

CALIFORNIA COASTAL COMMISSION

ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY DIVISION
45 FREMONT STREET
SUITE 2000
SAN FRANCISCO, CALIFORNIA 94105-2219
(415) 904-5200 FAX (415) 904-5400
WWW.COASTAL.CA.GOV



W8

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

For the

October Meeting of the California Coastal Commission

September 30, 2016

TO: Commissioners and Interested Parties

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

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 October 2016 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**

NEGATIVE DETERMINATIONS AND NO EFFECT LETTERS

Administrative Items for Federal Consistency Matters

<i>Applicant</i>	<i>Project Description</i>	<i>Project Location</i>
ND-0026-16 Corps of Engineers, Los Angeles District	Dredge and dispose up to twice a year between 100,000 and 500,000 cubic yards of clean sandy sediment from Morro Bay Harbor federal channels, with either nearshore disposal off Morro Bay State Park or surfzone disposal off Morro Strand State Beach, between 2016 and 2022. Action: Concur, 9/15/2016	Morro Bay, San Luis Obispo County
ND-0028-16 Corps of Engineers, Los Angeles District	Santa Barbara Harbor Six-Year Maintenance Dredging and Disposal Program, Santa Barbara County. Action: Concur, 9/21/2016	Santa Barbara Harbor And East Beach, Santa Barbara
ND-0030-16 U.S. Fish and Wildlife Service	Reopen streamflow through restrictive debris structures in Salmon Creek by partially or completely removing the blockages at six locations along the creek, between Hookton Road and the Salmon Creek Unit of the Humboldt Bay NWR, Humboldt County. Action: Concur, 8/31/2016	On Salmon Creek, Between Hookton Road And The Nwr Boundary, Humboldt County
NE-0009-16 Corps of Engineers, San Francisco District	Phillips 66 San Francisco Bay (Rodeo, CA) Refinery, Dredging of 2,710 cu. yds. (SFBCDC's Jurisdiction), with disposal of sandy sediments at SF-8 Action: Concur, 9/14/2016	3 Miles Offshore Of San Francisco'S Ocean Beach
NE-0010-16 Department of Transportation, District 1, Attn: Dana York	Repairs to the north bank concrete slope protection at Elk Creek Bridge, including placement of 400 cu.yds. of rock slope protection at the base of abutment #4 and along the northern embankment of the bridge. Action: Concur, 9/22/2016	Elk Creek Bridge On State Highway 1 (Mp 31.35), Mendocino County (APN(s): 131010RW)

CALIFORNIA COASTAL COMMISSION

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



September 6, 2016

Eduardo T. De Mesa
Chief, Planning Division
Los Angeles District
U.S. Army Corps of Engineers
ATTN: Larry Smith
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90017-3401

Subject: Negative Determination ND-0026-16 (Morro Bay Harbor Six-Year Maintenance Dredging Program, San Luis Obispo County).

Dear Mr. De Mesa:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to modify the existing Six-Year Federal Maintenance Dredging Program in Morro Bay Harbor. In April 2014 the Commission concurred with ND-0011-14 for annual or biannual maintenance dredging of the sand trap and entrance, main, and Navy navigation channels during the 2014-2020 time period. Under that program, the Corps would dredge on average 250,000 cubic yards of sediment between March 1 and September 15 each year, which adheres to the historic dredging schedule at Morro Bay and previous Commission approvals of maintenance dredging at this location. The primary disposal site for that program was the nearshore area off Morro Bay State Park, immediately downcoast of the harbor entrance and historically used by the Corps for disposal of Morro Bay sediments. Physical and chemical testing undertaken by the Corps confirmed that the channel sediments were physically and chemically suitable for placement at either the downcoast nearshore site or an alternate surf-zone disposal site north of the harbor entrance. On January 22, 2014, the Southern California Dredged Material Management Team (SC-DMMT), which includes staff from the Coastal Commission, concurred with the sediment suitability determination made by the Corps for using the Morro Bay federal channel dredged materials for beach nourishment.¹ The maintenance dredging program also included avoidance, minimization, and mitigation measures to protect marine resources, particularly eelgrass beds adjacent to sections of the navigation channels.

The proposed modifications to the 2014-2020 program include restarting the six-year time period such that the maintenance dredging program for the aforementioned harbor channels would now run from 2016 to 2022; adding maintenance dredging of the Morro Channel as needed every 3-4 years depending on funding and channel infill; adding the surf zone at Morro Strand State Beach

¹ This suitability determination is valid through the Fall 2016 dredging event. The Corps will undertake a new round of sediment testing in early 2017 and submit test results and a new suitability determination to the SC-DMMT prior to the commencement of any dredging in 2017. Such a determination is typically valid for three years.

as a second dredged material placement location; expanding the list of dredging equipment depending on the channels to be dredged; and updating the program's environmental commitments.

The newly proposed six-year program includes annual spring maintenance dredging of between 100,000 and 200,000 cu.yds. of sediment, and fall maintenance dredging (when needed) of between 200,000 and 500,000 cu.yds. of sediment. Disposal of clean sandy sediments would continue to occur at the Morro Bay State Park nearshore zone (using clamshell or hopper dredges). If a hydraulic dredge is used, disposal will take place in the surf zone at Morro Strand State Beach immediately north of the harbor entrance. The proposed fall 2016 event will dredge 100,000 cu.yds. from the Navy Channel, 50,000 cu.yds. from the Morro Channel, and 112,500 cu.yds. from the sand trap. The location of dredged material placement will depend in-part on the type of dredging equipment used by the project contractor selected by the Corps and the need for beach nourishment at beaches south and north of the harbor entrance.

The maintenance dredging program includes avoidance, minimization, and mitigation measures to protect marine resources. Eelgrass beds are present adjacent to and within sections of the Navy Channel and Morro Channel (water depths in the entrance channel, main channel, and sand trap are too deep to support growth of eelgrass). The Corps states in its *Draft Supplemental Environmental Assessment for Morro Bay Six Year Federal Maintenance Dredging Program July 2016* that it will implement a 50-foot-wide buffer between the top of the dredge slope and eelgrass beds in order to avoid and/or minimize potential adverse effects to and loss of eelgrass beds during maintenance dredging. The Corps acknowledges that given the requirement to maintain the federal channels and the presence of eelgrass near the eastern boundary of the Morro Channel, some loss of eelgrass may occur during the proposed fall 2016 dredging of this channel.

The June 2016 survey of eelgrass beds in Morro Bay Harbor will serve as a the pre-dredging baseline for the fall 2016 dredging in the Navy Channel and Morro Channel, and a post-dredging eelgrass survey of the harbor will be conducted in spring 2017. Should the spring 2017 survey document that fall 2016 dredging adversely affected eelgrass beds, the Corps will develop and implement a mitigation program consistent with the California Eelgrass Mitigation Policy (CEMP). The Corps reports that the eelgrass mitigation site it developed in 2010 outside of the northwest corner of the Morro Channel (which served as successful mitigation for eelgrass impacts from 2010 maintenance dredging) currently has adequate space for additional eelgrass planting should eelgrass mitigation be required.

If future dredging events during the proposed six-year program would extend into the 50-foot buffer (as established by the most recent eelgrass survey), pre-and post-dredging eelgrass surveys will be conducted to determine the extent of eelgrass impacts that occurred during a subsequent dredging event. If impacts are documented, a mitigation plan would be developed and implemented consistent with the CEMP. The Corps will inform the Commission staff of scheduled maintenance dredging events during the six-year program, will provide documentation supporting the Corps' decision to conduct or not conduct a new eelgrass survey prior to commencement of the next dredging event, and will provide that documentation with adequate

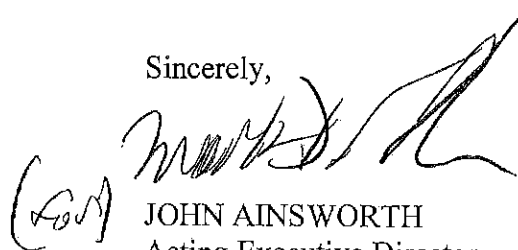
time to allow the Commission staff to consult with the Corps and the other resource agencies on whether the Corps' survey decision is adequate and consistent with the commitment to protect eelgrass.

The Corps reports that the surf zone at Morro Strand State Beach is adjacent to designated critical habitat for the western snowy plover and that the disposal pipeline for surf zone placement of dredged material would be located within that critical habitat. While Morro Strand State Beach is a known wintering habitat for the species, any surf zone disposal would occur outside the snowy plover nesting season and would therefore not affect nesting plovers. Potential effects on critical habitat would be limited to placement, maintenance, and removal of the disposal pipeline. If surf zone disposal is a selected placement option, a pre-construction survey would be conducted at Morro Strand State Beach to determine if plovers are present. If plovers are found on or adjacent to the pipeline corridor, then measures would be implemented to avoid and minimize impacts to plovers and the critical habitat (e.g., avoiding dunes, dune vegetation, naturally occurring beach debris). The Corps has committed to work with the U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and California State Parks to design and implement habitat protection measures should surf zone disposal of dredged sediments be proposed at Morro Strand State Beach.

The proposed dredging and disposal activities will create only minor and temporary impacts to water quality and turbidity, as the dredged sediments are primarily sands which will quickly settle out of the water column. The proposed maintenance dredging program will maintain harbor channels and ensure continued safe navigation for commercial and recreational fishing vessels, recreational boating vessels, and U.S. Coast Guard vessels operation out of Coast Guard Station Morro Bay. Dredged material disposal in the nearshore off Morro Bay State Park and in the surfzone off Morro Strand State Beach will replenish beaches at these popular recreation areas.

Under the federal consistency regulations, 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 project is similar to the six-year maintenance dredging and disposal program concurred with by the Commission in consistency determination CD-074-01 and more recently in negative determinations ND-034-08 and ND-0011-14. In conclusion, the Commission staff **agrees** that the proposed six-year maintenance dredging program at Morro Bay Harbor will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,


JOHN AINSWORTH
Acting Executive Director

ND-0026-16 (U.S. Army Corps of Engineers)
Morro Bay Harbor Maintenance Dredging Program

cc: CCC – Central Coast District
California Department of Fish and Wildlife
Central Coast Regional Water Quality Control Board
NOAA Fisheries
U.S. Environmental Protection Agency

CALIFORNIA COASTAL COMMISSION

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



September 21, 2016

Eduardo T. De Mesa
Chief, Planning Division
Los Angeles District
U.S. Army Corps of Engineers
ATTN: Kirk Brus
915 Wilshire Blvd., Suite 930
Los Angeles, CA 90017

Subject: Negative Determination ND-0028-16 (Santa Barbara Harbor Maintenance Dredging Program, Santa Barbara County)

Dear Mr. De Mesa:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Corps of Engineers proposes to implement a six-year maintenance dredging program at Santa Barbara Harbor. The program includes annual dredging of up to 600,000 cubic yards of sandy material, with beach and surf zone disposal at East Beach, approximately 2,300 to 6,300 feet downcoast of the harbor.

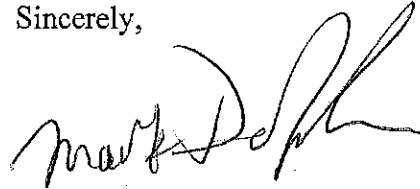
The Corps has tested the sediments and confirmed that they are suitable for beach and nearshore disposal. As has been the case in past maintenance dredging programs at the harbor, dredging and disposal operations will be limited to the period between September 1 and April 30, with a single-point discharge if dredging occurs after March 1 in order to protect grunions. The current proposal includes all the avoidance, minimization, monitoring, and coordination measures that the Commission previously found necessary to protect listed species (including western snowy plovers, grunions, tidewater gobies, and steelhead trout), water quality, and public access and recreation.

Under the federal consistency regulations, 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 Commission and the Executive Director have concurred with a number of consistency and negative determinations for similar activities in Santa Barbara Harbor (CD-021-83, CD-025-86, CD-046-89, CD-058-90, CD-079-91, ND-004-92, CD-040-92, CD-032-93, CD-049-98, ND-035-04, and ND-018-10). The last three were concurrences with six-year maintenance dredging programs.

U.S. Army Corps of Engineers
Santa Barbara Harbor

In conclusion, the Commission staff **agrees** that the proposed six-year maintenance dredging program is similar to the above-referenced consistency and negative determinations and will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 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 "John Ainsworth", written in a cursive style.

(for)

JOHN AINSWORTH
Acting Executive Director

cc: CCC – South Central District

CALIFORNIA COASTAL COMMISSION

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



August 31, 2016

Eric T. Nelson
Refuge Manager
Humboldt Bay National Wildlife Refuge Complex
P.O. Box 576
Loleta, CA 95551

Subject: Negative Determination ND-0030-16 (Salmon Creek Debris Structure Modifications, Humboldt County)

Dear Mr. Nelson:

The Coastal Commission staff has reviewed the above-referenced project. The U.S. Fish and Wildlife Service proposes to restore streamflows through six restrictive debris structures located in Salmon Creek on private property adjacent to and upstream of the Salmon Creek Unit of the Humboldt Bay National Wildlife Refuge. Numerous in-stream debris structures are causing Salmon Creek to cut through levees which in turn allows floodwaters to enter adjacent agricultural fields and diverts essential freshwater away from the recently restored downstream section of Salmon Creek on the Refuge. The Service's 2013 restoration project was designed to improve water quality and fish passage and provide additional off-channel habitat for salmonids, tidewater goby, and other estuarine-dependent species. Due to the debris structures and resulting levee breaches during flooding events, salmonids and other estuarine species are stranded in the adjacent fields with no means to return to Salmon Creek after flood waters recede. The Service, the two private landowners on either side of the subject section of Salmon Creek, and other agencies (e.g., NOAA Fisheries, Natural Resources Conservation Service, U.S. Army Corps of Engineers, and California Department of Fish and Wildlife) have cooperated to develop the proposed short-term solution to the debris structures, while working on a longer term and more sustainable restoration of Salmon Creek upstream of the Refuge.

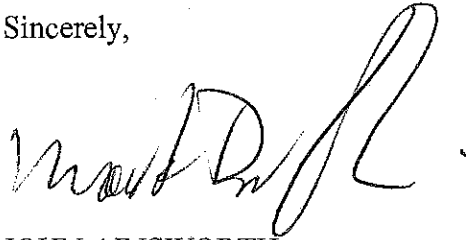
A May 2016 survey of the subject section of Salmon Creek identified 69 woody debris structures in the creek, with 13 of those structures currently blocking water flows. The proposed project would reopen streamflows at six locations by partially or completely removing blockages. The Service believes that this limited work would reduce the chance of additional levee breaches during flood flows, prevent the stranding of salmonids and other fish into the adjacent fields, remove material that could act as fish passage barriers during low to mid-volume flows, prevent a reduction of water flow to the Refuge, and reduce the chance of flooding onto nearby public roads. Wood to be removed would be cut into manageable sizes and then vertically lifted out of the creek channel using either an excavator driven close to the channel site or using a block and tackle system at sites where an excavator cannot be driven to the channel bank. No wheeled or tracked mechanized equipment will operate within the stream channel and no riparian vegetation

ND-0030-16 (U.S. Fish and Wildlife Service)
Humboldt Bay National Wildlife Refuge Complex

will be removed to gain access to the work areas. In addition, three existing levee breaches encompassing a total area of approximately 300 square-feet will be filled and compacted. The volume of material used to fill these areas is approximately 50 cubic yards and will come from former levees on the Salmon Creek Unit of the Refuge. This material was previously tested for contaminants and approved for this proposed use by the North Coast Regional Water Quality Control Board. The proposed project is scheduled to occur in September or early October 2016 when streamflow is minimal and is expected to take two to four days to complete.

Under the federal consistency regulations, 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 project is similar to previously concurred with consistency and negative determinations for restoration projects on the Salmon Creek Unit of the Humboldt Bay National Wildlife Refuge (e.g., ND-0011-15, ND-017-10, ND-031-09, CD-033-92, CD-040-91). In conclusion, the Commission staff **agrees** that the proposed Salmon Creek debris structure modification and levee repair project is similar to the above-referenced consistency and negative determinations and will not adversely affect coastal resources. We therefore **concur** with your negative determination made pursuant to 15 CFR Section 930.35 of the NOAA implementing regulations. Please contact Larry Simon at (415) 904-5288 should you have any questions regarding this matter.

Sincerely,



(Lm)

JOHN AINSWORTH
Acting Executive Director

cc: CCC – North Coast District
NOAA Fisheries
Natural Resources Conservation Service
U.S. Army Corps of Engineers
California Department of Fish and Wildlife

CALIFORNIA COASTAL COMMISSION

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



September 14, 2016

Don Bristol
Don Landeck
Phillips 66
San Francisco Refinery
1380 San Pablo Ave.
Rodeo, CA 94572-1354

Re: **NE-0009-16**, No Effects Determination, Phillips 66, disposal at SF-8 of material dredged from Rodeo Refinery, San Francisco Bay Area

Dear Mr. Bristol and Mr. Landeck:

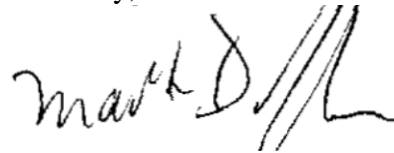
The Coastal Commission staff has received the above-referenced "no effects" determination for SF-8 disposal of approximately 2,710 cubic yards of material being dredged at the Phillips 66 Refinery in the San Francisco Bay area in Rodeo (San Pablo Bay). SF-8 is an EPA-authorized dredged material disposal site, located approximately 3 miles offshore of Ocean Beach, San Francisco. The material has been tested and is suitable for aquatic and beach disposal. The Commission is not reviewing the dredging itself, nor the disposal of any remaining sediments; those aspects of the project come under the CZMA purview of the San Francisco Bay Conservation and Development Commission (BCDC).

The suitability of the material for aquatic and littoral disposal was reviewed by BCDC and the other agencies comprising the interagency Dredge Materials Management Office (DMMO), which was set up to review San Francisco Bay dredging activities. The DMMO recommended beneficial reuse, and disposal at SF-8 has historically been considered beneficial reuse by the DMMO, and by the Commission as consistent with the Coastal Act, because sand disposed at SF-8 nourishes the littoral system at Ocean Beach in San Francisco. The Commission staff has concurred with numerous disposals of sandy material at SF-8 in its review of previous dredging from the Rodeo Refinery dredging/disposal in the following cases: NE-0008-15, NE-005-14, NE-027-11 NE-044-10, NE-45-09, NE-025-08, and NE-024-07.

The Commission staff has also concurred with SF-8 disposal in Corps of Engineers proposals for maintenance dredging of the San Francisco Main Ship Channel (ND-020-06, ND-062-05, ND-012-04, ND-005-03, ND-004-02, ND-009-01, ND-018-00, and ND-010-98), as well as in other Corps of Engineers and individual San Francisco Bay Ports' dredging activities (NE-070-05, NE-075-05, ND-43-01, ND-105-00, NE-97-96, ND-99-95, and ND-82-94).

In conclusion, the Commission staff agrees that the proposed disposal would not adversely affect coastal zone resources. Accordingly, and consistent with the above-described past reviews, we **concur** with your "no effects" determination. Please contact Mark Delaplaine at (415) 904-5289 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Delaplaine". The signature is stylized with a large, sweeping "M" and "D".

(for) JOHN AINSWORTH
Acting Executive Director

cc: North Central Coast Office
EPA (Brian Ross, Allan Ota, Melissa Scianii)
U.S. Army Corps of Engineers, S.F. District (Rob Lawrence, Debra O'Leary)
BCDC (Brenda Goeden)
RWQCB, S.F. Bay Region (Elizabeth Christian)

CALIFORNIA COASTAL COMMISSION

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



September 22, 2016

Dana York
Senior Environmental Planner
Environmental Services Branch
Caltrans District 1
ATTN: Laurel Osborn
P.O. Box 3700
Eureka, CA 95502-3700

Subject: No-Effects Determination NE-0010-16 (Elk Creek Bridge Repairs, State Highway 1
Post Mile 31.35, Mendocino County)

Dear Mr. York:

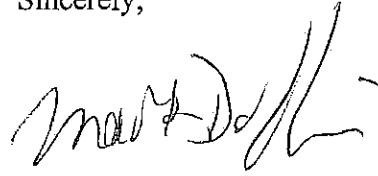
The Coastal Commission staff has reviewed the above-referenced no-effects determination, submitted after-the-fact for emergency repairs to the Elk Creek Bridge undertaken in April and May 2016. Caltrans states that heavy rains in February and March 2016 increased flows in Elk Creek which contributed to changes in creek morphology and redirected creek flows to the north, causing scour and erosion of the north bank of the creek. As a result, structural portions of the Elk Creek Bridge failed, including concrete slope protection. Caltrans determined on March 6 that erosion control measures would be needed in order to avoid loss of the bridge and closure of Highway 1. The proposed repairs were exempt from coastal development permit requirements due to the declaration of a state of emergency by the governor's office. However, given the need for Caltrans to obtain a U.S. Army Corps of Engineers Regional General Permit #5 for the project, Caltrans is submitting this no-effects determination to satisfy its federal Coastal Zone Management Act federal consistency requirement.

Caltrans constructed a temporary unimproved road to the northern abutment of the bridge and placed approximately 400 cubic yards of rock slope protection at the compromised abutment and the upstream/northern eroded embankment. The rock work covered approximately 10,000 square feet, willows were subsequently planted within this area to revegetate the streambank, and an erosion control seed mix and straw were placed on the temporary road to assist in restoration to pre-project conditions. Caltrans coordinated with the Commission staff, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service prior to project implementation to ensure that listed species, environmentally sensitive habitat, and water quality were protected during bridge abutment repairs and placement of rock slope protection.

California Department of Transportation
Elk Creek Bridge

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

Sincerely,



(s)

JOHN AINSWORTH
Acting Executive Director

cc: CCC – North Coast District
Corps of Engineers – Eureka
USFWS – Arcata
NMFS – Santa Rosa
CDFW – Willits