

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
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ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT

FOR THE

MAY 9, 2013 MEETING OF THE CALIFORNIA COASTAL COMMISSION

TO: Commissioners and Interested Parties

FROM: Alison Dettmer, Deputy Director
Energy, Ocean Resources & Federal Consistency

DE MINIMIS WAIVERS

APPLICANT	PROJECT	LOCATION
E-13-005-W Pacific Gas and Electric Co.	Install a temporary Salp Bubble Curtain (SBC) in Diablo Canyon Power Plant Intake Cove	Diablo Canyon Power Plant San Luis Obispo County
9-13-0201-W Pacific Gas and Electric Co.	Install a French drain and drainage swale at the Humboldt Bay Power Plant	Humboldt Bay Power Plant Humboldt County

NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-013-13 NOAA	Replace Wind Profiler System Action: Concur, 2/5/2013	Bodega Marine Lab Bodega Bay, Sonoma County



ND-014-13 Corps of Engineers Los Angeles District	Dredging to remove two high spots, Main Channel Action: Concur, 3/27/2013	Port of Long Beach Los Angeles County
ND-015-13 Department of the Army	West Coast Homebasing of MQ-14 Triton aircraft Action: Concur, 3/20/2013	Naval Base Ventura County Point Mugu
ND-018-13 General Services Administration	Disposal of 0.997 acres of land Action: Concur, 4/2/2013	Lauro Reservoir City of Santa Barbara
ND-019-13 U.S. Marine Corps	Dawn Blitz Amphibious Assault Training Exercise Action: Concur, 4/8/2013	San Onofre State Beach, Marine Corps Base Camp Pendleton, San Diego County
ND-022-13 Corps of Engineers San Francisco District	Spring 2013 Maintenance Dredging Action: Concur, 4/16/2013	Humboldt Bay and HOODS
ND-025-13 Department of Justice	Temporary placement of wind/wave measuring devices Action: Concur, 4/22/2013	San Diego Bay, north of Coronado, San Diego Co.

NO EFFECT DETERMINATIONS

APPLICANT	PROJECT	LOCATION
NE-004-13 Dos Cuadras Offshore Resources LLC	Modify oil spill response equipment Action: No Effect, 1/22/2013	Platform Gilda Santa Barbara Channel
NE-024-13 SANDAG	Geotechnical Borings Action: No Effect, 4/25/2013	San Luis Rey River Oceanside, San Diego Co.



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

DATE: April 26, 2013 **PERMIT NO:** E-13-005-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: The Pacific Gas and Electric Company (PG&E)

Background: The PG&E Diablo Canyon Power Plant (DCPP) consists of 2 nuclear reactors each generating over 17,000 gigawatt-hours per year. The power generated at the DCPP accounts for approximately 10 percent of the total annual electricity generated in California. Each unit has a pressurized water reactor coupled with steam generators, feed water systems and cooling water systems. The seawater intake for the DCPP is located within a Cove that was built as part of the original plant construction. The seawater enters the intake structure, passes through a series of bar racks and screens, and enters the plant where it is used to condense steam from the reactors.

In the past few years, there has been an increase in the population of salps, gelatinous ocean dwellers resembling small jellyfish, along the California Coast and in the vicinity of the DCPP Intake Cove. Although individually innocuous, a large mass of many individuals can be problematic, clogging seawater intakes and damaging fishing nets. In April of 2012, PG&E was forced to shut down one of the nuclear reactors at the DCPP (the other had been previously shut down for scheduled maintenance) for several days when a massive salp population boom clogged the intake pipe. These salp population booms generally occur when there is little to no wind, a weak current near the Cove and a high density of plankton, typically between April and November. In researching how to address this problem, PG&E found that the Ringhals Power Plant in Sweden installed a bubble curtain to divert salps from its intake pipes. Bubble curtains have also been recommended by the National Marine Fisheries Service (NMFS) as a safe and effective method to divert aquatic organisms away from underwater construction sites and decrease impacts associated with construction noise. PG&E proposes to investigate the efficacy of this method by installing a temporary bubble curtain system in the DCPP Intake Cove for two years.

Project Location: Diablo Canyon Power Plant, 7 miles northwest of Avila Beach, San Luis Obispo County

Project Description: PG&E proposes to install a temporary Salp Bubble Curtain (SBC) in the DCPD Intake Cove to divert salps away from the intake structure into other portions of the Cove. The SBC consists of an aeration system where compressed air is delivered from a portable air compressor located onshore to a perforated piping system that is anchored to the ocean floor. As air enters the piping system, bubbles are released through the perforations, creating an active curtain of bubbles that induces a counter current away from the intake structure and physically lifts salps and other organisms to the surface. PG&E will also install a 700 foot boom at the surface to redirect the salps away from the intake structure.

The SBC piping system consists of four rows of perforated pipes that are connected to a total of 145 concrete anchors placed on the ocean floor at 6- to 7-foot intervals. The anchors will be installed and removed by divers on sandy bottom habitat, avoiding any hard-bottom habitat and/or kelp stands that may be present in the Intake Cove. If this waiver and other appropriate permits are granted, the anchors will be installed as soon as possible in spring of 2013 and will be removed in November 2013. They will be installed again in April 2014 and removed in November 2014. All other equipment will be deployed only during periods when prolonged favorable oceanographic conditions for salps (i.e., low ocean swells and/or onshore currents, slack or northeasterly wind conditions, and evidence of increased planktonic activity) are present. It is anticipated that the SBC will be deployed for one week periods, 6-12 times per year. Once the salp threat has passed, all equipment, with the exception of the anchors, will be removed from the Cove.

During the two-year duration of this project, PG&E will monitor several aspects of the project to determine the efficacy and potential impacts associated with using SBC technology to control salp populations. First, PG&E will collect data that will allow it to evaluate the engineering efficacy of the SBC system. This will include collecting information on ocean and weather conditions during employment, estimates of salp size and population, effectiveness of the bubble curtain and boom, and wear and corrosion of the SBC system. In addition, PG&E will augment the current biological monitoring for marine mammals and sea turtles at the intake to ensure observations are made before, during and after deployment of the SBC. PG&E will also monitor for any unanticipated biological impacts to vegetation, fish, birds or any other species in the Cove, including the fate of the salps that are redirected from the intake structure. All monitoring data will be provided to Commission staff. These data will inform the development of a permanent solution to address salps at the DCPD.

Other Agency Approvals: PG&E requested a letter of non-objection from the State Lands Commission on March 7, 2013. PG&E also submitted a letter of permission to the Army Corps of Engineers. Both agencies are expected to act within eight weeks of the date of this waiver.

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 3 of the Coastal Act:

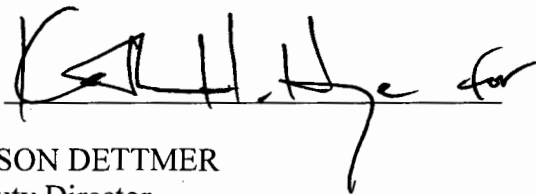
The proposed SBC is a temporary solution, installed for a maximum of two years and designed to test the efficacy of this approach to divert salps from the DCPD intake. PG&E has taken steps to minimize any potential impacts to coastal resources resulting from the installation and use of the SBC system. For example, divers will place (and remove) temporary anchors in soft bottom habitat, thus minimizing impacts by avoiding hard bottom habitat and sensitive biological resources such as kelp or eel grass beds. In addition, onshore air compressors will be housed in a secondary containment unit to avoid impacts associated with fuel leaks. Further, the SBC is not likely to adversely impact marine mammals, turtles or other coastal species. In fact, NMFS recommends the use of bubble curtain technology to protect aquatic organisms from other types of impacts. However, biological monitors will observe the incidence and behavior of these species during SBC deployments to validate or refute this assumption. All biological observations will provide critical information as PG&E, the Commission and other state and federal agencies evaluate long-term solutions for salp control at the DCPD. Finally, the DCPD intake Cove is currently inaccessible to the public, both from land and water. Thus, the proposed project will not impact coastal access or recreation.

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 May 8-10, 2013, in San Rafael. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

Charles Lester
Executive Director

By:

A handwritten signature in black ink, appearing to read "Alison Dettmer", written over a horizontal line.

ALISON DETTMER
Deputy Director

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

DATE: May 2, 2013 **PERMIT NO:** 9-13-0201-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: Pacific Gas & Electric Company

Project Location: At the Humboldt Bay Power Plant, near King Salmon, Humboldt County.

Background: PG&E's Humboldt Bay Power Plant site includes an Independent Spent Fuel Storage Installation (ISFSI), used to store spent nuclear fuel from the retired nuclear generating unit at the site. The ISFSI is situated near the top of a coastal bluff near the shoreline of Humboldt Bay. PG&E's June 2012 bluff monitoring report, required as part of the Commission's approval of CDP E-05-001 for the ISFSI, noted the presence of a small slumped area near the blufftop about 120 feet from the ISFSI facility that appeared to result from surface water drainage near that point of the bluff.

Project Description: PG&E proposes to install a French drain and drainage swale to redirect surface water and shallow groundwater away from this part of the bluff and towards an existing drain inlet. The French drain would consist of about 200 feet of four-inch perforated PVC pipe placed about three feet deep in a twelve-inch wide trench. The trench would be lined with Geotextile fabric with rock packed around the installed pipe. The drainage swale to be constructed above the French drain would include a concrete swale about 190 feet long and a rock swale about 20 feet long to direct surface water towards the existing drain inlet. This drainage system would be built within an existing disturbed area covered with gravel. The project includes a minor amount of grading (about 45 cubic yards of cut and fill). PG&E expects installation will take about six weeks to complete.

Waiver Rationale: For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, and it will not conflict with the policies of Chapter Three of the Coastal Act:

- Marine Resources / Water Quality / Wetlands: Although the project is at a facility adjacent to the Humboldt Bay shoreline, it would occur at sufficient distance to not cause any expected water quality effects to those coastal waters. Surface waters and shallow groundwater redirected by the project are not expected to result in changes to any nearby seasonal wetlands.
- Geologic Hazards: The project would be constructed at an area of relatively high geologic risk (as identified in previous Commission approvals for projects at the Humboldt Bay Power Plant site), but is meant to partially reduce potential risks associated with site erosion.
- Public Access: The work will occur within about one hundred feet of an existing public access trail along the Humboldt Bay shoreline; however, project activities are not expected to affect access and will not require any trail closures.

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 May 8-9, 2013, in San Rafael. 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

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DATE: May 1, 2013

TO: Coastal Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
Alison Dettmer, Deputy Director
Mark Delaplaine, Manager, Energy, Ocean Resources and Federal
Consistency Division

RE: Negative Determinations Issued by the Executive Director
[Executive Director decision letters are attached]

PROJECT #:	NE-004-13
APPLICANT:	Dos Cuadras Offshore Resources LLC
LOCATION:	Platform Gilda, Santa Barbara Channel
PROJECT:	Modify oil spill response equipment
ACTION:	no effect
ACTION DATE:	4/22/13

PROJECT #:	ND-013-13
APPLICANT:	NOAA
LOCATION:	Bodega Marine Lab, Bodega Bay, Sonoma Co.
PROJECT:	Replace Wind Profiler System
ACTION:	concur
ACTION DATE:	2/5/2013

PROJECT #:	ND-014-13
APPLICANT:	Corps of Engineers, Los Angeles District
LOCATION:	Port of Long Beach, Los Angeles Co.
PROJECT:	Dredging to remove two high spots, Main Channel
ACTION:	concur
ACTION DATE:	3/27/2013

PROJECT #:	ND-015-13
APPLICANT:	Department of the Navy
LOCATION:	Naval Base Ventura County, Point Mugu
PROJECT:	West Coast Homebasing of MQ-14 Triton aircraft
ACTION:	concur
ACTION DATE:	3/20/2013

PROJECT #:	ND-018-13
APPLICANT:	General Services Administration
LOCATION:	Lauro Reservoir, City of Santa Barbara
PROJECT:	Disposal of 0.997 acres of land
ACTION:	concur
ACTION DATE:	4/2/2013

PROJECT #:	ND-019-13
APPLICANT:	U.S. Marine Corps
LOCATION:	San Onofre State Beach, Marine Corps Base Camp Pendleton, San Diego County
PROJECT:	Dawn Blitz Amphibious Assault Training Exercise
ACTION:	concur
ACTION DATE:	4/8/2013

PROJECT #:	ND-022-13
APPLICANT:	Corps of Engineers, San Francisco District
LOCATION:	Humboldt Bay and HOODS
PROJECT:	Spring 2013 maintenance dredging
ACTION:	concur
ACTION DATE:	4/16/2013

PROJECT #:	NE-024-13
APPLICANT:	SANDAG
LOCATION:	San Luis Rey River, Oceanside, San Diego Co.
PROJECT:	Geotechnical borings
ACTION:	no effect
ACTION DATE:	4/25/13

PROJECT #:	ND-025-13
APPLICANT:	Department of Justice
LOCATION:	San Diego Bay, north of Coronado, San Diego Co.
PROJECT:	Temporary placement of wind/wave measuring devices
ACTION:	concur
ACTION DATE:	4/22/2013

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April 22, 2013

Mr. Craig Ogawa
Senior Analyst, Oil Spill Response Division
Pacific Region Unit
Bureau of Safety and Environmental Enforcement
770 Paseo Camarillo, 2nd Floor
Camarillo, CA 93010

Subject: NE-004-13 Dos Cuadras Offshore Resources LLC (DCOR)'s Proposal to Modify
Oil Spill Response Equipment at Platform Gilda

Dear Mr. Ogawa:

Thank you for the opportunity to review and comment on DCOR's proposal (dated July 9, 2012) to remove 750' of containment boom and the crane from their crewboat, and the boom deployment boat from Platform Gilda. DCOR would instead rely on the new Oil Spill Response Vessels (OSRVs) from Clean Seas for primary response to Platform Gilda.

Based upon our review of DCOR's proposal, and for the reasons discussed below, the Coastal Commission's staff has determined that the removal of the response equipment and the use of Clean Seas' OSRVs to fulfill primary response requirements will not cause substantially different effects on coastal zone resources than those previously reviewed by the Coastal Commission in its original federal consistency review of the Development and Production Plan (DPP) and/or the companion Oil Spill Response Plan (OSRP) for Platform Gilda. Therefore, DCOR's proposal will not require additional federal consistency review by the Coastal Commission.

Coastal Commission's Federal Consistency Review Authority

The Coastal Commission staff is conducting this review pursuant to its "federal consistency review" authority under Section 307(c)(3)(B) of the federal Coastal Zone Management Act (CZMA) and the federal regulations (15 CFR Part 930, Subpart D and E) that implement that statutory provision. Under the applicable regulatory standard, any changes made to the oil spill response equipment configuration for Platform Gilda that may reduce oil spill response capability, and thus affect coastal resources in a way that is substantially different than those identified in the original federal consistency review for the platform (CC-6-80) constitutes a major amendment or modification to the DPP, and may be subject to additional federal consistency review by the Commission.¹

¹ 15 CFR § 930.51(c) states: "The term 'major amendment' of a federal license or permit activity means any subsequent federal approval that the applicant is required to obtain for modification to the previously reviewed and approved activity and where the activity permitted by issuance of the subsequent approval will affect . . . any coastal use or resource in a way that is substantially different than the description or understanding of effects at the time of the original activity."

DCOR's Proposal

DCOR's proposal requests that the BSEE allow it to modify its OSRP so that the Clean Seas' new fast OSRVs would be listed as providing primary response to Platforms Gilda and Gina. Currently, the boom (750') on its crewboat and the boom (750') on Platform Gilda provide primary response for both platforms. The change would allow DCOR to remove the boom and crane from its crewboat, and the boom deployment boat from Platform Gilda. DCOR proposes to keep the boom on Platform Gilda.

DCOR would rely on Clean Seas to conduct on-water oil spill cleanup and recovery operations. Clean Seas recently put into service four new fast OSRVs. OSRVs *OCEAN SCOUT*, *OCEAN SENTINEL*, *OCEAN GUARDIAN* and *OCEAN DEFENDER* have been rotating through duty at the Cojo anchorage, a berth in Santa Barbara Harbor, and berths in Ventura Harbor. Three of the OSRVs are manned 24 hours a day, while the one in Ventura is on 2 hour standby. Each of the vessels is manned with a 3 person crew (Captain, Mate & Deck Hand) living on board. The fourth vessel also has crew living on board. Clean Seas has two crews for each vessel and crews change every two weeks. As planned, a Clean Seas OSRV should be able to reach Platform Gail and begin recovery operations within the 2-hour response time listed in the OSRP.

No Effects Determination and Standard of Review

The Coastal Commission staff's standard of review for DCOR's proposal is whether the proposed removal of response equipment "will affect . . . any coastal use or resource in a way that is substantially different than the description or understanding of effects at the time of the original activity." (15 CFR §930.51(c)).

Thus, the issue is whether DCOR's proposal to remove the boom and the crane from its existing crewboat, and the boom deployment boat from Platform Gilda: (1) meets the Primary Response time for skimming (i.e., skimming operations to begin at a platform spill (or other spill site) within 2 hours of spill discovery)² at the platform or its associated facilities in the event of an oil

² During the federal consistency review process for the OCS platforms, the Coastal Commission, MMS (now renamed BSEE/BOEM), and the U.S. Coast Guard (USCG) jointly developed a three-tier strategy for the containment and clean up of oil spills:

- **Primary Response:** Primary oil spill response equipment provides the first line of defense, and consists of open-ocean boom for containment, and skimmers for mechanical recovery of oil. Primary response equipment is usually maintained at or near the platform, for quick deployment. The Commission's standards for Primary Response are for:
 - Boom to be deployed at a platform spill (or other spill site) within 15-60 minutes of spill discovery; and
 - Skimming operations to begin at a platform spill (or other spill site) within 2 hours of spill discovery.
- **Secondary Response:** Secondary oil spill response to the platforms is provided by Clean Seas, which maintains dedicated OSRVs and other support vessels that can deploy additional boom(s) and/or recovery equipment to clean up the spill. The Commission's standard for Secondary Response is for:
 - Vessels and equipment to arrive at a platform spill (or other spill site) within 2-6 hours of spill discovery.
- **Tertiary Response:** In case of a large, catastrophic spill, tertiary oil spill response is provided by additional resources which are cascaded in from outside the area. These resources can include oil spill response organizations from other regions of California or other states, the USCG Pacific Strike Team, and the U.S. Navy. These resources would be called in for a prolonged spill response if additional resources are needed.

spill; and (2) is consistent with the oil spill response standards and commitments made in the Commission's prior Consistency Certification for Platform Gilda (CC-6-80).³

In order to demonstrate the ability of the new Clean Seas OSRVs to initiate oil spill recovery operations at Platform Gilda within the 2-hour response time standard listed in DCORs OSRP, BSEE conducted an unannounced oil spill exercise at Platform Gilda on August 30, 2012. The scenario for the spill exercise was a release of 3 bbls of crude from platform Gilda at 0915. For the exercise, BSEE instructed DCOR personnel to not deploy their equipment and instead rely solely on Clean Seas for the response. At 0917 DCOR notified Clean Seas of the exercise and Clean Seas dispatched the OCEAN GUARDIAN from Ventura Harbor. The OCEAN GUARDIAN arrived at the platform at 0952 (35 minutes) and simulated conducting a site characterization. At 1001 the OCEAN GUARDIAN began deploying boom (1500' of Kemper boom) and by 1012 the boom was fully deployed and captured the marker buoys in a teardrop configuration. A second OSRV, the OCEAN SENTINEL, arrived on scene at 1023. At 1026 the OCEAN SENTINEL began deploying the Lori Brush skimmers and by 1039 had both skimmers in the water and began skimming. The OCEAN GUARDIAN released one end of the boom to allow the OCEAN SENTINEL to collect the "contained oil". The exercise was completed at 1100.

Based on the above evidence, the Commission staff has determined that DCOR's proposal to modify oil response equipment at Platform Gilda provides response times and booming capability equivalent or better than that which is currently available at the platform.

Conclusion

For the reasons discussed above, the Coastal Commission's staff has determined that DCOR's proposal to remove the boom and the crane from its existing crewboat, and the boom deployment boat from Platform Gilda, and the use of Clean Seas' OSRVs to fulfill response requirements, will not cause effects on coastal zone resources substantially different than those previously reviewed by the Coastal Commission in its original federal consistency concurrence in the DPPs and/or the companion OSRPs for DCOR's Platform Gilda (CC-6-80) and therefore will not require additional federal consistency review by the Coastal Commission at this time.

However, the Commission staff expressly reserves the right afforded to the Commission under 15 CFR §930.85 to re-open this determination in the event that the oil spill response equipment and procedures described in the subject proposal are not adhered to, or if they have an effect on any coastal use or resource substantially different from that described in this proposal.

³ Commitments for oil spill response equipment were made in the following supporting DPP documents, which were incorporated by reference into the DPP: 1) Union Oil Company's consistency certification for Platform Gilda – OCS P-0216, dated December 6, 1979, (see page 20); 2) March 4, 1980 letter from Union Oil Company to the California Coastal Commission which stated the following equipment commitments for Platform Gilda: ". . . please be advised that Union will maintain the following on Platform Gilda: (1) 1500' of open ocean boom; (2) a skimmer capable of open ocean use; (3) 15 bales of sorbent material; and (4) a boat capable of deploying oil spill clean-up equipment." ; and 3) Environmental Impact Report/Environmental Impact Statement (for the DPP) for Union Oil Company of California, Platforms Gilda and Glna Project, Leases OCS P-0202 [Glna] and OCS P-0216 [Gilda], May 1980, (see page A-3).

NE-004-13
April 22, 2013
Page 4

As discussed, Clean Seas has recently undergone a major equipment reconfiguration, replacing its existing two OSRVs, the *Mr. Clean III* and the *Clean Ocean*, with four smaller, faster OSRVs. Commission staff reviewed and concurred with this proposed equipment change in NE-028-10.⁴ Commission staff understands that the BSEE will be requesting platform operators to review and update their OSRP's to explain the effect of the new equipment configuration on response capability. We look forward to reviewing the revised DCOR OSRP again at that time.

Thank you for considering our comments. If you have any questions, please feel free to contact the Commission's Oil Spill Program staff: Jonathan Bishop (415-904-5247, Jonathan.Bishop@coastal.ca.gov).

Sincerely,



Alison Dettmer
Deputy Director
California Coastal Commission

cc (via email):

Cathy Dunkel, BOEMRE
LT Jeff Fry, USCG
Jill Lemon, USCG
Caryn Margita, USCG
Lori Loughran, USCG
Quang Bach, SLC
Christopher Klumpp, OSPR
Chris Thixton, OSPR
Elsa Arndt, Santa Barbara Co. OES
Dale Carnathan, Ventura Co. OES

⁴ The Commission staff found that Clean Seas' proposed OSRV replacement and correspondent modifications to its response equipment configuration will substantially improve its oil spill response capability, and therefore will not adversely affect ocean and coastal resources. Accordingly, Commission staff determined that Clean Seas' proposed new OSRV configuration will not cause effects on coastal resources substantially different than those reviewed in the original federal consistency determinations for the platforms and their associated subsea pipelines.

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February 5, 2013

Dr. Clark W. King
NOAA
Earth System Research Laboratory
325 Broadway – David Skaggs Research Center
Boulder, CO 80305-3328

Subject: Negative Determination ND-013-13 (Replacement wind profiler system, Bodega Marine Laboratory, Bodega Bay, Sonoma County)

Dear Dr. King:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Oceanic and Atmospheric Administration (NOAA) proposes to install a replacement wind profiler system at the Bodega Marine Laboratory. The project includes a radar antenna, four acoustic antennas, and a small equipment shelter building. The upgraded system components will replace the existing ones in the same location, an area of approximately 1,600 square-feet. The project site is located adjacent to the west side of the Bodega Marine Laboratory buildings and next to an existing NOAA meteorological tower.

The Commission staff **agrees** that the proposed project will not affect public access or visual resources in this area. 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,

A handwritten signature in black ink, appearing to read "Mark Lester".

(for)

CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District

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March 27, 2013

Josephine R. Axt, Ph.D.
Chief, Planning Division
U.S. Army Corps of Engineers
Los Angeles District
ATTN: Larry Smith (CESPL-PD-RQ)
P.O. Box 532711
Los Angeles, CA 90053-2325

Subject: Negative Determination ND-014-13 (High Spot Removal in Main Channel, Port of Long Beach, Los Angeles County)

Dear Dr. Axt:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to dredge approximately 40,000 cubic yards of sediment from two areas in the Port of Long Beach (POLB) Main Channel to previously authorized depths of -76 feet mean lower low water. Recent bathymetric surveys by the Corps identified two areas not adequately dredged during the Main Channel Deepening Project, approved by the Commission in 1988 when it certified Port of Long Beach Master Plan Amendment No. 5. The Corps proposes to dispose the dredged material in a confined disposal facility at the POLB's under-construction Slip 1 landfill, an element of the Middle Harbor Project which was approved by the Commission in 2001 under PMPA No. 16. Physical and chemical testing of the sediments in the Main Channel was last undertaken in 1999. The sediments in the two proposed dredging locations are too fine-grained for beach nourishment, and given that the proposed disposal location will isolate the sediments from the marine environment, no additional chemical testing of the sediments was deemed necessary by the Contaminated Sediments Task Force or the Southern California Dredged Material Management Team (both of which include staff-level representation from the Coastal Commission). The proposed dredging and disposal would last between one and two weeks in March 2013.

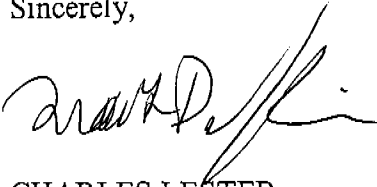
The Commission staff **agrees** that the proposed project will not adversely affect coastal resources. The proposed deepening of the POLB Main Channel was reviewed and approved by the Commission when it certified the Main Channel Deepening Project in 1988, and the proposed dredging would complete the channel deepening in two small areas that were inexplicably missed during the original project. We therefore **concur** with your negative

ND-014-13 (Corps of Engineers)

Page 2

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,


(for) CHARLES LESTER
Executive Director

cc: CCC – South Coast District

CALIFORNIA COASTAL COMMISSION

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TDD (415) 597-5885



March 26, 2013

L.R. Vasquez, Captain
Department of the Navy
Attn: Suzanne Smith
Naval Base Ventura County
311 Main Rd., Suite 1
Point Mugu, CA 93042-5033

Re: **ND-015-13**, Department of the Navy, West Coast Homebasing of MQ-4C Triton
Unmanned Aircraft system, Naval Base Ventura County

Dear Captain Vasquez:

The Coastal Commission staff has reviewed the above-referenced negative determination for the homebasing of the Navy's MQ-4C Triton Unmanned Aircraft System at Naval Base Ventura County (NBVC), Point Mugu. The project includes facilities and functions to support and maintain the homebased aircraft system, including:

- Homebasing four Triton UAS to support requirements in the Pacific;
- Establishing a maintenance hub for Triton UAS, supporting up to four Triton UAS undergoing maintenance actions at any one time;
- Conducting up to five Triton UAS operations per day, increasing annual air operations by +5.2% (an operation is an arrival, a departure or a maintenance flight check);
- Constructing and improving facilities to support Triton UAS at NBVC Point Mugu:
 - Expansion of the existing Power Check Pad;
 - Enlarging the curbed area of the aircraft wash rack;
 - Demolishing and reconstructing Building 328;
 - Renovation of Buildings 50, 311, 367 and Hangar 34;
 - Addition to Building 385;
 - Upgrading 3rd Street, including widening the existing culvert crossings;
 - Constructing a new taxiway, storage facilities and maintenance hangar;
 - Erecting new pre-engineered Fire Rescue Facility adjacent to Building 367; and
- Stationing up to 700 personnel, plus their family members, while supporting rotational deployments to and from outside the Continental United States (OCONUS).

The project would be implemented in phases over an 8-year period between fiscal year (FY) 2013 and FY 2020.

The project would not affect public access and recreation, and the NBVC is off limits to the public due to military security needs. The Navy will implement water quality best management practices and spill prevention measures during any construction activities, which will protect the wetlands and sensitive habitats on the base. Aircraft washing will be limited to designated washracks.

The project includes the permanent fill of 0.3 acres of wetlands as a result of the construction of a taxiway and the 3rd Street and culvert crossing modifications. The affected wetlands are a long, narrow section of jurisdictional wetlands alongside the northeastern end of the proposed taxiway and a drainage ditch with steep banks, and are vegetated with a combination of native wetland plants, iceplant and upland species. Further, wetland vegetation exists only at the base of the channel, within 0.5 m of the surface of the standing water. Saltgrass is the predominant wetland vegetation on the east side of the drainage ditch mixed with iceplant (non-native) and coyote brush (upland). Pickleweed, alkali heath, and saltgrass are the predominant wetland vegetation types on the west side of the drainage ditch mixed with iceplant. The remaining areas within the channel on both sides of the drainage ditch are predominately covered with iceplant and non-native grasses, except for a few isolated areas where wetland vegetation extends up to the top of the channel bank.

The affected area is an area where daily aircraft operations are conducted and take place in an existing development consisting of runways, hangars, taxiways and aircraft parking aprons. The maintenance and aircraft use of these adjacent sites further degrades the habitat value of the site. The project would not affect the higher value downstream and upstream wetlands.

The wetland impacts would be mitigated by either: (1) using the installation's mitigation bank, which is currently being developed; or (2) conducting a separate wetland mitigation restoration project. The Navy has not yet decided which option it will implement and notes that the wetland fill would not occur before 2016. The Navy has committed to continuing to coordinate with the Commission staff (as well as the Army Corps and the RWQCB) on the wetland mitigation, and that the mitigation will fully offset if not exceed wetland values of the existing wetland. The Navy indicates it will consider the following factors in developing the mitigation plan:

- a. The existing level of wetland function at the site prior to the mitigation.
- b. The resulting level of wetland function expected at the mitigation site after the project is fully successful.
- c. The length of time before the mitigation is expected to be fully successful.
- d. The risk that the mitigation project may not succeed.
- e. Differences in the location of the lost wetland and the mitigation wetland that affect the services and values they have the capacity and opportunity to generate.

The federal consistency regulations provide for phased review, where a federal agency makes decisions in a phased manner. 15 CFR Section 930.36(d) provides:

(d) Phased consistency determinations. In cases where the Federal agency has sufficient information to determine the consistency of a proposed development project or other activity from planning to completion, the Federal agency shall provide the State agency with one consistency determination for the entire activity or development project. In cases where federal decisions related to a proposed development project or other activity will be made in phases based upon developing information that was not available at the time of the original consistency determination, with each subsequent phase subject to Federal agency discretion to implement alternative decisions based upon such information (e.g., planning, siting, and design decisions), a consistency determination will be required for each major decision. In cases of phased decisionmaking, Federal

agencies shall ensure that the development project or other activity continues to be consistent to the maximum extent practicable with the management program.

The Commission staff will review the mitigation plan once it is prepared, and if the Commission staff has any concerns over the adequacy of the mitigation program, the matter could be scheduled for a public hearing before the Commission.

The federal consistency regulations (Section 930.35) also provide for a negative determination to be submitted for an activity "which is the same as or similar to activities for which consistency determinations have been prepared in the past." The Navy notes that the project would be similar to a previously-concurred-with negative determination for air operations facility expansion that included permanent fill of 0.4 acres (and temporary impacts to 0.1 acres) of wetlands adjacent to the runway. On December 20, 2002, the Commission staff concurred with Navy Negative Determination ND-061-02 for the Extended Aircraft Parking Apron at NBVC. The Commission staff's concurrence letter stated:

The non-wetland portion of the site is vegetated with non-native species, mostly iceplant. Neither the wetland nor the uplands support any endangered, threatened, or otherwise sensitive species. As described above, the aircraft parking apron site is completely surrounded by existing development. That development includes runways, hangars, taxiways, and parking aprons. The maintenance and aircraft use of these adjacent sites further degrades the habitat value of the site. These adjacent uses also serve to isolate the wetlands from other habitat areas on the base.

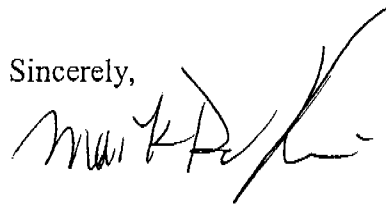
The Navy will maintain the wetland values of the area by preserving the hydraulic connections between Mugu Lagoon and upstream wetlands and through restoration of wetland habitat adjacent to Mugu Lagoon. The drainage channel on this site provides a tidal connection between wetlands upstream and Mugu Lagoon. The Navy will preserve this hydraulic link through the use of culverts beneath the project site. Therefore, the project will not affect the upstream wetlands. Additionally, the Navy will replace the lost wetlands by restoring 1.2 acres (52,272 square feet) of wetland habitat adjacent to Mugu Lagoon. The Navy has already restored a large area of wetlands that it intends to use as a mitigation bank. The Navy restored 19.88 acres of wetland habitat at this bank in 1997. Ongoing monitoring indicates that the restoration efforts succeeded in creating functioning wetlands.

As described above, the Commission staff believes that the wetland impacts from this project will not be significant. Specifically, the wetlands consist of a degraded drainage channel completely surrounded by development. Additionally the hydraulic functions of the wetlands will be preserved through the placement of a culvert and the Navy has created new wetlands to replace those affected by this project. Therefore, the Commission staff has determined that the proposed project will not significantly affect wetland resources and will not affect coastal zone resources.

The Commission staff agrees with the Navy that the proposed wetland fill is similar to this previously-concurred with negative determination. With the commitment for future review to assure the adequacy of the wetland mitigation plan, the Commission staff **agrees** that the

proposed activity will not adversely affect coastal zone resources and is similar to the previous negative determination (ND-061-02) with which we have concurred. 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,



(for)

CHARLES LESTER
Executive Director

cc: Ventura District Office
Army Corps of Engineers, L.A. District (Regulatory)
RWQCB, L.A. Region

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
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April 2, 2013

Clark Van Epps, Director
Real Property Utilization and Disposal
U.S. General Services Administration
450 Golden Gate Ave.
San Francisco, CA 94102-3434

Re: **ND-018-13**, General Services Administration (GSA), Negative Determination,
Conveyance of 0.997 acres of excess property at 1402 San Roque Rd., Santa Barbara

Dear Mr. Van Epps:

The Coastal Commission staff has reviewed the above-referenced negative determination for the conveyance by the GSA of excess federal property on the shore of Lauro Reservoir in Santa Barbara. The land is outside the coastal zone and its conveyance would not affect the coastal zone. The City plans to reactivate a hydroelectric plant on the site to provide renewable energy.

The Commission staff **agrees** that the proposed property conveyance 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 Delaplaine", written over the typed name "CHARLES LESTER".

(fvr)

CHARLES LESTER
Executive Director

cc: Ventura District Office
Bureau of Reclamation (2800 Cottage Way, Sacramento, CA 95825)
City of Santa Barbara (Post Office Box 1990, Santa Barbara, CA 93102-1990)

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April 8, 2013

D. F. Levi, Head
Conservation Division
Environmental Security
Marine Corps Installations West
Marine Corps Base
Box 555010
Camp Pendleton, CA 92055-5010

Attn: Kristin Thomas

Re: **ND-019-13**, U.S. Marine Corps, Exercise Dawn Blitz Training and Operations, Marine Corps Base Camp Pendleton, San Diego County

Dear D. F. Levi:

The Coastal Commission staff has reviewed the above-referenced negative determination for a military training exercise (“Dawn Blitz”) offshore of and on Camp Pendleton. The exercise would involve a medium-scale, multi-national amphibious assault exercise using Navy ships, Marine Corps amphibious vehicles, landing craft air-cushioned vehicles (LCACs), helicopters, and other rotary wing aircraft. The exercise would include ship-to-shore maneuvers across Red and Green Beaches on Camp Pendleton. Troop movement inland would be along existing designated dirt access roads on the base. The operations would include establishing an operating base at the San Mateo campground. This part of the exercise would involve moving cargo, supplies, and equipment from offshore to the campground.

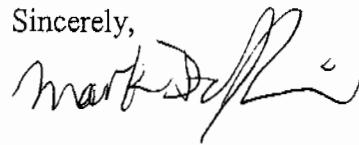
The activities would be temporary, with no permanent installations, and sensitive marine and onshore habitats would be avoided. The Commission staff’s primary concern over this activity is its scheduling during the peak summer months, when campgrounds in the area are typically full. The Marine Corps’ negative determination asserts that the activity is similar to past training exercises on Camp Pendleton. However, while a negative determination may be appropriate under the federal consistency regulations (15 CFR § 930.35) for an activity “which is the same as or is similar to activities for which consistency determinations have been prepared in the past,” because past activities we have authorized for beach crossings and other military training activities on the base have *not* involved temporary campground closures during summer months (when campgrounds tend to be full and it is difficult to re-route campers to alternative sites), we do not believe the activity qualifies under this standard.

Normally, we would object to a negative determination for an activity involving summertime campground closures, and we would expect a consistency determination to be submitted for the activity, with a thorough discussion of potential less damaging alternatives considered (including timing alternatives). At the same time, after extensive discussions with your staff, we understand

that it would cause logistical problems for the Marine Corps, that the exercise involves complex scheduling considerations and coordination with multiple nations' armed services, and is not able to be rescheduled in a manner that would allow us to conduct a full consistency review before the exercise is scheduled to commence. Given these constraints, and the fact that the activity would be limited to a two-week period, we will concur in this instance. However, for future activities, we wish to emphasize that we will expect the Marine Corps to coordinate with us much earlier in its planning process, when considerations of location and timing can be factored into the event scheduling. In addition, we wish to put the Marine Corps on notice that for future training events that involve campground closures during summer months, or offshore activities coinciding spatially and temporally with the peak gray whale migration season, we will expect a consistency determination to be submitted for such activity.

In conclusion, we are **concurring** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations, but with the expectation that future similar types of events will involve more timely consultation and coordination with us, as described above. Please contact Mark Delaplaine of the Commission staff at (415) 904-5289 if you have any questions regarding this matter.

Sincerely,



(for)

CHARLES LESTER
Executive Director

cc: San Diego District Office
California State Parks, Orange Coast District (Brian Ketterer, Rich Haydon)
3030 Avenida Del Presidente
San Clemente, CA 92672
Department of the Navy (Suzanne Smith)
Navy Region Southwest
N40 Environmental NEPA
Box 81
937 N. Harbor Dr.
San Diego, CA 92132

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April 16, 2013

Edward Keller, Chief
Environmental Section A
U.S. Army Corps of Engineers
San Francisco District
Attn: Justin Kosta
1455 Market Street
San Francisco, CA 94103-1399

RE: **ND-022-13** Negative Determination, U.S. Army Corps of Engineers, 2013
Humboldt Bay Maintenance Dredging, with Disposal at HOODS

Dear Mr. Keller:

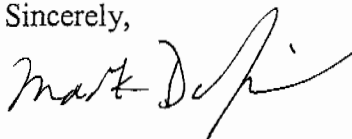
On November 23, 2011, the Coastal Commission staff received the Corps of Engineers' (Corps') consistency determination for a 5-year Maintenance Dredging Program for Humboldt Bay, which included a "demonstration" disposal in the nearshore area offshore of the Bay's North Spit (CD-055-11). Based on mutual agreement between our agencies, the Corps extended the time period for Commission review of that 5-Year Proposal, and on February 14, 2012, the Corps submitted a subsequent negative determination for last year's (2012) maintenance dredging, with the disposal at the historically used Humboldt Open Ocean Disposal Site (HOODS), 3.1 miles offshore of the South Spit (ND-002-12). Our March 28, 2012, concurrence with that negative determination stressed the need for resolution of concerns raised by state resource agencies over longfin smelt, which are entrained in San Francisco Bay during Corps maintenance dredging activities, and which could also be entrained during Humboldt Bay dredging events. Our letter indicated that:

... we understand and fully expect that the Corps will follow through with its expressed commitment to engage in further discussions with CDFG [now CDFW] and the other agencies in an attempt to resolve the concerns that have been raised.

The 2013 dredging would consist of spring maintenance dredging of the Humboldt Harbor Bar and Entrance Channels, would occur between April 22, 2013, and approximately May 6, 2013, and would involve dredging up to 1.5 million cubic yards of material, with disposal at HOODS. The material has been tested and is suitable for open ocean disposal. The material is also suitable for beach replenishment, which is why the Corps' current 5-Year Plan includes consideration of a demonstration nearshore disposal. This consideration is, in part, a response to historic Commission concerns over the need for shoreline monitoring and, if possible, implementing beach nourishment if the north or south spit is eroding. However, as we noted in our most recent concurrence last year (referenced above), further efforts and coordination with resource agencies will be needed before the nearshore disposal can be analyzed for consistency with the Coastal Act/CCMP.

Under the federal consistency regulations (Section 930.35), a negative determination can be submitted for an activity "which is the same as or is similar to activities for which consistency determinations have been prepared in the past." The proposed project is similar to numerous individual spring and fall maintenance dredging operations previously concurred with by the Commission or its Executive Director (e.g., ND-002-12, CD-017-06, ND-016-06, ND-035-05, ND-029-05, CD-005-04, ND-043-04, CD-045-98, ND-024-98), thereby qualifying it for review under the negative determination process. With the understanding that the Corps will continue discussions with the California Department of Fish and Wildlife and other resource agencies concerning longfin smelt monitoring and mitigation efforts in Humboldt and San Francisco Bays, and will continue shoreline monitoring and consideration of demonstration nearshore disposal options, we **agree** with your determination for this year's spring maintenance dredging that the proposed project would be similar to previously concurred with activities, and we **concur** with your negative determination made pursuant to 15 CFR 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,


(For) CHARLES LESTER

Executive Director

cc: North Coast District Office
CDFW (Bay Delta and Marine Regions)
RWQCB (SF Region)

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April 25, 2013

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

Subject: Ne-Effects Determination NE-024-13 (Geotechnical borings in support of proposed railroad bridge over San Luis Rey River, Oceanside, 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 during late April 2013 in support of the proposed San Luis Rey River double-track bridge. The purpose of the testing program is to determine the geological formations and soils that would be encountered during the construction of the new bridge. The Commission's Executive Director previously concurred with a no-effects determination (NE-007-13) in January 2013 for similar work within the existing bridge footprint. SANDAG now proposes four geotechnical borings under the proposed bridge footprint immediately upstream of the existing bridge, within the existing railroad right-of-way, and outside the open water portion of the riverbed. Three borings would be drilled on the north side of the river and one on the south. The drilling rig and support vehicle would be hoisted into the north and south upland portions of the riverbed by a crane, and the two vehicles would drive to the proposed boring locations. Based on vegetation mapping conducted for the proposed double-track bridge project at the San Luis Rey River crossing, SANDAG estimates that up to 3,050 sq.ft. of wetland vegetation and 870 sq.ft. of mudflat habitat would be temporarily affected by vehicle access driving over these habitat types and by the small-diameter borings. The four boring sites would be backfilled and the ground surface restored to pre-project conditions to the maximum extent practicable. The boring sites are the locations of the pier locations for the proposed bridge and the access path for the drilling rig would later be used for construction access to the bridge pier locations. As SANDAG estimates that it will take only 40 hours to complete the project, no significant impacts to wetland vegetation are expected from the temporary compressing of vegetation along the narrow access pathway.

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,

A handwritten signature in black ink, appearing to read "Charles Lester", with a long horizontal flourish extending to the right.

(for)

CHARLES LESTER
Executive Director

cc: CCC – San Diego Coast District
Tom Huffman, Helix Environmental Planning, Inc.
Erich Lathers, BRG Consulting, Inc.

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April 22, 2013

Majid Yavary, P.Eng.
Associate
Baird & Associates
2981 Yarmouth Greenway Drive
Madison, WI 53711

Re: **ND-025-13**, Department of Justice, Negative Determination, Temporary installation of wind and wave measuring devices in San Diego Bay, north of First St., Coronado, San Diego Co.

Dear Mr. Yavary:

The Coastal Commission staff has reviewed the above-referenced Negative Determination you have submitted on behalf of the U.S. Department of Justice for the temporary installation of two bottom mounted upward-looking Acoustic Doppler Current Profilers and one bottom mounted high-accuracy pressure sensor, at three locations in San Diego Bay, north and northeast of the intersection of First and J Streets in Coronado. The devices would be moored, would be in place for between three and eight weeks, and would be removed at the end of the measuring period.

We **agree** with your determination that the proposed project would not adversely affect coastal zone resources, and we therefore **concur** with your negative determination made pursuant to 15 CFR 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 Delaplaine", written over the typed name of Charles Lester.

(for) CHARLES LESTER
Executive Director

cc: San Diego District
Department of the Navy (Suzanne Smith)
U.S. Army Corps of Engineers (L.A. District, Regulatory)