

**CALIFORNIA COASTAL COMMISSION**

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

**ENERGY, OCEAN RESOURCES, AND WATER QUALITY DIVISION REPORT**

FOR THE

**NOVEMBER 17, 2005 MEETING OF THE CALIFORNIA COASTAL COMMISSION**

**TO:** Commissioners and Interested Parties

**FROM:** Alison Dettmer  
 Manager, Energy & Ocean Resources Unit

**DE MINIMIS WAIVER**

APPLICANT	PROJECT	LOCATION
<b>E-05-013-W</b> Poseidon Resources Corporation	Extend the operation of an existing desalination test facility at the Encina Power Station until Oct. 31, 2006. The facility has operated since January 2003 and its extended operation expires on Oct. 31, 2005.	Encina Power Station San Diego County

**IMMATERIAL AMENDMENT**

APPLICANT	PROJECT	LOCATION
<b>E-02-024-A1</b> State Lands Commission	Remove abandoned and hazardous structures from four additional onshore locations along about a half-mile stretch of Goleta Beach in Santa Barbara County.	Onshore Goleta Beach Santa Barbara County



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

**DATE:** November 2, 2005 **PERMIT NO:** E-05-013-W  
**TO:** Coastal Commission and Interested Parties  
**SUBJECT:** Waiver of Coastal Development Permit Requirements

Based on the plans and information submitted by the applicant for the development described below, the Executive Director of the Coastal Commission hereby waives the requirements for a coastal development permit ("CDP"), pursuant to Section 30624.7 of the California Coastal Act.

**Applicant:** Poseidon Resources Corporation

**Background:** This waiver would allow continued operation of an existing desalination test facility at the Encina Power Station in Carlsbad, San Diego County. The facility has operated since January 2003 under three temporary waivers previously authorized by the Coastal Commission. In November 2002, the applicant first requested a waiver to allow construction and operation of the facility for up to one year. In November 2003, the applicant requested another waiver to allow the facility to operate and then be removed by October 31, 2004. Last year, the Commission authorized a third waiver request allowing the facility to operate and then be removed by October 31, 2005.

This new waiver would allow the facility to operate until October 31, 2006, when the facility is to be removed and the site restored. The waiver would allow placement and operation of test equipment, connection to and use of the power plant cooling water system, and discharge of treated water to the cooling water system. It would also allow a small amount of the processed water (less than 1%) to be sent to laboratories for testing or bottled as drinking water samples.

This waiver does not authorize any other activities that may be associated with a larger or more permanent desalination facility, as such a proposal will require additional review for conformity to the Coastal Act.

**Project Location:** Encina Power Station, 4600 Carlsbad Blvd., Carlsbad, San Diego County.

**Project Description:** The project purpose is to test and compare the effectiveness of various seawater desalination techniques and equipment under different seasonal source water conditions. The applicant has operated the facility since January 2003 in conjunction with the power plant owner, Cabrillo Power I LLC. The facility uses seawater from the Agua Hedionda lagoon after it passes through the power plant's once-through cooling system. The desalination test facility diverts up to 200 gallons per minute from the power plant's cooling system, which, in turn, uses up to 857 million gallons per day of seawater from the Agua Hedionda Lagoon. After testing, about 99% of the water is returned to the existing power plant discharge, which is then discharged through a nearshore structure to the Pacific Ocean. Water not returned to the discharge either is sent to laboratories for testing or is bottled to provide drinking water samples.

Project elements include the following:

- **Equipment:** The project includes sled-mounted desalination test equipment, a 500-gallon raw water tank, 500-gallon filter tank, pump/instrumentation skid, reverse osmosis equipment, operations office, and storage. The project-related equipment covers less than 1500 square feet, and the tallest equipment is about 20 feet high.
- **Location:** The equipment is located on the power plant's parking lot in the west-central portion of the power plant site, and covers about 30 of the plant's 184 parking spaces.
- **Timing:** The project has operated since January 2003 as authorized by three previous waivers and this waiver would allow the facility operate for about one additional year, until October 31, 2005. The test equipment is to be removed and the site restored to its previous conditions by that date.

The proposed project has also been reviewed and approved by the San Diego Regional Water Quality Control Board. The Board determined that discharges from the proposed project would conform to the discharge limits of the power plant's existing NPDES permit, although it required additional sampling to confirm that the desalination discharge would meet those limits. The project has also been approved by the City of Carlsbad, and is subject to a City building permit, electrical permit, and Fire Marshal approval.

**Waiver Rationale:** For the following reasons, the proposed project will not have a significant adverse effect, either individually or cumulatively, on coastal resources, nor will it conflict with the policies of Chapter Three of the Coastal Act:

- The project is not expected to change the existing water quality in Agua Hedionda or the nearshore discharge area of the Pacific Ocean, as it will use water already being used by the power plant and will discharge the recombined desalted water and brine back into the power plant's existing discharge at a rate well below 1% of the power plant's total discharge volumes.
- There is little risk for movement of hazardous material offsite, as the project is located within the existing power plant boundaries and is subject to the plant's safety, hazardous material, and emergency response plans, and is subject to Fire Marshal review for hazardous material storage and use.
- The project takes place on an existing paved area within an existing industrial site. It does not require vegetation removal and it will have minimal impacts on other natural resources.
- The project is not anticipated to limit or alter coastal access. The equipment covers about 30 of the 184 existing parking spaces within a restricted access area at the power plant. As part of a previous waiver application, the applicant stated that a recent parking survey showed the maximum parking demand at the plant was about 100 spaces, so the project will only take up what is considered excess parking capacity.

- The project will not create growth-inducing impacts, as about 99% of the water used by the facility is returned to the power plant discharge, rather than used as potable water supply. The remaining 1% either is sent to laboratories for testing or is bottled as drinking water samples.
- The project site is surrounded by mature trees that screen the facility from passing motorists on Carlsbad Boulevard and from local residents, so the project does not adversely affect visual resources.

Important: This waiver is not valid unless the project site has been posted and until the waiver has been reported to the Coastal Commission. This waiver will be reported to the Commission at the meeting of November 16-18, 2005 in Los Angeles. If four or more Commissioners object to this waiver, a coastal development permit will be required.

Sincerely,

Peter M. Douglas  
Executive Director

By: Alison Dettmer

ALISON J. DETTMER  
Manager  
Energy and Ocean Resources Unit



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## NOTICE OF PROPOSED IMMATERIAL AMENDMENT TO PERMIT #E-02-024

November 3, 2005

**TO:** All Interested Parties

**FROM:** Peter M. Douglas, Executive Director

**SUBJECT:** Proposed Immaterial Amendment to Coastal Development Permit #E-02-024 issued to State Lands Commission for removal of abandoned and hazardous structures from state beaches and waters.

The Executive Director of the Coastal Commission has reviewed the submitted proposed amendment to the above-referenced permit, which would allow removal of structures at Goleta State Beach.

### Background:

On April 11, 2003, the Coastal Commission granted Coastal Development Permit Number E-02-024 to the California State Lands Commission, subject to special conditions, to remove a number of abandoned and hazardous structures from state beaches and state waters at 17 sites in and along the Santa Barbara Channel. These structures included steel beams, well casings, caissons, pipes and cables, and other similar objects. The structures were to be removed using various methods and equipment, including excavators, cutting torches, vibratory pile extractors, and others.

The permit included special conditions requiring the State Lands Commission to avoid and minimize potential adverse effects to coastal resources by working outside periods when sensitive species may be present in the work areas, fueling equipment away from the beach areas and only over paved or impervious surfaces, performing pre- and post-construction surveys to determine whether project activities disturb any areas of terrestrial vegetation that may require mitigation, and others (see **Exhibit 1** – Special Conditions from Coastal Development Permit #E-02-024).

### Permit E-02-024 is proposed to be amended to allow the following change:

The amendment would allow removal of the same types of abandoned and hazardous structures from four additional onshore locations along about a half-mile stretch of Goleta Beach, in Santa Barbara County (see **Exhibit 2** – Site Map). The four locations are the sites of abandoned oil and gas wells that were developed in the 1920s and 30s and were shut-in shortly thereafter. The remaining structures on site consist primarily of caissons and steel H-piles. They will be removed to the cobble line, which represents the expected long-term low level for future beach erosion. Any remnant portions of the structures will be smoothed to reduce the potential for future hazards.

Work will occur during daylight hours and during low tide periods (less than +1.0 foot) from November 2005 through February 2006. All equipment and removed material will be taken off the beach area at the end of each work day. Equipment will be staged at either of two locations – at the east end of the Goleta Beach County Park parking lot or at a storage area used by Southern California Gas Company. Work will be done when public use of the area is expected to be relatively low. All work done at these locations will be subject to those conditions of the original permit that are relevant to these onshore work sites and staging areas.

**Immaterial Permit Amendment:**

Pursuant to the California Code of Regulations—Title 14, Division 5.5, Volume 19, Section 13166(b)—the Executive Director has determined this amendment to be immaterial. The proposed project change is minor, consisting of allowing the same type of work done pursuant to Coastal Development Permit E-02-024 at one additional location. The work would be subject to the same conditions as work done under the original permit. The proposed work is expected to reduce hazards to public access and public use of the beach.

**Objections or Additional Information:**

If no written objection to this notice of immaterial amendment is received at the Commission office within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive and the amendment shall be approved (pursuant to Coastal Act Section 13166(b)(1)). Please submit any written objections or comments no later than November 15, 2005.

Pursuant to Section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the Executive Director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the immaterial amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting (pursuant to Coastal Act Section 13166(b)(2)). If any three (3) Commissioners object to the Executive Director's designation of immateriality, the amendment application shall be referred to the Commission for action as set forth in Section 13166(c). Otherwise, the immaterial amendment shall become effective.

Pursuant to Section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the Executive Director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the immaterial amendment application shall be referred to the Commission for action as set forth in Section 13166(c).

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If you wish to register an objection to this notice, please send the objection in writing to Tom Luster at the above address or via facsimile to (415) 904-5400. If you have any questions, you may contact him at (415) 904-5248 or via email at [tluster@coastal.ca.gov](mailto:tluster@coastal.ca.gov).

**EXHIBIT 1: SPECIAL CONDITIONS OF COASTAL DEVELOPMENT PERMIT E-02-024**

1. Project Timing Restrictions: Project-related work shall not occur at the following sites during the following time periods:
  - Site 19 (Casitas Pier): Project activities shall not be done at this site during the harbor seal pupping season between December 1 and May 31 of any year.
  - Site 24 (Pauley well, offshore): Project activities shall not be done at this site during the gray whale migration seasons December 1 through February 28 of any year.
  - Various sites: The Permittee shall also consult with the California Department of Fish and Game (CDFG) to determine which project sites are used for grunion spawning. Project activities at those sites shall not occur between March 1 and September 15 of any year, unless those activities and a grunion monitoring plan are approved by CDFG.
2. Prevention of Further Hazards: If project-related structures are only partially removed during the project, the remaining parts of the structures that may be exposed shall be treated to present a smooth surface that will reduce the possibility of harm to human or marine life and will reduce snagging of marine debris.
3. Eelgrass Survey and Mitigation: The Permittee shall conduct pre- and post-project eelgrass surveys to determine whether eelgrass is damaged during project activities. The survey protocols shall be submitted to the Executive Director for review and approval, and shall, at a minimum, conform to the Southern California Eelgrass Mitigation Policy (Appendix B). The Permittee shall provide survey results to the Executive Director within 30 days of completing each survey.

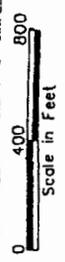
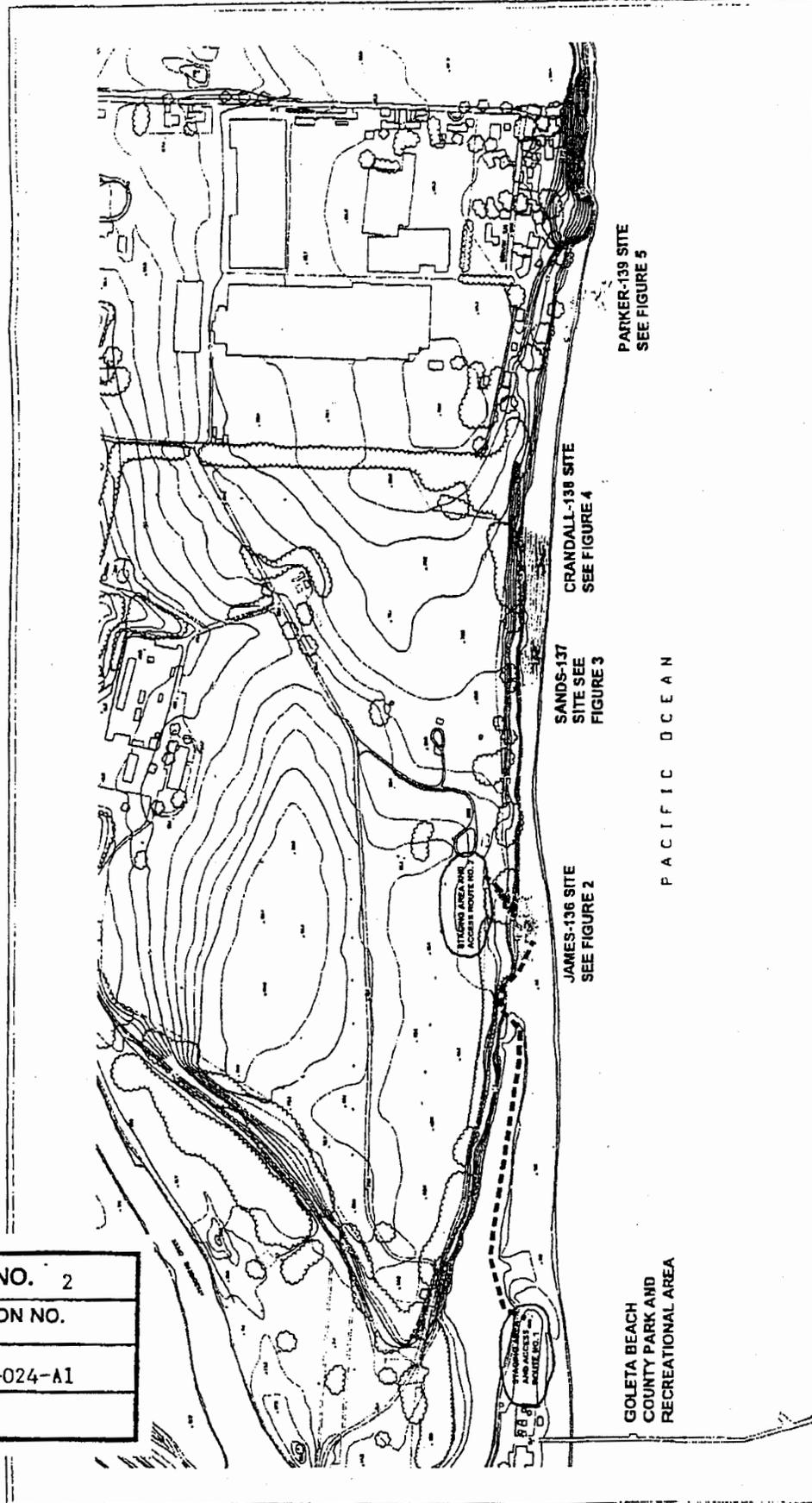
If the Executive Director determines that less than 10 square meters of eelgrass was damaged during project activities, the Permittee shall submit for Executive Director review and approval a mitigation plan that conforms to the protocols of the Southern California Eelgrass Mitigation Policy. If the Executive Director determines that 10 square meters or more eelgrass area was damaged, the Permittee shall submit an application for permit amendment to determine mitigation requirements.

4. Anchoring Plan: Before starting construction at project sites requiring anchoring, the Permittee shall provide an anchoring plan for review and approval by the Executive Director. This plan shall identify all areas of hard bottom substrate in the project area and shall include measures to avoid direct and indirect impacts to these areas. Project-related construction at sites where anchoring is necessary shall not begin before the Executive Director approves the plan.
5. Caulerpa taxifolia Pre-construction Survey: No earlier than 90 days and no later than 30 days before starting project construction, the Permittee shall complete a survey of the nearshore portion of the project area in accordance to the protocols established in Section D of the *Caulerpa* Control Protocol established by the Southern California *Caulerpa* Task Force, dated November 22, 2002. Within five (5) business days of completing the survey, the Permittee shall submit the results for review and approval by the Executive Director and the Task Force's Surveillance Subcommittee (contact William Paznokas, California Department of Fish and Game, at 858-467-4218 or Robert Hoffman, National Marine Fisheries Service, at 562-980-4043).

If *Caulerpa taxifolia* is found within the survey area, the Permittee shall not proceed with the project until (a) the Permittee provides evidence to the Executive Director that all *Caulerpa taxifolia* discovered within the survey area has been eliminated in a manner that complies with all applicable regulatory requirements, including the Coastal Act, or (b) the Permittee has revised the project to avoid any contact with *Caulerpa taxifolia*. No revisions to the project shall occur without a Coastal Commission-approved amendment to this coastal development permit, unless the Executive Director determines that an amendment is not required.

6. Spill Prevention and Response Plan: Before starting construction, the applicant shall submit evidence to the Executive Director that the spill response plan required of the project's work vessels and approved by the U.S. Coast Guard also meets the requirements of the California DFG Office of Spill Prevention and Response.
7. Fueling and Fuel Storage: At onshore project sites, equipment and vehicles shall be fueled away from the beach at staging areas over paved or impervious surfaces, and any fuel or petroleum products used for project equipment and vehicles shall be stored away from beach areas and within the staging area paved or impervious surfaces. Equipment and vehicles shall be inspected daily for fuel or fluid leaks, and leaking equipment or vehicles shall be repaired or replaced immediately. The Permittee shall have available at each staging area adequate spill containment equipment (e.g., absorbent materials, containment booms, etc.) to respond to any fuel or oil spills or leaks from project-related vehicles and equipment.
8. Re-Vegetation: The Permittee shall perform pre-and post-construction surveys to determine whether areas of terrestrial vegetation were disturbed during project activities. Surveys shall be completed no greater than 30 days before and after work at each site, and the Permittee shall provide survey results to the Executive Director no later than 30 days after each survey is completed. If the Executive Director determines that mitigation is required, the Permittee shall provide a mitigation plan for Executive Director review and approval within 60 days of the determination. That plan shall include a description of the types and densities of plants to be used, planting techniques and timing, monitoring requirements, and performance standards for planting success. After replanting the affected areas, the Permittee shall continue to monitor these areas for a minimum of one additional year following replanting to document site restoration. The Permittee shall submit a monitoring report with photographs to the Executive Director one year following replanting. The Permittee shall replant the areas and/or undertake other appropriate measures necessary to ensure full restoration of any areas disturbed by the permitted development.

EXHIBIT NO. 2
APPLICATION NO.
E-02-024-A1



**URS**

Environmental Company  
Coastal Beach Coastal Hazard Removal  
URS Corporation

Source:  
Global Land Surveying Corporation

July 29  
2005

FIGURE 1. SITE LOCATION

