

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
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**ENERGY, OCEAN RESOURCES AND FEDERAL
CONSISTENCY DIVISION****DEPUTY DIRECTOR'S REPORT**

For the

September Meeting of the California Coastal Commission

MEMORANDUM

Date: September 03, 2015

TO: Commissioners and Interested Parties

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

SUBJECT: *Deputy Director's Report*

Following is a listing for the waivers, emergency permits, immaterial amendments, extensions and Negative Determinations issued by the Energy, Ocean Resources and Federal Consistency Division for the September 2015 Coastal Commission hearing. Copies of the applicable items are attached for your review. Each item includes a listing of the applicants involved, a description of the proposed development, and a project location.

Pursuant to the Commission's direction and adopted procedures, appropriate notice materials were sent to all applicants for posting at the project site. Additionally, these items have been posted at the District office and are available for public review and comment.

This report may also contain additional correspondence and/or any additional staff memorandum concerning the items to be heard on today's agenda for the Energy, Ocean Resources and Federal Consistency Division.

**ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION DEPUTY
DIRECTOR'S REPORT CONTINUED**

REPORT OF DE MINIMIS WAIVERS

The Executive Director has determined that the following developments do not require a coastal development permit pursuant to Section 30624.7 of the California Coastal Act of 1976.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
9-15-1312-W California State Lands Commission	Locate, excavate and assess the condition of the onshore Becker Well- This temporary investigation and assessment project has several parts and the outcome of each part determines the next steps to be undertaken. a. Drive a backhoe/excavator onto Summerland Beach to the estimated Becker onshore well location while the tide is receding and the well casing becomes less covered during the low tide cycle; b. To determine the best method to cap or remediate the well, the well site needs to be excavated to uncover the Becker well casing, which may be buried by as much as 5 to 8 ft. of beach sand; c. Mark the exposed well casing with a metal stake driven along the outside and attach a buoy to make the site location visible; and d. As the tide migrates landward, remove equipment from the beach and allow the site to be covered naturally.	Summerland Beach (Near Lookout Point Park)

REPORT OF IMMATERIAL AMENDMENTS

The Executive Director has determined that there are no changes in circumstances affecting the conformity of the subject development with the California Coastal Act of 1976. No objections to this determination have been received at this office. Therefore, the Executive Director grants the requested Immaterial Amendment, subject to the same conditions, if any, approved by the Commission.

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
E-85-010-A2 Freeport-McMoran Oil & Gas, Attn: Laura Vlk	Install and operate pipeline inspection and maintenance launch and receiver equipment at an onshore valve site, install three pipeline repair clamps on offshore pipeline segments, flush and cap an 11 mile section of 20" oil pipeline, change an existing 11 mile section of 8" gas line to oil service, and change an existing 11 mile section of 8" water line to gas service.	Point Pedernales Change Of Service Of Existing Pipelines Project

**ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION DEPUTY
DIRECTOR'S REPORT CONTINUED**

NEGATIVE DETERMINATIONS AND NO EFFECT LETTERS

Administrative Items for Federal Consistency Matters

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
<p>ND-0025-15 National Park Service</p>	<p>Herbicide, mechanical, and hand removal of invasive, non-native European beachgrass and iceplant within a 110-acre coastal dune area adjoining the Pacific Ocean.</p> <p>Action: Concur, 8/17/2015</p>	<p>Point Reyes National Seashore (APN(s): 109-090-07)</p>
<p>ND-0026-15 Department of the Navy</p>	<p>Placement of 15,000 tons of quarry rock to repair 1,100 lineal feet of rock jetty damaged during August 2014 storm.</p> <p>Action: Concur, 8/27/2015</p>	<p>Naval Weapons Station Seal Beach, Orange County (APN(s): 043-150-20)</p>
<p>ND-0027-15 Department of the Air Force</p>	<p>Recurring (up to six times per year) Falcon 9 first stage boost-back and landing operations at SLC-4W at Vandenberg AFB and/or on a barge approximately 31 miles offshore of VAFB.</p> <p>Action: Concur, 8/31/2015</p>	<p>Space Launch Complex 4W At Vandenberg Air Force Base, Santa Barbara County, And Offshore Waters 31 Miles West Of Vafb</p>
<p>ND-0028-15 Department of the Navy</p>	<p>Install a ground-mounted solar photovoltaic power system at Naval Weapons Station Seal beach</p> <p>Action: Concur, 8/24/2015</p>	<p>Naval Weapons Station Seal Beach, Orange County</p>
<p>ND-0029-15 National Oceanic and Atmospheric Administration</p>	<p>Manually breach the Pescadero Creek lagoon sandbar in the winter 2015-2016 to maintain sufficient water quality in the lagoon to reduce the likelihood of fish kills,</p> <p>Action: Concur, 8/21/2015</p>	<p>Pescadero Creek Lagoon, San Mateo County (APN(s): 086240040)</p>
<p>ND-0030-15 Department of Housing and Urban Development</p>	<p>Northern Circle Indian Housing Authority (NCIHA) interior and exterior building maintenance and renovation work, Manchester-Point Arena Rancheria, Mendocino County</p> <p>Action: Concur, 8/24/2015</p>	<p>Manchester-Point Arena Rancheria, Mendocino County (APN(s): 02716101)</p>

**ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION DEPUTY
DIRECTOR'S REPORT CONTINUED**

<p>NE-0005-15 Port of Oakland</p>	<p>Disposal at the San Francisco Deep Ocean Disposal Site, 50 miles west of San Francisco, of up to 77,586 cu.yds. of maintenance dredged sediment from berths at the Port of Oakland.</p> <p>Action: Concur, 8/6/2015</p>	<p>San Francisco Deep Ocean Disposal Site</p>
<p>NE-0006-15 Corps of Engineers, Los Angeles District</p>	<p>Oceano Drainage Project, San Luis Obispo County Dept. of Public Works, construction of storm drain, Highway 1 and 13th St., Oceano, SLO Co. (also reviewed as Appeal No. A-3-SLO-13-220 and CDP Waiver No. 3-14-0221-W)</p> <p>Action: Concur, 8/25/2015</p>	<p>Highway 1 And 13Th St., Oceano, Slo Co (APN(s): 061-093-044, 062-118-002, 062-118-013, 062-118-014)</p>

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August 26, 2015

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 9-15-1312-W

Applicant: California State Lands Commission (CSLC)

Location: SUMMERLAND BEACH (NEAR LOOKOUT POINT PARK), SANTA BARBARA COUNTY

Proposed Development: Locate, excavate and assess the condition of the onshore Becker Well. This temporary investigation and assessment project includes the following activities: (1) Drive a backhoe/excavator onto Summerland Beach to the estimated Becker onshore well location at ebb tide, when the well casing is becoming most accessible during a minus tide; (2) Excavate the area immediately around the Becker Well to uncover the well casing, which may be buried by as much as 5 to 8 feet of beach sand. This will allow the casing to be examined in order to determine the best method to cap or remediate the leaking well; (3) Mark the exposed well casing with a metal stake driven along the outside and attach a buoy to make the site location visible; (4) As the tide migrates landward, remove equipment from the beach and allow the excavated area to be naturally refilled with sand.

The proposed project is a necessary first step in the CSLC's efforts to cap and remediate the Becker Well, an improperly abandoned oil well, dating from the largely unregulated development of the Summerland Oil Field in the late 19th and early 20th centuries, which periodically leaks crude oil into the coastal ocean.

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:

- **Marine Resources & Water Quality:** The proposed work will be performed on wet sand and/or in shallow water at low tide over a one to two day period. All areas of hard substrate would be avoided. Impacts to beach infauna would be temporary and restricted to a small area surrounding the well casing, and thus would not be significant. The excavated areas are expected to be naturally filled by ocean waves, but if needed would be backfilled with clean, native sand.

Coastal Development Permit De Minimis Waiver

9-15-1312-W

Equipment and vehicle staging, including maintenance and refueling, would occur in paved or previously cleared upland areas at least 100 feet from any water body or wetland. Equipment will be provided with drip pans nightly to provide secondary containment of accidental leaks and to protect against soil contamination. CSLC will implement a Spill Contingency Plan providing procedures and materials for the containment and clean-up of any leaks or spills from project vehicles or the well itself during excavation and assessment activities.

- Environmentally Sensitive Habitat Areas and Sensitive Species: The proposed activities would occur after mid-September, avoiding the breeding season of sensitive bird species that could occur in the area and the spawning period of California grunion. Vegetated areas would be avoided during vehicle transit to the project site. A biological monitor will be present on site to assure that project activities and vehicles do not threaten birds and wildlife in the vicinity.
- Visual Resources: The proposed project would have only minor, temporary effects on coastal views and visual resources at Summerland Beach. If temporary night lighting is needed to allow the well assessment activities to take advantage of low tide conditions, lights shall be shielded and aimed downward to minimize glare.
- Public Access: The proposed work area is small relative to the total area of Summerland Beach, and use of beach access ways would be restricted only briefly during the movement of project vehicles. All work activities will be clearly delineated by safety fencing and/or an on-site monitor to direct beach visitors around the work area. No significant loss of public access or recreational opportunities would occur.

The proposed development will not adversely impact coastal resources, public access, or public recreation opportunities, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its September 9-10, 2015, meeting in Arcata, and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Charles Lester,
Executive Director



Joseph Street
Environmental Scientist

cc: File

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NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **E-85-010-A2**

August 27, 2015

To: All Interested Parties

From: Charles Lester, Executive Director

Subject: Coastal Development Permit No. **E-85-010** granted to the **Union Oil Company of California** for: installation of three pipelines through state waters from Platform Irene with landfall approximately one mile north of the Santa Ynez River on Vandenberg Air Force Base and a submarine power cable from a substation at Surf through state waters also to Platform Irene.

Applicant: The project is proposed by **Freeport McMoRan Oil & Gas**, the current operator of Platform Irene and holder of Coastal Development Permit No. **E-85-010**.

Project Site: Onshore pipeline Valve Site Two, approximately one mile from the shoreline in Vandenberg Air Force Base, northern Santa Barbara County.

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following change(s):

At Valve Site Two, the flushing/purging of a 20-inch diameter oil pipeline segment from Platform Irene to shore and the installation and operation of (1) a pipeline inspection device ("pig") launcher and receiver; (2) a 25 horsepower pump and portable generator; (3) pipe supports and conduits; and (4) other piping necessary to support the use of an existing eight-inch natural gas line for oil transport and an existing eight-inch water line for natural gas transport between Valve Site Two and Platform Irene.

FINDINGS

Pursuant to 14 Cal. Admin. Code Section 13166(b) this amendment is considered to be IMMATERIAL and the permit will be amended accordingly if no written objections are received within ten working days of the date of this notice. If an objection is received, the amendment must be reported to the Commission at the next regularly scheduled Commission hearing. This amendment has been considered "immaterial" for the following reason(s):

- All proposed equipment and infrastructure would be installed within Valve Site Two, a fenced, previously excavated, disturbed, gravel area that currently supports three above-

Notice of Proposed Immaterial Permit Amendment

E-85-010-A2

ground pipeline segments and associated safety valves. The proposed site does not support vegetation or other biological resources.

- Although the proposed work would facilitate the use of an existing eight-inch natural gas line for oil transport and an existing eight-inch water line for natural gas transport between Valve Site Two and Platform Irene, the change in service of these pipelines would be reviewed by the Commission as part of a pending material permit amendment application that also includes proposed offshore pipeline repairs.
- No permanent lighting would be installed at Valve Site Two as part of this project. Mobile lighting may be used on a temporary basis if necessary for the safe completion of pipeline infrastructure installation or maintenance operations, but use of such lighting would be minimal and limited to shielded, directional lighting directed at the work sites.
- All stockpiling of project materials and equipment would occur within the fenced, gravel covered area of Valve Site Two.
- The project site is located in a restricted area of VAFB that is not accessible to the general public. At least one lane of the adjacent two-lane road would remain open at all times and coastal and shoreline access would not be restricted during proposed work.
- The project site is a previously disturbed pipeline corridor. It does not contain any known cultural or archeological resources. In the event archeological remains are encountered during construction, work would be immediately stopped or redirected and an approved archaeologist and Native American representative would be retained to evaluate the significance of the find.
- The proposed work has been authorized by Santa Barbara County through Land Use Permit No. 15LUP-00000-00253. As part of its project, Freeport McMoRan Oil & Gas would implement all resource protection measures included as conditions of approval in this land use permit.
- Project activities would be carried out outside of the bird breeding season in the project area (February 1-August 31).
- Project activities at Valve Site Two would be carried out outside of the flight season for the El Segundo blue butterfly (June 1 to September 15).
- A qualified biological monitor would be present for mobilization and demobilization activities and a qualified biologist would present an environmental awareness training to all onsite workers prior to the start of the first day of work for the project.

If you have any questions about the proposal or wish to register an objection, please contact Cassidy Teufel at the phone number provided above.

cc: Commissioners/File

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August 17, 2015

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

Subject: Negative Determination ND-0025-15 (AT&T Coastal Dune Restoration Project, Point Reyes National Seashore, Marin County)

Dear Superintendent Muldoon:

The Coastal Commission staff has reviewed the above-referenced project. The National Park Service (NPS) proposes to implement the AT&T coastal dune restoration project on a 110-acre site within Point Reyes National Seashore located between the Pacific Ocean and the former AT&T radio transmission facility. The project site is also located directly adjacent to the Abbots Lagoon Coastal Dune Restoration Project conducted by the NPS starting in 2011. For Phase I of that project, the Commission concurred with consistency determination CD-026-10 for mechanical removal of invasive and non-native European beachgrass and iceplant. For Phases II-IV, the Executive Director concurred with two negative determinations (ND-039-11 and ND-026-12) for chemical treatment to eliminate beachgrass and iceplant, with mechanical treatment and hand removal to eliminate beachgrass and iceplant in wetland and organic farm buffer areas. In addition, since 2004 the Executive Director has concurred with numerous negative determinations for removal of invasive and non-native vegetation at coastal dune, wetland, and upland locations in the national seashore, using combinations of chemical, mechanical, and hand removal techniques. The subject restoration project is similar to and builds on the success of and the knowledge gained from these previous projects.

Within the 110-acre project site are approximately 77.2 acres of European beachgrass-dominated and 2.0 acres of iceplant-dominated coastal dunes, along with areas of native dune habitat (e.g., freshwater marsh, wet meadow, and dune and coastal scrub) which support two federally endangered plant species (Tidestrom's lupine and beach layia) and the endangered Myrtle's silverspot butterfly. The NPS states in its negative determination that to protect the national seashore's native coastal dune habitat and the rare species that it supports, invasive, non-native European beachgrass and iceplant must be systematically and completely removed. This action will then facilitate re-colonization by native plants, allow re-establishment of the natural processes controlling dune development, aid in the recovery of threatened and endangered species, and help to build resilience in coastal ecosystems such as dunes that are threatened by the potential impacts of sea level rise and increased storm surge.

The proposed project would primarily use herbicide control methods to remove European beachgrass but would also incorporate mechanical and manual removal methods. Herbicide would be used to remove dense iceplant areas, but smaller infestations would be removed manually. Mechanical and manual methods would be used to remove European beachgrass that occur within wetlands and in buffer areas adjacent to wetlands and organic pastures. In addition, some of the herbicide treatment areas will initially be mowed to improve the efficiency of treatment and to reduce the amount of herbicide used in that treatment. Mowing may also occur after herbicide treatment to speed up the decomposition of European beachgrass and the establishment of native plant species. The NPS proposes hand removal of iceplant in Year 1 (2015), hand or mechanical removal of European beachgrass in or adjacent to sensitive resource areas in Years 1 and 2, and pre-treatment mowing in selected foredune areas in Year 1. Initial herbicide treatment of European beachgrass will occur over two years, with 40 acres treated in Year 2 and 34.2 acres treated in Year 3. Re-treatment as needed in the project area will be conducted in Years 2-5.

As with previous projects, the proposed herbicide treatment would be conducted using either a backpack sprayer with a calibrated nozzle (where spray volume is adjusted specifically to minimize drift) or through direct contact with wicking from a wand. Use of these techniques greatly reduces the potential for drift, as do the other weather-related restrictions employed by the NPS. These restrictions include: (1) no spraying when average wind speeds at plant level exceed 10 mph; (2) no spraying when there is heavy fog; (3) no spraying when rainfall has occurred within the previous 24 hours (unless plants dry quickly); and (4) no spraying when there is a 20% chance or greater of rainfall occurring in the next 24 hours. Drift shields would be used on the perimeter of sensitive areas to protect native dune vegetation.

The NPS states that where adjacent ranchlands border proposed dune restoration areas, the project emphasizes minimizing the post-restoration movement of sands into adjacent pastures through the use of active revegetation. The negative determination states that:

In active revegetation, small portions of the backdune areas (~3 to 10 acres depending on dune system conditions and proximity to ranchlands) would be treated to eradicate European beachgrass or iceplant and then actively revegetated once it appeared that initial treatment was successful. Revegetation before invasives have been successfully removed increase the potential for re-treatment to adversely affect native plants.

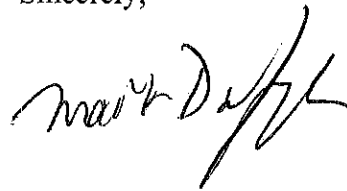
Within select backdune areas, revegetation would be conducted using seed. A combination of native dune scrub species would be selected for planting based on characteristics such as 1) having a large root system that extends both laterally and vertically; 2) recruiting from seed and vegetatively; 3) being a fast establisher in terms of both belowground and aboveground biomass; 4) recruiting quickly once established; 5) being unlikely to create an environment favorable to non-native species; and 6) not creating management issues for adjacent ranchers.

As with previous dune restoration projects in the seashore, the proposed restoration work includes impact avoidance and minimization measures demonstrated to effectively protect

coastal resources such as listed species and sensitive habitats. Restoration work will occur only in the non-breeding season (late summer through fall) and will avoid all wetlands located within the project area. Buffers will be established between herbicide treatment areas and wetlands, organic pastures, and other sensitive habitat areas. Staging of operations and equipment will occur at paved areas near the former AT&T radio communications facility to the east of the project area. Existing paved and dirt ranch roads will provide vehicular access from the staging location to the project area; other access routes to work areas that branch off existing ranch roads will be marked and flagged to avoid sensitive habitat.

Under the federal consistency regulations (15 CFR 93035), a negative determination can 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 proposed AT&T Coastal Dune Restoration Project is similar to previous consistency and negative determinations for dune restoration at Point Reyes National Seashore concurred with by the Commission and Executive Director since 2004. The proposed combination of herbicide application and mechanical and manual removal techniques to eliminate invasive non-native European beachgrass and iceplant are designed to assist the NPS in its efforts to restore rare and environmentally sensitive dune habitats in the seashore. The Commission staff **agrees** that the project 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,



(for)

CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District

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August 27, 2015

R.H. Oviedo
Public Works Officer
U.S. Navy
Naval Weapons Station Seal Beach
800 Seal Beach Boulevard
Seal Beach, CA 90740-5000

Subject: Negative Determination ND-0026-15 (Repairs to South Jetty, Naval Weapons Station Seal Beach, Orange County)

Dear Mr. Oviedo:

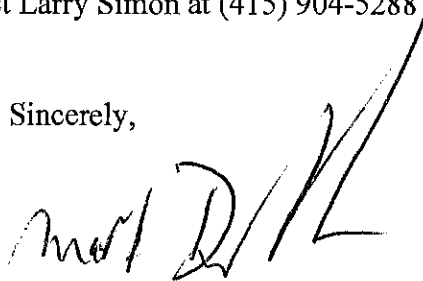
The Coastal Commission staff has reviewed the above-referenced project. The Navy proposes to repair the 1,100-foot-long outer segment of the south jetty in Anaheim Bay at Naval Weapons Station Seal Beach (NWSSB). The jetty was damaged by waves generated by Hurricane Marie in August 2014 and the proposed work will return the jetty to its original design specifications. The Navy will place approximately 15,000 tons of quarry rock along the damaged section of the jetty, with all work undertaken using crane and rock barges located along the inner side of the jetty. A fence that runs along the top of the jetty was also damaged by the storm and may be replaced. The Navy expects that project construction will commence in November 2015 and last six months.

While the project site is located within the boundaries of NWSSB, Anaheim Bay also serves as the entrance to Huntington Harbour, a residential community and recreational boating center southeast of NWSSB. The proposed jetty repair activities would occur outside of navigation channels and not affect boating access to Huntington Harbour or existing public access and recreation in Anaheim Bay. Although the Navy believes that eelgrass and kelp are not located at the project site, it will undertake pre-construction surveys for eelgrass and kelp in the vicinity of the project area. If detected, the Navy will avoid direct impacts by relocating the barges as necessary, prohibiting vessel anchoring within kelp or eelgrass beds, and maintaining a 50-foot-wide buffer between construction activity and kelp and eelgrass beds. If kelp or eelgrass beds are found in the project area, a post-construction survey will be conducted to determine: (1) if the jetty repair project caused the loss of kelp or eelgrass, and (2) the Navy's mitigation requirements arising from project impacts to kelp or eelgrass. The Navy has committed to mitigate any project-related impacts to kelp or eelgrass.

In conclusion, the proposed project constitutes repair-in-kind to an existing Navy jetty at NWSSB and is similar to other jetty repair projects undertaken along the southern California

coast and concurred with by the Executive Director. The Commission staff **agrees** that the project will not adversely affect coastal zone resources and will improve navigation safety for the Navy and the general public by maintaining the structural integrity of the south jetty of Anaheim 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 "Charles Lester", written in a cursive style.

(f/r)

CHARLES LESTER
Executive Director

cc: CCC – South Coast District Office
Deb McKay, U.S. Navy

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August 31, 2015

Beatrice L. Kephart
Chief Installation Management Flight
Department of the Air Force
ATTN: Samantha Kaisersatt
1028 Iceland Avenue
Vandenberg AFB, CA 93437-6010

Subject: Negative Determination ND-0027-15 (Recurring Falcon 9 rocket launches from SLC-4E and first stage boost-back landings at SLC-4W or an offshore barge, Vandenberg Air Force Base, Santa Barbara Co.)

Dear Ms. Kephart:

The Coastal Commission staff has reviewed the above-referenced project at Vandenberg Air Force Base (AFB). The Air Force proposes to oversee the Space Exploration Technologies Corporation's (SpaceX) program of recurring Falcon 9 rocket launches from Space Launch Complex – 4 East (SLC-4E) and first-stage boost-back and landings at SLC – 4 West (SLC-4W) or on a barge offshore of Vandenberg AFB. The proposed launch and landing program will be integrated into the Vandenberg AFB range infrastructure and will comply with all range, safety, and communications requirements. The Air Force will monitor and maintain oversight of the launch process and communications with the Falcon 9 rocket while on the ground, in flight, and during first-stage boost-back and landing at either SLC-4W or the offshore barge.

The Executive Director previously concurred with a negative determination from the Air Force (ND-055-10) in November 2010 for modifications to SLC-4E to support the Falcon 9 and Falcon 9 Heavy launch vehicle programs at Vandenberg AFB. In October 2013 the Executive Director concurred with a negative determination from the Air Force (ND-0035-14) for a single launch of the Falcon 9 rocket from SLC-4E, the in-flight abort test of the Dragon spacecraft capsule and recovery operations approximately 1.5 miles off the Vandenberg AFB coast, and the Falcon 9 first stage boost-back and landing at SLC-4W. ND-0035-14 also included construction of a 1.6-acre concrete landing pad at SLC-4W; a temporary 5.7-acre area of flat panels west of the landing pad (installed two weeks prior to a launch and removed two weeks after launch) to facilitate radar sensor operations during first-stage landings; realignment of existing service and access roads; installation of ground-based communications equipment; and improvements to stormwater and firefighting runoff collection infrastructure at SLC-4W. The construction activity and test flight operations proposed under ND-0035-14 have yet to commence.

The Air Force now proposes to oversee up to six SpaceX Falcon 9 launches per year from SLC-4E and associated first-stage landings at SLC-4W or on the offshore barge. The proposed launch, first-stage maneuvering, and first-stage landing process previously concurred with in ND-0035-14 for a landing at SLC-4W would be the same for recurring launches and for the barge landing alternative. The Air Force states that as a contingency action to landing the Falcon 9 first-stage booster at SLC-4W, SpaceX proposes to potentially return the first-stage booster to an offshore barge (approximately 300 feet long and 100 feet wide), specifically designed as a first-stage landing platform and located at least 31 miles offshore of Vandenberg AFB. This contingency landing location would be used if there are critical assets on Vandenberg AFB that would not permit first-stage over-flight and landing at SLC-4W. The Air Force states that for range safety analysis to verify first-stage landing performance, it is important that the barge landing trajectory be the same as for the SLC-4W landing. The barge location is the furthest from the coastline that can be used to maintain the same boost-back trajectory as for a SLC-4W landing.

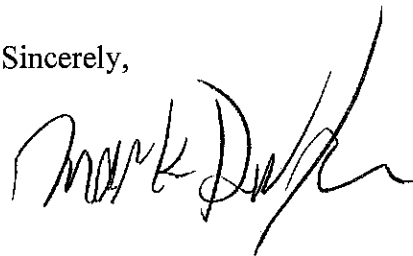
The proposed offshore barge landing is the only element of the overall Falcon 9 program that was not analyzed and concurred with by the Executive Director under the previous negative determinations for a Falcon 9 launch and upland landing of the first-stage booster. The landing barge, an ocean tug, and a support vessel would originate from Long Beach Harbor, and after a successful landing the first stage would be secured onto the barge and transported to Long Beach Harbor for off-loading and subsequent transport to a SpaceX testing facility in McGregor, Texas. To protect marine mammals, the Falcon 9 program, including the newly-proposed offshore barge landings, is subject to the protective measures described in the Letter of Authorization to the Air Force issued by the National Marine Fisheries Service for missile and rocket launches at Vandenberg AFB during the March 26, 2014 to March 26, 2019 time period. The Air Force has also received concurrence from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that the proposed offshore barge landings include all necessary avoidance and protective measures to protect federally listed species. In addition, no kelp forests or seagrass beds are at or near the proposed offshore barge landing site, and the nearest rocky substrates are located approximately ten miles north-northeast of the barge landing site.

The Air Force reports that the two attempts at a Falcon 9 first-stage barge landing offshore of the Kennedy Space Center in Florida were unsuccessful, resulting in the first-stage impacting the barge and exploding. Should a Falcon 9 first-stage barge landing at the offshore Vandenberg location be similarly unsuccessful, the Air Force states that SpaceX will implement recovery operations at the barge and adjacent ocean waters. Based on the two Florida events, almost all of the floating debris would be recovered from the ocean surface and the remaining dense, inert debris would sink to the ocean floor, which is approximately 4,000 feet below the ocean surface at the proposed barge location. Any release of fuel from a first-stage booster explosion at the barge would evaporate quickly after exposed to the air and would usually completely dissipate after one to two days. Given that the landing barge would be located no closer than 31 miles offshore of Vandenberg AFB, well seaward of the coastal zone boundary, the accidental destruction of the first-stage booster at this location would not affect coastal zone resources.

All launch programs at Vandenberg AFB are required to establish debris impact corridors as an element of a program's safety review in case of a launch anomaly that requires destructive flight termination. Because of the launch trajectory and the Falcon 9 first stage returning to the SLC-4W landing pad or the offshore landing barge, the Air Force may require closure of Surf Beach and Ocean Park to ensure public safety during a launch or landing anomaly. For typical rocket launches from South Vandenberg AFB, roadblocks are placed at the intersection of Ocean Boulevard and 13th Street approximately three hours prior to a launch to close access to the beach. Approximately two hours after completion of a successful launch and landing program, access to Surf Beach and Ocean Park will reopen. The proposed temporary closure is consistent with past and current launch activities at South Vandenberg AFB and will not create adverse effects on public access and recreation. In addition, the U.S. Coast Guard would issue a Local Notice to Mariners that defines a Public Ship Avoidance Area around the barge landing location. Recreational boating and fishing would only be temporarily interrupted during offshore barge landing or debris recovery operations.

The Air Force also states in its negative determination that if SpaceX's next two consecutive barge landing attempts (and the resultant explosion and sinking of debris into the ocean) off the California coast are unsuccessful, the Air Force will inform the Commission's Executive Director about the status of the program and whether it will continue as proposed or be modified in some manner. In conclusion, the Commission staff **agrees** that the proposed recurring Falcon 9 launch and first-stage landing at SLC-4E and SLC-4W, respectively, at Vandenberg AFB, and the first-stage landing on a barge located 31 miles offshore of Vandenberg AFB, will not adversely affect coastal zone resources. The proposed launch and inland landing operations are similar to those concurred with by the Executive Director in ND-0035-14. 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,



(for)

CHARLES LESTER
Executive Director

cc: CCC – South Central Coast District

CALIFORNIA COASTAL COMMISSION

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



August 24, 2015

M.H. Hardy, Captain
Department of the Navy
Naval Weapons Station Seal Beach
800 Seal Beach Blvd.
Seal Beach, CA 90740-5000

Attn: Deb McKay

Re: **ND-0028-15**, Navy, Negative Determination, Solar Systems, Naval Weapons Station
Seal Beach, Orange Co.

Dear Captain Hardy:

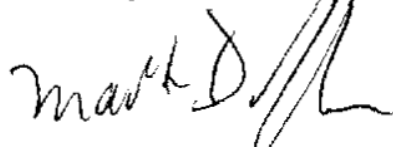
The Navy has submitted a negative determination for the installation, operation, and maintenance of ground-based photovoltaic solar systems at the Naval Weapons Station Seal Beach. The Navy intends to develop up to two sites (A and B), on which it would develop up to 25 megawatts of renewable energy. Site A is located northwest of the intersection of Edinger Ave. and Bolsa Chica St. on federal land and adjacent to the Bolsa Chica flood control channel. Site B is located northwest of the intersection of Bolsa Chica St. and Westminster Ave., on federal land and inland of the coastal zone boundary.

The sites are previously disturbed and contain no wetlands or environmentally sensitive habitat. The project would not affect public access or scenic public coastal views. Water quality would be protected using erosion controls and implementing Best Management Practices. Construction activities would be scheduled to avoid effects on nesting birds. Since the nearby Seal Beach National Wildlife Refuge is along the Pacific Flyway, the Navy investigated the potential for avian mortalities due to the "lake effect" (by which birds can confuse solar arrays with water). The Navy indicates the projects would be too small to generate such effects, and the Navy has committed to incorporating designs, angles, and visual cues into the panels to further reduce the potential for visual confusion. The Navy has also committed to developing and implementing a bird conservation and monitoring program to minimize effects and contribute to the scientific knowledge concerning these types of effects. Finally, although burrowing owls are not currently found on the sites, the Navy will monitor for burrowing owls prior to construction, and if found, the Navy will implement remediation and mitigation efforts to protect the species.

The Commission staff **agrees** with the Navy that, with the commitments described above to protect bird species and habitats, and water quality, the proposed project would not

adversely affect coastal zone resources. 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 D. Lester", written over a set of three parallel diagonal lines.

(for) CHARLES LESTER
Executive Director

cc: Long Beach District Office

CALIFORNIA COASTAL COMMISSION

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August 21, 2015

Patrick J. Rutten
Southwest Region Supervisor
NOAA Restoration Center
777 Sonoma Avenue, Room 219-A
Santa Rosa, CA 95404-6528

Subject: Negative Determination ND-0029-15 (2015-2016 Pescadero Creek Lagoon Ecological Function Project)

Dear Mr. Rutten:

The Coastal Commission staff has reviewed the above-referenced project. The NOAA Restoration Center (NOAA) proposes to use an excavator and hand tools to breach the Pescadero Creek Lagoon sandbar up to two times during the winter of 2015-2016. The proposed project will closely mimic sandbar breaching projects concurred with by the Executive Director in three previous negative determinations (ND-037-12, ND-0221-13, and ND-0046-14). These projects were designed to maintain sufficient water quality in the lagoon to reduce the likelihood of a fish kill as compared to when the lagoon naturally breaches. As a result of the 2012 manual breaching project, no fish kills were observed in the lagoon for the first time since 2000. While the 2013 project was not implemented due to conditions in the estuary, a natural breaching subsequently took place in February 2014 and resulted in a fish kill in the lagoon. The 2014 project was also not implemented due to conditions in the estuary.

NOAA states that the sandbar to be manually breached has historically formed anywhere from 200 feet west to 100 feet east of the Highway 1 bridge across the mouth of the lagoon, but that in recent years the sandbar has formed west of the bridge. In order to breach the lagoon sandbar this fall, NOAA will use an excavator and hand labor to cut a pilot channel in the shape of a "V" and angled to the northwest across the sandbar to minimize the potential for surf and/or wave run-up to collapse the channel. Excavated sand would be spread and smoothed adjacent to the channel to minimize visual impacts. Based on current conditions at the sandbar, NOAA anticipates that the pilot channel will be approximately 75 feet long, three feet wide, and one foot below the lagoon water surface elevation, and the channel will extend from the edge of the lagoon to the ocean. NOAA expects to excavate the pilot channel and open the sandbar between late August and mid-October. The actual breaching of the sandbar would occur when a sand plug at the lagoon end of the channel is removed during an incoming mean high-high tide. In addition and to the extent feasible, the proposed breach will be timed to occur with a forecasted rain event in order to decrease salinity, reduce stratification, and provide oxygenated water to the lagoon. Should the sandbar reform, one additional breaching could possibly be implemented (if water quality

monitoring supports that action), it would follow the same procedures as the first breaching, and would likely occur within 30 days after lagoon closure.

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

NOAA does not expect the proposed project to create direct adverse effects on marine resources or habitat, and in particular does not expect juvenile steelhead residing in the lagoon to be flushed out to the ocean because the velocity of the outflow during the breach is expected to be below the swimming threshold of juvenile steelhead in the lagoon. The project will slightly reduce lagoon volume and the lagoon will drain slowly to an equilibrium level. The main factor in lagoon scouring from outflow is hydraulic head; during the proposed breach, head pressure will be minimized as the breach will occur during an incoming high tide. As a result, there will be reductions in velocity, scour, resuspension of sediment, and biological oxygen demand. The project includes numerous avoidance and minimization measures and best management practices to protect sensitive habitat and species. Pre- and post-project water quality data collection (dissolved oxygen, salinity, temperature, and pH) at multiple locations and times (beginning when the sandbar forms and extending through the time the sandbar reforms and is breached naturally) is a key element of the proposed project. NOAA will submit a water quality monitoring report to the Commission staff upon the conclusion of the breaching event(s). Water surface elevations will be measured before and after breaching at several of the water quality monitoring sites. Aquatic species will be monitored by the CDFW via beach seining effort pre- and post-breach to determine change in species composition and relative abundance and size/age classes of fish present.

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

NOAA states in its negative determination that an additional goal of this project is to obtain information that may be useful in working towards the conservation and recovery of listed species and other aquatic biota dependent on a healthy aquatic ecosystem in Pescadero Marsh. The proposed project has been coordinated with the California Department of Fish and Wildlife (CDFW) and the CDPR in an effort to help evaluate, guide, and determine a long-term solution

for improving the function of the lagoon ecosystem. The previous and proposed manual breaching projects are designed to help shape a long-term study currently under development by the National Marine Fisheries Service, U.S. Fish and Wildlife Service, CDFW, and CDPR for management of all species dependent upon a functioning lagoon.

In its negative determination NOAA referenced several ongoing planning efforts to address restoring the Pescadero Lagoon ecosystem:

On September 30, 2014, the Pescadero Lagoon Science Panel (PLSP) circulated an unpublished draft report (NOAA received a copy on June 2, 2015). The PLSP was established in 2013 to provide independent scientific expertise in support of management decisions and possible restoration actions for Pescadero marsh and lagoon. Their primary aim is to provide a common understanding of the system that can serve as a scientific foundation for management decisions going forward. The report discusses some short-to long-term management actions, some of which State and Federal agencies are acting on.

The U.S. Fish and Wildlife Service Coastal Program is funding the San Mateo County Resource Conservation District (RCD) to contract out an assessment of lagoon mouth conditions/state in response to waves, river flow and tides, which would include a quantitative assessment model. The San Francisco Bay Regional Water Quality Control Board is looking at funding a suite of assessments, including an analysis of existing data on water quality, designing and implementing a strategic monitoring program, and an assessment of water routes and changes in water quality during flow over/through the marsh. The San Francisco Bay Regional Water Quality Control Board is also nearing completion of their "Pescadero and Butano Creeks Watershed Sediment TMDL" which will incorporate a Habitat Enhancement Plan for the watershed.

In a July 2013 a multi-agency effort, 54 adult steelhead were captured in the lagoon and released into the ocean. Without such an effort, it is likely the adult steelhead would not have survived in the lagoon for the rest of the summer and fall. Additionally, in early August of this year, the San Mateo County RCD and Peninsula Open Space Trust received nearly one million dollars in grant funding through the California Department of Water Urban Streams Restoration Program to restore the natural floodplain of Butano Creek. The project is expected to improve water quality and improve habitat for State and Federally listed species.

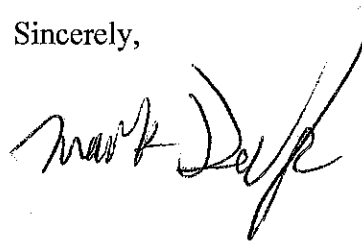
NOAA is looking forward to meeting with State Parks and other agencies to continue discussions regarding a restoration plan.

NOAA has again concluded that targeted, science-based manual breaches will protect and conserve steelhead and are necessary activities until a lagoon-wide restoration plan is developed and receives support from all of the aforementioned agencies. However, until such a restoration plan is developed and implemented, the Commission staff recommends that NOAA, after completion of the proposed manual breaching events in the winter of 2015-2016, prepare and

submit to the Commission staff a report which evaluates any potential impacts to the tidewater goby, California red-legged frog, and San Francisco garter snake (all of which are found in Pescadero Lagoon) which may have occurred from project implementation. NOAA has agreed to prepare and submit this report to the Commission staff, along with the aforementioned post-project water quality monitoring report.

In conclusion, the Commission staff **agrees** that the proposed manual breaching of the sandbar at Pescadero Lagoon up to two times between late August 2015 and March 2016 will not adversely affect coastal resources. The proposed project is similar to one successfully implemented at this location in late 2012 (ND-037-12) and to projects proposed but not implemented in 2013 (ND-0221-13) and 2014 (ND-0046-14). The proposed project is designed to maintain sufficient water quality in the lagoon to reduce the likelihood of fish kills, an annual event which occurred immediately after the natural breaching of the sandbar in the 11 years prior to the 2012 project and again in early 2014. The proposed project includes avoidance and minimization measures to protect sensitive habitat and species, and pre- and post-project water quality data collection and analysis. The information obtained from this project will further assist NOAA and other federal and state agencies in developing a long-term program to eliminate fish kills while protecting other sensitive species and habitats at Pescadero Lagoon. We therefore **concur** with your negative determination made pursuant to 15 CFR 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(for)

CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District
California Department of Parks and Recreation
California Department of Fish and Wildlife
San Francisco Bay RWQCB
National Marine Fisheries Service
U.S. Fish and Wildlife Service
U.S. Army Corps of Engineers
San Mateo County Resource Conservation District
Committee for Green Foothills

CALIFORNIA COASTAL COMMISSION

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



August 24, 2015

Darlene Tooley, Executive Director
Northern Circle Indian Housing Authority
694 Pinoleville Dr.
Ukiah, CA 95482

Re: **ND-0030-15**, Northern Circle Indian Housing Authority Negative Determination,
Housing Repair and Maintenance Activities, Manchester-Point Arena Rancheria,
Mami Laiwa Rd., Mendocino County

Dear Ms. Tooley:

The Northern Circle Indian Housing Authority (NCIHA) has submitted a negative determination on behalf of the federal Housing and Urban Development, Office of Native American Programs, for building exterior and interior repair and maintenance activities at 49 existing homes on the Manchester-Point Arena Rancheria in southern Mendocino County.

Thank you for your cooperation in submitting this determination. The Commission staff **agrees** with the NCIHA that the proposed activities would not adversely affect coastal zone resources. 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 D. Lester".

(for) CHARLES LESTER
Executive Director

cc: Arcata District Office

CALIFORNIA COASTAL COMMISSION

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August 6, 2015

Anne M. Whittington
Environmental Supervisor
Port of Oakland
530 Water Street
Oakland, CA 94607

Subject: No-Effects Determination NE-0005-15 (Dredge Material Disposal at SF-DODS)

Dear Ms. Whittington:

The Coastal Commission staff received the above-referenced no-effects determination for ocean disposal of up to 77,586 cubic yards of material to be dredged to maintain authorized depths at Berths 30, 32, 35, 37, 55, and 56 in the Port of Oakland. The disposal site is the EPA-approved San Francisco Deep Ocean Disposal Site (SF-DODS) located approximately 50 miles west of San Francisco. The dredging aspect of the activity is within San Francisco Bay and does not involve Coastal Commission jurisdiction, but rather the jurisdiction of the San Francisco Bay Conservation and Development Commission.

The Coastal Commission has determined in past federal consistency reviews that transportation of dredged material through the coastal zone to the disposal site outside the zone at SF-DODS could, if not properly conducted, affect the coastal zone. The key to avoiding these effects, according to these reviews, is continuation of adequate testing and monitoring provisions. The consolidated material proposed for ocean disposal was tested by the Port and determined by the interagency Dredge Materials Management Office to be suitable for unconfined aquatic disposal, including at SF-DODS. The sand content at individual berths ranges from 13% to 26% and therefore the dredged materials are not suitable for beach replenishment via disposal at the SF-8 Disposal Site. As a result, the Port is proposing disposal of the dredged material at SF-DODS.

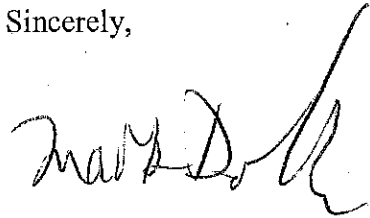
In conclusion, when the Commission concurred in April 1994 with EPA's consistency determination for the designation of the deep water ocean dredged material disposal site (SF-DODS), the Commission determined that disposal at the site would not affect the coastal zone, assuming that dredging would not be authorized unless: (1) an adequate monitoring program remains in place; and (2) the test establishes that the material is suitable for aquatic disposal. Both these tests are met for the proposed 77,586 cu. yds. of dredged material. Thus, with the

Anne Whittington
Port of Oakland

factors discussed above, we agree with the Port of Oakland's assertion that the proposed dredging and disposal at SF-DODS would not affect the coastal zone.

We therefore **concur** with your "no effects" determination. Please contact Larry Simon at (415) 904-5288 if you have any questions.

Sincerely,



(for)

CHARLES LESTER
Executive Director

cc: CCC – North Central Coast District
EPA
U.S. Army Corps of Engineers
BCDC
S.F. Bay RWQCB

CALIFORNIA COASTAL COMMISSION

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



August 25, 2015

Kate Ballantyne
Environmental Programs Manager
San Luis Obispo County
Department of Public Works
Attn: Katie Drexhage
County Government Center, Room 206
San Luis Obispo, CA 93408

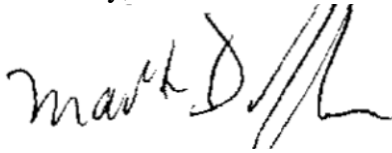
Applicant: **San Luis Obispo County Department of Public Works**
Location: **Highway 1 and 13th St., Oceano, San Luis Obispo Co.**
Project: **Oceano Drainage Project**

CCC Federal Consistency No.: **NE-0006-15**
CCC Permit/Appeal No.: **A-3-SLO-13-220 (Appeal) and 3-14-0221-W (CDP Waiver)**
Local Govt. CDP No.: **DRC 2012-00044**

The Coastal Commission staff has received your request to identify Commission jurisdiction for the purposes of processing an individual, nationwide, general or regional permit from the Army Corps of Engineers (Corps). Pursuant to the federal Coastal Zone Management Act (CZMA), the Corps cannot issue a permit for an activity, either in or out of the coastal zone, that affects land and water uses or natural resources of the coastal zone until the applicant has complied with the requirements of Section 307(c)(3)(A) of the CZMA. (16 USC Section 1456[c][3][A].) The applicant can meet these requirements by receiving a Commission concurrence with either (1) a consistency certification prepared by the applicant or (2) a showing that the activity does not affect the coastal zone. Alternatively, the applicant can satisfy these requirements by the issuance of a Commission approved coastal development permit. Since the Commission cannot delegate federal consistency authority to local governments, a coastal development permit issued by a local agency does not replace the requirement for a consistency certification. The Coastal Commission staff has reviewed the information submitted for the above-referenced project, and has made the following determination:

The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) portions of this project are within the County's coastal development permit (CDP) jurisdiction; (2) the County approved a CDP with conditions; (3) that approval was appealed to the Commission; (4) the Commission determined the appeal raised no substantial issue; (5) portions of the project are within the Commission's CDP jurisdiction; (6) the Commission granted a CDP waiver for this portion of the project; and (7) with the conditions imposed on the permit by the County, the project does not raise significant concerns over protection of coastal resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Delaplane". The signature is fluid and cursive, with a prominent "D" and "L".

MARK DELAPLAINE
Manager, Energy, Ocean Resources,
and Federal Consistency Division

cc: Santa Cruz District
Army Corps, L.A. District