

CALIFORNIA COASTAL COMMISSION

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



Addendum - Summary of Reducing Ship Strikes to
 Whales in the Channel Islands National Marine Sanctuary

Addendum - Temporary Closure of San Miguel Island,
 Naval Base Ventura County

W 10

ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT

FOR THE

SEPTEMBER 10, 2014 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
9-14-1491-W Pacific Gas & Electric Co.	Construct and install four groundwater monitoring wells on the grounds of the Morro Bay Power Plant.	Morro Bay Power Plant San Luis Obispo County
9-14-1550-W Southern California Edison	Remove existing switchyard controls from the SONGS Units 2 and 3 and install a new 12 kV power source in preparation for the plant dismantlement.	San Onofre Nuclear Generating Station (SONGS) San Diego County
9-14-1585-W Pacific Gas & Electric Co.	Install an additional three-phase transformer, a new control/battery building, and associated equipment at the Eel River substation.	Eel River Substation Humboldt County



NEGATIVE DETERMINATIONS

APPLICANT	PROJECT	LOCATION
ND-0018-14 Department of the Navy	Extension of Security Fencing across Jetty Action: Object, 8/29/2014	Seal Beach Naval Weapons Station, Orange County.
ND-0025-14 Bureau of Land Management	Recreational Improvements Action: Concur, 8/6/2014	Lighthouse Ranch, South Spit Humboldt County
ND-0027-14 Point Reyes National Seashore	Invasive Plant Removal/Habitat Restoration Action: Concur, 8/6/2014	Giacomini Wetlands Complex GGNRA / Point Reyes National Seashore, Marin County
ND-0029-14 Point Reyes National Seashore	Trail Maintenance and Improvement Action: Concur, 8/27/2014	East of Drake's Bay Point Reyes National Seashore Marin County
ND-0030-14 Department of the Navy	Underwater Magnetic Measurement Range Upgrades Action: Concur, 8/28/2014	Southeast of Ballast Point Naval Base Point Loma San Diego
ND-0031-14 Department of the Navy	Dredging and Other Navigation Improvements Action: Concur, 8/28/2014	Piers 5000/5002 Naval Base Point Loma San Diego



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NOTICE OF COASTAL DEVELOPMENT PERMIT
DE MINIMIS WAIVER

DATE: August 25, 2014 **PERMIT NO. 9-14-1491-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 (CDP), pursuant to Section 30624.7 of the California Coastal Act.

Applicant: Pacific Gas & Electric Company
3401 Crow Canyon Road
San Ramon, CA 94583

Background & Project Description: Pacific Gas and Electric Company (PG&E) is proposing to construct four groundwater monitoring wells on the grounds of the Morro Bay Power Plant (MBPP), located at 1290 Embarcadero Road, Morro Bay, in San Luis Obispo County. As the former owner of the MBPP, PG&E is responsible for the investigation and cleanup of past chemical releases at the plant pursuant to a corrective action consent agreement with the California Department of Toxic Substances Control (DTSC). This agreement identified eight areas of concern for possible subsurface contamination; the proposed project involves the installation of monitoring wells in four of these areas, and would allow PG&E to measure Total Petroleum Hydrocarbon (TPH) concentrations in groundwater and evaluate the need for remediation.

The proposed groundwater monitoring wells would be installed at four separate locations on previously disturbed (paved or unvegetated) ground using a hollow stem auger drilling rig over a four day period. The area of ground disturbance around each well would be approximately three feet by three feet. The wells themselves would consist of 2-inch diameter PVC casings, 0.010-inch slotted-screens, and 1-foot sumps, and would be installed to a depth of approximately 26 feet below the ground surface. Clean sand filter packs would be used to maintain the annular space around the well screens. In traffic areas, the well-heads would occur approximately 6 inches below grade and be protected with an at-grade concrete apron and manhole cover; in non-traffic areas, the well-heads would extend above grade and be

surrounded by crash posts. Soil removed during well boring would be tested for contaminants and disposed of safely in a manner dictated by the soil test results. The monitoring wells are expected to remain in place for at least two years (and possibly longer, depending on the monitoring results and DTSC requirements), with low volume (less than one liter) sampling occurring on a semi-annual basis. When the required monitoring is complete, the wells would be removed.

The project site is located in the coastal zone, with three wells within the LCP jurisdiction of the City of Morro Bay and one well within the retained jurisdiction of the Coastal Commission. The City has requested that the Coastal Commission review the project as a consolidated permit pursuant to Section 30601.3 of the Coastal Act. The City of Morro Bay has determined the project is covered by a CEQA Class 6 Categorical Exemption – Information Collection.

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:

- Sensitive Habitat & Water Quality: Work will occur in already developed or disturbed areas at the power plant site away from wetlands or other sensitive habitat areas. The work will also be subject to standard Best Management Practices at the plant site meant to prevent and reduce water quality impacts.
- Visual Resources: The drill rig used for the project will be temporary and its appearance will be compatible with the other industrial equipment at the site.
- Public Access: Work will take place within the power plant site in an area not subject to public access.

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 September 10-12, 2014, in Smith River. 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
Energy, Ocean Resources & Federal Consistency Division

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NOTICE OF COASTAL DEVELOPMENT PERMIT
DE MINIMIS WAIVER

DATE: September 3, 2014 **PERMIT NO. 9-14-1550-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 (CDP), pursuant to Section 30624.7 of the California Coastal Act.

Applicant: Southern California Edison Company
1218 South 5th Ave.
Monrovia, CA 91016

Background & Project Description: Southern California Edison Company (SCE) proposes to complete several related projects at the San Onofre Nuclear Generating Station (SONGS), near Camp Pendleton, in San Diego County, in order to prepare the station for future decommissioning activities. SONGS no longer generates its own power, and much of the existing permanent power infrastructure must be removed as part of the plant dismantlement. Thus, new temporary distribution power infrastructure (and related facilities) is required to transmit power to the site during decommissioning. The proposed work includes the following components:

- (1) Relocation of switchyard controls from the existing SONGS Units 2 and 3 common control room to a new location within the switchyard itself (located on the northeast perimeter of the plant. This “switchyard separation” project will involve the removal or relocation of existing 220 kV switchgear, overhead power lines, and relay and control infrastructure, and the installation of new 12 kV and 220kV switchgear and transformers, a mechanical electrical equipment room (MEER), a new station power distribution system (including poles and transformers), station lights and temporary office trailers within the existing switchyard.
- (2) Installation of a new 12 kV distribution system to supply power for the switchyard separation project and the plant’s auxiliary needs during the early phases of

decommissioning. New infrastructure will include overhead power lines mounted on 27 14-inch diameter wood poles (35 to 75 feet in height), and, in several places, underground lines installed in conduits with manhole access points. The new 12 kV distribution lines will run along the northeast (inland) perimeter of SONGS, with two interconnections to external power sources at the north and south ends of the plant, and multiple branches extending into the plant proper to distribute power to the switchyard, the ring bus system (see below), and other facilities.

- (3) Installation of a “ring bus” system of 12 kV power cables that will encircle the plant, with intermittent connection points allowing for the distribution of power to internal areas of the plant when and where it is needed. At various locations, the ring bus cables will be mounted on poles or cable trays, or routed underground through existing conduits. This portion of the project also includes the addition of two back-up diesel generators in a former parking lot within the SONGS perimeter.
- (4) Addition of a new fiber optic communication line, running from the SONGS Mesa facility into the switchyard, to serve as a secondary communication circuit during future decommissioning activities. The fiber optic cable will be added to the skyline of an existing transmission line (crossing above I-5 and Old Pacific Coast Highway) between the Mesa and the generating station using an automated process called “fiberwrapping”. The fiberwrapping project would use a helicopter and mostly avoid activities on the ground, with the exception of installation work to be done at the transmission tower nearest to the Mesa facility, where the new telecommunications cable would be spliced into existing cables.

With one exception, all installation of new infrastructure and work associated with the proposed project would take place within previously developed, paved, or disturbed/landscaped areas of SONGS. Splicing of the new fiber optic cable near the Mesa would require ground access to a single transmission tower, but this work would be performed by on foot by a small crew.

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:

- Environmentally Sensitive Habitat Areas and Sensitive Species: The installation of new infrastructure and construction-related ground disturbance will be limited to previously developed, disturbed or landscaped areas at the SONGS site, outside wetlands and other sensitive habitat areas. Access to utility towers located in coastal sage scrub habitat during the fiberwrapping project will occur on foot, limiting the potential disturbance of sensitive habitat. Work occurring in or adjacent to areas of coastal sage scrub that provide nesting and/or foraging habitat for the federally-listed Coastal California Gnatcatcher and other bird species will be carried out between August 31st and February 1st, avoiding bird nesting seasons to the extent possible. If work in these areas cannot occur during this time period, then project activities will only occur at the discretion of a qualified biologist following a nesting bird survey conducted seven days prior to the start of the activity. A biological monitor will be


onsite during working hours to observe project activities and ensure that sensitive bird species are not harmed. Installation of the ring bus cable along the seaward side of the plant will occur in developed areas inside the SONGS seawall perimeter, and will not disturb shoreline habitats potentially used by California least tern or Western snowy plover.

- Water Quality: The proposed work will be subject to standard Best Management Practices at the plant site meant to prevent and reduce erosion, stormwater pollution, spills and water quality impacts.
- Visual Resources: The buildings, utility poles, cables, generators and electrical distribution infrastructure proposed to be installed as a part of this project are compatible with the industrial visual character of the SONGS site and would not significantly alter views to and along the coast.
- Archaeological & Paleontological Resources: Though the risk of encountering significant archaeological or paleontological resources during the proposed work is low, SCE will implement a protocol requiring work stoppage and consultation with a qualified expert prior to resuming work if such resources are encountered.
- Public Access: Work will take place within the power plant site in an area not subject to public access.

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 September 10-12, 2014, in Smith River. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

CHARLES LESTER
Executive Director

By: 

ALISON DETTMER
Deputy Director
Energy, Ocean Resources & Federal Consistency Division

CALIFORNIA COASTAL COMMISSION

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

DATE: September 3, 2014 **PERMIT NO:** 9-14-1585-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 (PG&E)

Project Location: At the Eel River substation, near Fernbridge, Humboldt County.

Background: Since 1956, PG&E has operated the Eel River substation as part of the local and regional electrical grid. The substation feeds two distribution lines that serve the nearby Fernbridge, Ferndale, north Fortuna, and Beatrice areas. It is on a 0.90-acre site xx.

Project Description: PG&E proposes to install an additional three-phase transformer, a new control/battery building, and associated equipment at the site. The additional transformer is meant to provide reliability and to reduce the need for shutting off electrical service to the area during maintenance or other events. The additional transformer would also be used as a backup should the original transformer fail. The project would include some minor grading and additional fencing in an approximately 2,300 square-foot area adjacent to the existing substation.

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:

- **Flood Hazards:** The project site is within an area of the Eel River floodplain. However, PG&E submitted a hydraulic analysis approved by Humboldt County showing that the proposed development would result in no more than 0.001 foot increase in flood elevation and for which the County issued a “No Rise” certification. The project is therefore not expected to increase flood hazards in the area.

- Agricultural Resources: The project site is surrounded by pasture lands and is zoned for agricultural uses. The parcel itself, however, has been designated and assessed for utility uses since 1956, and PG&E has not used the site for agriculture. The additional fenced area within the project footprint therefore does not represent a loss of agricultural lands.
- Water Quality / Spill Prevention and Response: The existing substation is subject to a Spill Prevention, Control, and Countermeasure (SPCC) Plan pursuant to U.S. EPA requirements. That Plan will be modified to incorporate hazards and risks associated with the new equipment. The proposed project includes increasing the capacity of the on-site catch basin designed to contain any spills of transformer coolant, which consists of relatively low-toxicity mineral oil.
- Visual Resources: The additional structures and equipment are similar to those already in place at the substation. Visual simulations provided by PG&E illustrating the new development show no more than a *de minimis* change in the visual effects of the facility.

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 September 10-11, 2014, in Smith River. 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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W10

DATE: September 4, 2014

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 #:	ND-0018-14
APPLICANT:	Department of the Navy
LOCATION:	Seal Beach Naval Weapons Station, Orange Co.
PROJECT:	Extension of security fencing across jetty
ACTION:	Object
ACTION DATE:	8/29/2014

PROJECT #:	ND-0025-14
APPLICANT:	Bureau of Land Management
LOCATION:	Lighthouse Ranch, South Spit, Humboldt Co.
PROJECT:	Recreational Improvements
ACTION:	Concur
ACTION DATE:	8/6/2014

PROJECT #:	ND-0027-14
APPLICANT:	Point Reyes National Seashore
LOCATION:	Giacomini Wetlands Complex, GGNRA/Point Reyes National Seashore, Marin Co.
PROJECT:	Invasive plant removal/habitat restoration
ACTION:	Concur
ACTION DATE:	8/6/2014

PROJECT #:	ND-0029-14
APPLICANT:	Point Reyes National Seashore
LOCATION:	East of Drake's Bay, Point Reyes National Seashore, Marin Co.
PROJECT:	Trail Maintenance and Improvements
ACTION:	Concur
ACTION DATE:	8/27/2014

PROJECT #:	ND-0030-14
APPLICANT:	Department of the Navy
LOCATION:	Southeast of Ballast Point, Naval Base Point Loma, San Diego
PROJECT:	Underwater magnetic measurement range upgrades
ACTION:	Concur
ACTION DATE:	8/28/2014

PROJECT #:	ND-0031-14
APPLICANT:	Department of the Navy
LOCATION:	Piers 5000/5002, Naval Base Point Loma, San Diego
PROJECT:	Dredging and other navigation improvements
ACTION:	Concur
ACTION DATE:	8/28/2014

CALIFORNIA COASTAL COMMISSION

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August 29, 2014

Jeff McGovern
Acting Installation Environmental Program Director
Attn: Margaret Wallerstein
Naval Weapons Station Seal Beach
800 Seal Beach Boulevard
Seal Beach, CA 90740-5000

Re: Negative Determination **ND-0018-14** (Additions to security fencing on west jetty, Naval Weapons Station Seal Beach, Orange County)

Dear Mr. McGovern:

The Coastal Commission staff has reviewed the reviewed the above-referenced negative determination for the modification of security fencing on the west jetty, located at the Naval Weapons Station Seal Beach, at the entrance to Anaheim Bay. The Navy proposes to add approximately 80 feet of fencing, in perpendicular and parallel sections, to the existing 6-ft security fence which runs along the length of the west jetty. At present, the existing fence extends approximately 285 feet from the shoreline along the top of the jetty, terminating in a section of perpendicular fence which prevents access to the outer portion of the jetty. The proposed project would install new perpendicular fencing at a point approximately 90 feet from shore. The Navy's negative determination states that the project is necessary to prevent continued trespassing and promote public safety, and further, that unauthorized access to the jetty poses a security risk. On a number of instances, trespassers have cut holes in the existing fence to access the inner, Anaheim Bay side of the jetty, ignoring posted signs identifying the area as federal property and warning unauthorized personnel to keep out. The Navy also states that regular security patrols are conducted in the jetty area and trespassers are directed to leave federal property. Additionally, the Navy states that access to the jetty poses safety concerns, citing the lack of walkways, platforms or handrails to prevent people from injuring themselves.

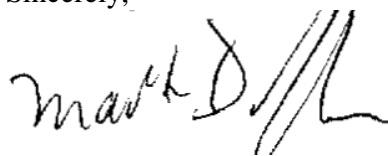
In its negative determination, the Navy concludes that the proposed project will not affect coastal uses and resources and does not require a consistency determination. In particular, the Navy finds that because the jetty is federal land excluded from the coastal zone, and that access to the base is restricted to military personnel, Department of Defense employees and authorized contractors, the proposed action will not affect public access or recreational opportunities. The Commission staff **disagrees** with this conclusion. Staff's investigation of current uses in the area indicates that recreational fishermen regularly use the northwest portion of the jetty outside of the security fence, which is currently accessible from the adjacent public beach, in order to access fishing grounds within the coastal zone. Seal Beach lifeguard staff report that fishermen can be seen on the jetty multiple days in a typical week, and that in general the nearshore section of the jetty is a mild wave area that is not considered dangerous under normal conditions. In the staff's estimation, the signage the Navy has posted on the existing jetty fence does not clearly indicate that access to the *outer* side of the

jetty is prohibited, and could reasonably be interpreted as allowing the use of this area. Moreover, in phone conversations with Commission staff, Navy representatives have clarified that security patrols have not actively been evicting people from the jetty on the outside of the fence, instead focusing their efforts on trespassers on the Anaheim Bay side of the fence, and then often only when a ship is in port. In summary, there is substantial evidence that the public has historically enjoyed regular use of the nearshore portion of the west jetty, outside of the existing security fence, with the Navy's tacit consent. The Commission staff believes that the proposed project, in eliminating access to an approximately 200 feet of the northwest side of the jetty, has the potential to impact public access and recreation in the coastal zone. Therefore, the Commission staff believes that a consistency determination is required for this project.

The Commission staff acknowledges the importance of maintaining security at military facilities, and in this case, the need to address the problem of unauthorized access within the fence line of the Naval Weapons Station. The Commission staff further acknowledges the applicable Coastal Act policies (Sections 30210 – 30214) specifically provide exceptions to the requirements for maximizing public access if warranted for public safety and/or military security needs. At the same time, in order for the Commission to adequately consider the project's consistency with the CCMP, the Navy's consistency determination must demonstrate why the additional fencing is necessary for maintaining security at the Naval Weapons Station, and must analyze whether alternative approaches could be implemented that would achieve the Navy's security goals without impacts (or with fewer impacts) to public access and recreation in the coastal zone. The consistency determination should include an alternatives analysis which considers whether security improvements could be feasibly achieved through other measures, including but not limited to more emphatic signage and enforcement, relocated fencing and/or improvements to the existing fence (e.g., addition of metal paneling, more secure fence type or material), or adding concrete at the base of the fence (to prevent trespassers from shifting jetty rock), which would maintain, reduce, or mitigate adverse impacts to existing public access on the outside of the jetty fence.

In conclusion, the Coastal Commission staff **disagrees** with the Navy's conclusion that the proposed project would not adversely affect coastal resources. We therefore **object** to the negative determination made pursuant to 15 CFR Section 930.35. Should you have any questions regarding this matter, please contact Joseph Street of the Commission staff at (415) 904-5249.

Sincerely,

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

(for) CHARLES F. LESTER
Executive Director

cc: CCC – Long Beach District Office

CALIFORNIA COASTAL COMMISSION

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August 6, 2014

Chris Heppe
Acting Field Manager
Arcata Field Office
Bureau of Land Management
ATTN: David Fuller
1695 Heindon Road
Arcata, CA 95521

Re: **ND-0025-14**, Negative Determination, Bureau of Land Management (BLM), Lighthouse Ranch Recreational Amenities, Humboldt Co.

Dear Mr. Heppe:

The Coastal Commission staff has reviewed the above-referenced negative determination for recreational improvements at Lighthouse Ranch, located above the South Spit of Humboldt Bay. The project includes parking improvements, picnic areas, toilet amenities, an information kiosk, wheelchair access improvements, interpretive signs, benches, and aesthetic improvements to existing fencing.

The Coastal Commission staff **agrees** that the proposed project will not adversely affect coastal resources, and will benefit public access and recreation. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Mark Delaplaine 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", written over a white background.

(for) CHARLES LESTER
Executive Director

cc: Arcata District Office

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August 6, 2014

Cicely A. Muldoon
Superintendent
Point Reyes National Seashore
ATTN: Lorraine Parsons
Point Reyes, CA 94956

Subject: Negative Determination ND-0027-14 (Invasive plant removal and pond habitat restoration, Golden Gate National Recreation Area and Point Reyes National Seashore, Marin County)

Dear Ms. Muldoon:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to implement an invasive plant removal project and modify previously-restored frog pond habitat within the Giacomini Wetlands Complex. In September 2007 the Commission concurred with a consistency determination (CD-048-07) for wetland restoration of the Giacomini Wetlands and the adjacent Olema Marsh. In addition to the immediate short-term restoration work conducted in 2007 and 2008, the project also included long-term maintenance activities, adaptive management measures, and removal and control of invasive species.

The NPS has documented the presence of the invasive, non-native perennial pepperweed (*Lepidium latifolium*) at eight locations and covering approximately 0.21 acres within floodplains at the headwaters of Tomales Bay. This plant continues to spread despite multi-year efforts by NPS staff and contractors to manually remove the plant and its flowers. The NPS states that without more effective control action, this species could take over many of the high-marsh areas in Tomales Bay, as it has done in many portions of northern San Francisco Bay. Two freshwater ponds created at the Olema Marsh to provide breeding and rearing habitat for the federally-listed as threatened California red-legged frog have instead attracted non-native bullfrogs, due to the depth of sections of the ponds and their ability to hold water year-round. The NPS states that modifying the pond depths will discourage bullfrog colonization and enhance the habitat for California red-legged frogs.

The NPS proposes to treat the pepperweed patches with the herbicide imazapyr, which has been shown by other invasives removal projects to be the most effective herbicide to control this particular species. Chemical treatment is necessary because manual removal has failed to control the spread of this noxious weed.¹ Treatment would occur annually in the late summer or early

¹ The Commission and the Executive Director have previously concurred with consistency and negative determinations for chemical treatment of invasive plant species at Point Reyes National Seashore (e.g., CD-026-10, ND-026-12, ND-033-12, ND-0015-14)

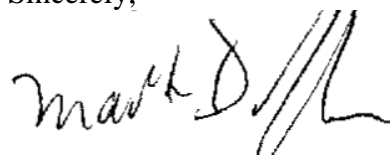
fall until control is reached (>99 % eradicated). The proposed treatments would be conducted using a backpack sprayer with a calibrated nozzle or through direct contact from wicking with a wand. No broadcast application methods would be used and numerous weather restrictions would be implemented to reduce the potential for herbicide drift from the backpack sprayer. In addition, treatments would occur in the late summer and fall to avoid the breeding season for listed species, buffers would be established between chemical treatment areas and wetlands, organic pastures, and other sensitive resource habitat, and drift shields would be used along the perimeter of sensitive habitat areas to eliminate the potential for herbicide drift.

Monitoring conducted by U.S. Geological Survey biologists of amphibian use of the Olema Marsh freshwater ponds documented the presence of non-native bullfrogs and the occasional California red-legged frog, but no successful breeding by the latter species. As a result, the biologists recommended to the NPS that the deep-water holes in the two ponds be filled with soil to the elevation of the adjacent pond bottom as a way of minimizing the year-round presence of water in the ponds and of discouraging colonization by bullfrogs, which prefer to use marshes with permanent ponded areas. Approximately 343 cubic yards of clean, stockpiled, excavated alluvial material would be placed into the deep-water pond holes using an excavator in September or October after completion of the red-legged frog breeding season and prior to the onset of the rainy season.

The NPS determined that the proposed projects will improve the quality of natural resources on federal parklands in the National Seashore and the National Recreation Area. The projects will improve the quality of coastal salt marsh and adjacent uplands through the removal of invasive, non-native perennial pepperweed, and will improve the quality of breeding habitat for the California red-legged frog. The proposed projects will generate only temporary impacts to coastal resources during treatments and construction activities. These temporary impacts are more than offset by the long-term benefits that will accrue from the projects. The Giacomini Wetlands Restoration Project (CD-048-07) anticipated the likely need for future maintenance actions and adaptive management measures, and the proposed projects are consistent with those expectations.

In conclusion, the Commission staff **agrees** that the proposed invasive species removal and pond restoration activities at the Giacomini Wetlands Complex will not adversely affect coastal resources. 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 D. Lester", written over a horizontal line.

(for) CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District

CALIFORNIA COASTAL COMMISSION

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August 27, 2014

Cicely Muldoon
Superintendent
Point Reyes National Seashore
ATTN: Dale Dualan
Point Reyes, CA 94956

Subject: Negative Determination ND-0029-14 (Estero Trail Maintenance and Improvement,
Point Reyes National Seashore, Marin County)

Dear Ms. Muldoon:

The Coastal Commission staff has reviewed the above-referenced negative determination. The National Park Service (NPS) proposes to repair a deteriorating 1.3-mile-long section of the Estero Trail located between the Home Bay crossing and the intersection of the Estero Trail with the Sunset Beach Trail. The trail (a ranch access road also used as a public access trail) is located on Point Reyes National Seashore (Seashore) lands that are leased for beef cattle grazing; sections of the trail are currently degraded due to stormwater runoff, cattle trampling, and frequent use by hikers and cyclists. Many sections of the trail section have deep erosional gullies due to the failure of drainage swales, and two livestock pond dams have deteriorated to such a degree that the outlets and culverts are no longer functioning properly, and erosional scours have formed around the dam edges and across the trail. As a result, adverse impacts to public access, sensitive habitats, and ranch operations are increasing.

To address these impacts, the NPS proposes to: (1) excavate a ditch and install culverts to move seep water under the trail; (2) replace failing culverts at the two livestock watering ponds, including eliminating scour areas at pond spillways; (3) regrade and resurface the existing trail with gravel to eliminate gullying and ruts, including improving and/or installing drainage swales along the trail to facilitate water flow across the trail; and (4) implement rangeland improvements and modifications to improve water quality at the stock ponds and to protect wetland and riparian habitat (including livestock exclusion fencing and the creation of an alternate access route for ranchers that avoids sensitive habitat). By converting the existing degraded access road/trail to a functional trail, ongoing erosion and sedimentation into adjacent downslope drainages and wetlands will be reduced and revegetation of disturbed areas can proceed. Access to the project work areas will use existing ranch roads and the repair and maintenance work is scheduled to occur between August and November 2014.

The NPS states that most of the vegetation within the project work area is perennial grassland, but that wetland habitat is present at seeps along sections of the trail and at the edges of the livestock watering ponds. The NPS estimates that the proposed project would affect approximately 4140 square-feet of these wetland areas. This impact arises from installation of drainage swales adjacent to, and from culverts underneath, the Estero Trail and from repairs to the stock pond dams and spillways. At these locations, proposed project elements would intersect with wetland habitat that has developed concurrent with erosion and modified hydrologic conditions (as compared with the original design of the dams, spillways, and the trail).

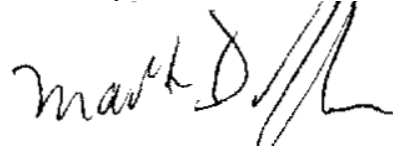
However, the NPS determined that the proposed trail repairs and improvements, installation of culverts, dam/spillway repairs, and livestock exclusion fencing will not result in permanent long-term loss of wetland habitat in the project area. Instead, the NPS reports that the project will lead to overall improvements to wetland habitat conditions in the project work area by decreasing erosion and downstream sediment transport, and by increasing the growth of wetland habitat within restored drainages, at the livestock ponds, in buffer areas behind livestock exclusion fencing, and in areas downslope of the project area. The proposed project also includes numerous avoidance and minimization measures and best management practices to protect wetland habitat and water quality throughout the three-month construction period. In addition, where vegetation will be removed to facilitate installation of project elements or to repair erosional areas, topsoil and associated vegetation will be stockpiled and then returned to the excavation area to assist in revegetation of disturbed sites. The NPS concluded that the proposed repairs and maintenance work will improve the quality of wetland habitat in the project area in the Seashore and would not adversely affect wetlands or environmentally sensitive habitat in the coastal zone.

The proposed project also includes measures to protect wildlife in the project area. All construction will occur after the breeding season of migratory birds and waterfowl. Additional measures will be implemented to protect the listed Myrtle's silverspot butterfly and the California red-legged frog. Proposed construction activity would occur towards the end or after the flight season of the butterfly. The butterfly's larval host plant, western dog violet, is not known to occur in the proposed work areas or along access routes. The red-legged frog is found in both livestock watering ponds and in the eroded spillway areas adjacent to the ponds. Project construction will not take place during the breeding season and would occur only within the spillway scour area of the north pond but not within the two ponds or adjacent wetlands. Surveys for non-breeding frogs will be conducted prior to any work near the ponds and spillway areas, and work stoppage, establishment of buffer zones, and/or relocation of frogs will adhere to the provisions of the existing *Biological Opinion* from the U.S. Fish and Wildlife Service for ranching activities (including associated trail work) on the Seashore.

In conclusion, the Commission staff **agrees** that the proposed maintenance and improvement work along the Estero Trail at Point Reyes National Seashore will not adversely affect coastal resources. The NPS determined that the proposed trail repairs, drainage improvements, and stock pond dam and spillway repairs will benefit public access and cattle ranch operations in the project area. The project will also enhance wetland habitat over the long term by repairing eroded areas and reducing erosion and sediment transport in the project area and in adjacent downstream areas above Home Bay. 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 D L" with a stylized flourish at the end.

(for) CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District
Shawn Maloney, NPS

CALIFORNIA COASTAL COMMISSION

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August 28, 2014

C.C. Koster
Naval Base Point Loma
140 Sylvester Road
San Diego, CA 92106-3521

Subject: Negative Determination ND-0030-14 (Upgrade underwater magnetic measuring range, Naval Base Point Loma, San Diego County)

Dear Mr. Koster:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes to upgrade the existing underwater magnetic measuring range located on the floor of San Diego Bay, southeast of Ballast Point near the entrance to San Diego Bay. This facility measures the magnetic field associated with Navy vessels as they enter and leave San Diego Bay. A small portion of the range is located within the border of Naval Base Point Loma (NBPL) but most of the sensor cable and array sits on the seafloor of the federal entrance channel in San Diego Bay and outside the water area controlled by NBPL. The proposed action would employ divers to replace and install new sensor cables, replace sensors in the existing sensor tubes, and replace existing junction box platforms.

Approximately 1,130 linear-feet of replacement sensor cable connecting the range house on Ballast Point with the new junction box platform will be installed on the seafloor and armored with articulated concrete mats lowered into place by a barge-mounted crane. Approximately 948 linear-feet of replacement sensor cable extending from the junction box platform to the sensor array system will be installed by temporarily sidecasting 1,500 cubic yards (cu.yds.) of seafloor sediment. Within the array system, damaged sensor tubes would be repaired, upgraded magnetometers would be installed in existing sensor tubes, and thirteen additional sensors would be installed on the existing sensor tubes. To access the sensor tubes and repair and install new equipment, divers would excavate and temporarily sidecast 6,400 cu.yds. of seafloor sediment. After installation is complete, approximately 5,000 cu.yds. of clean, non-magnetic gravel would be placed over the sensor cable trench between the junction box and the array field and over the excavated sensor tubes to protect the upgraded range hardware. The gravel will be placed to a level no more than two feet below the adjacent seafloor depth to allow tidal action to move the sidecast sediments back into the trench and excavated areas.

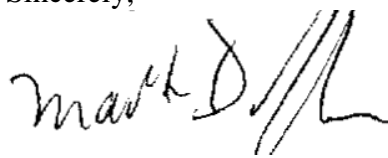
The existing junction box platform due south of Ballast Point will be replaced at the same location to support the upgraded junction boxes and provide enhanced seismic stability. The new, slightly larger platform will be supported by four, 24-inch pre-cast concrete piles, and two fender piles will be installed on the west side of the platform to protect the access ladder from boat damage. Unless exposed or easily accessed, the existing sensor cable between the range house and the sensor array will be left in place to avoid disturbing the seafloor.

All in-water construction activities will occur outside the California least tern nesting season in order to avoid any adverse effect on least tern foraging in waters within and adjacent to the project area. Potential noise impacts from pile driving will be addressed by placing qualified observers in appropriate locations during pile driving, and suspending that work should green sea turtles or marine mammals enter the work area. Trenching and excavating to repair and install electronic equipment will increase turbidity but this impact will be temporary and minor in nature due to the coarse grain sediments and strong tidal currents present at the work site. The sidecast sediments will be swept back into excavated sensor and cable areas, the concrete mats covering the cable segment between the range house and the junction box will sink into the seafloor and be covered with sediment, and the sandy soft bottom habitat disturbed by the proposed project will return to pre-disturbance conditions. The Navy will conduct pre- and post-construction eelgrass surveys in the project area as outlined in the Southern California Eelgrass Mitigation Policy (SCEMP), and if adverse effects are documented the Navy will mitigate those impacts according to the SCEMP. Public access and recreation will not be affected by the proposed project as the waters of NBPL are closed to the public due to military security restrictions, and that part of the sensor array that extends beyond NBPL into the federal navigation channel is located on the seafloor and does not affect recreational boating.

The Commission previously concurred with consistency determination CD-028-91 from the Navy for upgrading its adjacent (to the north) magnetic silencing facility (MSF), and the Executive Director concurred with negative determination ND-006-07 for further upgrades to the MSF. Both these projects encompassed seafloor trenching and sidecasting, replacement and upgrading of sensor hardware, and placement of new pilings similar to the proposed project. Under the federal consistency regulations (Section 15 CFR 930.35(a)), a negative determination can be submitted for an activity “which is the same or similar to activities for which consistency determinations have been prepared in the past.” The proposed project contains elements similar to the aforementioned Navy projects previously concurred with by the Commission and the Executive Director.

In conclusion, the Commission staff **agrees** that the proposed upgrade of the Navy’s underwater magnetic measuring range at Naval Base Point Loma will not adversely affect coastal resources. 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 "Charles Lester", with a stylized flourish at the end.

(for) CHARLES LESTER
Executive Director

cc: CCC – San Diego Coast District
Deborah McKay, Navy Region Southwest

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August 28, 2014

C.C. Koster
Naval Base Point Loma
140 Sylvester Road
San Diego, CA 92106-3521

Subject: Negative Determination ND-0031-14 (Dredging at Piers 5000 and 5002, Naval Base Point Loma, San Diego County)

Dear Mr. Koster:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Navy proposes dredging the southside berths at Pier 5000, the northside berths at Pier 5002, and the approach channel to Pier 5002 at Naval Base Point Loma (NBPL) to meet new operational depth requirements to accommodate current and future large submarines berthing at NBPL. The proposed project is similar in purpose, scope, proximity, and effects to Negative Determination ND-052-12, concurred with by the Executive Director in November 2012 for deepening the northern berths at Pier 5000. The project calls for: (1) deepening the Pier 5000 southside berths (whose depths currently range from -34 to -40 feet mean lower low water (MLLW)) to a uniform -39.3 feet MLLW by dredging 21,074 cubic yards (cu.yds.) of sediment; (2) deepening the Pier 5002 northside berths (whose depths currently range from -38 to -42 feet MLLW) to a uniform -42.3 MLLW by dredging 8,078 cu.yds. of sediment; and (3) deepening the Pier 5002 approach channel (whose depths currently range from -36 to -42 feet MLLW) to a uniform depth of -42.3 feet MLLW by dredging 32,281 cu.yds. of sediment. The project would also relocate a single fender piling along the inner southside Berth at Pier 5000 to a location near the end of the pier. The Navy proposes two options for disposal of the 61,433 cu.yds. of dredged sediment: (1) nearshore disposal off either Imperial Beach, Naval Base Coronado Silver Strand Training Complex Beach, or Naval Air Station North Island Beach; and (2) ocean disposal at the LA-5 disposal site located 6.2 miles offshore from Point Loma.

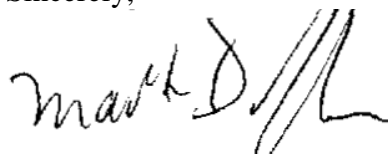
However, the negative determination states that the sediment characterization and chemistry test results will not be available until after the dredging contract is awarded later this year, and therefore it is not presently known if the sediments to be dredged are suitable for nearshore or open water disposal. The Navy states that based on the 2012 sediment testing undertaken for the Pier 5000 northside berths dredging project (which demonstrated suitability of those sediments for unconfined aquatic disposal), it expects that the adjacent proposed dredging areas will exhibit similar grain size and chemistry characteristics and prove to also be suitable for unconfined aquatic disposal. However, the Navy explicitly states in the subject negative determination that “if [the sediment] test results do not support regulatory agency approval of unconfined aquatic disposal then the project will be abandoned since upland disposal costs are prohibitive.” The Navy has also agreed to provide the sediment test results to and coordinate with the Commission

staff prior to making a final determination on the suitability of the sediments for unconfined aquatic disposal. Typically, the Commission staff prefers to receive sediment test results and a suitability determination prior to making a decision on whether to concur with a dredging and disposal project. However, given the project's location, the Navy's aforementioned commitments, including the commitment that the project would not proceed if test results deviate from past test results, and that dredging will result in only localized and temporary turbidity plumes, the Commission is able in this case to determine that the proposed dredging and disposal would not adversely affect water quality and marine resources and would be similar to previously concurred with activities.

The Navy reports that while eelgrass is not found in the project area due to the existing water depths at both piers, it will conduct pre- and post-project eelgrass surveys consistent with the Southern California Eelgrass Mitigation Policy (SCEMP), and mitigate for any unexpected eelgrass impacts according to the requirements of the SCEMP. The project will occur outside the April 1 – September 30 breeding season of the California least tern, and the Navy will employ qualified observers to ensure that no marine mammals or green sea turtles are in the project vicinity during dredging operations and when pile driving occurs during the fender piling relocation on Pier 5000.

In conclusion, the Commission staff **agrees** that the proposed dredging at Piers 5000 and 5002 at Naval Base Point Loma will not adversely affect coastal resources. 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 "Charles Lester", with a stylized flourish at the end.

(for) CHARLES LESTER
Executive Director

cc: CCC – San Diego Coast District
Deborah McKay, Navy Region Southwest