

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE AND TDD (415) 904-5200
 FAX (415) 904-5400

**W 13**

ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT
FOR THE

DECEMBER 11, 2013 MEETING OF THE CALIFORNIA COASTAL COMMISSION

TO: Commissioners and Interested Parties
FROM: Alison Dettmer, Deputy Director
Energy, Ocean Resources & Federal Consistency

DE MINIMIS WAIVER		
APPLICANT	PROJECT	LOCATION
9-13-0969-W Steinhart Aquarium	Collect marine substrates ("live rock" and sand) for maintenance and upkeep of Steinhart Aquarium's living exhibits.	Offshore of Sonoma, Marin, San Mateo County & City & County of Monterey
9-13-1210-W Southern California Edison	Proposal to keep temporary modular buildings in place through summer 2018 to support ongoing decommissioning activities.	San Onofre Nuclear Generating Station Orange County
9-13-0501-W Southern California Edison	Replacing 18 wooden power poles damaged by wildfire.	Along the Pacific Coast Highway adjacent to Mugu Lagoon Ventura County



IMMATERIAL PERMIT AMENDMENT

APPLICANT	PROJECT	LOCATION
E-06-013-A2 Poseidon Resources (Channelside), L.L.P. (Poseidon)	Modify route of water delivery pipeline.	Agua Hedionda Lagoon in Carlsbad San Diego County

NO EFFECTS DETERMINATIONS

APPLICANT	PROJECT	LOCATION
NE-0205-13 SANDAG	Geotechnical borings to support double-track bridge Action: Concur, 11/5/2013	San Diego River San Diego County

NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-0219-13 Department of the Navy	Pier 160 mooring improvements Action: Concur, 12/5/2013	Naval Base Point Loma San Diego County
ND-0221-13 NOAA	Sandbar breaching Action: Concur, 11/25/2013	Pescadero Creek San Mateo County
ND-0222-13 U.S. Army Corps of Engineers	Modifications to restricted area boundaries Action: Concur, 12/5/2013	San Nicolas offshore waters Ventura County



CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



NOTICE OF COASTAL DEVELOPMENT PERMIT
DE MINIMIS WAIVER

DATE: November 21, 2013 **PERMIT NO. 9-13-0969-W**

TO: Coastal Commissioners and Interested Parties

SUBJECT: Waiver of Coastal Development Permit Requirements

Based on the plans and information submitted by the applicant for the development described below, the Executive Director of the Coastal Commission hereby waives the requirements for a coastal development permit, pursuant to Section 30624.7 of the California Coastal Act.

Applicant: Steinhart Aquarium
55 Music Concourse Dr., Golden Gate Park
San Francisco, Ca 94118

Background and Project Description: The Steinhart Aquarium, part of the California Academy of Sciences, houses a wide variety of living exhibits, including approximately ten smaller tanks (ranging from 7 to 200 gallons) which focus on northern and southern California coastal habitats and contain natural rock and sand as well as a planned 2,000 gallon California Rocky Reef feature tank intended to replace these smaller tanks. Maintenance, development, and upkeep of these exhibits require the periodic addition of sand, rock, and live algae from local areas, including the marine environment. The Steinhart Aquarium is proposing to periodically collect, using hand tools only, "live rock" and sand from eleven locations along the north-central and central coast for a period of three years. "Live rock" is the term used to describe rocky substrate that has been colonized by a variety of small invertebrate and algal organisms, many of which are difficult to initially establish in artificial settings.

The proposed collecting sites include four areas that the Commission authorized the Steinhart Aquarium to collect in from April of 2011 through April of 2013 (permit waiver E-10-019-W) as well as seven additional areas. The four previously used sites are adjacent to Pillar Point Harbor, Pillar Point South Beach, and northern Pigeon Point in San Mateo County; and an area of submerged state lands located approximately one-half mile offshore of the City of Monterey. The additional sites would be at Duxbury Reef in Marin County; Stillwater Cove and Timber Cove in Sonoma County; and Lingcod Reef, Arch Rock Cove, Partington Cove, Soberanes Point and Cypress Point in Monterey County. Use of these sites would vary throughout the year and materials would not be collected from a single site more than four times each year. No more than a total of 35 cubic feet of sand and baseball to basketball-sized

rocks would be removed each year, divided among the eleven sites. No mechanized equipment would be used to remove rock or sand.

The California State Lands Commission has issued a Letter of Non-Objection for the proposed activity and the California Department of Fish and Wildlife and Gulf of the Farallones and Monterey Bay National Marine Sanctuaries have issued research and collecting permits.


Waiver Rationale: For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, nor will it conflict with Chapter 3 policies of the Coastal Act:

- The proposed sites would be outside of all designated State Marine Conservation Areas, State Marine Reserves, and State Marine Recreational Managed Areas.
- Other than the potential use of SCUBA gear and a dive vessel at select sites, no mechanized vehicles or equipment would be used during collecting activities.
- An effort would be made to relocate all mobile organisms from targeted rock and sand prior to collection.
- Collecting activities would be spread throughout the eleven proposed sites and among a variety of subsites at each location to ensure that no single site experiences a noticeable loss of either sand or loose rock habitat.
- Care would be taken during all collecting activities to limit the disturbance and disruption of intact intertidal and subtidal habitat.

Important: This waiver is not effective unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver is proposed to be reported to the Commission at the meeting of December 11-12, 2013 in San Francisco, CA. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER
Executive Director

By: 
MARK DELAPLAINE
Manager

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER – DE MINIMIS**

DATE: December 2, 2013 **PERMIT NO:** 9-13-1210-W

TO: Coastal Commission and Interested Parties

SUBJECT: Waiver of Coastal Development Permit Requirements

Based on the plans and information submitted by the applicant for the development described below, the Executive Director of the Coastal Commission hereby waives the requirements for a coastal development permit (CDP), pursuant to Section 30624.7 of the California Coastal Act.

Applicant: Southern California Edison

Background: In November 2011, the Commission granted CDP Waiver E-11-024-W, which allowed Southern California Edison (Edison) to install two temporary modular buildings within the protected area of the San Onofre Nuclear Generating Station (SONGS). The buildings were to be used for approximately two years by personnel conducting work associated with a controlled plant outage at the facility. The buildings are about 24 feet high and cover about 9,600 square feet within a developed and paved area of the facility. Several months after the buildings were installed, however, Edison made the decision to permanently retire and decommission the SONGS facility.

Project Location: San Onofre Nuclear Generating Station, 5000 Pacific Coast Highway, San Clemente, Orange County.

Project Description: Edison now proposes to keep the modular buildings in place through the summer of 2018 to support its ongoing decommissioning activities.

Waiver Rationale: For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, nor will it conflict with the policies of Chapter Three of the Coastal Act:

- The project consists of maintaining existing buildings that were previously approved through a CDP waiver. It involves maintaining existing buildings for an additional several years and does not involve any new construction.
- Portions of the buildings are visible from public areas near the SONGS facility; however, the buildings are much smaller in scale than the surrounding industrial structures and equipment at SONGS and do not create any substantial visual impacts.
- The buildings are located on an existing paved area within an existing industrial site. All runoff from the buildings is handled by existing stormwater treatment measures and subject to the SONGS facility's NPDES permit.


- The project does not limit or alter coastal access, as the buildings are within a restricted access area at the power plant.

Important: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver will be reported to the Commission at the meeting of December 11-12 in San Francisco. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER
Executive Director

By: 


ALISON J. DETTMER
Deputy Director,
Energy, Ocean Resources, and Federal Consistency Division

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

**NOTICE OF COASTAL DEVELOPMENT PERMIT WAIVER – DE MINIMIS**

DATE: December 3, 2013 **PERMIT NO:** 9-13-0501-W

TO: Coastal Commission and Interested Parties

SUBJECT: Waiver of Coastal Development Permit Requirements

Based on the plans and information submitted by the applicant for the development described below, the Executive Director of the Coastal Commission hereby waives the requirements for a coastal development permit (CDP), pursuant to Section 30624.7 of the California Coastal Act.

Applicant: Southern California Edison

Background: In early May 2013, a wildfire damaged several wooden power poles supporting a Southern California Edison (Edison) electrical distribution line along the Pacific Coast Highway in Ventura County. The damage resulted in a loss of electrical service in the area. On May 6, 2013, Commission staff approved Edison's request for an emergency permit to replace the poles and repair the line to allow service to be restored. Edison completed the work in on May 6th and 7th, and submitted the required follow-up permit application in June 2013.

Project Location: Along the Pacific Coast Highway adjacent to Mugu Lagoon, Ventura County (APN 2390040025).

Project Description: The project consisted of replacing 18 wooden power poles damaged by wildfire. The poles were located on or adjacent the road shoulder along an approximately one-mile stretch of the Pacific Coast Highway next to the Mugu Lagoon. Edison completely removed the standing or fallen damaged poles, drilled new holes for the new poles, and backfilled the previous holes with the removed soil.

Most of the poles were in upland areas on the road shoulder, although five of the poles were located in the adjacent burned salt marsh area. Edison was able to relocate two of these five poles to the adjacent upland road shoulder rather than replacing them within the salt marsh habitat. All work was done from the existing right-of-way and was completed over a two-day period in May 2013.

Waiver Rationale: For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, nor will it conflict with the policies of Chapter Three of the Coastal Act:

- Although the work occurred adjacent to and partially within wetland and sensitive habitat areas, the impacts were temporary and *de minimis*. All construction equipment remained outside these sensitive areas, with a total area of impact of about five square feet – i.e., the drilled power pole holes – within the wetland and sensitive habitat. Edison conducted a nesting bird survey prior to the pole replacement work and found no active nests.

- The project involved only temporary visual impacts due to the presence of construction equipment for a two-day work period. The replacement poles were similar in size and location to the damaged poles, so there were no substantial changes to scenic quality.
- The project did not limit or alter coastal access, as work occurred primarily along the shoulder of the highway.

Important: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver will be reported to the Commission at the meeting of December 11-12 in San Francisco. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER
Executive Director

By: 

ALISON J. DETTMER
Deputy Director,
Energy, Ocean Resources, and Federal Consistency Division

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400

**NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT****E-06-013-A2**

TO: All Interested Parties

FROM: Charles Lester, Executive Director

DATE: November 26, 2013

SUBJECT: Application to amend coastal development permit No. E-06-013 granted to Poseidon Resources (Channelside), L.L.P. (Poseidon) to construct and operate a desalination facility in Carlsbad, San Diego County.

The Executive Director has determined that the requested project change described herein may be approved as an immaterial amendment to the above-referenced coastal development permit (CDP). The amendment would allow relocation of a portion of the facility's water delivery pipeline.

Background and Project Description: On November 15, 2007, the Commission approved CDP No. E-06-013 allowing Poseidon to construct and operate a desalination facility adjacent to Agua Hedionda Lagoon in Carlsbad, San Diego County. The facility would produce approximately 50 million gallons a day of potable water from seawater drawn from the Lagoon. In April 2013, the Commission approved an amendment to that permit allowing Poseidon to make several minor modifications to its approved facility layout.

The original permit also allowed construction and operation of a water delivery pipeline to transport water to the regional distribution system. Part of the pipeline was to be installed beneath the roadbed on the Cannon Road bridge across Macario Canyon, in Carlsbad.

Requested Amendment: To address safety and reliability concerns, Poseidon proposes to reroute a portion of the pipeline away from the Cannon Road bridge to an adjacent area of Macario Canyon, where it will be installed underground. The route would be within the Macario Canyon open space area, which is protected as part of the City of Carlsbad's Habitat Management Program; however, all pipeline installation activities within that area will be from twenty to seventy feet below grade and are not expected to affect habitat or surface features of Macario Canyon. All staging and construction access for the project would also occur outside the protected area – i.e., within the Cannon Road right-of-way and in a disturbed area adjacent to Faraday Avenue.

Part of the modified route is within the City of Carlsbad's LCP jurisdiction. On November 6, 2013, the City amended the CDP it had issued to Poseidon (CDP #04-41(A)) for the portion of the project within the City's jurisdiction. The project is also subject to mitigation measures provided in an Addendum to the project's Environmental Impact Report (EIR 03-05(B)) to ensure protection of nearby biological resources, water quality, and other coastal resources.

Findings: The proposed amendment has been deemed “immaterial” for the following reasons:

- **Wetlands/ESHA/Open Space:** The tunnel and pipeline locations are expected to be sufficiently below-grade so as to not affect habitat values in Macario Canyon. Construction techniques to be used will avoid the potential for “frac-outs” that could affect water quality. Construction will also be required to adhere to Best Management Practices to avoid or reduce potential polluted runoff, siltation, or dust. Work will occur in an area of disturbed non-native grassland, and any nearby sensitive plant species will be identified prior to construction and avoided.
- **Visual Resources:** The project will involve temporary visual effects due to the presence of construction equipment. The modification will also remove what would otherwise be a permanent visual impact of the pipeline suspended across the bridge.
- **Cultural Resources:** A qualified archaeologist will conduct a pre-project records search and will be present during all grading and excavation work. Any discoveries will be reported and investigated pursuant to requirements of the state’s Public Resources Code (Section 5097.98) and Health and Safety Code (Section 7050.5).

Immaterial Permit Amendment

Pursuant to the California Code of Regulations—Title 14, Division 5.5, Volume 19, section 13166(b)—the Executive Director has determined this amendment to be IMMATERIAL.

Pursuant to section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive and the amendment shall be approved.

Pursuant to section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the immaterial amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three (3) Commissioners object to the executive director’s designation of immateriality, the amendment application shall be referred to the Commission for action as set forth in section 13166(c). Otherwise, the immaterial amendment shall become effective.

Pursuant to section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the executive director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the immaterial amendment application shall be referred to the Commission for action as set forth in section 13166(c).

If you wish to register an objection to this notice, please send the objection in writing to Tom Luster at the above address. If you have any questions, you may contact him at (415) 904-5248 or via email at tluster@coastal.ca.gov.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



November 5, 2013

Rob Rundle
Principal Regional Planner
SANDAG
ATTN: Cheryle Hodge
401 B Street, Suite 800
San Diego, CA 92101-4231

Subject: No-Effects Determination NE-0205-13 (Geotechnical Borings for San Diego River
Double Track Bridge Project, San Diego County)

Dear Mr. Rundle:

The Coastal Commission staff has reviewed the above-referenced no-effects determination. SANDAG proposes to undertake geotechnical exploration work between mid-November 2013 and March 1, 2014, in support of the proposed San Diego River double-track bridge. The purpose of the testing program is to support engineering design and construction of the proposed bridge and to determine the geological formations and soils that would be encountered during the construction of the bridge. Rotary wash, cone penetration, and resonant sonic drilling are the proposed boring methods. Since January 2013, the Executive Director has recently concurred with four similar geotechnical boring projects using these methods in support of proposed double tracking in San Diego County (NE-061-12, San Dieguito River bridge; NE-005-13, Carlsbad Village Station; and NE-007-13 and NE-024-13, San Luis Rey River bridge).

SANDAG's proposed project includes nine geotechnical borings within the San Diego River channel, two west of the existing railroad bridge and seven east of the bridge. Five of the borings are on the south side of the low-flow channel and four borings are on the north side. No crossing of the low-flow channel is proposed and all of the boring locations are within the existing railroad right-of-way. Access to the southern boring sites would be via an existing maintenance road; access to the northern sites would involve a crane lifting the drill rig over the existing concrete berm along Friars Road and lowering it to the upland portion of the river channel. The total footprint of the nine borings is 1.7 sq.ft., up to 2,800 sq.ft. of vegetation may be temporarily disturbed by the proposed work, and all work will occur outside of the breeding season for federal-listed bird species. A U.S. Fish and Wildlife Service-approved biological monitor will conduct pre-construction surveys for listed species, and will be present at all times to monitor construction activity and direct work away from any species present at the site. All construction work will occur outside of forecasted storm events to avoid working in areas of the

San Diego River channel that may be subject to flooding or inundation during storm events. Any disturbance to sensitive vegetation will be documented and remediated, including hand seeding of disturbed areas with appropriate native species and implementing measures to ensure successful germination and establishment. Water quality protection measures and best management practices will be implemented throughout the construction period. Based on field reconnaissance, archaeological site records, and a literature search, there are no known significant historic, archaeological, or paleontological resources in the areas proposed for the geotechnical borings.

In conclusion, the Commission staff **agrees** with SANDAG's no-effects determination that the proposed geotechnical exploration work will not adversely affect coastal resources. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

CHARLES LESTER
Executive Director

cc: CCC – San Diego Coast District
Patrick O'Neill, HDR Engineering, Inc.

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



December 4, 2013

Timothy J. Rogers, CDR
Public Works Officer
Department of the Navy
Naval Base Pt. Loma
140 Sylveswter Rd.
San Diego, CA 92106

Attn: Suzanne Smith

Re: **ND-0219-13**, Navy, Negative Determination, Mooring Improvements at Pier 160,
Space and Naval Warfare Systems Center, Point Loma, San Diego

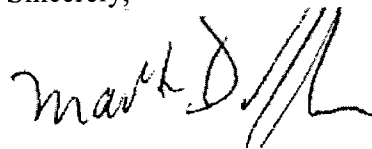
Dear CDR Rogers:

The Navy has submitted a negative determination for minor modifications to Finger C at Pier 160, located on the east side of the Point Loma peninsula, between the Scripps Pier to the north and the Navy Fuel Pier to the south. The modifications would consist of installing permanent infrastructure to support safe mooring and equipment staging for small boats, by providing two gangways down to two floating platforms, and two floating walkways. The work is needed to maintain existing boating capacity at the pier. The work includes removal of two existing 18-inch (diameter) concrete guide piles, reusing 16 existing 18-inch concrete guide piles, and installing 29 new 18-inch concrete guide piles. The work also includes extension of electrical service and relocation of a jib crane from Finger B to Finger C. The total area of gangways would be approximately 5,350 sq. ft. Construction would last approximately one month, with 15 days of in-water construction during that period.

The project would not affect public access; the area is and will continue to be restricted for military security reasons. Sound levels from pile driving will not exceed 173 decibels (dB, re 1 μ Pa) at 10 meters, and would attenuate to 160 dB at 74 meters from the source. The Navy will implement a 160 dB preclusion zone, within which pile driving will cease if marine mammal monitors detect marine mammals or sea turtles. Soft-start techniques and block cushions will be included to reduced noise. Pile driving will also be limited to outside the April 1 through September 15 least tern spring-summer breeding season, and will also be limited to weekdays and daytime hours to reduce recreational and other human impacts. Eelgrass will not be affected and shading effects from the gangways will be minor (0.12 acres).

With the measures included, we **agree** with the Navy's conclusion that the project would avoid adverse effects on coastal zone resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark D. Lester".

(for) CHARLES LESTER
Executive Director

cc: San Diego District Office
Army Corps, L.A. District (San Diego Field Office)

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



November 25, 2013

Joe Pecharich
NOAA Restoration Center
777 Sonoma Avenue, Room 219A
Santa Rosa, CA 95404-6515

Subject: Negative Determination ND-0221-13 (Pescadero Creek Lagoon Sandbar Breaching,
San Mateo County)

Dear Mr. Pecharich:

The Coastal Commission staff has reviewed the above-referenced negative determination. The NOAA Restoration Center (NOAA) proposes to breach the Pescadero Creek Lagoon sandbar up to two times in November and December 2013 using hand crews and a tracked excavator. The proposed project will closely mimic last year's successful sandbar breaching project (ND-037-12), which was designed to maintain sufficient water quality in the lagoon to reduce the likelihood of a fish kill as compared to when the sandbar naturally breaches. As a result of that project, no fish kills were observed in the lagoon for the first time since 2000. This year NOAA proposes to construct a 200-foot-long channel from the edge of the lagoon northwest across the beach to the ocean; approximately 400 cubic yards of sand will be excavated, sidecast, and spread across the beach adjacent to the channel. The breaching of the sandbar will occur when a sand plug at the lagoon end of the channel is removed during an incoming mean high-high tide. In addition and to the extent feasible, the proposed breach will be timed to occur with a forecasted rain event in order to decrease salinity, reduce stratification, and provide oxygenated water to the lagoon. Should the sandbar reform, a second manual breaching would follow the same procedures as the first and likely occur within 30 days after lagoon closure.

The primary difference between last year's and this year's proposed project is the length of time that the lagoon has been closed to tidal circulation by sandbar formation. In 2012, the lagoon closed approximately two months prior to the manual breach. This year the lagoon closed in late April and the resulting seven months without tidal inflows has led to more degraded water quality conditions in the lagoon (e.g., dissolved oxygen levels) compared to one year ago and a related increased risk to fish present in the lagoon, including steelhead, coho salmon, and tidewater goby. NOAA believes that absent the proposed project, the sandbar will breach due to the existing volume and elevation of the lagoon, and that the subsequent degradation in lagoon

water quality will result in a fish kill. NOAA states that rapid, mixing-induced hypoxia upon breaching of the sandbar is the main cause of the historic fish kills in this lagoon. During the fall, water quality is degraded in the lagoon due to the sandbar closing off tidal flow and reduced freshwater inflow to the lagoon. In addition, a relatively high level of hydraulic head pressure exists between the perched lagoon behind the sandbar and the lower ocean surface. Once the sandbar is naturally breached, the outgoing water velocity and resulting scouring of the lagoon floor is maximized, which facilitates the resuspension of sediments in the lagoon. The rapidly increasing biological oxygen demand of those sediments on dissolved oxygen levels in the lagoon quickly leads to the death of steelhead and other fish and marine invertebrates in the lagoon.

NOAA does not expect the proposed project to create direct adverse effects on marine resources or habitat, and in particular does not expect juvenile steelhead residing in the lagoon to be flushed out to the ocean because the velocity of the outflow during the breach is expected to be below the swimming threshold of juvenile steelhead in the lagoon. The project will slightly reduce lagoon volume and the lagoon will drain slowly to an equilibrium level. The main factor in lagoon scouring from outflow is hydraulic head; during the proposed breach, head pressure will be minimized as the breach will occur during an incoming high tide. As a result, there will be reductions in velocity, scour, resuspension of sediment, and biological oxygen demand. The project includes numerous avoidance and minimization measures and best management practices to protect sensitive habitat and species. Pre- and post-project water quality data collection (dissolved oxygen, salinity, temperature, and pH) at multiple locations and times (beginning when the sandbar forms and extending through the time the sandbar reforms and is breached naturally) is a key element of the proposed project.

The proposed project has been authorized by the U.S. Army Corps of Engineers, and consultations with the U.S. Fish and Wildlife Service and National Marine Fisheries Service pursuant to Section 7 of the federal Endangered Species Act have been completed. NOAA will obtain a Clean Water Act Section 401 permit from the San Francisco Bay Regional Water Quality Control Board, and a Right-of-Entry permit from the California Department of Parks and Recreation prior to the start of construction.

In conclusion, the Commission staff **agrees** that the proposed manual and mechanical breaching of the sandbar at Pescadero Lagoon up to two times between November and December 2013 will not adversely affect coastal resources. The project is similar to one successfully implemented at this location in late 2012 (ND-037-12), and is designed to maintain sufficient water quality in the lagoon to reduce the likelihood of fish kills, an annual event which occurred immediately after the natural breaching of the sandbar in the 11 years prior to the 2012 project. The proposed project includes avoidance and minimization measures to protect sensitive habitat and species, and pre- and post-project water quality data collection and analysis. The information obtained from this project will further assist NOAA and other federal and state agencies in developing a long-term program to eliminate fish kills while protecting other sensitive species and habitats at Pescadero Lagoon. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,

CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District
California Department of Parks and Recreation
California Department of Fish and Wildlife
San Francisco Bay RWQCB
National Marine Fisheries Service
U.S. Fish and Wildlife Service

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



December 4, 2013

Antal Szijj
Corps of Engineers, Los Angeles District
Ventura Field Office
2151 Alessandro Drive., Suite 110
Ventura, CA 93001

Re: **ND-0222-13**, Army Corps, Negative Determination, Modifications to existing
Restricted Areas surrounding San Nicolas Island, Ventura County
Army Corps File No. SPL-2012-735-AJS

Dear Mr. Szijj:

The Coastal Commission staff has reviewed the above-referenced negative determination for modifications to the boundaries of the three existing restricted areas (Alpha, Bravo, and Charlie) in the coastal waters around San Nicolas Island. The modifications would not change existing uses and are only proposed to correct mapping errors from the initial designations and to better align with Navy operational requirements. The overall size of the restricted area would not change.

The Coastal Commission staff agrees that the proposed modifications would not adversely affect coastal zone resources. We therefore concur with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Lester", with a stylized flourish at the end.

(for) CHARLES LESTER
Executive Director

cc: Ventura District Office
Department of the Navy (Suzanne Smith)