

**CALIFORNIA COASTAL COMMISSION**

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

**F 11****ENERGY, OCEAN RESOURCES, AND FEDERAL CONSISTENCY DIVISION REPORT**

**FOR THE**  
**FEBRUARY 12, 2016 MEETING OF THE CALIFORNIA COASTAL COMMISSION**

**TO: Commissioners and Interested Parties**

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

<b>DE MINIMIS WAIVER</b>		
<b>APPLICANT</b>	<b>PROJECT</b>	<b>LOCATION</b>
<b>9-16-0072-W</b> Pacific Gas & Electric Company	Replace two damaged existing groundwater monitoring wells (90-3 and 85-P1).	Morro Bay Power Plant San Luis Obispo County

<b>EMERGENCY PERMIT WAIVERS</b>
Executive Director's Determination of waiver of permit requirements for the : <ul style="list-style-type: none"> <li>• Temporary public access closure at Humboldt Bay Power Plant until January 31, 2016</li> <li>• Emergency 8X sump removal work at the Guadalupe Restoration Project site.</li> </ul>

<b>NEGATIVE DETERMINATION</b>		
<b>APPLICANT</b>	<b>PROJECT</b>	<b>LOCATION</b>
<b>ND-0040-15</b> U.S. Marine Corps	Conversion of fallow agricultural land to military training area Action: <b>Concur, 1/14/2016</b>	Stuart Mesa, Camp Pendleton Marine Corps Base, San Diego County

<b>NO EFFECTS DETERMINATION</b>		
<b>APPLICANT</b>	<b>PROJECT</b>	<b>LOCATION</b>
<b>NE-0001-16</b> SANDAG	Double-track emergency embankment repairs Action: <b>No Effects, 1/15/2016</b>	Sorrento Valley, San Diego



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February 1, 2016

## **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:** 9-16-0072-W

**Applicant:** Pacific Gas & Electric Company

**Location:** 1290 Embarcadero Road, Morro Bay, San Luis Obispo County (APN: 066-33-1035)

**Proposed Development:** Replace two existing groundwater monitoring wells (90-3 and 85-P1) that have damage to their screened intervals below the ground surface.

As the former owner of the Morro Bay Power Plant (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). A previous Coastal Development Permit waiver (#9-14-1491-W) issued by the Commission authorized the installation of groundwater monitoring wells in areas of suspected contamination within the MBPP grounds, allowing PG&E to measure Total Petroleum Hydrocarbon concentrations in groundwater and evaluate the need for remediation.

Under the current proposal, two damaged existing monitoring wells would be replaced by overdrilling the existing well casings, removing the damaged casings and annular materials, and reconstructing the wells within the same boreholes using new materials. The replacement wells would have the same depths (26 – 32 ft), screened intervals, and construction materials as the wells they replace, and would be operated identically (i.e., semi-annual sampling of less than 1 liter of groundwater). Soil and other materials removed during redrilling would be tested for contaminants and disposed of safely in a manner dictated by the soil test results. Replacement of the existing monitoring wells would require the use of two drill rigs, and is anticipated to occur over a period of two days during the first quarter of 2016.

This work was initiated in consultation with the DTSC and would be performed in accordance with a DTSC-accepted work plan.

**Coastal Development Permit De Minimis Waiver**

9-16-0072-W

The project site is located in the coastal zone, with one well 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.

**Rationale:** For the following reasons, 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 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 rigs used for the project will be in place temporary and their 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.

This waiver will not become effective until reported to the Commission at the February 10 – 12, 2016 meeting in Morro Bay, 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: Central Coast District Office  
Cindy Jacinth, City of Morro Bay  
File

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January 27, 2016

Kris Vardas  
Pacific Gas & Electric Company  
1000 King Salmon Avenue  
Eureka, CA 95503

**VIA EMAIL:** KAV6@pge.com

**RE:** Response to Emergency Authorization Request for Temporary Public Access Closure,  
Humboldt Bay Power Plant, Humboldt County – Waiver of Emergency Permit

Dear Mr. Vardas:

On December 23, 2015, Commission staff received your telephone request to conduct emergency development without a permit. Based on the information you provided, Commission staff understands that PG&E identified damage caused by storm waves and high King Tides to the public access trail along the Humboldt Bay Power Plant shoreline. The trail is required pursuant to Coastal Development Permit No. E-05-001. You stated that conditions at the time of your request were too dangerous to allow a full inspection of the trail, though you noted that a gate had been damaged and water was over some sections of the trail. PG&E proposed to immediately close the trail to prevent hazards to public safety and to continue the temporary closure until January 31, 2016. The closure until the end of January would encompass the King Tides occurring in mid-January and would allow PG&E to conduct the necessary trail inspections during calmer conditions. As part of the closure, PG&E was to place signs at either end of the trail alerting the public to the temporary closure. The closure does not include the overlook at the south end of the trail, which provides a tsunami escape route to the residents and visitors in the nearby community of King Salmon.

I have determined that PG&E's emergency action is consistent with the provisions of Section 30611 of the Coastal Act, which allows the executive director to waive permit requirements for emergency situations such as you described. We will report this determination to the Coastal Commission at the next Commission meeting February 10-12 in Morro Bay, California. Please contact Tom Luster of the Energy, Ocean Resources, and Federal Consistency Division at 415-904-5248 if you have any questions.

Sincerely,

  
(for) CHARLES LESTER  
Executive Director

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February 4, 2016

Carri Douglas  
2184 West Thornberry Road  
Guadalupe, California 93434

**RE: Waiver of Emergency Permit for 8X Sump Excavation**

Dear Ms. Douglas:

On January 15, 2016, Coastal Commission staff received a request from Lisa Bugrova of Padre Associates (acting as Chevron's agent), for emergency authorization to remove exposed sump material (weathered crude) from an area called the "8X sump" that had become exposed due to high surf on the western edge (the back beach area) of what was formerly the Guadalupe oil field and is now the Guadalupe Restoration Project site. Although there was no evidence that sump material had been eroded and washed out into the ocean, a number of State agencies, including the California Department of Fish and Wildlife and the Central Coast Regional Water Quality Control Board, requested Chevron undertake immediate action to remove the sump material to reduce the risk of reburial by sand, erosion of the material into the ocean from high surf events, or delay resulting in the potential for excavation activities to be conducted during the Western Snowy Plover nesting season (after March 1).

Via email, Alison Dettmer of my staff authorized the removal by mini excavator of approximately 65 cubic yards of sump material. Following completion of the work (on January 18 and 19, 2016) Chevron submitted on January 26, 2016, an application for an emergency permit for the 8X sump removal work. The disturbance area was surveyed for rare or sensitive plant species prior to the start of work activities and none were identified. The excavation occurred in an un-vegetated area. Biological monitors nevertheless were present on-site and public "meet and greet" stations were staffed at either end of the excavation area for the duration of the excavation activities along the public beach. The work did not result in loss of beach access. The excavation area was backfilled and graded to match the surrounding topography. Commission staff agrees that no post-excavation active restoration work is necessary.

I have determined that Chevron's emergency action is consistent with the provisions of Section 30611 of the Coastal Act, which allows the executive director to waive permit requirements for emergency situations such as this. We will report this determination to the Coastal Commission its next meeting February 10-12 in Morro Bay, California. Please contact Alison Dettmer at 415-904-5205 if you have questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Dettmer" followed by a flourish.

CHARLES LESTER  
Executive Director

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# F11

**DATE:** February 4, 2016

**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-0040-15
APPLICANT:	U.S. Marine Corps
LOCATION:	Stuart Mesa, Camp Pendleton Marine Corps Base, San Diego Co.
PROJECT:	Conversion of fallow agricultural land to military training area
ACTION:	Concur
ACTION DATE:	1/14/2016

PROJECT #:	NE-0001-16
APPLICANT:	SANDAG
LOCATION:	Sorrento Valley, San Diego
PROJECT:	Double-track emergency embankment repairs
ACTION:	No effects
ACTION DATE:	1/15/2016

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January 14, 2016

B. Battista  
Head, Environmental Planning  
MCIW – Marine Corps Base  
Box 555008  
Camp Pendleton, CA 92055

Subject: Negative Determination ND-0040-15 (Conversion of Stuart Mesa West Agricultural Fields, Camp Pendleton, San Diego County)

Dear Mr. Battista:

The Coastal Commission staff has reviewed the above-referenced negative determination. The Marine Corps proposes to convert 304 acres of fallow agricultural land located within Stuart Mesa West to a military training area. The project site is located at the southern end of Camp Pendleton, between Interstate 5 and White Beach and north of the Santa Margarita River. The site was leased for agricultural use for decades until the expiration of the most recent lease in January 2011. The Marine Corps did not renew the lease as it had determined that the land was needed for future military training operations. Subsequently, the site was disked and mowed to allow for soil sampling, repair, and maintenance activities in preparation for non-agricultural land uses. The Marine Corps states that:

*The proposed conversion . . . would accommodate combined land, air, and sea training operations needed to support USMC requirements under 10 USC § 5063. Construction of the new access roads, general site improvements, and proposed training operations is needed because MCB Camp Pendleton lacks a dedicated training area that can accommodate all three types of training operations required for MAGTFs [Marine Air-Ground Task Force].*

Training activities at the project site would include amphibious assault vehicle landings, infantry and mechanized formation operations, rotary wing and tilt-rotor aircraft operations, and logistics support. The proposed site improvements to support the planned training operations would be constructed over a six-month period and include:

- Site grading to remove remaining agricultural vegetation and quarterly mowing to prevent re-growth of vegetation that would hinder training activities.
- Grading two 25-foot-wide and 400-foot-long dirt access roads between White Beach and the upland training area.
- Rough-grading of a 3,170-foot-long access road at the southern edge of the training area.

The Marine Corps reports that there are approximately 13,500 acres of land within Camp Pendleton (including the 304-acre project site) that are designated as prime farmland by the U.S. Department of Agriculture. The Marine Corps further states that:

*Projects are subject to federal Farmland Protection Policy Act requirements if they would irreversibly convert farmland (directly or indirectly) to non-agricultural uses and are completed by a federal agency or with assistance from a federal agency. While conversion of former agricultural lands (Prime Farmland) would occur as a result of . . . [the proposed project], lands on MCB Camp Pendleton are not subject to the Farmland Protection Policy Act because acquisition or use of farmland by a federal agency for national defense purposes is exempt [from Farmland Protection Policy Act requirements].*

The *MCB Camp Pendleton 2030 Base Master Plan (USMC 2010b)* identifies agricultural lands that are not being leased as potential development and expansion areas. The proposed training area would be sited, designed, and constructed consistent with the guidelines presented in the *Base Master Plan* and proposed development would be contained within existing military designations at Camp Pendleton. The proposed land conversion and training area development follows previous Marine Corps conversions of former agricultural land on Stuart Mesa. In February 2009 the Executive Director concurred with negative determination ND-060-08 for construction of military family housing on a 390-acre parcel of land formerly leased for agricultural operations east of Interstate 5. In October 2015 the Executive Director concurred with ND-0031-15 for construction of a ground-based solar photovoltaic system on a 194-acre portion of the aforementioned 390-acre parcel. Additionally, in December 2010 the Executive Director concurred with ND-039-09 for establishment of the Sierra Training Area in an area previously leased to agricultural operators located east of San Mateo Creek at the north end of Camp Pendleton. In these actions, the Executive Director concurred that the proposed conversions and new land uses would not adversely affect coastal resources.

The negative determination states that:

*The proposed new training area would be available for operations 24 hours per day and year-round. However, training activities (i.e., amphibious landings and use of new beach access roads) on sandy beach areas within the project site and aircraft operations would be restricted per the Riparian and Estuarine Programmatic Conservation Plan and associated Riparian Biological Opinion (USFWS 1995).*

The provisions of the *Conservation Plan* and *Biological Opinion* include numerous measures (e.g., restrictions on foot traffic, vehicle traffic, aircraft operations) to protect fenced or posted nesting areas of listed species in upland areas and sandy beaches, and to protect riparian and biological resources in the Santa Margarita River Management Zone.

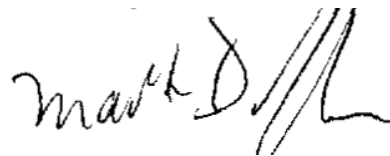
The project site is located entirely within the restricted boundary of Marine Corps Base Camp Pendleton, and therefore the proposed land use conversion and military training operations will not affect public access to the shoreline at this location. Future public views across the project



area towards the Pacific Ocean from Interstate 5 may occasionally include military vehicles, aircraft, and other indications of training operations, but currently viewing such activity from Interstate 5 within Camp Pendleton is not uncommon. While no environmentally sensitive habitat (ESHA) or listed species are present on the subject parcel, the adjacent sandy beach and the Santa Margarita River corridor do contain ESHA and support a number of listed species, including the California least tern, Western snowy plover, coastal California gnatcatcher, and Ridgway's rail. The Marine Corps states that any potential effects on sensitive habitats and listed species will be minimized and/or mitigated through avoidance and conservation measures coordinated with the U.S. Fish and Wildlife Service under the *Programmatic Activities and Conservation Plans in Riparian and Beach/Estuarine Ecosystems on Marine Corps Base Camp Pendleton Biological Opinion* (October 30, 1995). Storm water best management practices will be incorporated into the design and construction of roads and site improvements, and will be implemented during training operations in order to protect coastal water quality to the maximum extent practicable.

Under the federal consistency regulations (15 CFR §930.35), 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 agricultural land conversion and military training area development is similar to previous consistency and negative determinations concurred with by the Commission and Executive Director for land use changes and redevelopment at Camp Pendleton. In conclusion, the Commission staff **agrees** that the proposed land use conversion and development of a military training operation at Stuart Mesa West on Marine Corps Base Camp Pendleton 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. L.", with a stylized flourish at the end.

(for) CHARLES LESTER  
Executive Director

cc: CCC – San Diego Coast District  
Matthew Lorne, MCB Camp Pendleton

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January 15, 2016

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

Subject: No-Effects Determination NE-0001-16 (Sorrento Valley Double Track Emergency  
Embankment Repairs, San Diego County)

Dear Mr. Rundle:

The Coastal Commission staff has reviewed the above-referenced no-effects determination. SANDAG proposes to install riprap along a 1,000-foot-long section of railroad embankment immediately east of Soledad Creek and north of the Sorrento Valley Coaster railroad station. An El Niño driven storm on January 5, 2016, resulted in flood flows in Soledad Creek which eroded away substantial portions of new, unarmored railroad embankment constructed as an element of the Sorrento Valley Double Track project, concurred with by the Commission in October 2012 (CC-056-11). SANDAG reports that the erosion has “severely compromised the safety of the westerly train track . . . In many places the slope of the embankment is essentially vertical and therefore subject to additional failure during future rain events.” The proposed emergency work would be conducted on January 16 and 17 during a previously-scheduled shutdown of railroad traffic for construction and maintenance projects within the rail corridor. This schedule would also reduce the time that the eroded embankment will be exposed to expected future flood events this winter.

The proposed project includes the following elements:

- Excavation of 75 cubic yards within native material to create an approximately 2-foot-deep toe-in at the foot of the eroded embankment;
- Placement of 16,250 square-feet of geotextile fabric continuously on top of the existing eroded embankment;
- Placement of approximately 1,100 cubic yards of Caltrans D50 light riprap continuously along the 1,000 feet of failed embankment.
- Covering the toe of the riprap slope with the excavated native material and planting willow cuttings in soil within riprap voids; and
- Revegetation of disturbed areas in accordance with Sorrento Valley Double Track project permits and consistency certification.

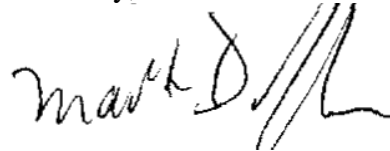
In addition, SANDAG states that:

*To the extent feasible, the embankment will be restored within the permitted permanent impact footprint for SVDT [Sorrento Valley Double Track; CC-056-11]. The contractor will install a new ESA fence to ensure work is contained within the SVDT temporary impact footprint. Other applicable conditions of the SVDT NWP [Corps of Engineers Nationwide Permit] will be implemented during this emergency work. With this approach, mitigation and compensation will be full implementation of the SCDT restoration plan in accordance with the NWP conditions.*

SANDAG also reported to the Commission staff that all mitigation and compensation required as a result of the proposed project will also be in full compliance with the habitat restoration and mitigation commitments made by SANDAG in CC-056-11. If the proposed riprap installation results in an increase in the permanent impact footprint of the SVDT project beyond that anticipated in CC-056-11, SANDAG will mitigate that impact increase consistent with the mitigation commitments included in CC-056-11. SANDAG also reported that the proposed riprap protection will be similar in design and use the same size of rock that was placed along the western slope of other sections of the railroad embankment as an element of CC-056-11. Those protected sections did not suffer any damage during the January 5 flood event. SANDAG will provide the Commission staff with final post-construction plans and cross sections of the riprap embankment, photographs of the completed work, and a detailed summary of the habitat restoration and mitigation work (including required monitoring and maintenance) undertaken upon completion of the riprap construction, consistent with the findings adopted by the Commission in CC-056-11.

In conclusion, the Commission staff **agrees** with SANDAG's no-effects determination that the proposed riprap installation along the western embankment of a section of the Sorrento Valley Double Track project will not adversely affect coastal resources beyond a level of impact previously reviewed and concurred with by the Commission in CC-056-11. 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 – San Diego Coast District  
Cheryle Hodge, SANDAG  
Erich Lathers, BRG Consulting, Inc.