure(s): Proposed Revisions to the California CMP Federal License and Permit List (strikethrough version); and Revised California CMP Federal License and Permit List (clean version)

Proposed Revisions to the California CMP Federal License and Permit List

1. Department of Defense - U.S. Army Corps of Engineers:
 - a. Permits and licenses required under Section 9 and 10 of the Rivers and Harbors Act of 1899, as amended (33 USC §§ 401 and 403);
 - b. Permits and licenses required under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended (33 USC § 1413);
 - c. Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972 ~~and amendments~~, as amended (33 USC § 1344); and
 - d. Permits for artificial islands and fixed structures located on the Outer Continental Shelf (~~Rivers and Harbors Act of 1899 as extended by~~ 43 U.S.C. §1333(Ⓕ)).
2. Nuclear Regulatory Commission (NRC):
 - a. Permits and licenses required for siting and operation of nuclear power plants, approvals of nuclear power plant license termination plans and, prior to the approval of such license termination plans, the approval to release part of a nuclear power plant facility for unrestricted use (10 CFR § 50.82 and 50.83).
3. Department of the Interior (DOI) - Bureau of Land Management (BLM), ~~U.S. Geological Survey~~ Bureau of Safety and Environmental Enforcement (BSEE), and Bureau of Ocean Energy Management (BOEM):
 - a. Permits and licenses required for drilling and mining, or renewable energy production (e.g., wind or solar energy facilities), on public lands (BLM).
 - b. Permits for pipeline rights-of-way on the Outer Continental Shelf (BSEE) (30 CFR Part 250, Subpart J (§ 250.1000-250.1019)).
 - c. Permits and licenses for rights-of-way on public lands (BLM) (43 USC § 1761, and 30 USC § 185).
4. Environmental Protection Agency:
 - a. Permits and licenses required under Sections 402 and 405 of the Federal Water Pollution Control Act of 1972 ~~and amendments~~, as amended (33 USC §§ 1342 and 1345).
 - b. Permits and applications for reclassification of land areas under regulations for the prevention of significant deterioration (PSD) of air

quality (42 USC § 7474).

5. Department of ~~Homeland Security~~Transportation - U.S. Coast Guard:

a. Permits for construction of bridges under 33 USC §§ 401, 491-507 and 525-534 (42 USC §§ 7470-7492).

~~b. Permits for deepwater ports under the Deepwater Port Act of 1974 (PL 93-627).~~

6. Department of Transportation - Maritime Administration (MARAD):

~~a. Licenses~~Permits for deepwater ports under the Deepwater Port Act of 1974, as amended (33 USC §§ 1501-1524), (PL 93-627)

7. Department of Transportation - Federal Aviation Administration:

a. Certificates for the operation of new airports (49 USC § 44706).~~Federal Aviation Regulations, Part 139)~~

8. Department of Transportation - Surface Transportation Board (STB):

a. Permits for railroad construction (49 U.S.C. § 10901).

b. Exemption from service requirements for rail transportation and applications for rail line abandonments (49 USC. §§ 10502, 10903).

c. Removal of trackage and disposition of right-of-way (49 USC. § 10101 et seq.).

9. Department of Transportation - Federal Highway Administration (FHWA):

a. Final Interstate Access Approvals for access to the Interstate Highway System (23 U.S.C. §§ 109 and 111, 23 C.F.R. § 624.5, and 49 CFR § 1.48(b)(1)).

10. Federal ~~Power~~Energy Regulatory Commission (FERC):

a. Licenses for construction and operation of hydroelectric and hydrokinetic generating projects including primary transmission lines (16 USC § 797).

b. Certifications required for interstate gas pipelines (15 USC § 717f).

c. Permits and licenses for construction and operation of facilities needed to import, export, or transship natural gas or electrical energy (15 USC § 717b and 16 USC §§ 824a and 824p).

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a. Authorization to construct or operate an ocean thermal energy conversion facility under the Ocean Thermal Energy Conversion Act of 1980 (42 USC § 9101 et seq.).

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Updated language in the California CMP Environmental Impact Statement Chapter 11, on page 93 (the page following the Subpart D List), which implements 15 C.F.R. Part 930, Subpart E regulations, to accurately portray the current Outer Continental Shelf (OCS) Plan permitting agency name:

Proposed Revisions to the California CMP - Chapter 11, Page 93

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Department of the Interior (DOI) – U.S. Geological Survey Bureau of Ocean Energy Management (BOEM):

Approval of offshore drilling operations.

Approval of design plans for the installation of platforms.

Approval of gathering and flow lines.

Any other OCS-related Federal license or permit activities described in paragraph (b) (i) (for example, BLM pipeline rights-of-way on the OCS) which U.S.G.S. BOEM determines should be described in detail in OCS plans.

Revised California CMP Federal License and Permit List

1. **Department of Defense - U.S. Army Corps of Engineers:**
 - a. Permits and licenses required under Section 9 and 10 of the Rivers and Harbors Act of 1899, as amended (33 USC §§ 401 and 403);
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 - c. Permits and licenses required under Section 404 of the Federal Water Pollution Control Act of 1972, as amended (33 USC §1344); and
 - d. Permits for artificial islands and fixed structures located on the Outer Continental Shelf (43 U.S.C. §1333).

2. **Nuclear Regulatory Commission (NRC):**
 - a. Permits and licenses required for siting and operation of nuclear power plants, approvals of nuclear power plant license termination plans and, prior to the approval of such license termination plans, the approval to release part of a nuclear power plant facility for unrestricted use (10 CFR § 50.82 and 50.83).

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Modifications to the California CMP – Chapter 11, Page 93

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